

**BEFORE THE ENVIRONMENT COURT AT WELLINGTON  
I MUA I TE KOOTI TAIAO O AOTEAROA  
TE WHANGANUI A TARA ROHE**

**ENV-2019-WLG-000131**

**IN THE MATTER** of the Resource  
Management Act 1991  
(the Act)

**AND**

**IN THE MATTER** of an appeal pursuant to  
clause 14 of Schedule 1  
to the Act in relation to  
the Proposed Natural  
Resources Plan for the  
Wellington Region

**BETWEEN** **NZ TRANSPORT  
AGENCY**

**Appellant**

**AND** **WELLINGTON  
REGIONAL COUNCIL**

**Respondent**

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**NOTICE OF PORIRUA CITY COUNCIL'S INTENTION TO BECOME A PARTY  
TO PROCEEDINGS**

**9 October 2019**

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Barristers & Solicitors

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## NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

*Section 274, Resource Management Act 1991*

**To:** The Registrar  
Environment Court  
Wellington

1. Porirua City Council (**the Council**) wishes to be a party to the following proceedings, being an appeal regarding the Proposed Natural Resources Plan (**Proposed Plan**) for the Wellington Region.

*ENV-2019-WLG-000131: NZ Transport Agency v Wellington Regional Council*

2. The Council is a local authority (section 274(1)(b) of the Resource Management Act 1991 (**RMA**)).
3. The Council is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
4. The Council is interested in part of the proceedings.
5. The parts of the proceedings the Council is interested in are:
  - (a) Objectives O12 and O13;
  - (b) Objective O31;
  - (c) Policy P4;
  - (d) Policies P12, P13 and new Policy 'Y';
  - (e) Policy P24;
  - (f) Policy P28;
  - (g) Policy P102;
  - (h) Rule R67;

- (i) Rule R99;
- (j) Rules R107-R111;
- (k) New rule regarding existing structures;
- (l) Rule R112;
- (m) Rule R122;
- (n) Rule R125;
- (o) Rules R127-R128;
- (p) New rule regarding new structures, additions and alterations for regionally significant infrastructure inside sites of significance;
- (q) Rule R167;
- (r) Rules R194-R195;
- (s) Rule R205; and
- (t) Rule R214.

6. The Council supports the relief sought by the NZ Transport Agency (**NZTA**) because:

- (a) The Proposed Plan must recognise the importance of, and provide for, the operation, maintenance and upgrade of infrastructure. This includes appropriate consideration of the potential for other development to affect infrastructure. Although the benefits of infrastructure are acknowledged in the Proposed Plan, the provisions (in particular the rules) appear to focus unduly on the adverse effects of the operation, maintenance and upgrade of key infrastructure;
- (b) The Council considers that the relief sought by NZTA appropriately recognises and provides for the operation, maintenance and upgrade of infrastructure. In particular, the relief sought will go some way to

ensuring that existing and future infrastructure is not unjustifiably constrained;

- (c) For clarity, the Council does not support the reinstatement of Policy P4, however it considers that the term “minimise” is uncertain. The Council considers that references to “minimise” throughout the Proposed Plan should be replaced with “avoid, remedy or mitigate”; and
- (d) The matters in the appeal align with the appeal by the Council (ENV-2019-WLG-000116: *Porirua City Council v Wellington Regional Council*) and the submissions which the Council made on the Proposed Plan.

- 7. The Council agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**DATED** this 9<sup>th</sup> day of October 2019



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J G A Winchester / K E Viskovic  
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