

In the Environment Court  
At Wellington

ENV-2024-WLG-000044

I te Kōti Taiao o Aotearoa  
KiTe Whanganui-a-Tara

**Under the** Resource Management Act 1991 (the Act)

**In the matter** of an appeal under clause 14(1) of the First Schedule of the Act

**Between** **ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED**

Appellant

**And** **WELLINGTON REGIONAL COUNCIL**

Respondent

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**NOTICE OF WISH TO BE PARTY TO PROCEEDINGS ON BEHALF OF PORIRUA CITY COUNCIL**

**Dated: 9 December 2024**

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**To:** The Registrar  
Environment Court  
Wellington

### **Introduction**

1. Porirua City Council (**Council**) gives notice that it wishes to be a party to Royal Forest and Bird Protection Society of New Zealand Incorporated's (**Forest and Bird**) appeal against the decision of the Wellington Regional Council (**Greater Wellington**) on proposed change 1 to the Wellington Regional Policy Statement (**RPS**) (**PC1**).
2. The Council is a local authority in accordance with s274(1)(b) of the Resource Management Act 1991 (**RMA**). The Council made a submission on PC1 and has also appealed part of Greater Wellington's decision on PC1 (ENV-2024-000043).
3. The Council is not a trade competitor for the purposes of 308C or 308CA of the RMA.

### **Interest in the proceedings**

4. The Council is interested in part of the proceeding.
5. The Council opposes the relief sought by Forest and Bird in relation to certain Natural Hazards, Climate Change and Indigenous Biodiversity provisions.

### *Natural Hazard provisions*

6. The Council opposes the relief sought by Forest and Bird in relation to:
  - (a) Objective 21; and

(b) Policy 29.

7. The Council opposes the amendments sought by Forest and Bird to Objective 21 because the resilience of infrastructure to natural hazards should be recognised by the RPS. This objective is not only applicable to coastal hazards, and therefore broader considerations are required than just the application of the New Zealand Coastal Policy Statement (including section 6(h) of the RMA).
8. The Council opposes the relief sought by Forest and Bird to Policy 29 as the relief will make the policy less enabling of subdivision, use and development in high hazard areas, where risk can be managed. The decisions version policy is considered to disproportionately restrict development and create issues in the Porirua context (given the location of hazards in the City Centre). The relief sought by Forest and Bird will exacerbate those issues.

*Climate Change provisions*

9. The Council opposes the relief sought by Forest and Bird in relation to Policy CC.7.
10. The Council considers that reinstating the notified version of this policy will result in a lack of clarity as well as regulatory uncertainty. In particular, the Council considers that it is clear how the term “nature based solutions” is to be applied in this context.

*Indigenous Biodiversity provisions*

11. The Council opposes the relief sought by Forest and Bird in relation to:

- (a) Policy 24CC; and
- (b) Policy 47(g).

- 12.** Regionally significant infrastructure plays a critical role in economic, social, and environmental development in the Wellington Region. Policy 24CC in the decisions version of PC1 recognises the need to continue the operation, maintenance, upgrade and extension of these assets without undue constraint. Furthermore, the Council does not consider that it is necessary or appropriate for a functional and operational need to be established in order for REG and regionally significant infrastructure to take advantage of the pathway set out by Policy 24CC. Both functional and operational need set a high threshold as to when they apply.
- 13.** The Council opposes the amendment sought to Policy 47(g), as the amendment sought is inconsistent with the effects management hierarchy in the National Policy Statement for Indigenous Biodiversity.

#### **Mediation**

- 14.** The Council agrees to participate in mediation or other alternative dispute resolution for this proceeding.

**DATED** at Wellington this 9<sup>th</sup> day of December 2024



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Mike Wakefield / Katherine Viskovic

Counsel for Porirua City Council

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