

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

**ENV-2019-WLG-000110**

**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** **MASTERTON DISTRICT  
COUNCIL**

**Appellant**

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

**Respondent**

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**NOTICE OF KAPITI COAST DISTRICT COUNCIL'S INTENTION TO BECOME A  
PARTY TO PROCEEDINGS**

**9 October 2019**

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 **Simpson Grierson**

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. Kāpiti Coast District 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-000110: *Masterton District Council 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 the appeal points which relate to the following provisions:
  - (a) Definition of “regionally significant infrastructure”;
  - (b) Objective O12;
  - (c) Objective 12A;
  - (d) Objective O48;
  - (e) Policy P7;
  - (f) Policy P8;
  - (g) Policy P12;
  - (h) Policy P74;

- (i) Policy P75;
- (j) Rule R36;
- (k) Rule 48A;
- (l) Rule R50;
- (m) Rule R51;
- (n) Rule 52A;
- (o) Rule R99;
- (p) Rule R100;
- (q) Rule R112;
- (r) Rule R121; and
- (s) Rule R122.

**6.** The Council supports the relief sought by Masterton District Council because:

- (a) The Proposed Plan needs to recognise the benefits and 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) Some flexibility is needed in the Proposed Plan to enable necessary work to manage and maintain infrastructure, and to provide for existing urban development;
- (c) The Council considers that the relief sought by Masterton District Council 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;

- (d) It also agrees that, without amendment, the provisions of the Proposed Plan have the potential to result in a significant and unjustified regulatory burden for local authorities; and
- (e) Amendments to the provisions are needed to ensure they are appropriate in terms of section 32 of the RMA and meet the purpose of the RMA as expressed in Part 2.

- 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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