

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

ENV-2019-WLG-000125

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 **RANGITĀNE TŪ MAI RĀ
TRUST AND
RANGITĀNE O
WAIRARAPA
INCORPORATED
SOCIETY**

Appellant

AND **WELLINGTON
REGIONAL COUNCIL**

Respondent

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

9 October 2019

 **Simpson Grierson**

Barristers & Solicitors

Matt Conway / Katherine Viskovic
Telephone: +64-4-499 4599
Facsimile: +64-4-472-6986
Email: katherine.viskovic@simpsongrierson.com
DX SX 11174
PO Box 2402
Wellington

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-000125: *Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Incorporated Society 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:

Support

- (a) Definition of “good management practice”;
- (b) Objective O50, specifically in relation to the reduction of untreated wastewater discharging to freshwater;

Oppose

- (c) Objective O24;
- (d) Objective O50, specifically in relation to the timeframe for phasing out discharges to freshwater (by 2030);
- (e) Policy P62; and

- (f) Policy P73.

Neither support nor oppose

- (g) Amendments sought to the “entire plan” (appeal points 1, 27, 28, 29, 30);
- (h) Amendments sought to the introduction and section 1 (appeal point 31);
- (i) Amendments to all policies (appeal points 45 and 46); and
- (j) Amendments to Policies P48 and P49 and further provisions to be added to the Proposed Plan to reflect further assessments to be undertaken to identify outstanding natural features and landscapes.

6. The Council supports the relief sought by Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Incorporated Society (**Rangitāne**) in relation to the provisions identified in paragraphs 5(a) – (b) above because:

- (a) It agrees that there is a need for more certainty in the application of the provisions of the Proposed Plan; and
- (b) Reducing wastewater discharges to freshwater is consistent with the NPSFW.


7. The Council opposes the relief sought by Rangitāne in relation to the provisions identified in paragraphs 5(c) – (f) above because:

- (a) The Proposed Plan needs to recognise the benefits and importance of, and provide for, the operation, maintenance and upgrade of infrastructure.
- (b) The Council considers that the relief sought by Rangitāne does not appropriately recognise or provide for the operation, maintenance and upgrade of infrastructure. In particular, the relief sought may result in unjustifiable constraints on existing and future infrastructure;
- (c) The Council considers that the relief sought by Rangitāne in relation to Policy P62 does not appropriately recognise that groundwater levels may

rise, and that it is not always possible or practical to discharge to groundwater; and

- (d) The amendments sought to the provisions are not appropriate in terms of section 32 of the RMA and do not meet the purpose of the RMA as expressed in Part 2.
8. The Council seeks to join the proceedings in respect of the appeal points identified in paragraphs 5(g)-(j), however at this stage considers that there is insufficient information as to the amendments Rangitāne is seeking for it to form a view about whether it would support or oppose the relief being pursued.
9. The Council agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 9th day of October 2019



M G Conway / K E Viskovic
Counsel for Kāpiti Coast District Council

Address for service:

Simpson Grierson
HSBC Tower
Level 24, 195 Lambton Quay
Wellington
P O Box 2402
Wellington 6140

Attention: M G Conway / K E Viskovic

Email: matt.conway@simpsongrierson.com / katherine.viskovic@simpsongrierson.com
Telephone: 04 924 3536 / 04 924 3430
Facsimile: 04 472 6986