

BEFORE THE ENVIRONMENT COURT

ENV-2019-WLN-000117

AT WELLINGTON

I MUA I TE KOOTI TAIAO

O AOTEAROA

IN THE MATTER

of an appeal under clause 14
of Schedule 1 of the Resource
Management Act 1991

BETWEEN

**Wellington International
Airport Limited**

Appellant

AND

**Wellington Regional
Council**

Respondent

**NOTICE OF WISH TO BE A PARTY TO PROCEEDINGS BY THE
MINISTER OF CONSERVATION**

Dated: 9 October 2019

Department of Conservation
Solicitor acting: K Anton/M Downing
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Notice of person's wish to be a party to proceedings

Section 274 Resource Management Act 1991

To: The Registrar
Environment Court
WELLINGTON

1. The **Minister of Conservation** (the **Minister**) wishes to be a party to the following proceedings:

1.1. Wellington International Airport Limited v Wellington Regional Council, ENV-2019-WLN-000117.

2. The Minister made submissions and appeared at the Council hearing on the proposed Natural Resources Plan for the Wellington Region (proposed Plan). The Minister also has an interest greater than the interest the general public has, specifically regarding conservation values and the implementation of the New Zealand Coastal Policy Statement.

3. The Minister is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (RMA).

4. The Minister is interested in part of the proceedings.

5. The Minister is interested in the following particular issues:

5.1. Objective O10;

5.2. Objective O17;

5.3. Objective O35;

5.4. Objective O55;

5.5. Policy P39A – indigenous biodiversity values within the coastal marine area;

5.6. Policies P40, P41 and P 42 all relating to sites with significant indigenous biodiversity value;

- 5.7. Policy P90 – discharges of hazardous substances;
- 5.8. Policy P132 – functional need and efficient use;
- 5.9. Policy P145 – reclamation, drainage and destruction;
- 5.10. Schedule F2c and Map 18.

6. The Minister opposes the relief sought because:

- 6.1. Objective O10 relates to public access to and along the coastal marine area and rivers and lakes. The relief sought would provide an exemption where it is “appropriate and necessary to impose a restriction”. The exemption is not considered necessary in the objective. However, if it must stay it should at least be limited to where a restriction is “necessary” to reflect Policy 19(3) of the New Zealand Coastal Policy Statement (NZCPS).
- 6.2. Objective O17 relates to natural character. The appellant says it ascribes a level of protection more appropriate to areas of outstanding natural character. However, the decisions version of Objective O17 is almost identical to the wording in section 6(b) of the Act, and so should be retained.
- 6.3. The relief sought in relation to objective O35 will, at least for some sites, result in the plan not giving effect to the NZCPS which, through policy 11(a), sets an ‘avoid’ threshold for specified indigenous biodiversity.
- 6.4. Objective O55 is about public open space in the coastal marine area. The appellant seeks that the scope of O55 is narrowed refer to “appropriately located” public open space in the coastal marine area. This seems unnecessary given the nature of the common marine and coastal area and is also unsupported by the NZCPS policy 19(1)(c) which relates to walking access.
- 6.5. Policy P39A – indigenous biodiversity values within the coastal marine area – the appellant seeks this policy is deleted which would result in the proposed Plan not giving effect to policy 11 of the NZCPS.
- 6.6. Policies P40, P41 and P42 all relating to sites with significant indigenous biodiversity value – the deletion of these policies as sought by the appellant would result in the proposed Plan not giving effect to the NZCPS and is contrary to section 6(c) of the Act.

- 6.7. Policy P90 – discharges of hazardous substances – policy P90 is necessary to avoid deteriorating water quality and is required to implement the National Policy Statement Freshwater Management. As such, it should not be deleted.
 - 6.8. Policy P132 – functional need and efficient use. The appellant’s relief sought refers to restrictions on public access where “appropriate”, instead of where “necessary” as set out in NZCPS policy 19(3).
 - 6.9. Policy P145 – reclamation, drainage and destruction – the relief sought would result in P145 departing from Policy 10 of the NZCPS.
 - 6.10. Schedule F2c and Map 18 – the Airport environs should only be removed from this schedule and Map if there is adequate evidence that the values of sites described in schedule F2c are not present at those sites.
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7. The Minister agrees to participate in mediation or other alternative dispute resolution of the proceedings.



Katherine Anton/May Downing
Solicitor for the Minister of Conservation

9 October 2019

Address for service of person wishing to be a party:

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Department of Conservation
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Contact persons

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Advice

If you have any questions about this notice, please contact the Environment Court in Auckland, Wellington, or Christchurch.