

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

ENV-2019-WLG-000106

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 **MINISTER OF
CONSERVATION**

Appellant

AND **WELLINGTON
REGIONAL COUNCIL**

Respondent

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

9 October 2019

 **Simpson Grierson**

Barristers & Solicitors

James Winchester / 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. 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-000106: *Minister of Conservation 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 "seawall"; and
- (b) Objectives O20, O21 and the proposed new natural hazards coastal objective.

Oppose

- (c) Policy P102;
- (d) Policy P138;
- (e) Rule R115;
- (f) Rule R117;

- (g) Rule R122;
- (h) Rule R151; and
- (i) Rule R165.

6. The Council supports the relief sought by the Minister of Conservation (**the Minister**) in relation to the provisions identified in paragraph 5(a) – (b) above because:

- (a) The Council agrees that there should be consistency with the New Zealand Coastal Policy Statement.

7. The Council opposes the relief sought by the Minister in relation to the provisions identified in paragraph 5(c) – (i) above 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 the Minister 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 amendments sought by the Minister do not adequately take into account the need to recognise and provide for existing urban development, and urban growth; and
- (d) The matters in the appeal do not 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.

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

DATED this 9th day of October 2019



J G A Winchester / K E Viskovic
Counsel for Porirua City Council

Address for service:

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

Attention: James Winchester / Katherine Viskovic

Email: james.winchester@simpsongrierson.com /
katherine.viskovic@simpsongrierson.com
Telephone: 04 924 3503 / 04 924 3430
Facsimile: 04 472 6986