

**Before the Environment Court  
At Wellington  
I Mua I te Kōti Taiao  
Te Whanganui-a-Tara Rohe  
ENV-2025-**

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

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

**Between** **Wellington Regional Council**  
**Appellant**

**And** **Wellington City Council**  
**Respondent**

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**Notice of Appeal**

**Date: 18 August 2025**

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**TO:** The Registrar  
Environment Court  
Wellington

- 1 Wellington Regional Council (**GWRC**) appeals against Wellington City Council's (**WCC**) decision on its Proposed District Plan (**PDP**) provisions that were notified under Part 1 of Schedule 1 to the Resource Management Act 1991 (**RMA**) (known as 'Tranche 2').
- 2 GWRC made a submission and further submission on the PDP.<sup>1</sup>
- 3 GWRC is not a trade competitor for the purposes of section 308D of the RMA.
- 4 GWRC received notice of the WCC's decision on 7 July 2025. An Independent Hearings Panel made recommendations to WCC on submissions to the PDP relating to Tranche 2. WCC subsequently adopted those recommendations (**Decision**).

### **Parts of the Decision that are appealed**

- 5 GWRC made submissions in respect of transport, significant natural areas, and ecosystems and indigenous biodiversity. GWRC appeals the Decision in respect of its submissions on these matters.
- 6 In particular, but without limiting this appeal, GWRC appeals the Decision to:
  - 6.1 Accept in part its submission to include a new policy that provides more explicit direction regarding enabling cycle and micromobility transport by amending Policy TR-P2.3 to include 'including by providing sheltered, convenient and secure parking for cycles and micromobility

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<sup>1</sup> Submitter number 351 and Further Submitter number 84.

devices', but not include reference to 'cycles and micromobility' in the PDP;<sup>2</sup>

- 6.2 Reject its submission to amend Policy TR-P1 to have proper regard to Policies CC.2 and CC.10 of Change 1 to the Regional Policy Statement for the Wellington Region (**RPS**);<sup>3</sup>
- 6.3 Reject its submission to amend TR-P3 (Managed activities) to allow on-site transport facilities and driveways that do not meet standards where that activity enables the use of low or zero carbon, active or public transport modes;<sup>4</sup>
- 6.4 Reject its submission to include a number of sites as significant natural areas in Schedule 8 of the PDP.<sup>5</sup>

### **Reasons for appeal**

- 7 The reasons for this appeal include that the Decision:
  - 7.1 Will not promote the sustainable management of the District and will not achieve the purpose of the RMA;
  - 7.2 Fails to give effect to the relevant high order planning documents and have proper regard to Change 1 to the RPS;
  - 7.3 Is contrary to Part 2 of the RMA; and
  - 7.4 Does not represent the most appropriate way of exercising the Council's functions, having regard to the efficiency and effectiveness of other reasonably

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<sup>2</sup> Submission 351.108.

<sup>3</sup> Submission 351.111.

<sup>4</sup> Submission 351.113.

<sup>5</sup> Submission 351.347.

practicable options, and are therefore not appropriate in terms of section 32 and other provisions of the RMA.

8 In addition to the general reasons raised above, GWRC also appeals the Decision for these specific reasons:

8.1 The transport provisions of the PDP fail to have proper regard to Change 1 to the RPS – particularly Policies CC.1, CC.2, CC.3, CC.9 and CC.10;

8.2 The policy direction in the PDP fails to enable onsite transport facilities that promote the uptake of cycling and micromobility, and limits the effectiveness of the PDP to enable a shift to public, active modes and/or low and zero-carbon modes;

8.3 There are areas that meet the criteria as significant natural areas under Policies 23 and 24 of the operative RPS that have not been included in the PDP;

### **Relief sought**

9 GWRC seeks the following relief:

9.1 Amend Policy TR-P2 as follows:

#### **TR-P2 Enabled activities**

Enable on-site transport facilities and driveways that:

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3. Promote the uptake and use of pedestrian, cycling, micromobility and public transport modes.

9.2 Amend Policy TR-P1 as follows:

**TR-P1 High vehicle trip generation**

Provide for high vehicle trip generating activities where they:

1. Safely and effectively integrate with the transport network, including planned network upgrades and service improvements; and

2. Minimise greenhouse gas emissions by locating activities with significant freight servicing requirements where there is an availability of safe and efficient connections to appropriate transport networks;

32. Provide for pedestrian, cycling, micromobility and public transport modes at an appropriate scale to the nature of the high vehicle trip generating activity;

4. Provide a travel choice plan that demonstrates how the use of public transport and active modes will be enabled and how the dependence on the use of private motor vehicles will be minimised; or

53. Are in the Airport Zone's Terminal Specific Control Area, East Side Specific Control Area or South Coast Specific Control Area.

9.3 Consequential amendments to Rule TR-R2 to implement the relief sought under Policy TR-P1;

9.4 Amend Policy TR-P3 as follows:

**TR-P3 Managed activities**

Only allow on-site transport facilities and driveways that do not meet standards where:

...

6. The transport facilities and driveways have been planned in a way that enables transport mode shift to public, active modes and/or low and zero-carbon modes.

- 9.5 That Schedule 8 of the PDP be amended to include the following sites as significant natural areas:
- 9.5.1 areas of significant bird habitat in parts of Island Bay, Lyall Bay, Owhiro Bay, Tongue Point, Makara Estuary and Pipinui Point South; and
- 9.5.2 active and stabilised dunelands in Worser Bay (southern end), Seatoun Beach, Churchill Park, Island Bay (north area, playground, south end), Owhiro Bay (southeast end), Waiariki Stream and Makara Beach (east end);
- 9.6 Any such further, or other, relief or consequential, or other, amendments to these or other provisions of the PDP considered appropriate and necessary to address the GWRC's concerns; and
- 9.7 Costs in respect of this appeal.

## **Documents**

- 10 The following documents are attached to this notice:
- 10.1 A copy of GWRC's submission and further submission relating to the PDP;
- 10.2 A copy of the relevant Decision (a copy of this document is not included in copies being served on the parties listed in Appendix 4, but a copy may be obtained on request from the Appellant or can be found [here](#));

- 10.3 A list of the names and addresses of persons to be served with a copy of this notice.

**Date:** 18 August 2025



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Kerry Anderson / Emma Manohar  
Counsel for Greater Wellington  
Regional Council

This document is filed by Kerry Anderson of DLA Piper New Zealand, solicitor for the Appellant.

The address for service on the Appellant is at:

DLA Piper New Zealand  
Level 4, 20 Customhouse Quay  
Wellington 6011

Documents for service on the Appellant may be:

- left at the above address for service, or
- posted to the solicitor at PO Box 2791, Wellington 6140, or
- emailed to the solicitor at both [kerry.anderson@dlapiper.com](mailto:kerry.anderson@dlapiper.com) and [emma.manohar@dlapiper.com](mailto:emma.manohar@dlapiper.com).

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### **Advice to recipients of copy of notice of appeal**

#### *How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Act.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (see form 38).

#### *How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not have attached a copy of the appellant's submission and (or or) the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

#### *Advice*

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

**Appendix 1 – Greater Wellington Regional Council's submission on  
the Proposed Wellington District Plan**

**Appendix 2 – Greater Wellington Regional Council's further  
submission on the Proposed Wellington District Plan**

### **Appendix 3 – A copy of the Decision**

*A copy of this document is not included in copies being served on the parties listed in Appendix 4, but a copy may be obtained on request from the Appellant*

#### **Appendix 4 – list of parties to be served with this appeal**