

Porirua City Council: Speaking notes – Legal Submissions
Hearing stream 1 – Change 1 Wellington Regional Policy Statement

1. Porirua City Council (**PCC**), along with other territorial authorities in the region, must give effect to the Regional Policy Statement (**RPS**) through its district plan. PCC also has a range of other statutory obligations that it must also meet, and these obligations arise not only out of the Resource Management Act 1991 (**RMA**), but also from other legislation such as the Local Government Act 2002.
2. PCC's key interest in the Change 1 process is therefore in ensuring that the provisions are drafted in a way that will ensure PCC can continue to meet its statutory obligations.
3. PCC generally supports the intent of Change 1 and the overall direction of travel. It agrees that the topics that Change 1 addresses are important resource management matters for the Wellington region.
4. However, as raised in its submission PCC considers that a number of the Change 1 provisions could be expressed more clearly. The specific provisions that PCC considers could be improved will be considered in later hearing streams. At this stage PCC wishes to highlight that it is keen to work with Greater Wellington Regional Council (**GWRC**) to address these issues and improve the provisions so that there is clarity as to how they should be given effect to in PCC's district plan.
5. The key issue raised in this hearing stream relates to GWRC's jurisdiction to direct amendments to district plans through the RPS. Change 1 proposed to include policies in the RPS that direct territorial authorities to amend their district plans, including by certain dates. While PCC accepts that a RPS can require territorial authorities to amend their district plans, it is respectfully submitted that there are limits to this power.
6. More specifically, in our submission a RPS cannot require a district plan to regulate matters that sit outside of the functions of a territorial authority in section 31 of the RMA (unless a regional council has transferred its powers in accordance with section 33 of the RMA). It also cannot specify a deadline or date by which amendments to a district plan must be made. Our legal submissions set out why this is the case.
7. PCC has also raised a question as to the status of Objective A in the RPS. This will briefly be touched on by Mr Rachlin as well, however we are aware that GWRC has addressed the submissions relating to this issue in relation to hearing stream two.

28 June 2023