

Form 33
Notice of person's wish to be party to proceedings

Section 274, Resource Management Act 1991

To the Registrar
Environment Court
Auckland, Wellington, and Christchurch

1. I, *Graeme Keith Doherty*, wish to be a party to the following proceedings:
 - Decisions on the Proposed Wellington City District Plan and Kilmarston Developments Ltd and Kilmarston Properties Ltd as Appellants and Wellington City Council as Respondent under the Notice of Appeal submitted to the Environment Court on the 18th of August 2025.
2. I am a person who has an interest in the proceedings that is greater than the interest that the general public as the effect of the subject matter of the proceeding adversely affects the environment and I am a person who made a submission about the subject matter of the proceedings.
3. I am not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
4. I am interested in part the proceedings. The part of the proceedings I am interested in is the zoning of the land identified in the Appeal by the Appellant and the overlays of natural environmental values associated with Significant Natural Areas (SNAs) and Special Amenity Landscapes (SALs) on said land in the notified PDP.
5. I am interested in the following particular issues:
 - The zoning of the balance land identified by Appellant;
 - Retaining an SNA overlay over a paper road section of Huntleigh Park Way as identified by the Appellant;
 - Not permitting a reservoir on the balance land within the Natural Open Space Zone to serve a development of the MDRZ parts of the said land and the wider Ngaio area as stated by the Appellant;
 - The SNAs identified in the notified PDP are deficient and in Breach of the National Policy Statement on Indigenous Biodiversity (NPSIB) and in Breach of the RMA.

Balance Land

6. I oppose the Appellant's application for the change in zoning to the balance land to Large Lot Residential and support the zoning and overlays as identified in the notified PDP because the land is covered in significant indigenous vegetation (as identified in the draft and notified PDP through overlays of SNA and SAL) and changing a zoning that permits buildings on land identified as having significant indigenous vegetation would be a Breach of S3.10.2 of the NPSIB, which requires the adverse effects of any new subdivision, use or development to be avoided.

Paper Road

7. I support the notified PDP to retain an SNA overlay over a paper road section of Huntleigh Park Way because the land is covered in significant indigenous vegetation (as identified in the draft and notified PDP) and is consistent with the NPSIB. Removing the SNA from the land would be a breach of Section 75(3)(a) of the Resource Management Act (RMA) by not giving effect to S3.9 of the NPSIB to that area of land, which is identified as a SNA.

Reservoir

8. I support the notified PDP to not include provisions to permit reservoir infrastructure to serve development of the MDRZ parts of the land and the wider Ngaio area because the calculation of the sizing of the reservoir undertaken during the Environment Court proceedings ENV-2006-WLG-000487 and ENV-2006-WLG-000488 and WCC reference SR106695 is approximately 3 times smaller than a reservoir required to service the anticipated increase in the number of dwelling due to the recent changes to MDRZ and HDRZ zonings from the previous zoning of Outer Residential.
9. The change to the zoning of the Land and the wider Ngaio area to MDRZ and HDRZ and the resultant significant increase in the number of permitted dwellings per Lot compared to the number of permitted dwellings on land previously zoned Outer Residential will require a much larger reservoir and it is therefore appropriate that the notified PDP makes no provision for a reservoir whose effects or size have yet to be assessed nor whether it is constructable in the location previously identified in the aforementioned Environment Court proceedings.

SNAs in the Notified PDP

10. I appeal against the notified PDP to not show the identified SNA overlay to the Appellant's land (some of which is part of the balance land) on 16 Patna Street and 76 Silverstream Road. The SNAs removed from the Notified PDP were because of a decision by Council on 27 June 2022¹ to not show SNAs on private residential property.
11. Figure 1 below shows the SNA overlays from the "Wellington City Significant Natural Areas Dashboard for S42A report". Wellington City Significant Natural Areas Dashboard for S42A report (arcgis.com) with Figure 2 showing SNA overlay from the PDP.
12. The WCC Planning Officer's S42A report ([sectin-42a-report---eco-and-inf-eco.pdf](#)) in paragraphs 132-149 acknowledges (in para 149) that a district plan must give effect to a national policy statement. However, in Table 3 within Policy 6, the Planning Officer states that SNAs have not been identified on residentially zoned private land and does not recommend that this occurs.

¹[Minutes of Pūroro Āmua | Planning and Environment Committee - Thursday, 23 June 2022 \(wellington.govt.nz\)](#) page 12 Items 10 and 10B

13. The IHP's recommendation in para 82 of their report ([ihp-recommendation-report-11.pdf](#)) to reject submissions seeking the re-introduction of the SNAs identified in the draft District Plan is a Breach of the RMA. In reaching their recommendations to Council the IHP reporting of issues related to SNAs on residential zoned land in paras 46 to 81 relies on speculation of natural justice (para 48) and what is considered reasonably practical (Para 79), whereas there is a legal requirement to achieve the requirements of the NPSIB irrespective of zoning (para 48) and speculative natural justice concerns (paras 58 and 59).
14. Clearly, Council's decision to not show SNAs on private property (Refer to Figure 1 below) is a Breach of S75(3)(a) and S75(3)(c) of the RMA as Council has not given effect to NPSIB S3.9 and RPS 23 respectively.
15. Identification of SNAs is to be in accordance with S3.8 of the NPSIB and without regard to property boundaries (S3.8.2.f of NPSIB). Identification of SNAs was previously undertaken by Council as evidenced in Figure 1 below in the draft Notified PDP.
16. Section 3.9 of the NPSIB requires Territorial Authorities to identify SNAs in district plans with Figure 2 clearly showing that Council has not done so in the notified PDP.
17. RPS 23 requires district and regional plans to identify indigenous ecosystems and habitats with significant indigenous biodiversity values. Comparing Figures 1 and 2 below clearly shows that the notified PDP is not consistent with RPS 23.

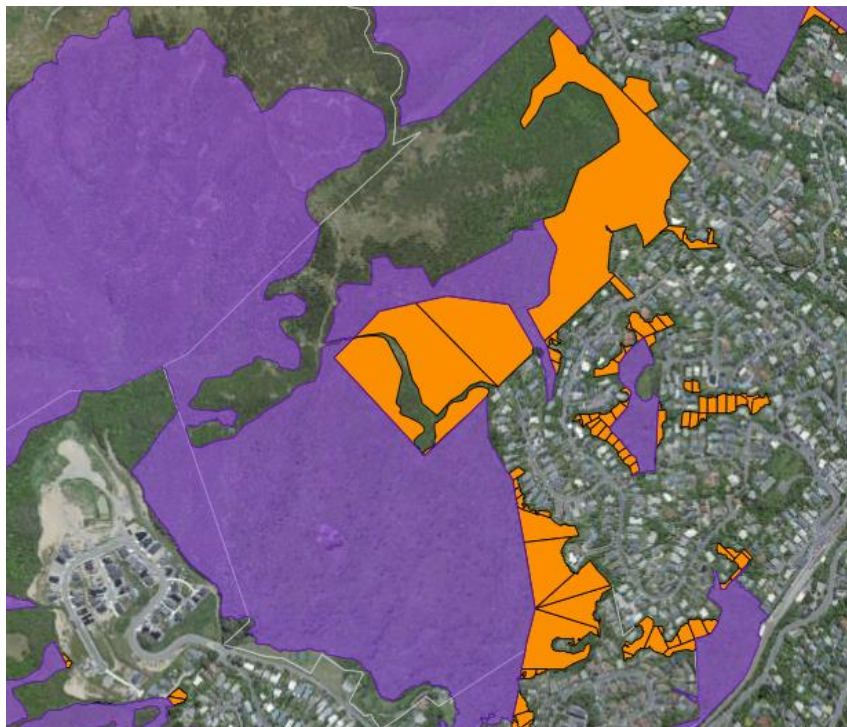


Figure 1 – SNAs to be removed (in orange) from draft Notified PDP



Figure 2 – SNAs from Notified PDP

Remedy Sought

18. That the SNA overlay removed by Council from 16 Patna Street and 76 Silverstream Road (refer to Figure 1 above) is reinstated in the PDP.
19. Such other consequential or alternative relief as the Court finds appropriate to address the issues identified in this Notice.

Documents brought in by reference not already referenced above:

[submitter-speaking-notes---g-doherty.pdf](#)
[Further Submission 078 Graeme Doherty](#)
[NPSIB-amended-october-2024.pdf](#)
[RPS-Change-1-Appeals-Version-July-2025-1-v2.pdf](#)

I agree to participate in mediation or other alternative dispute resolution of the proceedings provided the participants agree to act in good faith.

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Signature of person wishing to be a party

Date: 2 September 2025

Address for service of person wishing to be a party:

Telephone: 021 923 153

email: graemekdoherty@gmail.com

Contact person: *Graeme Doherty*

Note to person wishing to be a party

You must lodge the original and 1 copy of this notice with the Environment Court within 15 working days after—

- the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- the decision to hold an inquiry, if the proceedings are an inquiry; or
- the proceedings are commenced, in any other case.

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 Resource Management Act 1991.

The notice must be signed by you or on your behalf.

You must serve a copy of this notice on the relevant local authority and the person who commenced the proceedings within the same 15 working day period and serve copies of this notice on all other parties within 5 working days after that period ends.

However, you may apply to the Environment Court under [section 281](#) of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see [form 38](#)).