

**IN THE ENVIRONMENT COURT
WELLINGTON REGISTRY**

ENV- 2025-WLG- 000016

**I MUA I TE KOOTI TAIAO O AOTEAROA
WHANGANUI-A-TARA ROHE**

IN THE MATTER

of an appeal under Clause 14 of the First
Schedule of the Resource Management
Act 1991

AND IN THE MATTER

of the proposed Wellington District Plan

BETWEEN

**KILMARSTON DEVELOPMENTS LTD AND
KILMARSTON PROPERTIES LTD
Appellant**

AND

**WELLINGTON CITY COUNCIL
Respondent**

**NOTICE OF INTENTION BY ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW
ZEALAND INCORPORATED TO BE A PARTY**

5 September 2025

To: The Registrar
Environment Court
Wellington

1. The Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest & Bird**) wishes to be a party to the following proceedings:

Kilmarston Developments Ltd and Kilmarston Properties Ltd v Wellington City Council
ENV-2025-WLG -000016.

2. Forest & Bird made a submission and further submission on the matters included in the appeal.
3. Forest & Bird also has an interest greater than the public generally by virtue of being:
 - a. New Zealand's largest nature conservation non-government organisation with more than 70,000 members and supporters; and
 - b. active in RMA processes for many years to achieve improved outcomes for nature conservation.
4. The Environment Court has accepted Forest & Bird's interest as being greater than the public generally for the purposes of s274, in that it is an incorporated society with a well-known role in the protection of indigenous biodiversity (see *Marlborough District Council v Burkhart Fisheries Ltd* [2018] NZEnvC 26 at [30]).
5. Forest & Bird is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
6. Forest & Bird is interested in all of the relief sought in the appeal.
7. Forest & Bird opposes that relief as it:
 - a. is inconsistent with part 2 of the RMA;
 - b. is inconsistent with the Council's function under 31(1)(b)(iii) to control the effects of the use of land for the purpose of the maintenance of indigenous biodiversity; and
 - c. does not give effect to higher order planning documents;

- d. does not represent best resource management practice; or
 - e. any combination of the above matters.
8. Forest & Bird agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated: 5 September 2025



Erika Toleman
General Counsel for Royal Forest And Bird Protection Society of New Zealand Incorporated

Address for Service
Erika Toleman
PO Box 631
Wellington 6140

Telephone 021 988 315
Email: e.toleman@forestandbird.org.nz