

**In the Environment Court
Wellington Registry
I Mua I Te Kōti Taiao O Aotearoa
Te Whanganui-ā-Tara Rohe**

ENV-2019-WLG-000131

Under the Resource Management Act 1991
And in the matter of an application under Section 274 of the Act

Between

New Zealand Transport Agency

Appellant

and

Greater Wellington Regional Council

Respondent

**Notice of CentrePort Limited and CentrePort Properties
Limited's wish to be party to proceedings**

9 October 2019

BELL GULLY

BARRISTERS AND SOLICITORS
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To: The Registrar
Environment Court
Wellington

1. CentrePort Limited and CentrePort Properties Limited (**CentrePort**) wish to be a party to the following proceedings:
 - (a) *New Zealand Transport Agency v Greater Wellington Regional Council* – ENV-2019-WLG-000131.
2. CentrePort made a submission and a further submission about the subject matter of the proceedings and has an interest in the proceedings that is greater than the interest that the general public has as the owner and operator of the Wellington Port and lifeline facility.
3. CentrePort is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991 (the **RMA**).
4. CentrePort is interested in all of the proceedings.
5. Without limiting the above, CentrePort is interested in the particular issues outlined in the table attached as Appendix A to this notice. CentrePort supports or opposes the relief sought in respect of each issue for the reasons set out in the attached table.
6. CentrePort agrees to participate in mediation or other alternative dispute resolution of the proceedings.



A J L Beatson / L M Lincoln
Counsel for CentrePort Limited and CentrePort Properties Limited

Dated 9 October 2019

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Advice

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

APPENDIX A

Issue / Provision	Summary of relief sought by the Appellant	Support / Oppose	General reasons for support / opposition
Objective O12	Amend Objective O12 so that regionally significant infrastructure is recognised and provided for in the region (and beyond).	Support	It is appropriate to recognise and provide for the development of regionally significant infrastructure.
Objective O35	Amend Objective O35 to require that ecosystems and habitats with significant indigenous biodiversity values are protected "from inappropriate use and development".	Support	It is important that the PNRP provides a consenting pathway for regionally significant infrastructure in all environments. The relief sought is consistent with the relief sought in CentrePort's submissions on the PNRP.
Objective O53	Amend Objective O53 so that it is consistent with Policy 6(2) of the NZCPS, which provides that activities that do not have a need to be located in the coastal marine area should generally not be located there.	Support in part	CentrePort supports proposed amendments to Objective O53 so that the Objective is consistent with the NZCPS. However, CentrePort opposes the proposed deletion of the exemption for the Lambton Harbour Area from this Objective. This exemption is necessary so that there is no inconsistency between Objective O53 and Objective O57 which provides that use and development is appropriate in the Lambton Harbour Area when it is compatible with its surroundings and the Central Area of Wellington City.

Policy P4	Seeks clarification on the interpretation of the term “minimise” to ensure that the minimisation of effects, where required, is focused on achieving the best practicable option, when considering social, cultural and economic factors.	Support in part	While CentrePort agrees that the use of the term “minimise” in the PNRP is ambiguous and inconsistent, CentrePort prefers the deletion of Policy P4 and the use of the ‘avoid, remedy and mitigate’ approach to managing effects directed by section 5 of the RMA. CentrePort considers that it is not appropriate for the PNRP to require “minimisation”. CentrePort also agrees with the Hearing Panel that all policies in the PNRP should stand on their own without reliance on other policies for interpretation purposes.
Policy P12	Amendment of Policy P12 so that it provides for regionally significant infrastructure (including the operational requirements of such infrastructure) and applies in all areas.	Support	It is appropriate to recognise and provide for the development of regionally significant infrastructure, and the requested amendments appropriately recognise that there are functional and operational requirements associated with developing, operating, maintaining and upgrading regionally significant infrastructure beyond the coastal marine area and the beds of lakes and rivers.
Policy P13	Amend Policy P13 to provide a clear and coherent policy framework for the	Support	CentrePort supports amendments to Policy P13 that better provide for the

	management of potentially competing priorities and enable decision makers to assess, on a case by case basis, whether a particular application is appropriate.		upgrade and development of regionally significant infrastructure.
New Policy (Y)	Add a new policy that outlines a generic cascading effects approach to managing the effects of regionally significant infrastructure.	Support	One of CentrePort's key concerns is the provision of a consenting pathway for the use and development of its regionally significant infrastructure in sensitive environments, particularly the Kaiwharawhara Stream and Estuary. CentrePort is supportive of a cascade approach to the management of effects. The proposed policy would better provide for regionally significant infrastructure in sensitive environments.
Policy P24	Amend Policy P24 to allow for a case-by-case evaluation of the benefits of regionally significant infrastructure to be undertaken, balanced against its adverse effects on identified and specified values and competing environmental policies.	Support in part	CentrePort supports the addition of the words "by avoiding inappropriate use and development" which are consistent with the relief sought in its submission on the PNRP.
Policy P28	Amend Policy P28 to provide a pathway for regionally significant infrastructure.	Support - to the extent the relief sought is consistent with the relief sought in CentrePort's appeal.	As recognised by Policy 27 of the NZCPS, hard engineering solutions may be the only practicable method of hazard mitigation and

			protection for existing and future nationally and regionally significant infrastructure. CentrePort supports amendments to the Policy to the extent they are consistent with the relief sought in CentrePort's appeal.
Policy P31	Delete Policy P31.	Support	CentrePort supports amendments to, or the deletion of this policy, to better recognise and provide for regionally significant infrastructure.
Policy P32	Amend Policy P32 to allow for environmental compensation.	Support	CentrePort supports the inclusion of an "avoid, remedy, mitigate" approach to addressing adverse effects, including offsets and other environmental compensation, which appropriately reflects the purpose of the RMA.
Policy P39A	Amend Policy P39A to provide for the entirety of the mitigation hierarchy.	Support	CentrePort supports the inclusion of an "avoid, remedy, mitigate" approach to addressing adverse effects, including offsets and other environmental compensation, which appropriately reflects the purpose of the RMA.
Policy P40	Amend P40 so that the specified ecosystems and habitats are protected from inappropriate use and development and restored where degraded.	Support - to the extent the relief sought is consistent with the relief sought in CentrePort's appeal.	Policy P40 should recognise that some use and development may be appropriate in the specified environments. The relief sought is generally consistent with the relief sought in CentrePort's appeal.

Policy P41	Amend Policy P41 to provide for environmental compensation.	Support	CentrePort supports the inclusion of an “avoid, remedy, mitigate” approach to addressing adverse effects, including offsets and other environmental compensation, which appropriately reflects the purpose of the RMA.
Policy P78	Amendments to Policy P78 to remove the continual requirement to minimise effects.	Support	CentrePort agrees that where effects have been minimised to the extent they are acceptable there should be no ongoing requirement to minimise effects.
Policy P138	Amend Policy P138 to include the qualifier “reasonably”.	Support	CentrePort supports the addition of the qualifier “reasonably” to better provide for regionally significant infrastructure.
Policy P143	Amend Policy P143 to include the qualifier “reasonably”.	Support	CentrePort supports the addition of the qualifier “reasonably” to better provide for regionally significant infrastructure.
Policy P145	Amend Policy P143 to include the qualifiers “practicable” and “reasonably”.	Support - to the extent the relief sought is consistent with the relief sought in CentrePort’s appeal.	CentrePort supports the addition of the qualifiers “practicable” and “reasonably” to better provide for regionally significant infrastructure.
Rule R52	Amend Rule R52 to provide permitted activity status for discharges from both the existing and new state highway network, subject to activity standards.	Support	CentrePort agrees that permitted activity status for discharges from a port, airport or state highway, subject to activity standards, is appropriate and would enable more efficient operation of this infrastructure.
Rule R67	Add a new rule to provide for	Support	CentrePort supports the addition of a new

	discharges of water or contaminants into water, or onto or into land where it may enter water from regionally significant infrastructure inside sites of significance as a discretionary activity.		rule to provide for discharges of water or contaminants into water, or onto or into land where it may enter water from regionally significant infrastructure inside sites of significance as a discretionary activity. This is consistent with the consenting pathway CentrePort has sought for its infrastructure in the Commercial Port Area, including in the vicinity of the Kaiwharawhara Stream and Estuary.
Rule R167	Amend Rule R167 so that discretionary activity status applies for seawalls in sites of significance associated with regionally significant infrastructure.	Support - to the extent the relief sought is consistent with the relief sought in CentrePort's appeal.	CentrePort is concerned that the rule framework does not recognise the position of the Kaiwharawhara Stream and Estuary in the Commercial Port Area and considers that non-complying activity status is unduly onerous. In its appeal, CentrePort has sought an exclusion of the Commercial Port Area from the ambit of Rule R167 so that discretionary Rule R166 applies. If the relief sought in CentrePort's appeal is not granted, CentrePort supports the alternative approach proposed by the Appellant which will achieve the same result.
Rule R214 or Rule R215	Amend Rule R214 or Rule R215 so that discretionary activity status applies to reclamation and drainage for significant	Support - to the extent the relief sought is consistent with the relief sought in CentrePort's appeal.	CentrePort is concerned that the rule framework does not recognise the position of the Kaiwharawhara Stream and Estuary in the Commercial

	infrastructure in all environments.		Port Area and considers that non-complying activity status is unduly onerous. CentrePort supports discretionary activity status for reclamation and drainage associated with regionally significant infrastructure (and for these activities in the Lambton Harbour Area (Northern Zone) per its appeal).
New Rule - New structures, additions and alterations for regionally significant infrastructure inside sites of significance	Add a new rule for new structures, additions and alterations for regionally significant infrastructure inside sites of significance.	Support	CentrePort agrees that the PNRP should provide an appropriate consenting pathway for regionally significant infrastructure. CentrePort has sought (including in its appeal) a discretionary activity pathway for its infrastructure in the Commercial Port Area, including in the vicinity of the Kaiwharawhara Stream and Estuary.