

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

**ENV-2019-WLG-000117**

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

Between

**Wellington International Airport Limited**

Appellant

and

**Greater Wellington Regional Council**

Respondent

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

**9 October 2019**

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**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) *Wellington International Airport Limited v Greater Wellington Regional Council* – ENV-2019-WLG-000117.
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.



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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
New Objective(s)	Include new objective(s) specifically relating to the development of regionally significant infrastructure.	Support	It is appropriate to recognise the development of regionally significant infrastructure through the inclusion of a specific objective in the PNRP.
Objective O9	Amend Objective O9 to provide for recreational “opportunities” rather than “values” and to include the term “where appropriate”.	Support	<p>The inclusion of a qualifier “where appropriate” is necessary to recognise that it is not always possible to enhance all existing recreational opportunities in the specified areas.</p> <p>The relief sought by the Appellant is consistent with the relief sought in CentrePort’s submission on the PNRP.</p>
Objective O10	Amend Objective O10 to provide an exclusion from the maintenance and enhancement of public access where it is appropriate and necessary to impose a restriction.	Support	<p>An exclusion is necessary to recognise that it is sometimes appropriate and necessary to restrict public access to and along the coastal marine area and rivers and lakes. This is particularly the case in the Commercial Port Area where restrictions on public access are often required for public safety and port security reasons.</p> <p>The relief sought by the Appellant is consistent with the relief sought in CentrePort’s submission on the PNRP.</p>
Objective O12	Amend Objective O12 so that regionally significant infrastructure is provided for.	Support	It is appropriate to recognise and provide for the development of regionally significant infrastructure.
Objective O31	Amend Objective O31 so that outstanding	Support	Outstanding water bodies should be protected from inappropriate use and

	waterbodies are protected from inappropriate use and development.		development, consistent with section 6(b) of the RMA.
Objective O35	Amend Objective O35 so that it allows for the avoidance, remediation or mitigation of adverse effects.	Support	CentrePort supports the inclusion of an “avoid, remedy, mitigate” approach to addressing adverse effects which appropriately reflects the purpose of the RMA.
Objective O44 Objective O46 Objective O47	Amend Objectives O44 and O46 to replace the term “minimise” with “avoid, remedy or mitigate”. Delete Objective O46.	Support	CentrePort supports clarity regarding the use of the word ‘minimise’ in the PNRP and the options identified by WIAL to achieve this. This is consistent with the position agreed in Joint Witness Conferencing. CentrePort prefers the inclusion of an “avoid, remedy, mitigate” approach to addressing adverse effects which appropriately reflects the purpose of the RMA.
Objective O53	Reinstate the notified version of Objective O53.	Oppose	CentrePort opposes the proposed deletion of the exclusion for the Lambton Harbour Area in this Objective. The exclusion of the Lambton Harbour Area is necessary so that there is no inconsistency with 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.
Objective O55	Amend Objective O55 to recognise that limitations on public access to the coast may be necessary.	Support	The relief sought by the Appellant is consistent with the relief sought in CentrePort’s submission on the PNRP. There are operational safety, security and biosecurity reasons for excluding public access and public open space from much of the Commercial Port Area. The Objective should be amended to reflect the inappropriateness of public access to the Port.

Policy P4	<p>Add a definition defining the term “minimise” that reflects the obligation to avoid, remedy or mitigate adverse effects or the BPO obligations of the RMA.</p> <p>Or</p> <p>Replace all references to the term “minimise” in the Proposed Plan with the phrase “avoid, remedy or mitigate”.</p>	Support	<p>CentrePort supports the use of the ‘avoid, remedy and mitigate’ approach to managing effects directed by section 5 of the RMA and considers that it is not appropriate for the PNRP to require “minimisation”. The requested replacement of the term ‘minimise’ throughout the PNRP with the phrase ‘avoid, remedy or mitigate’ establishes an appropriate mitigation hierarchy for the management of adverse effects. All policies in the PNRP should stand on their own without reliance on other policies for interpretation purposes.</p>
Policy P9	<p>Amend Policy P9 to clarify the intent of the policy and to incorporate consideration of the practical constraints to achieving mitigation / enhancement / offset of any loss of public access.</p>	Support in part	<p>CentrePort supports the proposed changes to clause (b) of the Policy, and the addition of the words “and where practicable and achievable and considering the nature of the activity” as it is appropriate to incorporate consideration of the practical constraints to achieving mitigation/enhancement/offset of any loss of public access into the policy. CentrePort also agrees that the Policy should differentiate between mitigation and offset measures for the reasons set out in the Appeal.</p>
Policy P12	<p>Amend Policy P12 so that it provides for regionally significant infrastructure and renewable energy generation activities.</p>	Support	<p>It is appropriate to recognise and provide for the development of regionally significant infrastructure.</p>
Policy P28	<p>Amend Policy P28 so that hard engineering measures are not limited to use by a local authority and to</p>	Support - to the extent the relief sought is consistent with the relief sought in CentrePort’s appeal.	<p>As recognised by Policy P27 of the NZCPS, hard engineering solutions may be the only practicable method of hazard mitigation and protection for existing and future nationally and</p>

	recognise that in certain circumstances the use of hard engineering techniques may be unavoidable (i.e. to protect infrastructure that is of national or regional importance).		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	Replace Policy P31 with a new policy.	Support	CentrePort agrees that the drafting of this policy is cumbersome and prefers the relief sought in the Appeal.
Policy P32	Amend Policy P32 to remove the term "minimise".	Support	CentrePort supports the inclusion of an "avoid, remedy, mitigate" approach to addressing adverse effects which appropriately reflects the purpose of the RMA.
Policy P39A	Delete Policy P39A.	Support	CentrePort agrees that this policy has been unnecessarily extended in scope to include the coastal marine area.
Policy P40	Delete Policy P40.	Support - to the extent the relief sought is consistent with the relief sought in CentrePort's appeal.	The reasons for the relief sought are generally consistent with the relief sought in CentrePort's appeal. CentrePort considers that this policy must recognise that use and development may be appropriate for activities undertaken in the Commercial Port Area and Lambton Harbour Area (Northern Zone).
Policy P41	Delete Policy P41.	Support	CentrePort shares the Appellant's concerns about the implications of this policy, particularly the link to Policy P39A.
Policy P132	Amend Policy P132 to remove the requirement to only utilise the minimum area necessary and to recognise that there may be circumstances where public or	Conditionally support	CentrePort supports the proposed amendments to this policy to better recognise the potential need to restrict public use and access in order to provide for the efficient operation of infrastructure.

	multiple uses of structures is not appropriate.		The Appellant also seeks clarity as to why the restrictions set out in e) to h) do not apply to the use and development of the coastal marine area within the Lambton Harbour Area. These exclusions are necessary to reconcile the policy with Objectives O53 and O57 and Policy P142.
Policy P134	Amend Policy P134 to replace the term "minimised" with the phrase "avoided, remedied or mitigated".	Support	CentrePort supports the inclusion of an "avoid, remedy, mitigate" approach to addressing adverse effects which appropriately reflects the purpose of the RMA. The relief sought by the Appellant is consistent with the relief sought in CentrePort's submission on the PNRP.
Policy P145	Amend Policy P145 to provide clarity around the extent to which other locations need to be considered and to ensure that consideration of other locations reflects practicable locational constraints.	Support - to the extent the relief sought is consistent with the relief sought in CentrePort's appeal.	CentrePort supports the introduction of qualifiers but has appealed the policy seeking provisions for reclamation, drainage and discussion in the coastal marine area associated with use and development in the Lambton Harbour Area.