

IN THE ENVIRONMENT COURT
WELLINGTON

ENV-2019-WLG-000118

I MUA I TE KOOTI TAIAO
I TE WHANGANUI-Ā-TARA ROHE

IN THE MATTER of the Resource Management Act 1991 ("RMA")

AND

IN THE MATTER of an application for waiver pursuant to section 281
of the RMA

BETWEEN **CENTREPORT LIMITED AND CENTREPORT
PROPERTIES LIMITED**

Appellants

AND **GREATER WELLINGTON REGIONAL COUNCIL**

Respondent

AND **ĀTIWA KI WHAKARONGOTAI CHARITABLE
TRUST**

AND **OTHERS** (refer to Appendix A)

Section 274 Parties

APPLICATION FOR WAIVER PURSUANT TO SECTION 281 OF THE RMA

16 OCTOBER 2019

**Russell
McEagh**

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TO: The Registrar
Environment Court
Wellington

KIWI RAIL HOLDINGS LIMITED ("KiwiRail") applies for a waiver in respect of the time within which KiwiRail was required to give notice under section 274 of the RMA of its intention to join the following proceedings: *Centreport Limited v Greater Wellington Regional Council* (ENV-2019-WLG-000118) ("**Appeal**").

1. KiwiRail filed a section 274 notice to join the Appeal on 9 October 2019, which was limited to those parts of the Appeal relating to certain provisions concerning use and development within sites with significant indigenous biodiversity values.¹
2. Having further reviewed and considered the Appeal, KiwiRail wishes to join other discrete aspects of the Appeal.² For the reasons set out in KiwiRail's section 274 notice dated 16 October 2019, KiwiRail has an interest in these aspects of the Appeal that is greater than the general public.
3. KiwiRail therefore seeks a waiver pursuant to section 281 of the RMA of the requirement under section 274 to give notice of its wish to become a party to the Appeal within 15 working days after the period for lodging a notice of appeal ends. The deadline by which any section 274 notices were to be filed was 9 October 2019.
4. As no substantive steps have been taken in relation to the Appeal, and KiwiRail's notice is only five working days out of time, it is submitted that none of parties to the Appeal will be unduly prejudiced by the granting of this waiver.

DATED 16 October 2019



Allison Arthur-Young / Tom Atkins

Counsel for KiwiRail Holdings Limited

¹ Policy P40, Rules R161, R162, R166, R167 and R214.

² Those parts relating to Policies P46 and P47, Rules R168, R169, R171 and R172, Schedule E2 and "the common Schedule E deletion" (refer to paragraphs 65 to 70 of CentrePort's appeal).

APPENDIX A**SECTION 274 PARTIES**

- Ātiawa ki Whakarongotai Charitable Trust
- Heritage New Zealand Pouhere Taonga
- Land Matters Limited
- Minister of Conservation
- Kāpiti Coast District Council
- Masterton District Council
- New Zealand Transport Agency
- Porirua City Council
- Powerco Limited
- Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Incorporated Society
- South Wairarapa District Council
- StraitNZ Bluebridge Limited
- The Oil Companies
- Wellington City Council
- Wellington Civic Trust
- Wellington International Airport Limited
- Wellington Water Limited