

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

ENV-2019-WLG-000106

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

Between

Minister of Conservation

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
A J L BEATSON / L M LINCOLN
WELLINGTON LEVEL 21, ANZ CENTRE, 171 FEATHERSTON STREET
PO BOX 1291, WELLINGTON 6140, DX SX11164, NEW ZEALAND
TEL 64 4 915 6800 FAX 64 4 915 6810

To: The Registrar
Environment Court
Wellington

1. CentrePort Limited and CentrePort Properties Limited (**CentrePort**) wish to be a party to the following proceedings:
 - (a) *Minister of Conservation v Greater Wellington Regional Council* – ENV-2019-WLG-000106.
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

Address for service:

CentrePort Limited and CentrePort Properties Limited
C/- Bell Gully
171 Featherston Street
PO Box 1291
Wellington 6140
Attention: Laura Lincoln

Telephone: (04) 915 6800
Facsimile: (04) 915 6810
Email: andrew.beatson@bellgully.com / laura.lincoln@bellgully.com

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
Definition of "Seawall"	Amend the definition of "seawall" so it aligns with the NZCPS definition of "hard protection structure" and the "hard hazard engineering" definition in the plan.	Neither supports nor opposes	CentrePort is interested in the definition of seawall given the number of seawalls it is responsible for.
New Objective	Add a new objective that provides for coastal hazards.	Oppose	The proposed objective is too restrictive and is likely to prohibit the operation, maintenance, development and upgrade of regionally significant infrastructure.
Objective O20	Amend Objective O20 to require that increases in risk are avoided.	Oppose	The proposed amendment is too restrictive and is likely to prohibit the operation, maintenance, development and upgrade of regionally significant infrastructure.
Objective O21	Relief sought is unclear.	Oppose	In the absence of specific relief, CentrePort opposes further amendments to Objective O21.
Objective O35	Amend the tables to more fully provide for water quality, aquatic life and habitat (deposited sediment) aspects of ecosystem health and ensure that restoration to a healthy functioning state is stated to be "at least" as defined by the tables and should also consider habitat, flow, ecosystem processes and aquatic life as per the national framework for ecosystem health by Clapcott et al (2018).	Oppose	CentrePort supports Wellington International Airport's appeal seeking the inclusion of an "avoid, remedy, mitigate" approach to addressing adverse effects in Objective O35 which appropriately reflects the purpose of the RMA.

Policy P27	Amend Policy P27(b) so that, in relation to coastal hazards “the hazard risk to the development and/or residual hazard risk after hazard mitigation measures assessed using a risk-based approach is <u>low not increased, and reduced if practicable.</u> ”	Oppose - the relief sought is inconsistent with the relief sought in CentrePort’s appeal.	CentrePort has sought amendments to this policy to provide for appropriate use and development, including in the Lambton Harbour Area. The amendments sought by the Appellant seek to make this policy more restrictive, and are likely to impact on CentrePort’s ability to undertake appropriate use and development.
Policy P31	Amend the tables to more fully provide for water quality, aquatic life and habitat (deposited sediment) aspects of ecosystem health and ensure that restoration to a healthy functioning state is stated to be “at least” as defined by the tables and should also consider habitat, flow, ecosystem processes and aquatic life as per the national framework for ecosystem health by Clapcott et al (2018).	Oppose	CentrePort prefers the relief sought in Wellington International Airport Limited’s appeal.
Policy P132	<p>Reconcile Policies P132 and P142 by either:</p> <ul style="list-style-type: none"> • Making the Lambton Harbour Area subject to paragraphs (e) – (h) in P132 (which relate to using minimum area necessary, making available for appropriate public or multiple use, removing structures when redundant and concentrating development locations where practicable) and/or; • Confining the exclusion of the Lambton Harbour Area from P132 to parts of the Lambton Harbour Area where redevelopment of existing structures is contemplated, such as the existing “finger wharves” in the northern part of the Lambton Harbour 	Conditionally support	<p>The decisions version of Policy P132 achieves the relief sought in CentrePort’s submissions on the PNRP.</p> <p>CentrePort appreciates the Appellant’s acknowledgement of its finger wharves in the Lambton Harbour Area (Northern Zone). Of the alternatives proposed by the Appellant, CentrePort prefers the relief sought in 7.35.2 of the appeal. It does not support the relief</p>

	Area.		sought in section 7.35.1 of the appeal.
Policy P138	Amend Policy P138 by adding “or that meets the criteria in Policy 11(a) of the New Zealand Coastal Policy Statement” after “Schedule J (geological features)”, or similar.	Oppose	CentrePort opposes the relief sought as it reduces certainty in the PNRP and makes the policy more restrictive.
Policy P143	Amend Policy P143 by adding “or that meets the criteria in Policy 11(a) of the New Zealand Coastal Policy Statement” after “Schedule J (geological features)”, or similar.	Oppose	CentrePort opposes the relief sought as it reduces certainty in the PNRP and makes the policy more restrictive.
Rule R165	Exclude this rule from applying in scheduled sites mentioned in the reasons for appeal and instead create a new discretionary activity rule or restricted discretionary rule for additions or alterations to or replacements of seawalls of up to 5m horizontal projection and 1m vertical projection within these scheduled sites.	Oppose	CentrePort supports controlled activity status for seawalls in scheduled sites subject to matters of control. The matters of control are sufficient to address effects on scheduled sites.