In the Environment Court   **ENV-2019-WLG-000116**
Wellington Registry
I Mua I Te Kōti Taiao O Aotearoa
Te Whanganui-ā-Tara Rohe

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

Between

Porirua City Council

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

To: The Registrar

Environment Court

Wellington

1.   CentrePort Limited and CentrePort Properties Limited (**CentrePort**) wish to be a party to the following proceedings*:*

    (a)   *Porirua City Council v Greater Wellington Regional Council –* ENV-2019-WLG-000116.

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
Policy P24	Amend Policy P24(b) to enable activities with adverse environmental effects on natural character in areas of the coastal marine area with outstanding natural character in some circumstances.	Support	The reasons for the relief sought are generally consistent with the relief sought in CentrePort's submission on the PNRP. CentrePort considers that the Policy should allow for appropriate use and development in areas with outstanding natural character.
Policy P34	Amend Policy P34 so that it takes into account situations where fish passage may be impeded.	Support	CentrePort shares the concern that "avoid" is the only option available to a proponent of an otherwise appropriate development, as it may be possible for other options, or alternative methods to be contemplated that would remedy or mitigate adverse effects.
Policy P40	Amend Policy P40 to enable activities to be carried out in ecosystems and habitats with significant indigenous biodiversity values which may be required in limited circumstances.	Support - to the extent the relief sought is consistent with the relief sought in CentrePort's appeal.	The relief sought is 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 P41A	Amend Policy P41A to remove the word	Support	CentrePort supports the intent of Policy P41A but is

	"avoid".		concerned about the use of the term avoid. There could be a situation where there may be more than minor effects of an appropriate development that could be remedied, mitigated or offset but not completely avoided. CentrePort agrees that the amendment proposed reflects a more realistic and achievable approach given that some works may need to be undertaken during fish spawning and migration times.
Policy P48	Amend Policy P48 to provide for the mitigation and offsetting of adverse effects on outstanding natural features and landscapes.	Support	CentrePort supports the inclusion of an "avoid, remedy, mitigate" approach (including offsetting and compensation) to addressing adverse effects which appropriately reflects the purpose of the RMA.
Rule R40	Amend Rule R40 so that discretionary resource consent is require for the discharge of methyl bromide.	Oppose	Controlled activity status is appropriate for the discharge of methyl bromide which is tightly controlled under other legislation.
Rule R161	Amend Rule R161 so that structures in sites of significance are a discretionary activity.	Support - to the extent the relief sought is consistent with the relief sought in CentrePort's appeal.	CentrePort has appealed Rule R161 as it considers that the PNRP should provide an appropriate (discretionary) consenting pathway for regionally significant infrastructure. Non-complying activity status imposes an unreasonably high

			threshold.
Rule R162	Delete Rule R162 so that structures in sites of significance are a discretionary activity.	Support - to the extent the relief sought is consistent with the relief sought in CentrePort's appeal.	CentrePort has appealed Rule R162 as it considers that the PNRP should provide an appropriate (discretionary) consenting pathway for regionally significant infrastructure. Non-complying activity status imposes an unreasonably high threshold.
Add new rule to sit before Rule R167	Add new rule to provide for seawalls inside sites of significance required for infrastructure as a discretionary activity.	Support - to the extent the relief sought is consistent with the relief sought in CentrePort's appeal.	The relief sought is generally consistent with CentrePort's appeal. CentrePort has appealed Rules R166 and R167 seeking discretionary activity status for seawalls inside sites of significance in the Commercial Port Area to recognise the importance of that regionally significant infrastructure.