

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 section 274 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

**NOTICE OF KIWIRAIL HOLDINGS LIMITED'S
INTENTION TO BE A PARTY TO PROCEEDINGS**

16 OCTOBER 2019

Russell
McLeagh

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TO: The Registrar
Environment Court
Wellington

KIWI RAIL HOLDINGS LIMITED ("KiwiRail") wishes to be a party to an appeal by CentrePort Limited and CentrePort Properties Limited (together, the "**Appellants**" or "**CentrePort**") against the decision of the Greater Wellington Regional Council ("**Council**") on the Proposed Greater Wellington Natural Resources Plan ("**Proposed Plan**").

Nature of interest

1. KiwiRail filed a section 274 notice of its intention to join certain parts of CentrePort's appeal on 9 October 2019.
2. KiwiRail is also interested in other parts of the CentrePort's appeal. KiwiRail has an interest in these parts of the appeal that is greater than the general public.
3. KiwiRail is not a trade competitor for the purposes of section 308C or 308CA of the RMA.

Extent of interest

4. The parts of CentrePort's appeal that KiwiRail is interested in are those parts relating to:
 - (a) Policy P46 – Managing adverse effects on sites with significant historic heritage value;
 - (b) Policy P47 – Appropriate demolition or removal;
 - (c) Rule R168 – Maintenance or repair or alteration to structures identified in Schedule E2 or Schedule E3;
 - (d) Rule R169 – Additions or alterations to structures identified in Schedule E1 or E2;
 - (e) Rule R171 – Additions or alterations to structures identified in Schedule E1, Schedule E2 or Schedule E3;
 - (f) Rule R172 – Removal, demolition or replacement of structures or parts of structures identified in Schedule E1, Schedule E2 or Schedule E3;
 - (g) Schedule E2 – Historic Heritage wharves and boatsheds; and
 - (h) the "common Schedule E deletion"¹ – Rules R150, R151, R152, R156, R157, R163, R164, R173 and R174, R168, R169 and R171.
5. KiwiRail is part of a joint programme with CentrePort, Greater Wellington Regional Council, the New Zealand Transport Agency, StraitNZ Bluebridge

¹ Refer to paragraphs 65 to 70 of CentrePort's appeal.

Limited and Wellington City Council examining options for the future use of Wellington's port and ferry facilities and supporting infrastructure. A key consideration for this programme is the efficient use of port facilities and infrastructure.

6. As the provisions set out in paragraph 4 above regulate the use of structures in the coastal marine area, which includes port facilities, any relief granted in relation to these aspects of CentrePort's appeal will be relevant to discussions around the future use of the port and associated infrastructure. KiwiRail therefore has an interest in these aspects of Centreport's appeal that is greater than the general public.

Relief sought

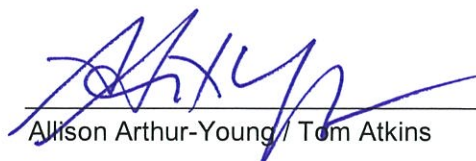
7. KiwiRail supports the relief sought by the Appellants in relation to Policies P46 and P47, Rules R168, R169, R171 and R172, Schedule E2 and the "common Schedule E deletion".
8. KiwiRail supports the relief sought because it:
- (a) will promote the sustainable management of the natural and physical resources within the Greater Wellington Region, and is therefore consistent with Part 2 and other provisions of the RMA;
 - (b) will meet the reasonably foreseeable needs of future generations;
 - (c) will enable the social, economic and cultural wellbeing of the people of Greater Wellington;
 - (d) avoids, remedies or mitigates actual or potential adverse effects on the environment; and
 - (e) is the most appropriate way to achieve the objectives of the Proposed Plan in terms of section 32 of the RMA.

Alternative dispute resolution

9. KiwiRail agrees to participate in mediation or other alternative dispute resolution of the proceedings.

KIWIRAIL by its solicitors and authorised agents Russell McVeagh:

Signature:



Allison Arthur-Young / Tom Atkins

Date:

16 October 2019

Address for Service:

C/- Tom Atkins
 Russell McVeagh
 Barristers and Solicitors

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To: the Registrar of the Environment Court at Wellington

And to: the Appellant

And to: the Respondent

Advice

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

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