

**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

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

**9 OCTOBER 2019**

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**Russell  
McEagh**

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**TO:** The Registrar  
Environment Court  
Wellington

**KIWIRAIL HOLDINGS LIMITED** ("**KiwiRail**") wishes to be a party to an appeal by CentrePort Limited and CentrePort Properties Limited (together, the "**Appellants**") 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 made a submission about the subject matter of these proceedings.
2. KiwiRail is not a trade competitor for the purposes of section 308C or 308CA of the RMA.

**Extent of interest**

3. KiwiRail is interested in part of the proceedings. The parts of the appeal KiwiRail is interested in are those parts relating to:
  - (a) Policy P40 – Sites with significant indigenous biodiversity values;
  - (b) Rule R161 – New structures, additions or alterations to structures outside of sites of significance;
  - (c) Rule R162 – New structures, additions or alterations to structures inside of sites of significance;
  - (d) Rule R166 – Seawalls outside sites of significance;
  - (e) Rule R167 – Seawalls inside sites of significance; and
  - (f) Rule R214 – Reclamation and drainage.
4. These provisions relate to use and development within areas identified as sites of significance within the coastal marine area ("**CMA**"). The Kaiwharawhara Stream mouth / Estuary ("**Stream / Estuary**") is listed in Schedule F4 as a site with significant indigenous biodiversity values. Part of the Stream / Estuary sits within the Commercial Port Area.
5. Although KiwiRail supports the intention behind the scheduling of streams and estuaries and recognises that their values should be protected, there is a potential conflict between the identification of the Stream / Estuary in Schedule F4 and the direction of the Proposed Plan relating to use and development within the Commercial Port Area. Despite various activities relating to the operation and maintenance of regionally significant infrastructure (ie port facilities or ferry terminals) being enabled within the Commercial Port Area, such activities would default to non-complying activity status where they fall within the scheduled Stream / Estuary area.
6. KiwiRail made submissions on the Proposed Plan seeking amendments to the provisions set out in paragraph 3 to resolve this potential conflict.

**Relief sought**

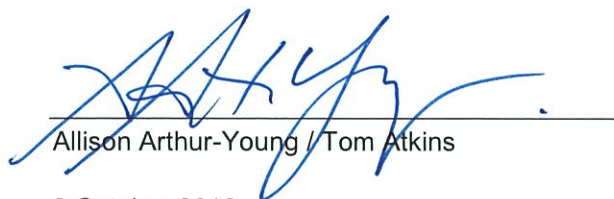
7. KiwiRail supports the relief sought by the Appellants in relation to Policy P40 and Rules R161, R162, R166, R167 and R214.
8. KiwiRail supports the relief sought because it:
- (a) will promote the sustainable management of the natural and physical resources within the Greater Wellington Region, and 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:**

9 October 2019

**Address for Service:**

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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.