

BEFORE THE ENVIRONMENT COURT
AT WELLINGTON

I MUA I TE KŌTI TAIAO O AOTEAROA
KI TE WHANGANUI-A-TARA

IN THE MATTER of appeals under cl 14 of Schedule 1 to
Resource Management Act 1991

BETWEEN TRANSPOWER NEW ZEALAND
LIMITED

(ENV-2019-WLG-000108)

MASTERTON DISTRICT COUNCIL

(ENV-2019-WLG-000110)

MERIDIAN ENERGY LIMITED

(ENV-2019-WLG-000115)

PORIRUA CITY COUNCIL

(ENV-2019-WLG-000116)

HUTT CITY COUNCIL

(ENV-2019-WLG-000120)

WELLINGTON WATER LIMITED

(ENV-2019-WLG-000123)

RANGITĀNE TŪ MAI RĀ TRUST
AND RANGITĀNE O WAIRARAPA
INC SOCIETY

(ENV-2019-WLG-000125)

SOUTH WAIRARAPA DISTRICT
COUNCIL

(ENV-2019-WLG-000127)

POWERCO LIMITED

(ENV-2019-WLG-000129)



NEW ZEALAND TRANSPORT
AGENCY

(ENV-2019-WLG-000131)

FIRST GAS LIMITED

(ENV-2019-WLG-000132)

Appellants

AND

WELLINGTON REGIONAL
COUNCIL

Respondent

Court: Environment Judge B P Dwyer sitting alone pursuant to s 279
of the Act

Date of Order: 1 July 2021

Date of Issue: 1 July 2021

CONSENT ORDER

- A: Under s 279(1)(b) of the Act, the Environment Court orders, by consent, that the changes set out in **Appendix A** be made to the Proposed Plan.
- B: The appeal points relating to the definitions of 'regionally significant infrastructure', 'renewable energy generation activities', 'strategic transport network', 'upgrade' and 'operational requirement' are otherwise dismissed.
- C: Under s 285 of the Act, there is no order as to costs.

REASONS

Introduction

[1] The Court has read the notices of appeal and the memorandum of the parties received 27 May 2021.

Other relevant matters

[2] The following persons gave notice of an intention to become parties to the appeals under s 274 of the Act, and have signed the consent memorandum setting out the relief sought:

- Horticulture New Zealand;
- CentrePort Ltd and CentrePort Properties Ltd;
- Kāpiti Coast District Council;
- Wellington International Airport Ltd;
- BP Oil New Zealand Ltd, Mobil Oil New Zealand Ltd, Z Energy Ltd;
- Royal Forest and Bird Protection Society of New Zealand Inc; and
- Winstone Aggregates.

Wellington Fish and Game Council, Hutt City Council and Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Inc Society did not sign the consent memorandum, but in accordance with the Court's direction in its minute dated 28 April 2021, they are deemed to have accepted the consent memorandum and order.

Orders

[3] The Court is making this order under s 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order or are deemed to have done so in accordance with the Court's minute of 28 April 2021;
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.



B P Dwyer
Environment Judge



KEY:

Red track - changes made at mediation

Green track - changes in the Decisions Version of the PNRP, with clause 16 changes

APPENDIX A - RELEVANT PROVISIONS - (DECISIONS VERSION - WITH CLAUSE 16 CHANGES) - TOPIC 5

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| Operational requirement | When an activity needs to be carried out in a particular location or way (<u>including because of technical, logistical or safety reasons</u>) in order to be able to function effectively and efficiently. |
| Regionally significant infrastructure* | Regionally significant infrastructure includes: <ul style="list-style-type: none">• pipelines for the distribution or transmission of natural or manufactured gas or petroleum, <u>including any associated fittings, appurtenances, fixtures or equipment</u>• strategic facilities to the telecommunication network, as defined in section 5 of the Telecommunications Act 2001• strategic facilities to the radio communications network, as defined in section 2(1) of the Radio Communications Act 1989• the national electricity grid <u>National grid</u>• facilities for the generation and/or transmission of electricity where it is supplied to the <u>National grid electricity and/or the local</u> distribution network, including the national grid <u>This excludes supply within the local distribution network.</u>• <u>facilities for the electricity distribution network, where it is 11kV and above. This excludes private connections to the local distribution network.</u>• the local authority water supply network (<u>including intake structures</u>) and water treatments plants• the local authority <u>wastewater and stormwater networks, and, systems, including treatment plants and storage and discharge facilities and</u> wastewater treatment plants |



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| | <ul style="list-style-type: none"> • the Strategic Transport Network (<u>including ancillary structures required to operate, maintain, upgrade and develop that network</u>) • <u>the following local arterial routes: Masterton-Castlepoint Road, Blairlogie-Langdale /Homewood /Riversdale Road and Cape Palliser Road in Wairarapa, Tītahi Bay Road and Grays Road in Porirua, and Kāpiti Road, Marine Parade, Mazengarb Road, Te Moana Road, Akatarawa Road, Matatua Road, Rimu Road, Epiha Street, Paekakariki Hill Road, The Parade [Paekakariki] and The Esplanade [Raumati South] in Kāpiti.</u> • Wellington City bus terminal and Wellington Railway Station terminus • Wellington International Airport • Masterton Hood Aerodrome • <u>Paraparaumu Kapiti Coast Airport</u> • Commercial Port Area within Wellington Harbour (Port Nicholson) and adjacent land used in association with the movement of cargo and passengers and including bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines. • <u>Silverstream, Spicer and Southern landfills.</u> |
| <p>Renewable energy generation activities</p> | <p>The construction, operation and maintenance of structures <u>and ancillary facilities (including internal access tracks and roads within the site)</u> associated with renewable energy generation, including small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.</p> |
| <p>Upgrade</p> | <p>Use and development to bring existing structures or facilities up to current standards <u>or to improve the functional characteristics of structures or facilities,</u> provided <u>the upgrading itself does not give rise to any significant adverse effects on the environment and provided</u> that the effects of the activity are the same or similar in character, intensity and scale as the existing structure and activity.</p> <p><u>In relation to renewable electricity generation activities, includes increasing the generation or transmission capacity, efficiency or security of regionally significant</u></p> |

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| | <p><u>infrastructure and replacing support structures within the footprint of authorised activities.</u></p> |
| <p>Strategic Transport Network</p> | <p>The Strategic Transport Network comprises includes the following parts of the Wellington Region’s transport network:</p> <p>(a) All railway corridors and ‘core’ bus routes as part of the region’s public transport network identified in the Regional Land Transport Plan 2015, and</p> <p><u>(b) All existing and proposed state highways; and</u></p> <p><u>(cd) All Any other</u> strategic roads that are classified as a National High Volume Road, National Road, or Regional Road as part of the region’s strategic road network identified in the Regional Land Transport Plan 2015, and</p> <p><u>(ed)</u> Any other road classified as a high productivity motor vehicle (HPMV) route identified in the Regional Land Transport Plan 2015, and</p> <p><u>(de)</u> All sections of the regional cycling network classified as having a combined utility and recreational focus identified in the Regional Land Transport Plan 2015, <u>and</u></p> <p><u>(f) Any other existing and proposed cycleway and/or shared paths for which the New Zealand Transport Agency and/or a local authority is/was the requiring authority or is otherwise responsible.</u></p> <p><u>The Strategic Transport Network is mapped in the Regional Land Transport Plan 2015.</u></p> |

