

**Before the Hearing Panel
At Wellington**

Under the Resource Management Act 1991 (**RMA**)
In the matter of Proposed Natural Resources Plan for the Wellington Region
(Hearing Stream 1)

**Greater Wellington Regional Council Supplementary response:
Responding to questions asked of Mr Denton on 4 September 2017**

Date: 15 September 2017



Solicitor on the record
Contact solicitor

Kerry Anderson
Emma Manohar

kerry.anderson@dlapiper.co.nz
emma.manohar@dlapiper.com

Tel +64 4 474 3255
Tel +64 4 918 3016

50-64 Customhouse Quay, Wellington 6011
PO Box 2791, Wellington 6140
DX SP20002, Wellington
Tel +64 4 472 6289
Fax +64 4 472 7429

MAY IT PLEASE THE PANEL:

INTRODUCTION

- 1 At the hearing on Monday 4 September, the definition of regionally significant infrastructure was discussed. This memorandum of counsel provides written confirmation of that discussion.

- 2 In addition, updated rights of reply to include supplementary reply on the Air Quality and Beneficial Use topics have been filed today by Mr Paul Denton. Those updated statements address questions asked of him by the Panel regarding the following matters on 4 September:
 - 2.1 Whether 'rural production land' is a term used within the proposed Plan.
 - 2.2 A redrafting of the Agrichemical rules in the proposed Plan, namely Rule R36A, R36B and R38.
 - 2.3 To respond to the submission by First Gas regarding gas venting.
 - 2.4 Reconsideration of Rule R27 and its reference to the District Plan.

- 3 This memorandum addresses the matters relating to the definition of regionally significant infrastructure, with Mr Denton's responses addressing the rest.

THE REGIONAL POLICY STATEMENT

- 4 The Regional Policy Statement for the Wellington Region (**RPS**) defines regionally significant infrastructure as including:

facilities for the generation and to admission of electricity where it is supplied to the network, as defined the Electricity Governance Rules 2003

[emphasis added]

5 The question discussed is whether in this context 'the network' includes the local network as well as the national grid.

THE ELECTRICITY GENERATION RULES 2003

6 The Electricity Generation Rules 2003 (**Rules**) defined network as:¹

the grid, a local network or an imbedded network

7 The Rules also include the following definitions:

Grid means the system of transmission lines, substation, and other work, included in the HZDC link used to connect grid injection points and grid exit points to convey electricity throughout the north island and south island in New Zealand.

Local Network means lines, equipment and plant that is used to convey electricity between the Grid and the consumer or imbedded generator or imbedded network who are connected to that local network.

8 It is clear from the definitions in the Rules that 'the network' includes a local network as well as the national network. The RPS definition must be read consistently.

PROGRESSION OF THE RPS

9 The proposed version of the RPS included as part of the definition of regionally significant infrastructure the following statement:

facilities for the generation and transmission of electricity where it is supplied to the national electricity grid

10 In the decisions version of the RPS the definition was amended to:

facilities for the generation and transmission of electricity where it is supplied to the ~~national electricity grid~~ network, as defined by the Electricity Governance Rules 2003

11 This is the definition that is currently in the operative RPS.

¹ These Rules are no longer in effect.

- 12 The decision on the RPS was appealed by Meridian Energy Limited (among others). Meridian Energy Limited sought to clarify through its appeal that the definition of regionally significant infrastructure applies to electricity supplied to a local distribution network as well as the national grid.
- 13 On Tuesday 30 August 2011, the Council provided an email to Meridian Energy Limited confirming that the definition of regionally significant infrastructure applied to electricity supplied to a local distribution network as well as the national grid.
- 14 Copies of the various versions of the RPS, appeal documents and email to Meridian Energy Limited are included as **Appendix 1** to this memorandum. This material was previously provided to the Panel on 19 June 2017. This document is available on the proposed Plan's website under the 'GWRC Responses & Right of Replies' tab in the 'Supplementary Responses' folder.

CONCLUSION

- 15 It is our submission that the reference in the RPS to facilities for the generation and transmission of electricity where it is supplied to the network, includes those facilities that supply the local network, as well as the national grid.
- 16 The definition in the proposed Plan must be consistent with this as the proposed Plan is required to give effect to the RPS (section 67(3)(c) of the Resource Management Act 1991).

17 What was recommended in Mr Denton's right of reply, should therefore read (new additions in underlined black text):

facilities for the generation and transmission of electricity where it is supplied to the electricity distribution network, including the national grid and the local network

Date: 15 September 2017



.....
Kerry Anderson/ Emma Manohar
Counsel for Greater Wellington Regional
Council

APPENDIX 1: MATERIAL REGARDING RPS DECISION



MEMO

TO Proposed Natural Resources Plan Hearing Panel
FROM Miranda Cross
DATE 19 June 2017

FOR YOUR INFORMATION

Regionally Significant Infrastructure definition in the Regional Policy Statement

On Tuesday 13 June, the Hearing Panel requested copies of the decisions version of the Regional Policy Statement (RPS) related to the definition of Regionally Significant Infrastructure (RSI) and relevant documents associated with subsequent appeals on this matter.

Copies of the decisions version were provided to the Hearing Panel on Tuesday 13 June.

Attached are relevant documents associated with subsequent appeals as follows:

- **Attachment A:** Sets out the definition of RSI in; the proposed RPS, the decisions version of the RPS and the operative RPS
- **Attachment B:** Sets out the relevant appeal points
- **Attachment C & D:** sets out agreement reached between parties
- **Attachment F:** sets out the consent order for the relevant sections of the RPS. Showing there was no change to the definition of RSI from the decisions version to the operative version.

Miranda Cross



Regionally Significant Infrastructure Definition (proposed RPS, Decisions version, Operative version following appeals).

Proposed RPS

Regionally significant infrastructure includes:

- pipelines for the distribution or transmission of natural or manufactured gas or petroleum
- strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001
- strategic radio communications facilities, as defined in section 2(1) of the Radio Communications Act 1989
- the national electricity grid, as defined by the Electricity Governance Rules 2003
- facilities for the generation and transmission of electricity where it is supplied to the national electricity grid
- the local authority water supply network and water treatment plants
- the local authority wastewater and stormwater networks, systems and wastewater treatment plants
- the Strategic Transport Network, as defined in the Wellington Regional Land Transport Strategy 2007-2016
- Wellington City bus terminal and Wellington Railway Station terminus
- Wellington International Airport
- Commercial Port Areas within Wellington Harbour (including Miramar, Burnham and Seaview wharves) and adjoining land and storage tanks for bulk liquids.

Decisions version

Regionally significant infrastructure includes:

- pipelines for the distribution or transmission of natural or manufactured gas or petroleum
- strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001
- strategic radio communications facilities, as defined in section 2(1) of the Radio Communications Act 1989
- the national electricity grid, as defined by the Electricity Governance Rules 2003
- facilities for the generation and transmission of electricity where it is supplied to the ~~national electricity grid~~ network, as defined by the Electricity Governance Rules 2003
- the local authority water supply network and water treatment plants
- the local authority wastewater and stormwater networks, systems and wastewater treatment plants
- the Strategic Transport Network, as defined in the Wellington Regional Land Transport Strategy 2007-2016
- Wellington city bus terminal and Wellington Railway Station terminus
- Wellington International Airport
- Masterton Hood Aerodrome
- Paraparaumu Airport
- Commercial Port Areas within Wellington Harbour (~~including Miramar, Burnham and Seaview wharves~~) and adjoining 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



Operative RPS

Regionally significant infrastructure includes:

- pipelines for the distribution or transmission of natural or manufactured gas or petroleum
- strategic telecommunications facilities, as defined in section 5 of the Telecommunications Act 2001
- strategic radio communications facilities, as defined in section 2(1) of the Radio Communications Act 1989
- the national electricity grid, as defined by the Electricity Governance Rules 2003
- facilities for the generation and transmission of electricity where it is supplied to the network, as defined by the Electricity Governance Rules 2003
- the local authority water supply network and water treatment plants
- the local authority wastewater and stormwater networks, systems and wastewater treatment plants
- the Strategic Transport Network, as defined in the Wellington Regional Land Transport Strategy 2007-2016
- Wellington City bus terminal and Wellington Railway Station terminus
- Wellington International Airport
- Masterton Hood Aerodrome
- Paraparaumu Airport
- Commercial Port Areas within Wellington Harbour 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.

Number	Appellant	E. Co	GW Ap	Relevant Section of RPS	Relief sought	Section 274	Topic
83	Winstone	75	11	3.3 Section Introduction add paragraph	<u>Resource unavailability or inefficiencies in obtaining such resources (such as aggregates, steel), required to construct and maintain such infrastructure can detrimentally impact upon the development, management, use and maintenance of such infrastructure. This has the potential to significantly impact on the timely provision of regionally significant infrastructure and in particular new roading projects necessary to achieve a productive and vibrant Wellington economy.</u>	Aggregate and Quarry Association, Makara Guardians, Fish and Game	Infrastructure and Energy
19	Meridian	72	2	3.3 Section Issue 1 either or Submission point 72-3	The Wellington region is dependent on externally generated electricity and overseas-sourced fossil fuels and is therefore vulnerable to supply disruptions and energy shortages. In addition, demand for energy is increasing. However, significant renewable energy resources exist within the region. <u>Development of some of those resources, at appropriate locations within the region, is necessary to address that vulnerability. The development of renewable energy resources has the potential to create adverse effects and conflicts of values. Some compromises may be necessary in order to achieve a sustainable energy future.</u>	Preserve Pauatahanui, Makara Guardians, Fish and Game	Infrastructure and Energy
84	Winstone	75	12	3.3 Section, Issue 2	Add to the end of the issue. <u>Or owing to resource unavailability or inefficiencies (i.e. increased costs) in obtaining such resources (e.g. aggregates, steel) . This should also be amended to include cross references to the mineral provisions</u>	Aggregate and Quarry Association, Makara Guardians, Fish and Game	Infrastructure and Energy
19	Meridian	72	3	3.3. Section Issue 1 and 2	Energy: The Wellington region is dependent on externally generated electricity and overseas-sourced fossil fuels and is therefore vulnerable to supply disruptions and energy shortages. In addition, demand for energy is increasing. However, significant renewable energy resources exist within the region. <u>Development of some of those resources, at appropriate locations within the region, is necessary to address that vulnerability.</u> Infrastructure: Infrastructure enables communities to provide for their social, economic and cultural wellbeing. <u>The development of renewable energy resources has the potential to create adverse effects and conflicts of values. Some compromises may be necessary in order to achieve a sustainable energy future.</u> The management, use and operation of infrastructure can be adversely affected when incompatible land uses occur under, over, or adjacent.	Preserve Pauatahanui, Makara Guardians, Fish and Game	Infrastructure and Energy
54	Meridian	72	41	10 Objective AER 1	Amend to be consistent with Policy 7 (as amended). It should refer to protecting regionally significant infrastructure from incompatible subdivision as well as land use.	Winstone Aggregates, Transpower NZ Ltd, Makara Guardians, Fish	Infrastructure and Energy
85	Winstone	75	13	10A Objective, new	<u>Resources required for infrastructure construction (such as aggregates, concrete and steel) are provided for and are able to be produced efficiently to reduce economic, social and environmental costs in infrastructure provision</u>	Aggregate and Quarry Association, Makara Guardians, Fish and Game	Infrastructure and Energy
28	Meridian	72	15	6 (b)(ii) Policy	Amend 'Reducing dependency on imported and <u>non-renewable</u> energy resources'	Preserve Pauatahanui, Makara	Infrastructure
26	Meridian	72	13	6 Policy	District and regional plans shall include policies, <u>and/or rules and/or methods that recognise:Add point (c) the operational and technical constraints affecting the location of renewable energy development activities and regionally significant infrastructure which derive from the reliance of those activities on natural and physical resources or conditions that exist only in limited areas of the region.</u>	Preserve Pauatahanui, Makara Guardians, Fish and Game	Infrastructure and Energy
27	Meridian	72	14	6 Policy Explanation	Amend the explanation to Policy 6 to reflect the amend approach set out in Policy 6	Preserve Pauatahanui, Makara	Infrastructure
45	Meridian	72	32	38 (c)Policy	The need for renewable electricity generation facilities to locate where these renewable energy resources exist <u>and the need for regionally significant infrastructure to locate where appropriate:</u>	Transpower NZ Ltd, Preserve Pauatahanui, Makara Guardians,	Infrastructure and Energy
128	Winstone	75	57	Amend definition of regionally significant infrastructure	To include an addition bullet point - <u>Aggregate resources and quarries such as those found within the Western Hills of the Hutt Valley, within river systems, coastal sites and elsewhere throughout the region.</u>	Aggregate and Quarry Association, Makara Guardians, Fish and Game	Infrastructure and Energy
55	Meridian	72	42	Definition 'Regionally Significant Infrastructure'	Make clear that consented or designated projects of the type specified in the regionally significant infrastructure definition (but which are not yet in existence or operational) form part of the definition. This could be done through an explanatory note or within the definition.	Transpower NZ Ltd, Makara Guardians, Fish and Game	Infrastructure and Energy
56	Meridian	72	43	Definition 'Regionally Significant Infrastructure'	Amend the reference to facilities for the generation and transmission of electricity in the definition of Regionally Significant Infrastructure so it reflects the relevant RMA infrastructure definition.	Transpower NZ Ltd, Makara Guardians, Fish and Game	Infrastructure and Energy
57	Meridian	72	44	Definition 'Regionally Significant Infrastructure'	Clarify that the definition applies to electricity supplied to a local distribution network as well as the national grid.	Transpower NZ Ltd, Makara Guardians, Fish and Game	Infrastructure and Energy



Miranda Cross

From: Rachel Pawson
Sent: Tuesday, 30 August 2011 11:36 a.m.
To: 'andrew.beatson@bellgully.com'; 'christine.foster@emslimited.co.nz'
Subject: Greater Wellington Regional Policy Statement Appeals - Definition of regionally significant infrastructure

Dear Andy and Christine,

In our previous meeting back in June Greater Wellington agreed to have a closer look at the definition of regionally significant infrastructure to confirm that it applied to electricity supplied to a local distribution network as well as the national grid. There were also concerns raised about the references to other legislation/documents in this definition.

I have gone back to the Electricity Governance Rules 2003 and pulled out the relevant definitions which are attached. I believe that it covers electricity supplied to a local distribution network as well as the national grid.

In respect of the references to other legislation/documents within this definition. The RMA definition also refers to other legislation/documents within the definition. Greater Wellington believes that reference to these other documents is appropriate.

I hope this satisfies your concerns about the definition, if not please let me know your specific concerns.

Regards

Rachel Pawson | Senior Policy Advisor, Environmental Policy
GREATER WELLINGTON REGIONAL COUNCIL

Te *Pane* **Matua**
142 Wakefield St | PO Box 11646, Manners St, Wellington 6142
T: 04 830 4305
www.gw.govt.nz



WGN_DOCS-#96...



Definitions

"**network**" means the **grid**, a **local network** or an **embedded network**;

"**grid**" means the system of transmission lines, substations and other works, including the HVDC **link** used to connect **grid injection points** and **grid exit points** to convey **electricity** throughout the North Island and South Island of New Zealand;

"**local network**" means lines, equipment and plant that is used to convey **electricity** between the **grid** and a **consumer** or **embedded generator** or **embedded network** who are connected to that **local network**;

"**embedded network**" means a system of lines, substations and other works used primarily for the conveyance of **electricity** from a connection with a **local network** or another **embedded network** to **points of connection** with **consumers** where there is a requirement under these **rules** for reconciliation of **electricity** purchases at the **network supply point** to that system of lines, substations and other works;

"**embedded generator**" means a **generator** who owns or operates one or more **embedded generating stations**;

"**consumer**" means any person who is supplied **electricity** for consumption and includes a **distributor**, **retailer** or **generator** where the **distributor**, **retailer** or **generator** is supplied with **electricity** for its own consumption;



Miranda Cross

From: Miranda Cross
Sent: Tuesday, 13 June 2017 2:23 p.m.
To: Miranda Cross; Lucy Harper
Subject: FW: Greater Wellington Regional Policy Statement Appeals - Definition of regionally significant infrastructure

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Miranda Cross | Team Leader, Environmental Policy
T: 04 830 4204 | M: 027 249 1091

From: Beatson, Andrew AJLB [<mailto:andrew.beatson@bellgully.com>]
Sent: Wednesday, 14 September 2011 8:48 a.m.
To: Rachel Pawson; 'christine.foster@emslimited.co.nz'
Cc: Andrew Feierabend
Subject: RE: Greater Wellington Regional Policy Statement Appeals - Definition of regionally significant infrastructure

Hi Rachel,

We are happy with this response to our concern.

Thanks,

Andrew Beatson Partner

BELL GULLY

DDI +64 4 915 6770 **MOB** +64 21 223 9170
171 Featherston Street, Wellington, New Zealand

From: Rachel Pawson [<mailto:Rachel.Pawson@gw.govt.nz>]
Sent: Tuesday, 30 August 2011 11:36
To: Beatson, Andrew AJLB; 'christine.foster@emslimited.co.nz'
Subject: Greater Wellington Regional Policy Statement Appeals - Definition of regionally significant infrastructure

Dear Andy and Christine,

In our previous meeting back in June Greater Wellington agreed to have a closer look at the definition of regionally significant infrastructure to confirm that it applied to electricity supplied to a local distribution network as well as the national grid. There were also concerns raised about the references to other legislation/documents in this definition.

I have gone back to the Electricity Governance Rules 2003 and pulled out the relevant definitions which are attached. I believe that it covers electricity supplied to a local distribution network as well as the national grid.

In respect of the references to other legislation/documents within this definition. The RMA definition also refers to other legislation/documents within the definition. Greater Wellington believes that reference to these other documents is appropriate.

(E)

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under clause 14 of Schedule 1
to the Act

BETWEEN MERIDIAN ENERGY LIMITED
(ENV-2010-WLG-000072)

WINSTONE AGGREGATES
(ENV-2010-WLG-000075)

Appellants

AND WELLINGTON REGIONAL COUNCIL
Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge CJ Thompson sitting alone pursuant to section 279 of the Act.

IN CHAMBERS

CONSENT ORDER

Introduction

[1] The Court has read and considered the appeals, the respondent's replies and the parties' memorandum received 8 October 2012.

[2] Transpower New Zealand Limited, Horticulture New Zealand, Winstone Aggregates, Makara Guardians Incorporated, Federated Farmers of New Zealand, Masterton District Council and Preserve Pauatahanui Incorporated have given notice of an intention to become a party under section 274 to the relevant parts of Meridian Energy Limited's appeal, and have signed the consent memorandum setting out the relief sought.



Makara Guardians Incorporated and the Aggregate and Quarry Association of New Zealand have given notice of an intention to become a party under section 274 to



the relevant parts of Winstone Aggregates' appeal, and have signed the consent memorandum setting out the relief sought.

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

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

Order

[5] Therefore the Court orders, by consent, that the Proposed Regional Policy Statement for the Wellington Region be amended by adding to the third paragraph of the introductory text relating to waste in section 3.3(c) as follows:

(c) Waste

...

The amount of waste needs to be reduced to ensure potentially valuable resources are used efficiently, reduce the need to develop new landfills and extend the life of existing landfills. Cleanfills are one way to extend the life of landfills by diverting clean inert waste from the landfill waste stream. In 2007 nearly 400,000 tonnes of material was sent to landfills in the Wellington region. At least 20 per cent and in some areas as much as 60 to 70 per cent could have been recycled or composted. This occurs because there is no market for the final product or there are no facilities in New Zealand to process the materials. While some materials are sent overseas for recycling or resource recovery, this option may not be viable in the long-term, so finding local solutions will become more important.



Appeal ENV-2010-WLG-72 is otherwise dismissed. Appeal ENV-2010-WLG- otherwise dismissed.

[7] There is no order as to costs.

DATED at Wellington this 5th day of December 2012



C J Thompson

Environment Judge

