

**BEFORE THE ENVIRONMENT COURT
WELLINGTON REGISTRY**

ENV-2019-WLG-000132

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal pursuant to Clause 14(1) of
the First Schedule to the Act

BETWEEN First Gas Limited
Appellant

AND Greater Wellington Regional Council
Respondent

**NOTICE OF REPRESENTATION AT PROCEEDINGS
UNDER SECTION 274 OF THE RESOURCE MANAGEMENT ACT 1991**

To: The Environment Court Registrar
PO Box 5027
Wellington

1. Powerco Limited (“Powerco”) wishes to be a party to the following proceedings:
 - 1.1 ENV-2019-WLG-000132 between First Gas Limited (“Appellant”) and Greater Wellington Regional Council (“Respondent”) in relation to the respondent’s decisions on submissions to the Proposed Wellington Regional Plan (“the Proposed Regional Plan”).
2. Powerco lodged submissions on the Proposed Regional Plan on the subject matter of the proceedings.
3. Powerco is New Zealand’s second largest gas and electricity distribution company. In the Wellington Region, Powerco operates both gas and electricity networks. This comprises an electricity network within the Wairarapa, covering the area from south of Eketahuna to Cape Palliser and a gas network covering Wellington City, Hutt Valley and Porirua.
4. Powerco is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
5. Powerco is interested in the following matters raised by the Appellant:
 - 5.1 Definition of Regionally Significant Infrastructure (Chapter 2: Definitions) (page 8)
 - 5.2 Policy 4: Minimising adverse effects (page 8)
 - 5.3 Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities (page 9)
 - 5.4 Policy P138: Structures in sites with significant values (page 12)
 - 5.5 Rule R112: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates) – permitted activity (page 14)
6. The reasons for Powerco’s interest in these matters are as follows:
 - 6.1 Powerco seeks to ensure that the provisions of the Proposed Regional Plan continue to provide appropriate recognition and provision for Powerco’s assets; and do not unreasonably and/or unnecessarily restrict Powerco’s development

and maintenance activities. Powerco also seeks to ensure that the Appellant's appeal does not prevent the outcomes sought in Powerco's own appeal from being achieved.

- 6.2 Powerco is opposed to the relief sought regarding the reinstatement of Policy 4. Furthermore, the relief as drafted also effectively introduces an avoidance policy requirement across the whole plan by requiring, in clause b, location of the activity away from the areas identified in Schedule A, C, E and F. This is inappropriate and contrary to the first part of the policy, which relates to minimisation. Further, it potentially conflicts with the more specific policies that apply in those areas, Policies 39, 41, 45 and 46.
- 6.3 The policy will have implications in establishing new infrastructure and in maintaining, upgrading and replacing Powerco's existing infrastructure across the region. If a proposal in a Schedule A, C, E or F area triggers a discretionary activity or non-complying activity consent then potentially significant impediments could arise from Policy P4 in providing for the region's electricity and gas needs.
- 6.4 The Appellant seeks to amend Policy P12(d) to delete the reference to the coastal marine area and the beds of lakes and rivers. The amendment may mean that the "functional needs and operational requirements" associated with developing, operating, maintaining and upgrading regionally significant infrastructure and renewable energy generation activities will need to be demonstrated in all areas, not just the coastal marine area and the beds of lakes and rivers. The implications are uncertain, therefore the relief in relation to Policy P12 is supported in part and opposed in part.
- 6.5 Powerco has an interest in the relief sought in relation to the definition of Regionally Significant Infrastructure, Policy P12, Policy P138 and Rule R112. Powerco is not necessarily opposed to the amendments proposed, however, in some instances the implications of the relief sought are uncertain and Powerco wishes to be privy to any further amendments to ensure that the operation, maintenance and upgrade of its assets are appropriately provided for.

7. Powerco agrees to participate in mediation or other alternative dispute resolution of the proceedings.

PP. *K Thomas*

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David le Marquand
Principal Planning and Policy Consultant
4Sight Consulting Limited

Dated this 9th day of October 2019

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and Kahliat Thomas

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A copy of this notice has been served on the following parties:

Greater Wellington Regional Council

Via email: RegionalPlanAppeals@gw.govt.nz

First Gas Limited

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Minister of Conservation

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