

**BEFORE THE ENVIRONMENT COURT
WELLINGTON REGISTRY**

ENV-2019-WLG-000122

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 Wellington Fish and Game Council
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-000122 between Wellington Fish and Game Council (“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 Good Management Practice, Section 2.2 (page 6)
 - 5.2 Policy P70: Managing point source discharges for aquatic ecosystem health and mahinga kai (page 16)
 - 5.3 Policy P111: Water takes at minimum flows and minimum water levels (page 18)
 - 5.4 New Policy in Section 4.9 (page 20)
 - 5.5 Rule R42: Minor discharges – permitted activity (page 21)
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 opposes the relief sought in relation to Policy P70. Further, it may lead to imposing unreasonable restrictions and information requirements on the ability to renew existing or provide for discharges from new essential utility works.
 - 6.3 The Appellant seeks to amend Policy P111 and associated rules to provide for a two-tiered system so that water saving measures are undertaken well before minimum flows are reached. The relief sought is unclear, therefore Powerco opposes that part of the appeal on the basis of uncertainty. Powerco wishes to ensure an appropriate permitted activity pathway is available to undertake necessary dewatering activities in association with the development, maintenance and upgrading of regionally significant infrastructure.
 - 6.4 Powerco opposes the new policy sought by the Appellant in Section 4.9 of the Plan as the wording is too absolute and the implications are uncertain. Powerco is concerned that the Policy could unreasonably prevent necessary dewatering activities.
 - 6.5 The Appellant seeks to delete Rule R42, which provides a permitted activity pathway for minor discharges of contaminants subject to conditions. Powerco opposes the relief sought. An appropriate permitted activity pathway for such discharges is considered necessary to provide for the development, maintenance, upgrading and ongoing use of regionally significant infrastructure.
 - 6.6 Powerco has an interest in the relief sought in relation to the definition of Good Management Practice. 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. KThomas

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

Dated this 9th day of October 2019

Address for Service:

4Sight Consulting Limited
PO Box 911 310
Victoria Street West
AUCKLAND 1142
Attention: David le Marquand
and Kahlia Thomas

Ph: 021 122 3429

E-Mail:

davidl@4sight.co.nz;

kahliat@4sight.co.nz

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

Greater Wellington Regional Council

Via email: RegionalPlanAppeals@gw.govt.nz

Wellington Fish and Game Council

Phil Teal

Via email: pteal@fishandgame.org.nz