

**BEFORE THE ENVIRONMENT COURT
WELLINGTON REGISTRY**

ENV-2019-WLG-000130

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 The Royal Forest and Bird Protection
Society of New Zealand Incorporated
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-000130 between the Royal Forest and Bird Protection Society of New Zealand Incorporated (“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 in Appendix A of the appeal:
 - 5.1 Objective O20 (appeal point 8)
 - 5.2 Objectives O44-O48 (appeal point 12)
 - 5.3 Policy P13: Providing for regionally significant infrastructure and renewable electricity generation activities (appeal point 14)
 - 5.4 Policy P67: Minimising discharges to water or land (appeal point 26)
 - 5.5 Policy P70: Managing point source discharges for aquatic ecosystem health and mahinga kai (appeal point 27)
 - 5.6 Policy P95: Discharges to land (appeal point 30)
 - 5.7 Policy P138: Structures in sites with significant values (appeal point 36)
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 the development, operation, maintenance and upgrade of 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 changes sought by the Appellant to Objective O20 and considers the proposed wording lacks clarity. Powerco prefers the decisions version of the objective and considers the reference to the acceptability of natural hazard risk to be appropriate in the context of the objective.
- 6.3 The outcome and specific wording sought by the Appellant in relation to Objectives O44-O48 is uncertain. Powerco has an interest in these objectives as they influence the approach to managing discharges to land and water across the Proposed Regional Plan and therefore wishes to be party to any amendments to these provisions to ensure that the operation, maintenance and upgrade of its assets are appropriately provided for.
- 6.4 Powerco is opposed to the changes sought by the Appellant to Policy P13 and prefers the decisions version of the policy, which appropriately provides for regionally significant infrastructure.
- 6.5 Powerco is opposed to the changes sought by the Appellant to Policy P67 and prefers the decisions version of the policy. It is uncertain how or why P67 should be made subject to Policy P65 as this would limit the scope of P67 to discharges associated with rural land use and leave a policy gap in relation to other types of discharges currently addressed by P67.
- 6.6 Powerco is opposed to the changes sought by the Appellant to Policy P70 and prefers the decisions version of the policy. The proposed introduction of a requirement that resource consent conditions must ensure the Objectives of O25 are achieved appears to defeat the purpose of the policy to provide a pathway for the consideration of discharges that do not meet those objectives.
- 6.7 Powerco is opposed to the changes sought by the Appellant to Policy P95 and prefers the decisions version of the policy. Powerco seeks to ensure the policy does not link the NPSFM to discharges from contaminated land.
- 6.8 Powerco is opposed to the changes sought by the Appellant to Policy P138 and prefers the decisions version of the policy. Introduction of a cross-reference to

Policy P39A, as proposed, is unnecessary, as consideration of Policy P39A will be required in any case. Further, it is inconsistent with the policy drafting approach used in the remainder of the Proposed Regional Plan.

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

PP. 

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

Greater Wellington Regional Council

Via email: RegionalPlanAppeals@gw.govt.nz

Royal Forest And Bird Protection Society of New Zealand Incorporated

C/- Peter Anderson

PO Box 2516

Christchurch 8140

Ph: 021 286 6992

Email: p.anderson@forestandbird.org.nz

Minister of Conservation

Via Email: kanton@doc.govt.nz