

**In the Environment Court of New Zealand  
Wellington Registry**

**I Te Kooti Taiao O Aotearoa  
Te Whanganui-a-Tara Rohe**

**ENV-2019-WLG-108**

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Under the Resource Management Act 1991 ('the Act')

In the matter of an appeal under clause 14(1) of the First Schedule of the Act

Between **Transpower New Zealand Limited**  
Appellant

And **Greater Wellington Regional Council**  
Respondent

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**Memorandum of counsel for Transpower New Zealand Limited  
opposing application for waiver by Kāinga Ora Homes and  
Communities**

Dated 23 March 2020

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**To** The Registrar  
Environment Court  
Wellington

- 1 On Friday 13 March 2020, Transpower New Zealand Limited (**'Transpower'**) received a section 274 notice from Kāinga Ora Homes and Communities (**'Kāinga Ora'**) together with an application for waiver. Kāinga Ora by its notice seeks to join Transpower's appeal in relation to mediation topics 6, 7, and 8 of the Proposed Natural Resources Plan (**'PNRP'**).
- 2 This Court's Minute dated 16 March 2020 directed that parties advise within 5 working days (23 March 2020) if they object to the application.
- 3 Transpower opposes the application pursuant to s 281(2) of the Resource Management Act 1991 on the basis that it will be unduly prejudiced by the granting of the waiver. In particular:
  - a Kāinga Ora has given no reason for seeking to lodge the section 274 notice at such a late stage:
    - i The Court's Minute of 26 July 2019 required section 274 notices to be lodged by 9 October 2019. Kāinga Ora's section 274 notice is 5 months late.
    - ii Transpower did not serve a copy of its appeal on Kāinga Ora because neither Kāinga Ora nor its predecessors submitted on the PNRP.
    - iii Transpower's notice of appeal has been publicly available on the Greater Wellington Regional Council website since September 2019.
    - iv On 9 October 2019, Kāinga Ora lodged a number of section 274 notices. Kāinga Ora did not seek to join Transpower's appeal at this time.
  - b It is difficult to identify Kāinga Ora's exact interest in Transpower's appeal, as the section 274 notice simply seeks to join in relation to 'Topics 6, 7, and 8,' without specifying any particular provisions. Transpower's appeal relates to objectives O12 and O13 and policies P12 and P13A allocated to Topic 6, and policy P24 allocated to Topic 7. Transpower's appeal does not relate to any provisions allocated to Topic 8.

- c Ten parties have lodged section 274 notices in relation to Transpower's appeal points allocated to Topics 6 and 7. Only two of those parties oppose any of the relief sought by Transpower in Topic 6 and 7.
  - d Transpower undertook direct discussions with a number of the section 274 parties ahead of the scheduled mediation.
  - e Topics 6, 7 and 8 were mediated by all parties on 10-12 March 2020. While these mediations have not yet concluded, substantial progress was made. Transpower is confident that the appeal points can be resolved by agreement.
  - f Introducing new parties at this late stage would require issues which are close to resolution to be addressed once again.
  - g Kāinga Ora states that it opposes all of the relief sought by Transpower. It is therefore submitted that, in light of paragraphs b-f above, Transpower will be unduly prejudiced by granting of the waiver sought.
- 4 Transpower therefore requests that the Court decline the application for waiver.

**Dated** 23 March 2020



Nicola McIndoe

**Counsel for Transpower New Zealand Limited**