

**BEFORE THE ENVIRONMENT COURT
WELLINGTON REGISTRY**

ENV-2019-WLG-000131

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 New Zealand Transport Agency
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-000131 between New Zealand Transport Agency (“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 Policy P4: Minimising adverse effects (page 12).
 - 5.2 Policy P126: Site dewatering (page 21).
 - 5.3 Policy P12: Benefits of regionally significant infrastructure and renewable energy generation facilities (page 12).
 - 5.4 Policy P13: Providing for regionally significant infrastructure and renewable electricity generation activities (page 13).
 - 5.5 The insertion of new policy “Y” pertaining to managing adverse effects arising from regionally significant infrastructure (page 13).
 - 5.6 Rule 67: All other discharges to sites of significance (page 26).
 - 5.7 The insertion of a new rule for new structures, additions and alteration for regionally significant infrastructure inside sites of significance (page 35).

- 5.8 Rule 112: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the barrage gates) (pages 30-31).
 - 5.9 Rule 195: Disturbance or damage inside sites of significance (page 36).
 - 5.10 Rule 205: Destruction, damage, disturbance or deposition inside sites of significance (page 37).
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. The relief as drafted 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 4 in providing for infrastructure.
 - 6.4 Powerco are opposed to the relief sought regarding the amendments to Policy 126 and prefer the wording of the decisions version of Policy 126.
 - 6.5 Powerco are opposed to the relief sought regarding the amendments of Rule 112, as the proposed relief will have potential implications on Powerco assets eg.

Cables, gas pipes and ducts. Given the potential implications, Powerco wishes to be privy to any further amendments.

- 6.6 Powerco has an interest in the relief sought in relation to all other rules and policies identified above in paragraph 5 of this s274 notice (P12, P13, new Policy Y, Rules R67, R195 and R205 and new rule relating to regionally significant infrastructure in sites of significance). 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.



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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

New Zealand Transport Agency

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Minister of Conservation

Via email: kanton@doc.govt.nz