

**BEFORE THE ENVIRONMENT COURT
WELLINGTON REGISTRY**

ENV-2019-WLG-000116

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 Porirua City 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-000116 between Porirua City 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 “Contaminant” (Appeal point 4)
 - 5.2 Definition of “Good Management Practices” (Appeal point 7)
 - 5.3 Definition of “Upgrade” (Appeal point 12)
 - 5.4 Policy 40: Ecosystems and habitats with significant indigenous biodiversity values (Appeal point 24)
 - 5.5 Policy 41A: Effects on the spawning and migration of indigenous fish species (Appeal Point 26)
 - 5.6 Policy 73: Minimising adverse effects of stormwater discharges (Appeal Point 28)
 - 5.7 Policy 90: Discharges of hazardous substances (Appeal Point 90)
 - 5.8 Rule 48: Stormwater from an individual property (Appeal Point 34)
 - 5.9 Rule 100: Vegetation clearance on erosion prone land (Appeal Point 39)
 - 5.10 Insertion of new rule “Rule X” after rule 116 (Appeal Point 47)

- 5.11 Rule 161: New structures, additions or alterations to structures outside sites of significance – discretionary activity (Appeal Point 53)
- 5.12 Rule 162: New structures, additions or alterations to structures inside sites of significance – noncomplying activity (Appeal Point 54)
- 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 not opposed to introducing a definition of “contaminant”. It is agreed that in the absence of a definition in the Plan the definition under the Resource Management Act will apply and as a consequence may be inappropriately broad. Given the implications of the relief sought is uncertain, Powerco wish to be privy to any further amendments.
 - 6.3 Powerco is not necessarily opposed to the definition of “good management practice” under the decisions version of the plan. However, the amendment sought needs to ensure alternative references to industry guidelines and/ or best practice which are appropriate and workable. Given the implications of the relief sought is uncertain, Powerco wish to be privy to any further amendments.
 - 6.4 Powerco is not necessarily opposed to the definition of “upgrade”, however given the implications of the relief sought, Powerco wish to be privy to any further amendments to ensure any definition is appropriate and workable.
 - 6.5 Powerco is not necessarily opposed to the relief sought regarding Policy P73, however, given the potential implications on stormwater discharges associated with Powerco assets, Powerco wish to be privy to any further amendments.
 - 6.6 Powerco has an interest in the relief sought in relation to those matters identified in point 5 above. Powerco are not necessarily opposed to the amendments proposed in terms of Policies P40, P41A, P90, Rules R48, R100, new rule “Rule X” after Rule R116, Rule R161 and Rule R162. However, in some instances the implications of the relief sought are uncertain and the Powerco wish 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. *(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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A copy of this notice has been served on the following parties:

Greater Wellington Regional Council

Via email: RegionalPlanAppeals@gw.govt.nz

Porirua City Council

C/O- Simpson Grierson

HSBC Tower

Level 24, 195 Lambton Quay

Wellington

P O Box 2402

Wellington 6140

Attention: James Winchester / K E Viskovic

Via email: katherine.viskovic@simpsongrierson.com

Minister of Conservation

Via Email: kanton@doc.govt.nz