

**BEFORE THE ENVIRONMENT COURT
WELLINGTON REGISTRY**

ENV-2019-WLG-000123

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 Water Limited
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-000123 between Wellington Water Limited (“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 Wastewater (para. 22.1)
 - 5.2 Definition of Good Management Practice (para. 25.4 and 46.1)
 - 5.3 Objective O12 (para. 10.5)
 - 5.4 Objective O13 (para. 10.6)
 - 5.5 Objective O20 (para. 37.3)
 - 5.6 Policy P12: Benefits of regionally significant infrastructure and renewable energy generation facilities (para. 10.7)
 - 5.7 Policy P13: Providing for regionally significant infrastructure and renewable electricity generation activities (para. 10.9)
 - 5.8 Policy P14: Incompatible activities adjacent to regionally significant infrastructure, renewable electricity generation activities and significant mineral resources (para. 10.9)
 - 5.9 Policy P27: High risk areas (para. 37.4)

- 5.10 Policy P28: Hazard mitigation measures (para. 37.5)
- 5.11 Policy P67: Minimising discharges to water or land (para. 22.8 and 25.3)
- 5.12 Policy P69: Human drinking water supplies (para. 19.1)
- 5.13 Policy P76: Minimising wastewater and stormwater interactions (para. 22.9)
- 5.14 Policy P81: Minimising and improving wastewater discharges (para. 22.10-22.11)
- 5.15 Policy P83: Avoiding new wastewater discharges to fresh water (22.11)
- 5.16 Rule R42: Minor discharges – permitted activity (para. 16.11)
- 5.17 Rule R112: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates) – permitted activity (para. 28.6-28.7)
- 5.18 Rule R117: New structures – permitted activity (para. 28.11)
- 5.19 Rule R140: Dewatering – permitted activity (para. 16.12)
- 5.20 Rule R140B: Dewatering – restricted discretionary activity (para. 16.12)
- 5.21 Rule R146: Investigation and monitoring bores – permitted activity (para. 16.13)
- 5.22 Rule R147: Drilling, construction or alteration of any bore – controlled activity (para. 16.13-16.14)
- 5.23 Map 27B: Groundwater community drinking water supply protection areas – Hutt Valley (para. 19.4)

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 request to amend the definition of “wastewater” to include stormwater. Such an amendment would have far-reaching consequences which

are not fully understood, as it would mean that all provisions in the Proposed Regional Plan regarding “wastewater” would then also apply to stormwater.

- 6.3 Furthermore, the Appellant seeks to amend Policy P76 to require progressive reduction of wastewater contamination of stormwater, or some alternative standard more achievable than progressive elimination. The implications of the amendment are not certain, particularly in light of the Appellants request to amend the definition of wastewater, therefore Powerco wishes to join this matter as an interested party.
- 6.4 The Appellant seeks to amend Rule R42, which provides for minor discharges of contaminants as a permitted activity subject to conditions, to include a condition that the discharges shall be outside a community drinking water supply protection area. Powerco opposes the relief sought, noting that the entire urban area of Lower Hutt is identified as a community drinking water supply protection area. The amendment would mean that all minor discharges in those areas trigger consent, including discharges which have been deemed by a SQEP¹ to not present any unacceptable risk.
- 6.5 On a similar note, Powerco opposes the Appellant’s request to amend Rules R140, R140B, R146 to add a condition requiring that dewatering or ground disturbance and bores not be proximate to a production well for community drinking water supply. The relief sought does not recognise that dewatering or ground disturbance and bores (i.e. trenches for lineal network utility operators) may be located near a production well yet not present any risk to the community drinking water supply.
- 6.6 Powerco opposes the relief sought with respect to Rule R147, as it would mean that bores deeper than 5m within a community drinking water supply protection area and within the Hutt Valley aquifer zone cannot be considered as a controlled activity.

¹ Suitably Qualified and Experienced Practitioner as defined in the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

6.7 The Appellant seeks to amend Map 27b by enlarging the area depicted as a community drinking water supply protection area. Powerco opposes the relief sought, noting that no Section 32 analysis has been undertaken.

6.8 Powerco has an interest in the relief sought in relation to the definition of “good management practice”, Objectives O12, O13 and O20, Policies P12, P13, P14, P27, P28, P67, P69, P81, P83, and Rules R112 and Rule R117. 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.



.....
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 Kahliat 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 Water Limited

E J Horner and M J Slyfield

elspeth.horner@mhlaw.co.nz

morgan.slyfield@stoutstreet.co.nz

Minister of Conservation

Via Email: kanton@doc.govt.nz