

BEFORE THE ENVIRONMENT COURT

ENV-2017-WLG-0064

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of an appeal pursuant to Clause 14 of the
First Schedule to the Act

BETWEEN

TRANSPower NEW ZEALAND LIMITED

Appellant

AND

MANAWATU DISTRICT COUNCIL

Respondent

**NOTICE OF REPRESENTATION AT PROCEEDINGS UNDER SECTION 274 OF THE RESOURCE
MANAGEMENT ACT 1991**

**To: The Registrar, Environment Court
 District Court Building
 Level 5
 49 Ballance Street
 Wellington 6011**

1. Powerco Limited (*Powerco*) wishes to be a party to the proceedings between Transpower New Zealand Limited (*Appellant*) and the Manawatu District Council (*Respondent*) in relation to the respondent's decisions on submissions to Proposed Plan Change 55 (District Wide Rules) to the Manawatu District Plan (*PC55*)
2. Powerco lodged submissions, including further submissions on PC55 and specifically on the subject matter of the proceedings. Powerco owns and operates a gas and electricity sub-transmission and distribution network within the Manawatu District. Powerco has also lodged an appeal on PC55 [ENV-2017-WLG-0060].
3. Powerco is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
4. Powerco is interested in part of the proceedings. The parts Powerco is interested in are as follows:
 - 4.1 Section 3.1 – Introduction; Paras 35-37 of the Appeal
 - 4.2 Section 3A.3, Policy 3.2; Paras 46-48 of the Appeal
 - 4.3 Section 3A.4.1 and Rule 3A.4.5 and Standard 3A.4.2(g)(ii); Paras 49 – 54 of the Appeal
 - 4.4 Standard 3A.4.2(l); Paras 55 – 57 of the Appeal
 - 4.5 Rule 3A.4.3; Paras 58 – 59 of the Appeal
 - 4.6 Rules 3A.4.4 and 3A.4.5; Paras 60 – 63 of the Appeal
5. The reason for Powerco's interest in these matters, and their position in respect of the points of interest is as follows:

General

- 5.1 Powerco is interested in any changes to the provisions of PC55 that will affect its gas and electricity networks. Powerco is in general support of the relief sought, to the extent that it is consistent with the relief sought by Powerco in its own appeal and/or submissions, including further submissions. Powerco seeks to ensure that any amendments to PC55

recognise the regional significance of Powerco's gas and electricity networks and ensure appropriate provision is made for the ongoing operation, maintenance, upgrade and development of that infrastructure.

Specific

- 5.2 Section 3.1 – Introduction; Powerco has also appealed this matter. Powerco seeks that the zone rules do not apply. The Appellant's relief seeks to delete the statement that the more restrictive zone provisions apply but appears to accept that both the district wide and zone rules apply, without providing any guidance as to which applies in the event that they both address the same matter. The plan should be clear as to which rules are applicable and which are not. The relief sought is conditionally supported.
- 5.3 Section 3A.3, Policy 3.2; The appeal seeks to delete Section 3A.3, policy 3.2 or add a National Grid specific policy. The policy sets out when new utilities would be acceptable within Scheduled Areas. Powerco lodged submissions on this point, but was satisfied with the decision and did not appeal it. While a National Grid specific policy is not necessarily opposed, the deletion of the Policy would be detrimental. The relief sought is conditionally opposed.
- 5.4 Section 3A.4.1 and Rule 3A.4.5 and Standard 3A.4.2(g)(ii); The appeal seeks to clarify that network utilities are permitted activities in the National Grid corridor. The appeal also seeks to delete Standard 3A.4.2(g)(ii). Powerco has appealed provision Standard 3A.4.2(g)(ii). The other change sought in the appeal is a consequential change of direct relevance to the intent of Powerco's appeal point. The Appellant's relief is an alternative means of achieving a similar outcome as Powerco seeks in its appeal. The intent of the alternative relief is supported.
- 5.5 Standard 3A.4.2(l); The appeal seeks to clarify the intent of the clause. Powerco lodged submissions on this point, but was satisfied with the decision and did not appeal it. The Appellant's relief seeks to clarify interpretation rather than change intent. Subject to that clarification being provided in an alternate wording, the intent of the appeal point is supported.

- 5.6 Rule 3A.4.3; The appeal seeks to clarify that operation, maintenance, replacement or minor upgrading of network utilities in scheduled areas is permitted. Powerco has also appealed this provision. The change sought by the Appellant is slightly different in wording but with the same intent. The intent of the appeal is supported.
- 5.7 Rules 3A.4.4 and 3A.4.5; The appeal seeks to make new National Grid lines discretionary activities (currently new network utilities are non-complying). Powerco has also appealed this provision. The change sought by the Appellant only relates to the National Grid and is therefore narrower than the relief sought by Powerco. The intent of the relief can be conditionally supported, although not its limitation to the National Grid.
6. Powerco agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated at TAKAPUNA this 23rd day of June 2017.

Signature of person authorised to sign on behalf of Powerco Limited



Karen Blair
Principal Planner

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

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