

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under Clause 14(1) of the First
Schedule of the Resource Management Act
1991

BETWEEN Save Our Hills (Upper Hutt) Incorporated
Appellant

AND Upper Hutt City Council
Respondent

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

15 June 2018

To: Rachel Curry
Environment Court
PO Box 5027
Wellington 6145

1. Powerco Limited (*Powerco*) wishes to be a party to the proceedings between Save Our Hills (Upper Hutt) Incorporated (*Appellant*) and Upper Hutt City Council (*Respondent*) in relation to the Respondent's decisions on submissions to Proposed Plan Change 42 (Mangaroa and Pinehaven Flood Hazard Extents) to the Upper Hutt City Council District Plan (*PC42*).
2. Powerco lodged submissions, further submissions and a hearing statement in regard to PC42 and of relevance to the subject matter of the proceedings. Powerco owns and operates an extensive network of gas distribution infrastructure within the Pinehaven Stream catchment.
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 that aspect of the proceedings relating to the new rules sought by the Appellant (as stated in paragraph 22.b.iii on page 5 of the Notice of Appeal).
5. The reason for Powerco's interest in this matter, and its position in respect of it, is as follows:

GENERAL COMMENTS

- 6.1. Powerco is interested in any changes to PC42 that will affect its gas network. Powerco is neutral to the Appeal provided the outcome is not inconsistent with the relief sought by Powerco in its hearing statement, submissions and further submissions. Powerco seeks to ensure that any amendments to PC42 recognise the regional significance of Powerco's gas network and ensure appropriate provision is made for the ongoing operation, maintenance, upgrade and development of that infrastructure.

SPECIFIC COMMENTS

- 7.1 The Appellant seeks to include in PC42 *“an ‘existing situation’ baseline (2008 hydrology) and adopt rules that require future development to be assessed against these known baselines to achieve stormwater neutrality.”*
- 7.2 Powerco is neutral as to whether new rules are included in PC42, but it is unclear precisely what types of rules are being sought by the Appellant or their effect and therefore for reasons of uncertainty wish to be a party to proceedings.
- 7.3 Powerco wishes to join the Appeal with respect to any new rules or consequential changes to existing rules sought by the Applicant.
- 7.4 Powerco agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated at TAKAPUNA this 15th day of June 2018.

Signature of person authorised to sign on behalf of Powerco Limited



David le Marquand

DIRECTOR

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

Upper Hutt City Council

Attention: Caroline Rachlin

Via email: planning@uhcc.govt.nz

Save Our Hills (Upper Hutt) Incorporated

C/O – Tom Bennion, Bennion Law

Via email: tom@bennion.co.nz

AND James Gardner-Hopkins, JGH Barrister

Via email: james@jghbarrister.com