

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

ENV-2025-WGN-

UNDER The Resource Management Act 1991

AND

IN THE MATTER OF An appeal against decisions by the Masterton, Carterton,
and South Wairarapa District Councils on the Proposed
Wairarapa Combined District Plan

BETWEEN **POWERCO LIMITED**
Appellant

AND **MASTERTON, CARTERTON, AND SOUTH WAIRARAPA
DISTRICT COUNCILS**
Respondents

NOTICE OF APPEAL

21 NOVEMBER 2025

Form 7

Notice of appeal to Environment Court against decision on plan change
Clause 14(1) of Schedule 1, Resource Management Act 1991

To: The Registrar
Environment Court
Wellington

1. Powerco Limited (**Powerco**) appeals against part of a decision of the Masterton, Carterton, and South Wairarapa District Councils (**Councils**) on the Proposed Wairarapa Combined District Plan (**PDP**)
2. Powerco made a submission on the PDP.
3. Powerco is not a trade competitor for the purposes of section 308D of the Act.
4. Powerco received notice of the decision on 08 October 2025.
5. The decision was made by the Masterton, Carterton, and South Wairarapa District Councils.

Decision being appealed

6. The parts of the decision that Powerco is appealing against relate to the rules applying to infrastructure within the Natural Hazards chapter (including the changes to definitions added via decisions). Powerco opposed proposed rule NH-R8 (as notified) which required all infrastructure within Hazard Areas to require resource consent. Through its initial submission Powerco sought that infrastructure within hazard areas was a permitted activity.
7. The decisions have:
 - Inserted '*infrastructure*' within the definition of '*less hazard sensitive activities*'
 - Modified Rule NH-R2; which permits '*less hazard sensitive activities*' in low hazard areas, but requires resource consent for activities in Moderate or High Hazard areas.
 - Deleted rule NH-R8.

Reasons for the appeal

8. The reasons for the appeal are that the decisions fail to adequately respond to the issues raised within the Powerco submissions. Specifically:
 - Rule NH-R2 would unduly restrict the ability for Powerco to undertake routine work on its networks. Numerous moderate and high hazard areas are located within road corridors in Masterton, Carterton and Greytown where a significant amount of Powerco infrastructure is located.

- Rule NH-R2 would apply to a wide range of installations including underground cables, small structures such as fuse boxes, poles, cabinets and transformers – all of which are installations that are unlikely to have material impact to life and property during a natural hazard event.
- Powerco notes that the provisions in this chapter do not apply to telecommunication network utility structures and activities – which are of a size and scale comparable to the infrastructure that Powerco deploys.
- As prudent asset owners, Powerco assesses risk to determine the best location and design for its infrastructure.
- As a lifeline utility under the Civil Defence Emergency Management Act 2002, Powerco seeks to take all reasonable steps to ensure hazard events do not interfere with its networks.
- The rule does not implement the enabling nature of NH-P8.
- Lastly, Powerco notes that the New National Policy Statement for Natural Hazards being advanced under the Package 1 RMA reforms seeks to exclude infrastructure and ancillary activities.

9. In addition to the matters set out above, the general reasons for the appeal are that the decisions:

- Do not promote the sustainable management of physical resources of the Wairarapa;
- Do not result in the most appropriate plan provisions in terms of section 32 of the RMA;
- Do not promote the efficient use and development of physical resources within the Wairarapa;
- Do not recognise the regional importance of Powerco's networks as required under the Wellington Regional Policy Statement; and
- Are contrary to sound resource management practice.

Relief Sought

10. Powerco seeks the following relief:

- That rule NH-R2 is amended so that routine essential infrastructure and associated activities can occur within Hazard Areas without requiring resource consent.
- Any other, consequential or alternative relief as may be necessary or appropriate to address Powerco's concerns as outlined in this appeal and to give full and proper effect to the relief sought.

Documents attached to this notice

11. Copies of the following documents are attached to this notice of appeal:

- A. A copy of Powerco's submission on the PDP.
- B. A copy of the Council decisions that relate to this appeal (Decision Report 9).

C. A list of persons to be served with a copy of this notice.

Signature of person authorised to sign on behalf of Powerco Limited:



Gary Scholfield

Senior Environmental Planner

POWERCO

Dated at Tauranga this 21st day of November 2025.

Address for Service:

Powerco Limited

PO Box 13 075

Tauranga 3141

Attention: Gary Scholfield

Phone: (07) 928 5659

Email: planning@powerco.co.nz

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Act.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not have attached a copy of the appellant's submission *or* the decision appealed. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

ATTACHMENT A – POWERCO’S SUBMISSION ON THE PDP

ATTACHMENT B – DECISION REPORT 9

ATTACHMENT C – LIST OF PERSONS TO BE SERVED

Masterton, Carterton, and South Wairarapa District Councils	feedback@wairarapaplan.co.nz
Greater Wellington Regional Council	sam.obrien@gw.govt.nz
New Zealand Frost Fans	nzconsents@frostboss.com
Chorus New Zealand Limited (Chorus), Connexa Limited (Connexa), Aotearoa Tower Group (trading as FortySouth), One New Zealand Group Limited (One NZ) and Spark New Zealand Trading Limited (Spark).	tom@incite.co.nz
Transpower New Zealand Limited	ainsley@amconsulting.co.nz
Horticulture New Zealand	emily.levenson@hortnz.co.nz
New Zealand Defence Force	rebecca.davies@nzdf.mil.nz
bp Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited ('the fuel companies')	thomas.trevilla@slrconsulting.com
KiwiRail Holdings Limited	environment@kiwirail.co.nz
Toka Tū Ake EQC	resilience@eqc.govt.nz
Wairarapa Federated Farmers	fcasey@fedfarm.org.nz