

**IN THE ENVIRONMENT COURT  
CHRISTCHURCH REGISTRY**

**ENV-2020-CHC-000035**

**IN THE MATTER** of the Resource Management Act  
1991 (the **Act**)

**AND**

**IN THE MATTER** of an appeal under Clause 14(1) of  
Schedule 1 of the Act

**BETWEEN** Nelson-Marlborough Fish and Game  
Council

**Appellant**

**AND** Marlborough District Council

**Respondent**

---

**NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS**  
*Section 274 of the Act*

---

---

  
**HOLLAND BECKETT**  
L A W

525 Cameron Road  
DX HP40014  
Private Bag 12011  
Tauranga 3143  
Telephone: (07) 578 2199  
Facsimile: (07) 578 8055

Solicitor: Vanessa Hamm

Email: [vanessa.hamm@hobec.co.nz](mailto:vanessa.hamm@hobec.co.nz)

**TO:** The Registrar  
Environment Court  
**CHRISTCHURCH**

1. **Trustpower Limited (Trustpower)** wishes to be a party to the following proceedings:
  - (a) ENV-2020-CHC-000035, *Nelson-Marlborough Fish and Game Council v Marlborough District Council*, an appeal under Clause 14(1) of Schedule 1 of the Act on the Proposed Marlborough Environment Plan (the **Plan**).
2. Trustpower made a submission about the subject matter of the proceedings.
3. Trustpower is not a trade competitor for the purposes of section 308C or 308CA of the Act.
4. Trustpower is interested in part of the proceedings.
5. The parts of the proceedings Trustpower is interested in are the appellant's reasons for appeal and relief sought with respect to:
  - (a) Volume 1, Chapter 5: terminology; Introduction; all issues, objectives and policies referring to allocation or over-allocation; Objective 5.7; and Policies 5.2.3, 5.2.4, 5.2.5, 5.2.6, 5.2.7, 5.2.8, 5.2.13, 5.2.14, 5.2.15, 5.2.17, 5.2.22, 5.2.23, 5.2.25, 5.4.2, 5.4.4 and 5.4.5;
  - (b) Volume 1, Chapter 15: terminology; new objectives; Objectives 15.1(c) – (e); and Policy 15.1.2;
  - (c) Appendices: Appendix 5 – Water Resource Unit Values and Water Quality Classification Standards; and Appendix 6 – Environmental Flows and Levels; and

- (d) Any alternative or consequential relief relating to the relief sought in relation to these provisions.
6. Trustpower is interested in the following particular issues:
- (a) The parts of the decisions appealed and the appellant's reasons for appeal and relief sought insofar as it relates to water allocation and water quality matters which may impact the operation of Trustpower's hydro-electric power schemes, and changing the Plan in a manner which is inconsistent with Trustpower's submission and its own appeal.
7. Trustpower opposes the relief sought with respect to Policies 5.2.3 and 5.2.7, including for the following reasons:
- (a) The appellant challenges the exclusion in the explanation to Policy 5.2.3 for the taking, damming, or diversion of water lawfully established prior to 9 June 2016. The relief sought is unclear and their reasoning is directly contrary to Trustpower's appeal, which supports this exclusion and seeks that it be made clear in the text of the policy. It is important to provide for existing lawfully established activities.
  - (b) The appellant seeks the deletion of Policy 5.2.7, which allows minimum flows which differ from the default minimum flows to be set through the resource consent process. Trustpower supported this policy in submissions and considers it appropriate that alternative minimum flows can be set through this process.
8. Trustpower otherwise neither supports or opposes the relief sought but wishes to monitor the relief sought including for the following reasons:
- (a) The appellant seeks a series of amendments to the Plan relating to water allocation and water quality. Trustpower owns and operates the Branch and

Waihopai hydro-electric power schemes in the Marlborough Region. As a hydro-electricity generator, Trustpower has a particular interest in the planning framework for water allocation and water quality matters.

- (b) Many of the provisions appealed are also subject to Trustpower's submission, and some are subject to Trustpower's own appeal.
  - (c) For example, the appellant seeks amendments to Policy 5.4.5, which relates to the transfer of water permits, to either delete the policy or require that it only applies once the effects of full utilisation on minimum flows and reliability are modelled and quantified. Trustpower has also appealed this provision to ensure that water cannot be transferred from downstream to upstream of existing hydro-electric power stations.
  - (d) Trustpower therefore wishes to be a party to the appeal so that it may be involved in the development of any amendments that may affect Trustpower's interests and to ensure that any relief granted is appropriate and consistent with its submission and own appeal.
9. Trustpower agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**Signature:**



---

Vanessa Hamm  
Counsel for Trustpower Limited

**Date:** 8 June 2020

**Address for service of  
Trustpower Limited:**

Vanessa Jane Hamm  
c/- Holland Beckett  
525 Cameron Road  
Private Bag 12011  
Tauranga 3143

**Telephone:**

(07) 578 2199

**Fax:**

(07) 578 8055

**Email:**

[Vanessa.Hamm@hobec.co.nz](mailto:Vanessa.Hamm@hobec.co.nz)

[Meila.Wilkins@hobec.co.nz](mailto:Meila.Wilkins@hobec.co.nz)

**Contact person:**

Vanessa Hamm

*Advice*

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