

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2020-CHC-000054

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 One Forty One
Appellant

AND Marlborough District Council
Respondent

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


HOLLAND BECKETT
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TO: The Registrar
Environment Court
CHRISTCHURCH

1. **Trustpower Limited (Trustpower)** wishes to be a party to the following proceedings:
 - (a) ENV-2020-CHC-000054, *One Forty One 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 on the Plan 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) Policies 8.1.1 and 8.3.2.
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 biodiversity matters which may impact Trustpower's hydro-electric power schemes, and changing the Plan in a manner which is inconsistent with Trustpower's submission and own appeal.
7. Trustpower opposes the relief sought with respect to Policy 8.3.2, including for the following reasons:

- (a) The appellant seeks that Policy 8.3.2 is deleted in its entirety, which sets out the policy direction for managing adverse effects on indigenous biodiversity outside the coastal environment. If this policy is deleted it is unclear how these adverse effects would be managed. Trustpower also has its own appeal on Policy 8.3.2 to provide for remediation and mitigation measures. The relief sought by the appellant would be inconsistent with Trustpower's appeal on this provision.
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 amendments to Policy 8.1.1 to require that on-site verification is a key component of identification of sites, areas and habitats with significant indigenous biodiversity. Trustpower has its own appeal on Policy 8.1.1 to remove the requirement to identify significant indigenous biodiversity in freshwater environments, given the mobility of freshwater species and their distinct ecological environment.
- (b) 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:**

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Advice

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