

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2020-CHC-000039

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 Te Rūnanga a Rangitāne o Wairau
Appellant

AND Marlborough District Council
Respondent

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


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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-000035, *Te Rūnanga a Rangitāne o Wairau 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, with the exception of the relief sought on Chapter 10.
3. With respect to the relief sought on Chapter 10, Trustpower has an interest in the proceedings that is greater than the interest that the general public has. Trustpower owns and operates the Branch and Waihopai hydro-electric power schemes in the Marlborough Region. As an owner and operator of regionally significant infrastructure, Trustpower has an interest in ensuring the planning framework is workable and provides for the continued operation, maintenance and upgrade of its schemes.
4. Trustpower is not a trade competitor for the purposes of section 308C or 308CA of the Act.
5. Trustpower is interested part of the proceedings.
6. The parts of the proceedings Trustpower is interested in are the appellant's reasons for appeal and relief sought with respect to:
 - (a) Objective 3.3;
 - (b) Volume 1, Chapter 10 (Heritage Resources and Notable Trees); and

- (c) Alternative wording or relief, or consequential relief, in relation to these matters.

- 7. Trustpower is interested in the following particular issues:
 - (a) The parts of the decision appealed and the appellant's reasons for appeal and relief sought insofar as it relates to 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.

- 8. Trustpower opposes the relief sought with respect to Objective 3.3, including for the following reasons:
 - (a) The appellant seeks amendments to Objective 3.3 so that natural and physical resources are managed in a manner that recognises the spiritual and cultural values of Marlborough's tangata whenua iwi as kaitiaki. Using the word "recognises" rather than "has particular regard to" goes further than the requirements of the Act and is more similar to the policy direction contained in the National Policy Statement for Renewable Electricity Generation.

- 9. 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 the Plan to provide for heritage recognition and protection of areas, places or sites of cultural significance and value that are not identified in Appendix 13 – Register of Significant Heritage Resources.
 - (b) If this relief is granted, then the protections in the Plan for identified sites will be extended to sites that are currently unidentified. This relief could have broad implications across the Plan, give rise to uncertain outcomes, and goes further than the requirements of the Act.

(c) Trustpower therefore wishes to be a party to this 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.

10. 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

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Advice

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