

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2020-CHC-000042

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 Minister of Conservation
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-000042, *Minister of Conservation 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) Policies 8.1.1 and 8.3.6;
 - (b) Rule 2.9.1;
 - (c) Appendix 3 – Biodiversity Criteria for Significance; and
 - (d) Any orders, alternative relief, consequential amendments or other amendments relating to the relief sought on 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 biodiversity, 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 including for the following reasons:
 - (a) The appellant seeks amendments to Appendix 3 and corresponding amendments to Policy 8.1.1. Trustpower has its own appeal on Policy 8.1.1 and Appendix 3 to remove the requirement to identify significant indigenous biodiversity in freshwater environments, given the mobility of freshwater species and their distinct ecological environment. Some of the appellant's relief would be inconsistent with Trustpower's appeal on these provisions.
 - (b) The proposed amendments to Policy 8.3.6 generally make the limits to offsetting more stringent. Some of these amendments are inconsistent with Trustpower's own appeal. For example, Trustpower's appeal supports biodiversity compensation as an appropriate effects management tool, which is not provided for by the appellant's relief.
 - (c) The appellant also seeks amendments to Rule 2.9.1 so that the operation of existing instream structures must not prevent any existing fish passage. This is inconsistent with Trustpower's own appeal, which seeks amendments to the relevant standard to allow works to temporarily prevent existing fish passage, in order to provide for maintenance activities.
8. 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.