

**IN THE ENVIRONMENT COURT  
CHRISTCHURCH REGISTRY**

**ENV-2020-CHC-000043**

**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 Ātiawa o Te Waka-a-Māui Trust  
**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-000043, *Te Ātiawa o Te Waka-a-Māui Trust 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, except with respect to Appendix 13.
3. With respect to Appendix 13, 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) Policy 4.1.3;
  - (b) Method 11.M.14;
  - (c) Chapter 14 AERs;

- (d) Chapter 15 AERs;
  - (e) Volume 2, Chapter 25 Definitions – “Māori Cultural Values” and new definition for “Māori Cultural Sites”;
  - (f) Appendix 5, Schedule 2 – Water Quality Classification Standards; and
  - (g) Appendix 13, Schedule 3 – Sites and Places of Significance to Marlborough’s Tangata Whenua Iwi.
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 own appeal and submission.
8. Trustpower opposes the relief sought with respect to Policy 4.1.3, the definition of Māori Cultural Values and Appendix 5, Schedule 2 – Water Quality Classification Standards, including for the following reasons:
- (a) The appellant seeks a series of amendments to the Plan, including amendments relating to the sustainable management of natural and physical resources and water quality.
  - (b) 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 a particular interest in ensuring the planning framework for these matters is appropriate and workable, especially with respect to water quality matters.

- (c) Some of the relief sought on these matters is vague and unclear, or inappropriate and unworkable. For example, the appellant seeks amendments to Appendix 5, Schedule 2 – Water Quality Classification Standards, to include further classification standards prepared in consultation with Marlborough’s Tangata Whenua iwi. This relief is broad and uncertain, as it is unclear what these classification standards will be and how they would be included the Plan.
  
- 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 a series of amendments to the Plan, including amendments relating to the sustainable management of natural and physical resources and water quality.
  - (b) 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 a particular interest in ensuring the planning framework for these matters is appropriate and workable, especially with respect to water quality matters.
  - (c) Trustpower therefore wishes to be a party to this appeal so that it may be involved in the development of any specific amendments that may affect Trustpower’s interests, in particular to ensure that any amendments are appropriate and workable for the continued operation of its hydro-electric power schemes.
  
- 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

**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.