

**IN THE ENVIRONMENT COURT  
CHRISTCHURCH REGISTRY**

**ENV-2020-CHC-000046**

**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 o Kaikōura and Te  
Rūnanga o Ngāi Tahu

**Appellant**

**AND** Marlborough District Council

**Respondent**

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**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-000046, *Te Rūnanga o Kaikōura and Te Rūnanga o Ngāi Tahu 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 in 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) Objectives 3.3 and 3.6, Policies 3.1.2 and 3.1.3, and new Policies 3.1.X, 3.1.XX and 3.1.XXX;
  - (b) New Objective 4.X and Policy 4.1.1;

- (c) Objective 5.2, Policies 5.2.1, 5.2.2, 5.2.4, 5.2.19, 5.2.21, 5.2.22, 5.2.23, 5.3.14, 5.4.4 and 5.4.5, Method 5.M.1, and new Policies 5.1.3 and 5.7.2;
- (d) New Objective 9.X, new Policy 9.X.X and new Method 9.M.X;
- (e) Policy 10.1.10, Method 10.M.5, new Policies 10.1.X and 10.1.XX, new Method 10.M.X and new AER 10.X;
- (f) Policies 15.1.1, 15.1.3 and 15.1.10;
- (g) Rule 2.4.1 and associated standards;
- (h) Rule 2.11.1;
- (i) Appendix 5 – Water Resource Unit Values and Water Quality Classification Standards; and
- (j) Any other similar, consequential, alternative or other relief to address the matters raised in the appeal or the appellant's submission or further submission.

7. 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 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.
- (b) This includes any changes to the Plan to meet the appeal points which go beyond the specific relief sought, and which could impact the operation of

Trustpower's schemes. This does not include changes to those provisions or maps which are specific to areas of or activities in the coastal environment.

8. Trustpower opposes the relief sought with respect to Policies 3.1.2 and 3.1.3, new Policy 3.1.X, Policy 4.1.1, new Policy 5.1.3, Objective 5.2, Policies 5.2.1, 5.2.2, 5.2.4, 5.2.22, 5.2.23, 5.3.14, 5.4.4 and 5.4.5, Method 5.M.1, new Policy 5.7.2, Policies 15.1.1 and 15.1.3, and Appendix 5 – Water Resource Unit Values and 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, water allocation 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 allocation and water quality matters.
  - (c) Some of the relief sought on these matters is inappropriate and unworkable for hydro-electricity generation. For example, the appellant seeks amendments to Policy 5.2.1 which would require the damming of rivers to be avoided. This rigid requirement is inappropriate and does not take into account existing hydro-electricity generation activities, which must dam waterbodies to operate and are recognised as being nationally and regionally significant activities.
  - (d) Other parts of the relief sought are inconsistent with Trustpower's submission and own appeal on the Plan. For example, the appellant seeks amendments to Policy 5.3.14 so that the duration of water permits is capped at 15 years where the Freshwater Management Unit is not over-allocated. This is contrary to the relief sought in Trustpower's own appeal, which seeks a minimum 30 year

consent term for regionally significant infrastructure to take into account the need for investment certainty and significant re-consenting costs.

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, water allocation 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 allocation and 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:**



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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.