

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2020-CHC-000049

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 Port Marlborough New Zealand
Limited

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-000049, *Port Marlborough New Zealand Limited 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) Policy 6.2.2;
 - (b) Objective 8.1 and Policy 8.3.4;
 - (c) Threatened Environments Indigenous Vegetation Sites Maps;
 - (d) Any further, alternative or consequential relief relating to the reasons for appeal or relief sought in relation to these matters; and
 - (e) Amendments to address the matters raised in the appellant's submission and appeal.
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 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 own appeal.
 - (b) This includes any changes to the Plan to address the matters raised in the appellant's submission and appeal 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.
- 7. Trustpower supports the relief sought with respect to Objective 8.1, including for the following reasons:
 - (a) The appellant seeks amendments to Objective 8.1 to be consistent with s 6 of the Act, which requires the protection of significant indigenous vegetation and significant habitats of indigenous fauna. The relief sought is consistent with Trustpower's submission and own appeal, which seeks similar amendments to ensure consistency with the Act.
- 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 several amendments to the Plan, including amendments which relate to natural character and biodiversity matters which are both matters of national importance.
 - (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.

- (c) Some of the provisions appealed are also subject to Trustpower's own appeal. For example, the appellant seeks that the Threatened Environments Indigenous Vegetation Sites overlay is removed from the Plan. In most cases, to be a permitted activity indigenous vegetation clearance must not occur on a Threatened Environments Indigenous Vegetation Site.
- (d) Trustpower has appealed this rule framework to seek an exemption for renewable electricity generation activities, or to amend the Threatened Environments Indigenous Vegetation Sites overlay so that it does not cover those parts of Trustpower's hydro-electric power schemes where it may need to carry out indigenous vegetation clearance.
- (e) Trustpower therefore wishes to be a party to the proceedings 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

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Advice

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