

Form 33
Notice of person's wish to be party to proceedings
Section 274 Resource Management Act 1991

TO:

The Registrar
Environment Court
Christchurch

1. OneFortyOne wishes to be a party to the following notice of appeal proceedings:

Trustpower Limited v Marlborough District Council ENV-2020-CHC-50

2. OneFortyOne was a person who made a further submission about the subject matter of the proceedings.
3. OneFortyOne is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
4. OneFortyOne is interested in the following parts of the notice of appeal:
 - a. 14.3 New policy
 - b. 18.3 New Objective
 - c. 18.3.1 New Policy
 - d. New permitted activity rule Chapter 2 and standards for any work or activity associated with the on-going operation, maintenance, replacement or upgrading of any lawfully established renewable electricity generation activity.
 - e. New permitted rule chapter 2 and standards for vegetation trimming or clearance associated with the maintenance, replacement and minor upgrading of any established renewable electricity generation activity.
 - f. Rule 3.1.60 Operation, maintenance and replacement and upgrading of the structures and facilities of an existing renewable electricity generation activity.

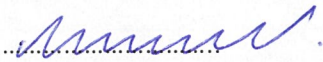
Nelson Management Ltd and
Nelson Forests Ltd trading as
OneFortyOne
58A Gladstone Road
Private Bag 5
Richmond, Nelson 7050
New Zealand
Ph: +64 3 543 8115

5. The particular issues of concern, following the numeration above, are:
 - a. New policy 14.3. the introduction of the application to “associated infrastructure” and the extent of the application of the policy to any transmission lines.
 - b. The extent of the application of the proposed objective to transmission lines and the unlimited ability to upgrade any existing transmission lines.
 - c. New policy 18.3.1. The extent of the application to transmission lines.
 - d. The new permitted activity rule applying to “upgrading” of renewable electricity activities whereas the reasons given by the Appellant refer to only “minor upgrading”.
 - e. The need to have a separate rule provision for vegetation clearance for the Appellant.
 - f. The introduction of the provision for “upgrading” renewable electricity activities and application to infrastructure and especially if the infrastructure includes transmission lines.

6. OneFortyOne opposes the relief sought, following the above numeration of issues, for the following reasons:
 - a. The introduction of “associated infrastructure” is beyond the scope of the National Policy Statement for Renewable Electricity Generation 2011. If the policy is to apply to transmission lines from renewable electricity generation structures there may be adverse effects on the management and operation of any adjacent plantation forest. The policy should be worded to be clear that it does not apply to transmission lines from any renewable electricity generation structure and if the policy is to be applicable, there must be clear recognition of compensation for affected landowners.
 - b. The extent of the any application of the objective to transmission lines and the ability to upgrade transmission lines without any consideration and compensation for adverse effects on existing plantation forests must be clarified and provided for. Transmission line upgrades can lead to greater setbacks for the operation of other legislation such as the Electricity (Hazards from trees) Regulations 2005 and the application of common law principles for managing hazards between plantation forests and transmission lines.
 - c. With regard to the proposed policy, there is an introduction of unlimited levels of upgrade with no balancing of adverse effects upon adjacent landowners. A qualification to sub clause c) such as “provided that adverse effects are avoided, remedied or mitigated and affected landowners/tree owners are fully compensated for any operational and or financial impacts”.
 - d. The concept of “upgrade” includes the ability to relocate and add lines. As set out above in the issues, location of transmission lines can have adverse effects on the management and operation of a plantation forest. Any upgraded transmission line should be required to be secured by way of a legal easement to ensure land owners/forest owners are properly

compensated for adverse effects of the upgraded transmission lines. New lines should be at least 30 m from an existing plantation forest.

- e. Vegetation clearance rules must be clear that can only apply to vegetation owned by the renewable electricity generation activity owner.
 - f. Upgrading should be deleted from this rule 3.1.60 as unlimited upgrades can have adverse effects on adjacent landowners/tree owners.
7. OneFortyOne agrees to participate in mediation or other alternative dispute resolution of the appeal proceedings.



Heather Arnold authorised to sign on behalf of
OneFortyOne

Date: 8 June 2020
Address for service: OneFortyOne
Private Bag 5
Richmond 7010
Nelson
Telephone: 03 543 8115
Contact person: Heather Arnold
Email: Heather.Arnold@onefortyone.co.nz