

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2020-CHC-000056

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 New Zealand Transport Agency
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

TO: The Registrar
Environment Court
CHRISTCHURCH

1. **Trustpower Limited (Trustpower)** wishes to be a party to the following proceedings:

(a) ENV-2020-CHC-000056, *New Zealand Transport Agency 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 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 5.2.3;

(b) Rules and standards associated with the discharge of stormwater to land, including Rule 2.16.3 and associated standards;

(c) Rules 2.7.1 and 2.11.1;

(d) New Rule 2.7 and associated standards, in relation to the construction of temporary dams;

- (e) Volume 2, Chapter 25 Definitions – “dam” and new definition of “damming”; and
 - (f) Further or alternative relief, or ancillary changes in relation to these matters.
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 Trustpower’s hydro-electric power schemes, and changing the Plan in a manner which is inconsistent with Trustpower’s submission and own appeal.
7. Trustpower supports the relief sought with respect to Policy 5.2.3 and Rules 2.7.1 and 2.11.1, and new Rule 2.7 and associated standards, including for the following reasons:
- (a) The appellant seeks amendments to the explanation of Policy 5.2.3 to provide an exemption for maintenance or upgrade works associated with regionally significant infrastructure, from the direction to prohibit the taking, damming or diversion of water from some waterbodies. The relief is consistent with Trustpower’s own appeal on Policy 5.2.3, which seeks amendments to the policy text to recognise and provide for existing lawfully established activities and infrastructure. The relief sought by the appellant is consistent with the direction sought in Trustpower’s own appeal.
 - (b) The appellant seeks a series of amendments to the rules to provide for dewatering, diversion, and the construction of

temporary coffer dams. Trustpower owns and operates the Branch and Waihopai hydro-electric power schemes in the Marlborough Region. As part of its operations, Trustpower may need to carry out these activities, particularly as part of its maintenance works, and supports them being provided for in the Plan. With respect to new Rule 2.7 and associated standards, Trustpower supports the relief in part as it needs to ensure the standards are consistent with other rules and its own appeal.

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 a series of amendments to the Plan, including amendments to rules for water allocation.
 - (b) Trustpower owns and operates the Branch and Waihopai hydro-electric power schemes in the Marlborough Region. As an owner and operator of hydro-electricity infrastructure, Trustpower has a particular interest in ensuring the planning framework for these matters is appropriate and workable.
 - (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.

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

**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

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.