

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2020-CHC-000058

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 Federated Farmers of New Zealand
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-000058, *Federated Farmers of New Zealand 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 4.1.2;
 - (b) Policies 5.2.3, 5.3.1, 5.3.14 and 5.4.1;
 - (c) Objective 8.1 and Policy 8.2.6;
 - (d) Policy 15.11;
 - (e) Rule 2.10;
 - (f) Rule 3.3.12;
 - (g) Definition of Vegetation Clearance; and

- (h) Other relief to give effect to the concerns raised in the appeal and any consequential amendments in relation to these matters.
6. 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.
7. Trustpower supports the relief sought with respect to Policies 5.2.3 and 5.4.1, Policy 8.2.6, and Rule 3.3.12, including for the following reasons:
- (a) The appellant seeks amendments to Policy 5.2.3 to change the activity status for taking, damming or diversion of water in specially identified waterbodies from prohibited to non-complying. Trustpower is concerned with the regulatory approach of using prohibited activity status and has its own appeal on Policy 5.2.3 to recognise and provide for existing lawfully established activities and infrastructure. The relief sought by the appellant may alleviate some of Trustpower's concerns with this rule framework, in conjunction with the relief sought in its own appeal.
 - (b) The appellant also seeks amendments to extend the lapse period for water permits to take water, delete the policy direction for acquiring or setting aside riparian margins with significant indigenous biodiversity value, and to exempt some operational/maintenance activities from some standards for indigenous vegetation clearance. Trustpower supports these changes as they would provide for the continued maintenance, operation and upgrade of its hydro-electric power schemes, which are recognised as regionally and nationally significant.

8. Trustpower opposes the relief sought with respect to Policy 5.3.1, including for the following reasons:
 - (a) The appellant seeks amendments to Policy 5.3.1 to clarify its application to domestic and stock drinking water. Trustpower's own appeal on Policy 5.3.1 seeks that this policy be deleted because the Plan does not seek to allocate blocks of water to any particular uses, and water cannot be allocated to Te Mana o Te Wai. The appellant's relief is therefore contrary to Trustpower's appeal.

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, indigenous biodiversity, water allocation and water quality matters.
 - (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:



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.