

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2020-CHC-000071

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 Horticulture 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-000071, *Horticulture 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 on the Plan 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) Policies 5.2.4, 5.2.11, 5.2.13, 5.3.1 and 5.5.5;
 - (b) Objective 15.1a and Policy 15.1.1;
 - (c) Appendix 5 – Water Resource Unit Values and Water Quality Classification Standards; and
 - (d) Consequential amendments in relation to the relief sought on 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 opposes the relief sought with respect to Policies 5.2.4, 5.2.11, 5.3.1 and 5.5.5, including for the following reasons:
 - (a) The appellant seeks a series of amendments to the water allocation policies of the Plan. Trustpower owns and operates the Branch and Waihopai hydro-electric power schemes in the Marlborough Region. As an owner and operator of hydro-electricity generation infrastructure, it has a particular interest in ensuring the planning framework for these matters is appropriate and workable.
 - (b) Some of the relief sought is inappropriate and some of it is also inconsistent with the relief sought in Trustpower's own appeal. For example, the appellant seeks amendments to Policy 5.2.4 to include irrigation, cultivation and food production as a value to consider in setting environmental flows and/or levels. This policy sets out values to protect, such as mauri, instream habitat and ecology, and does not provide for specific uses. It is unclear why irrigation, cultivation and food production should be included in this policy when other uses are not.

- 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 relating to water allocation and water quality. Trustpower owns and operates the Branch and Waihopai hydro-electric power schemes in the Marlborough Region. As a hydro-electricity generator, Trustpower has a particular interest in the planning framework for water allocation and water quality matters.

- (b) Some of the provisions appealed are also the subject of Trustpower's submission and own appeal. For example, the appellant seeks amendments to Appendix 5 – Water Resource Unit Values and Water Quality Classification Standards to include food production as a value in some Freshwater Management Units. Trustpower has its own appeal on this appendix, including to clarify the relationship between Water Resource Units and Freshwater Management Units.
- (c) Trustpower therefore wishes to be a party to the appeal 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.