

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

ENV-2024-CHC-26

UNDER The Resource Management Act 1991
(the **Act**)

IN THE MATTER of an appeal pursuant to clause 14 of
Schedule 1 of the Act

BETWEEN **ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NEW
ZEALAND INCORPORATED**

Appellant

AND **OTAGO REGIONAL COUNCIL**

Respondent

AND **AURORA ENERGY LIMITED,
NETWORK WAITAKI LIMITED AND
POWERNET LIMITED**

Section 274 Party

**NOTICE OF WISH TO BE PARTY TO PROCEEDING PURSUANT TO
SECTION 274 OF THE ACT**

7 JUNE 2024



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**NOTICE OF WISH TO BE PARTY TO PROCEEDING PURSUANT TO
SECTION 274 OF THE ACT**

To: Registrar

Environment Court

Christchurch

1. Aurora Energy Limited (**Aurora Energy**), Network Waitaki Limited (**Network Waitaki**) and PowerNet Limited (**PowerNet**) (together **EDBs**) wish to be a party to the following proceeding: *Royal Forest and Bird Society of New Zealand Incorporated v Otago Regional Council*, ENV-2024-CHC-26.
2. The proceeding relates to an appeal to the Environment Court on a decision on the Proposed Otago Regional Policy Statement (**PORPS**) made by the Otago Regional Council.
3. The EDBs submitted on the PORPS, including on matters subject to the proceeding:
 - (a) Aurora Energy Original Submission 0315 and Further Submission FS003153.
 - (b) Network Waitaki Original Submission 0320 and Further Submission FS003203.
 - (c) PowerNet Original Submission 0511.
4. The EDBs also have an interest in the proceedings that is greater than the public generally as jointly they supply electricity to all the homes, communities, business and emergency services in Otago:
 - (a) Aurora Energy is the largest network operating in Otago and supplies approximately 92,000 customers across two non-contiguous networks in Dunedin, Central Otago and the Queenstown Lakes District.
 - (b) PowerNet is a network management company which is contracted by OtagoNet Joint Venture to maintain and operate its network.

That network is largely to the north and south of Dunedin, servicing towns south from Waihola, Balclutha, Lawrence and Clinton, and towns to the north of Dunedin including Waitati, Palmerston, Macrae Mine and Ranfurly.

- (c) Network Waitaki serves customers in north Otago and parts of the Canterbury region with the network extending from the Mackenzie Basin around Omarama and Ōhau to Oamaru.
5. The EDBs are not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
 6. The EDBs are interested in all of the proceeding.
 7. Without limiting the generality of the EDBs interest, they have a particular interest in the following issues:
 - (a) Definitions: Regionally Significant Infrastructure
 - (b) Coastal Environment:
 - (i) CE-O5 – Activities in the coastal environment
 - (ii) CE-P9- Activities on land within the coastal environment
 - (iii) CE-P10- Activities within the coastal marine area.
 - (iv) CE-AER1
 - (c) Ecosystems and indigenous biodiversity
 - (i) ECO-O1 – Indigenous biodiversity
 - (ii) ECO-P3-Protecting significant natural areas and taoka
 - (iii) ECO-M2 Identification of significant natural areas
 - (d) Energy, Infrastructure and Transport
 - (i) EIT-INF-O4- Provision of infrastructure
 - (ii) EIT-INF-O5- Integration
 - (iii) EIT-INF-P12 – Upgrades and development

- (iv) EIT-INF-P13 Locating and managing effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure outside the coastal environment
 - (e) Natural features and landscapes
 - (i) NFL-O1- Outstanding and highly valued natural features and landscapes
 - (ii) NFL-P2- Protection of outstanding natural features and landscapes
8. The EDBs oppose the relief sought for the following reasons:
- (a) The EDBs support and/or oppose the relief sought for the following reasons: The EDBs perform a critical function through the operation, maintenance, upgrade and development of the electricity distribution network. These networks provide the link between the National Grid and electricity consumers.
 - (b) Parts of the EDBs networks have been recognised as regionally significant infrastructure and all of the network is a lifeline utility for the purpose of the Civil Defence Emergency Management Act 2002. Given the importance of this infrastructure, it is imperative that the PORPS recognise and provide for the ongoing operation, maintenance development and upgrade of the network.
 - (c) The purpose of the PORPS is to achieve the purpose of the Act through issues, policies and methods which achieve integrated management of natural and physical resources of the whole region. As a consequence, it is important that regionally significant infrastructure and lifeline utilities be recognised as an activity which can occur be located in a range of environments.
 - (d) Activities seeking to locate near the existing electricity distribution network have the potential to compromise the function of the network, foreclose opportunities to upgrade the network for the

benefit of the wider community, as well as to create risks to the health and safety of people in close proximity to the network.

- (e) The relief sought by the Appellant has the potential to create reverse sensitivity effects and/or compromise the operation, maintenance, development or upgrade of the electricity distribution network which may have a functional need or operational needs to locate in areas of concern to the appeal.
- (f) The EDBs seek to ensure that the relief sought by the Appellant does not give rise to unintended consequences for the management of their networks in the region.
- (g) Broadening the criteria for areas that classify as significant natural areas through resource consent or other processes as sought may be contrary to the National Policy Statement for Indigenous Biodiversity (NPSIB).
- (h) The balance of relief sought on the ECO Chapter is at the very least inconsistent with, or contrary to, the NPSIB.
- (i) The EDBs may be required to locate in the coastal environment due to the operational needs of their network. The term 'operational needs' has become synonymous with 'functional needs' in recent years, but there are key differences which need to be accommodated through planning instruments.
- (j) The relief sought seeks to remove 'significant electricity distribution infrastructure' from the definition of regionally significant infrastructure. That relief is not based on any original or further submission and is clearly beyond the scope of the Environment Court to grant. The relief should be withdrawn.
- (k) The relief sought to amend the reference to electricity sub-transmission infrastructure in the definition of regionally significant infrastructure to include "of the National Grid or local distribution network" is illogical and not consistent with the common industry meaning of that term. The National Grid does not include any of

the electricity sub-transmission network, which is entirely part of the local distribution network. The relief should be withdrawn.

9. The EDBs agree to participate in mediation or other alternative dispute resolution of the proceedings.



S R Peirce

Solicitor for Aurora Energy, Network Waitaki and PowerNet

Dated 7 June 2024

Service details for the EDBs

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Advice

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