

In the Environment Court
At Christchurch

ENV-2024-CHC-24

I te Kōti Taiao o Aotearoa
Ki Ōtautahi

Under the Resource Management Act 1991 (**Act**)

In the matter of an appeal under clause 14(1) of Schedule 1 of the Act

Between **Aurora Energy Limited, Network Waitaki Limited and Powernet Limited**

Appellant

And **Otago Regional Council**

Respondent

**NOTICE OF TRANSPower NEW ZEALAND LIMITED'S WISH TO BE PARTY TO
PROCEEDINGS**

7 June 2024



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**To: The Registrar
Environment Court
Christchurch**

- 1.** Transpower New Zealand Limited (**Transpower**) gives notice that it wishes to be a party to the appeal by Aurora Energy Limited, Network Waitaki Limited and Powernet Limited (together the **EDBs**) against a decision of the Otago Regional Council on the proposed Regional Policy Statement (**pORPS**).
- 2.** Transpower is a person who made a submission about the subject matter of the proceedings (submissions 00314 and FS00314). Transpower either made a submission on the relevant provisions appealed, or the appeal points concern the same subject matter and issues that are prevalent throughout its submissions.
- 3.** Transpower is also a person who has an interest in the proceedings that is greater than the interest that the general public has for the reasons set out in its Appeal ENV-2024-CHC-35 at paragraphs 5 to 10.
- 4.** Transpower is not a trade competitor for the purposes of 308C or 308CA of the Resource Management Act 1991.
- 5.** Transpower's reasons for its position on the appeal is that parts of the proceedings may or will affect its ability to operate, maintain, develop and upgrade the National Grid, and may or will not give effect to the National Policy Statement on Electricity Transmission (**NPSET**). Transpower's reasons for its position also include that the relief sought in the proceedings may or will conflict with the relief included in its Appeal.
- 6.** The parts of the proceedings that Transpower' seeks to join, and its position on those appeals is set out in **Appendix A**.

7. Transpower agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 7th day of June 2024



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Appendix A: Parts of the proceeding that Transpower is interested in

Provision appealed	Relief sought by the EDBs	Position on relief
SRMR		
<p>SRMR-110A – The social, cultural and economic well-being of Otago’s communities depends on the use and development of natural and physical resources, but that use and development can compromise or conflict with the achievement of environmental outcomes</p>	<p>Amend SRMR - 10A by:</p> <ol style="list-style-type: none"> 1. Replacing it with the version described in the Joint Witness Statement from the Planning Experts dated 22 March 2023 (JWS), produced in full in Appendix 1 to EDBs’ Notice of Appeal. 2. As secondary or alternative relief, making amendments to the Decisions version to incorporate the JWS version. 3. As further alternative relief, amend the Decisions version text by incorporating the relief sought in the original submission. 	<p>Support, conditional on the relief giving effect to the NPSET.</p>
CE		
<p>CE-P1 – Links with other chapters</p>	<p>Amend CE-P1 such that the EIT Chapter applies to the coastal environment.</p> <p><i>CE–P1 – Links with other chapters</i> <i>(1) the provisions of the ECO, EIT, and HAZ chapters apply within the coastal environment, except for the following provisions:</i> <i>(a) ECO-P3 to ECO-P6 and associated methods,</i> <i>(b) EIT-INF-P13 and associated methods,</i></p>	<p>Support, conditional on the relief giving effect to the NPSET and not conflicting with Transpower’s Appeal relief.</p>

Provision appealed	Relief sought by the EDBs	Position on relief
<p>(c) HAZ-NH-P1 to HAZ-NH- P4 and associated methods, and (2) the provisions within the following chapters of this RPS apply in addition to the provisions within this chapter:</p>		
<p>LF-FW</p>		
<p>LF-FW-P12 – Identifying and managing outstanding water bodies</p>	<p>Amend this policy to include a proviso that the relevant values as protected from inappropriate development:</p> <p><i>LF-FW-P12 – Identifying and managing outstanding water bodies</i> <i>Identify outstanding water bodies and their significant and outstanding values in the relevant regional plans and district plans and protect those values <u>from inappropriate development.</u></i></p>	<p>Support, conditional on the relief not conflicting with Transpower’s Appeal relief.</p>
<p>LF-FW-P13 – Preserving natural character and instream values</p>	<p>Amend LF-FW-P13 to provide a new sub-clause that directs effects management for outstanding water bodies and preserving the natural character and instream values to EIT-INF-P13 as sought by this appeal.</p> <p>...</p> <p><i><u>(X) despite (1)-(9), in the case of infrastructure the effects of the activity are managed in accordance with EIT-INF-PXX.</u></i></p>	<p>Support, conditional on effects of National Grid infrastructure being subject to Transpower’s proposed EIT-INF-Px</p>
<p>ECO</p>		
<p>ECO-P3 – Protecting significant natural areas and taoka</p>	<p>Consequential relief to ECO-P3 (and other policies) to provide a carve out for effects to be addressed by proposed policy EIT-INF-PXX or as otherwise required to enable specified infrastructure as provided by the National Policy Statement on Indigenous Biodiversity 2023.</p>	<p>Support, conditional on effects of National Grid infrastructure being subject to Transpower’s proposed EIT-INF-Px.</p>

Provision appealed	Relief sought by the EDBs	Position on relief
UFD		
<p>UFD-O1 – Development of urban areas</p>	<p>Amend UFD-O1 by recognising and providing for the management of existing <i>infrastructure</i> from the development of urban areas and incompatible activities, including the potential maintenance and upgrade of that existing infrastructure to provide for the needs of growing communities and in response to the electrification of the economy.</p> <p><i>UFD–O1 –Development of urban areas</i> <i>The development and change of Otago’s urban areas occurs in a strategic and coordinated way, which:</i> <i>(1) accommodates the diverse and changing needs and preferences of Otago’s people and communities, now and in the future,</i> <i>(2) integrates effectively with surrounding urban areas and rural areas,</i> <u><i>(2AA) Manages the effects of potentially incompatible activities on the operational needs and functional needs of existing infrastructure.</i></u> <i>(2A) results in a consolidated, well-connected and well-designed urban form which is integrated with infrastructure, and</i> <i>(2B) supports climate change adaptation and climate change mitigation.</i></p>	<p>Support.</p>
<p>UFD-P1 – Strategic planning</p>	<p>Amend this provision to give effect to the amendment sought to objective O1 by requiring urban growth and development planning (including increasing the density of existing residential zones) to consider the extent to which that growth or development will create adverse reverse sensitivity effects on existing regionally significant infrastructure, or such infrastructure which the provider has indicated to the local authority that it plans to undertake in the long-term (including as required by the RPS).</p>	<p>Support.</p>

Provision appealed	Relief sought by the EDBs	Position on relief
	<p>UFD-P1 – Strategic planning <i>Strategic planning processes, undertaken at an appropriate scale and detail, precede urban growth and development and:</i> <i>(1A) ensure <u>the integration of land use, urban intensification, urban expansion and with infrastructure, including how, where and when necessary development infrastructure and additional infrastructure will be provided, and by whom,</u></i> <i>(8A) identify areas of potential conflict between incompatible activities and sets out the methods by which these are to be resolved, <u>including by consultation with infrastructure providers.</u></i></p>	
<p>UFD-P3 – Urban intensification</p>	<p>Amend this provision by requiring that urban intensification is managed by avoiding reverse sensitivity effects on existing and planned infrastructure, including by the following amendment:</p> <p>UFD-P3 – Urban intensification <i>Manage intensification in urban areas, so that as a minimum,</i> ... <i><u>(X) The functional needs and operational needs of existing and planned infrastructure are not compromised.</u></i></p>	<p>Support.</p>
<p>UDF-P4 – Urban expansion</p>	<p>Amend this provision by requiring that urban expansion is managed to avoid reverse sensitivity effects on existing and planned infrastructure, including by the following amendment:</p> <p>UFD-P4 – Urban expansion <i>Expansion of existing urban areas may occur where at a minimum the expansion:</i> ... <i><u>(X) Does not compromise the functional needs and operational needs of existing and planned infrastructure.</u></i></p>	<p>Support.</p>