

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

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

**ENV-2024-CHC-30**

**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** **CAIN WHĀNAU**  
**Appellant**

**AND** **OTAGO REGIONAL COUNCIL**  
**Local Authority**

**AND** **AURORA ENERGY LIMITED,  
NETWORK WAITAKI LIMITED AND  
POWERNET LIMITED**  
**Section 274 Party**

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**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: *Cain Whānau v Otago Regional Council*, ENV-2024-CHC-30.
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 raised by the appeal:
    - (a) Mana Whenua:
      - (i) MW-P4 and any other provisions in the PORPS that may directly or indirectly restrict owners of Māori land from being able to utilise their land.
      - (ii) MW-M1 - Collaboration with Kāi Tahu.
    - (b) Natural Features and landscapes: NFL-P1 – identification.
  8. The EDBs do not oppose the majority of the relief sought by the Appellant. In particular, the EDBs do not oppose the ability to develop and utilise the Maranuku Block for the social, economic, and cultural well-being of the Cain Whānau and other beneficiaries. Where relief is indicated as being in opposition to, it is done so on the basis that the relief sought will have general application to all other Māori land in the region and may compromise the functional needs and operational needs of the network, much of which is regionally significant, and all of which is critical to the function of everyday life.
  9. The EDBs oppose the relief sought for the following reasons:
    - (a) 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 in respect of MW-P4 and other related policies has the effect of negating all policies that seek to protect existing regionally significant infrastructure (including parts of the electricity distribution network) from reverse sensitivity effects. The development of Māori land that may be sensitive to the effects of the existing electricity network has the potential to compromise the operation, maintenance, development or upgrade of those parts of the network. It also risk creating adverse health and safety risks to people who in proximity to those parts of the network.
- (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.

10. 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.