

In the Environment Court
At Christchurch

ENV-2024-CHC-25

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 **Dunedin City Council**

Appellant

And **Otago Regional Council**

Respondent

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

7 June 2024



Sarah Scott
T: +64 3 365 9914
sarah.scott@simpsongrierson.com
PO Box 874 Christchurch

**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 Dunedin City Council 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



S J Scott
Counsel for Transpower New Zealand Limited

Address for service of interested party

Sarah Jane Scott

Counsel for Transpower New Zealand Limited

Simpson Grierson, Level 1, 151 Cambridge Terrace, Christchurch

PO Box 874 Christchurch 8140

sarah.scott@simpsongrierson.com

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

Provision appealed	Relief sought by Dunedin City Council	Position on relief
<p>Definition of Māori Land</p>	<p>Delete clauses (1) and (8):</p> <p><i>for the purposes of this RPS, means land within the region that is:</i></p> <p>(1) owned by Te Rūnanga o Ngāi Tahu or its constituent papatipu rūnaka and to be used for the purpose of:</p> <p>(a) locating papakāika development away from land that is either at risk from natural hazards, including climate change effects such as sea level rise, or is otherwise unsuitable for papakāika development,</p> <p>(b) extending the area of an existing papakāika development,</p> <p>(2) Māori communal land gazetted as Māori reservation under s338 Te Ture Whenua Māori Act 1993,</p> <p>(3) Māori customary land and Māori freehold land as defined in s4 and s129 Te Ture Whenua Māori Act 1993,</p> <p>(4) former Māori land or general land owned by Māori (as those terms are defined in Te Ture Whenua Māori Act 1993) that has at any time been acquired by the Crown or any local or public body for a public work or other public purpose, and has been subsequently returned to its former Kāi Tahu owners or their successors and remains in their ownership,</p> <p>(5) general land owned by Māori (as defined in Te Ture Whenua Māori Act 1993) that was previously Māori freehold land, has ceased to have that status under an order of the Māori Land Court made on or after 1 July 1993 or under Part 1 of the Māori Affairs Amendment Act 1967 on or after 1 April 1968, that is in the ownership of Kāi Tahu whānui,</p> <p>(6) vested in a Trust or Māori incorporation under Te Ture Whenua Māori Act 1993,</p> <p>(7) held or claimed (whether as an entitlement, part of an ancillary claim, or because it was transferred or vested) either,</p> <p>(a) as part of redress for the settlement of Treaty of Waitangi claims, or</p> <p>(b) by the exercise of rights under a Treaty settlement Act or Treaty settlement deed (as those terms are defined under the Urban Development Act 2020), or</p> <p>(c) as SILNA lands,</p> <p>(8) owned by a person or persons with documentary evidence of Kāi Tahu whakapapa connection to the land, where that evidence is provided by either the Māori Land Court or the Te Rūnanga o Ngāi Tahu Whakapapa Unit.</p>	<p>Support, to the extent that the relief provides certainty to Transpower as to what is, and isn't, Māori land. While the term 'Māori land' is not referred to in Transpower's Appeal relief, there is the potential for this given the relief in the Cain Whanau Appeal.</p>