

In the Environment Court  
At Christchurch

ENV-2024-CHC-26

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** **Royal Forest and Bird Protection Society of New Zealand Inc**  
Appellant

**And** **Otago Regional Council**  
Respondent

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**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 Royal Forest and Bird Protection Society of New Zealand Inc (**Forest & Bird**) 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 7<sup>th</sup> day of June 2024



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S J Scott  
Counsel for Transpower New Zealand Limited

**Address for service of interested party**

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

Provision appealed	Relief sought by F&B	Position on relief
<b>Interpretation</b>		
Highly valued natural features and landscapes	Reinststate the definition of “highly valued natural features and landscapes”: <u>highly valued natural features, landscapes and seascapes are areas which contain attributes and values of significance under Sections 7(c) and 7(f) of the RMA 1991, which have been identified in accordance with APP9.</u>	Neutral on inclusion of definition, but interested in any impact that the final framing of the definition may have on Transpower’s Appeal relief
<b>CE</b>		
CE-O3 – Natural character, features and landscapes	Replace CE-O3 with the following: <u>Areas of natural character, natural features, landscapes and seascapes within the coastal environment are protected, and rehabilitation efforts are restoring areas of the coastal environment where degradation has occurred</u>	Oppose.
CE-O5 – Activities in the coastal environment	Amend clause 1 as follows: (1) make efficient use of space occupied <u>and have a functional need to locate</u> in the coastal marine area  Add a new clause:  <u>(x) maintain and improve the quality of water in waterbodies and coastal water</u>	Oppose, to the extent that the change conflicts with Transpower’s Appeal relief and does not give effect to the NPSET.

Provision appealed	Relief sought by F&B	Position on relief
CE-P9 – Activities on land within the coastal environment	<p>Amend clause (2A) as follows:</p> <p><u>recognising there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places</u> <del>and providing for the functional needs and operational needs of infrastructure</del></p> <p>Amend clause 4 as follows:</p> <p>(4) requiring development to be set back from the coastal marine area, <u>adjoining intertidal areas and other water bodies and riparian margins in the coastal environment</u>, and other coastal water <del>where practicable and reasonable</del>, to protect the natural character, open space, public access and amenity values of the coastal environment,</p>	Oppose, to the extent that the change does not give effect to the NPSET.
CE-P10 – Activities within the coastal marine area	<p>Amend clause 3 as follows:</p> <p>(3) have a functional need <del>or operational need</del> to be located in the coastal marine area, or</p>	Oppose, as it does not give effect to the NPSET.

Provision appealed	Relief sought by F&B	Position on relief
CE-M3 – Regional plans	<p>Reinstate reference to regionally significant surf breaks in clause 2 and 5(b).</p> <p>Amend clause 3 as follows:</p> <p>(3) require development to be set back from the coastal marine area, <u>adjoining intertidal areas and other water bodies and riparian margins in the coastal environment</u>, and other coastal water <del>where practicable and reasonable</del>,</p> <p>Add the following clauses:</p> <p><u>(x) include other mapping as set out in the CE Policies</u></p> <p><u>(x) control, permit or otherwise restrict vehicle access to beaches, foreshore and the seabed</u></p>	Oppose, to the extent that the change conflicts with Transpower’s Appeal and does not give effect to the NPSET.
<b>ECO</b>		
ECO-M4 – Regional plans	<p>Amend clause 1 as follows:</p> <p>(1) if the requirements of ECO-P3 and ECO-P6 <del>can be</del> <u>are</u> met, provide for the use of lakes and rivers and their beds <u>in appropriate location and circumstances</u>, including:</p> <p>Add the following clause:</p> <p><u>(x) in all cases consider whether it may be appropriate for consent to be declined due to locational circumstances and to achieve other policy and objectives of the RPS</u></p>	Oppose, to the extent that the change conflicts with Transpower’s proposed EIT-INF-Px and will not give effect to the NPSET.
ECO-M5 – District plans	<p>Amend clause 1 as follows:</p> <p>(1) if the requirements of ECO-P3 and ECO-P6 are met, provide for the use of land the surface of water bodies <u>in appropriate location and circumstances</u>, including:</p>	Oppose, to the extent that the change conflicts with Transpower’s proposed

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	<p>Add the following clause:</p> <p><u>(x) in all cases consider whether it may be appropriate for consent to be declined due to locational circumstances and to achieve other policy and objectives of the RPS</u></p> <p>Reinstate clause 6:</p> <p><u>prohibit the planting of wilding conifer species listed in APP5 within areas identified as significant natural areas.</u></p>	<p>EIT-INF-Px and will not give effect to the NPSET.</p>
<b>EIT-INF</b>		
<p>EIT-INF-04 – Provision of infrastructure</p>	<p>Amend as follows:</p> <p>Effective, efficient, safe and resilient infrastructure, nationally significant infrastructure and regionally significant infrastructure enables the people and communities to provide for their social and cultural well-being, their health and safety, and supports sustainable economic development and growth in the region, <u>within environmental limits.</u></p>	<p>Oppose, to the extent that the change conflicts with Transpower’s proposed EIT-INF-Px and will not give effect to the NPSET.</p>
<p>EIT-INF-05 – Integration</p>	<p>Amend as follows:</p> <p>Development of <u>nationally significant infrastructure and regionally significant</u> infrastructure, as well as land use change, occurs in a co-ordinated manner to <u>avoid, or minimise where appropriate,</u> adverse effects on the environment and increase efficiency in the delivery, operation and use of the infrastructure.</p>	<p>Oppose, to the extent that the change conflicts with Transpower’s Appeal relief and does not give effect to the NPSET.</p>

Provision appealed	Relief sought by F&B	Position on relief
EIT-INF-P12 – Upgrades and development	<p>Add the following clause to EIT-INF-P12:</p> <p><u>(x) adverse effects on indigenous biodiversity are managed in accordance with the respective ECO, CE, NFL, or LF chapters.</u></p>	Oppose, to the extent that the change conflicts with Transpower’s proposed EIT-INF-Px and will not give effect to the NPSET.
EIT-INF-P13 – Locating and managing effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure outside the coastal environment	<p>Reinstate “(e) areas of high or outstanding natural character” and “(h) areas of high recreational and high amenity value” under clause 1. Add rivers under the list in clause 1.</p> <p>Amend clause 2 as follows:</p> <p>(2) if it is not <del>reasonably practicable</del> <u>possible</u> to avoid locating in the areas listed in (1) above because of the functional needs <del>or operational needs</del> of the infrastructure, nationally significant infrastructure and regionally significant infrastructure manage adverse effects as follows:</p> <p>(a) for nationally or regionally significant infrastructure:</p> <ul style="list-style-type: none"> <li>(i) in significant natural areas, in accordance with ECO-P4 and ECO-P6</li> <li>(ii) in wetlands <u>or rivers</u>, in accordance with the relevant provisions in the NESF <u>or NPSFM</u></li> <li>(iii) in outstanding water bodies, in accordance with LF-FW-P12</li> <li>(iv) in other areas listed in EIT-INF– P13 (1) above, the adverse effects of the infrastructure on the values that contribute to the area’s importance shall be <u>avoided to the extent possible, and then:</u> <ul style="list-style-type: none"> <li>(I) remedied or mitigated to the extent <del>practicable</del> <u>possible</u></li> <li>(II) where <del>they more than minor residual adverse effects cannot be avoided, practicably</del> remedied or mitigated, <del>regard shall be had to offsetting and/or compensation of more than minor residual adverse effects.</del> <u>offsetting is provided where possible; then</u></li> <li>(III) <u>if aquatic offsetting of more than minor residual adverse effects is not possible, compensation is provided; then</u></li> <li>(IV) <u>if aquatic compensation is not appropriate, the activity itself is avoided</u></li> </ul> </li> </ul>	Oppose, to the extent that the change conflicts with Transpower’s proposed EIT-INF-Px and will not give effect to the NPSET.



Provision appealed	Relief sought by F&B	Position on relief
NFL		
NFL-O1 – Outstanding natural features and landscapes	<p>Reinstate the notified version of NFL-O1:</p> <p><b><i><u>NFL-O1 – Outstanding and highly valued natural features and landscapes</u></i></b>  <i><u>The areas and values of Otago’s outstanding and highly valued natural features and landscapes are identified, and the use and development of Otago’s natural and physical resources results in:</u></i></p> <p><i><u>(1) the protection of outstanding natural features and landscapes; and</u></i>  <i><u>(2) the maintenance or enhancement of highly valued natural features and landscapes.</u></i></p> <p><del><b><i><u>NFL-O1 – Outstanding natural features and landscapes</u></i></b></del>  <del><i><u>The areas and values of Otago’s outstanding natural features and landscapes are identified, and the use and development of Otago’s natural and physical resources results in the protection of them from inappropriate subdivision, use and development.</u></i></del></p>	<p>Oppose, to the extent that it does not give effect to section 6(b) of the RMA and does not give effect to the NPSET.</p>
NFL-P2 – Protection of outstanding natural features and landscapes	<p>Delete clause 3:</p> <p><i>Protect outstanding natural features and landscapes from inappropriate subdivision, use and development by:</i></p> <p><i>(1A) avoiding exceeding the landscape capacity of the natural feature or landscape,</i>  <i>(1) maintaining the values that contribute to the natural feature or landscape being considered outstanding, even if those values are not themselves outstanding,</i>  <i>(2) avoiding, remedying or mitigating other adverse effects; and</i>  <del><i>(3) managing the adverse effects of infrastructure on the values of outstanding natural features and landscapes in accordance with EIT-INF-P13.</i></del></p>	<p>Oppose, to the extent that Transpower has sought an exemption to EIT-INF-P13 and its own proposed EIT-INF-Px, and to the extent will not give effect to the NPSET.</p>