

In the Environment Court
At Christchurch

ENV-2024-CHC-36

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 **Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga**
First Appellants

And **Te Ao Marama Incorporated on behalf of Waihopai Rūnaka, Te Rūnanga o Ōraka Aparima, and Te Rūnanga o Awarua**
Second Appellants

And **Te Rūnanga o Ngāi Tahu**
Third Appellants

And **Otago Regional Council**
Respondent

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

7 June 2024

**SIMPSON
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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 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga; Te Ao Marama Incorporated on behalf of Waihopai Rūnaka, Te Rūnanga o Ōraka Aparima, and Te Rūnanga o Awarua; and Te Rūnanga o Ngāi Tahu (together **Kāi Tahu**), 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
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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 Kāi Tahu	Position on relief
<p>MW-P4 – Sustainable use of Native Reserves and Māori land</p>	<p>Amend MW-P4 as follows:</p> <p><i>Kāi Tahu are able to:</i></p> <p>(1) <i>develop and use land and resources within native reserves and Māori land including within land affected by an ONFL overlay, in accordance with mātauraka and tikaka, to provide for their economic, cultural and social aspirations, including for papakāika, marae related activities.</i></p> <p>(2) <i>provide for the economic use of their Māori land or native reserves resources subject to the provisions of the RMA, this regional policy statement and any relevant plan, while:</i></p> <p><i>(a) avoiding adverse effects on the health and safety of people</i></p> <p><i>(b) avoiding significant adverse effects on health and safety of people, and</i></p> <p><i>(c) avoiding, remedying, or mitigating other adverse effects.</i></p>	<p>Oppose, to the extent that the relief will not give effect to the NPSET and conflicts with Transpower’s Appeal relief, particularly in relation to EIT-INF-P15.</p>
<p>All CE policies</p>	<p>Amend CE policies to reflect the above approach (i.e. the relief sought for MW-P4) to use of native reserves and Māori land, and to provide for recognition of rakatirataka in managing the effects of use of the land.</p>	<p>Oppose, to the extent that the relief will not give effect to the NPSET and conflicts with Transpower’s Appeal relief relating to EIT-INF-P15. Transpower was a submitter on policies CE-P1, P4, P5, P6, P8, P9 and P10, and has an interest in this relief that is greater than the interest of the general public.</p>
<p>IM-P1 – Integrated approach to decision-making</p>	<p>Delete IM-P1 and replace with the policy recommended in the ORC reply version as follows:</p> <p><u><i>Giving effect to the integrated package of objectives and policies in this RPS requires decision-makers to consider all provisions relevant to an issue or decision and apply them according to the terms in which they are expressed,</i></u></p>	<p>Oppose, to the extent that Transpower’s primary relief seeks that EIT-INF-Px prevail in the event of conflict with any other provision in the pORPS.</p>

Provision appealed	Relief sought by Kāi Tahu	Position on relief
	<p><u>and if there is a conflict between provisions that cannot be resolved by the application of higher order documents, prioritise:</u></p> <p><u>(1) the life-supporting capacity and mauri of air, water, soil, and ecosystems, and then</u></p> <p><u>(2) the health and safety of people and communities, and their ability to provide for their social, economic, and cultural wellbeing, now and in the future.</u></p>	
<p>EIT-INF-P13A – Managing the effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure within the coastal environment</p>	<p>Amend EIT-INF-P13A as follows:</p> <p><i>When managing the effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure within the coastal environment:</i></p> <p><u>(1) the provisions of the CE – Coastal environment chapter apply; and</u></p> <p><u>(2) in relation to wāhi tūpuna, HCV-WT-P2 applies.</u></p>	<p>Oppose to the extent that, if Transpower is not granted its primary relief seeking an exemption from EIT-INF-P13A, the relief will not fully give effect to the NPSET in relation to the National Grid.</p>