

In the Environment Court
At Christchurch

ENV-2024-CHC-30

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 | Cain Whānau 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 Cain Whānau 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 is not opposed to the owners of Māori land subdividing, developing and using their resources (in particular land), in accordance with mātauraka and tikanga, to provide for their cultural and social aspirations. However, Transpower seeks that in doing so, and its interest is limited to, the national importance of the National Grid (which in itself will provide benefits to those owners through security of supply of electricity) requiring that the operation, maintenance, upgrading, and

development of the electricity transmission network is not compromised. This means that EIT-INF-P15 needs to apply to Māori land and the provisions sought by the Cain Whānau should not 'trump' EIT-INF-P15.

8. 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

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

| Provision appealed | Relief sought by Cain Whānau | Position on relief |
|---|--|---|
| Entire pORPS | | |
| References to mana whenua | Insert “and owners of Māori freehold land” alongside all references to “mana whenua”. | Oppose, as the relief will conflict with Transpower’s Appeal relief. |
| MW | | |
| <p>MW-P4 – Sustainable use of Native Reserves and Māori land “and any other provisions in the pORPS that may directly or indirectly restrict owners of Māori land from being able to utilise their land.” [Examples listed in the Notice of Appeal]</p> | <p>Amend MW-P4 so that it says:</p> <p><i>MW-P4 – Sustainable Use of Native Reserves and Māori land</i> <u>Irrespective of any other provision in this PORPS, Kāi Tahu are able to (1) protect, 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 cultural, economic, and social aspirations, including for papakāika, marae related activities.</u> (2) 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: (a) avoiding adverse effects on the health and safety of people, (b) avoiding significant adverse effects on matters of national importance, and (c) avoiding, remedying or mitigating other adverse effects. <u>To avoid any doubt in the case of an actual or potential conflict with any other provision(s) in this PORPS, MW-P4 shall take priority.</u></p> <hr/> <p>OR as an alternative: Include one or more provisions elsewhere in the PORPS that gives primacy (or priority) to MW-P4 and any other provision(s) that support the intention of the above relief.</p> | <p>Oppose, to the extent that the change to MW-P4 (and any other provisions) conflicts with Transpower’s Appeal relief seeking that, in the event of any conflict between EIT-INF-Px and other policies in this regional policy statement, EIT-INF-Px prevails over those policies, and to the extent the relief will not give effect to the NPSET.</p> |

| Provision appealed | Relief sought by Cain Whānau | Position on relief |
|--|--|---|
| | <p>OR as a second alternative: Amend any other provision, as necessary, to ensure owners of Māori land can protect, occupy, subdivide, develop, and use their resources (inclusive of land, freshwater, coastal water and coastal marine area) to benefit their social, economic, cultural, educational, recreational, and environmental well-beings.</p> | |
| <p>MW-M5 – Regional plans and district plans</p> | <p>Amend MW-M5 so that it says:</p> <p><i>MW–M5 – Regional and district plans</i></p> <p><i>Local authorities must amend their regional and district plans to:</i></p> <p><i>take into account iwi management plans and address resource management issues of significance to Kāi Tahu,</i></p> <p><i>(1) provide for the use occupation, development and utilisation of native reserves and Māori land in accordance with MW–P4 and recognise Kāi Tahu rakatirataka over this land by enabling mana whenua to lead approaches to manage any adverse effects of such use on the environment.</i></p> <p><i>incorporate active protection of areas and resources recognised in the NTCSA, including acting in accordance with the purpose of the redress provisions,</i></p> <p><i>and</i></p> <p><i>(2) provide for the outcomes of settlements under the Māori Commercial Claims Aquaculture Settlement Act 2004.</i></p> <p><i>(3) Recognise Ancillary Claims in the Otago Region</i></p> <p><i>(4) in respect of Māori land, ensure MW-P4 is given primacy over other policies and methods should a conflict arise.</i></p> | <p>Oppose, to the extent that the proposed new (4) conflicts with Transpower’s Appeal relief seeking that, in the event of any conflict between EIT-INF-Px and other policies in this regional policy statement, EIT-INF-Px prevails over those policies, and to the extent the relief will not give effect to the NPSET.</p> |

| Provision appealed | Relief sought by Cain Whānau | Position on relief |
|---|--|--|
| Generic Relief (refer Notice of Appeal at 4.2) | | |
| None specified | <p>The Cain Whānau also seeks the following generic relief (not limited by the specific relief contained in Table 1) in respect of provisions that apply to Māori land, including methods that direct authorities to establish regional or district plan provisions affecting Māori land:</p> <ul style="list-style-type: none"> (a) Amendments to all the provisions of the RPS in accordance with but not limited to the changes set out in the Table in Appendix 1; (b) Any other amendment to the PORPS that gives primacy (or priority) to the MW provisions over other non-MW provisions in the RPS; (c) Any new or other provision necessary to ensure the owners of Māori land can protect, occupy, subdivide, develop, and use their resources (inclusive of land, freshwater, coastal water and coastal marine area) to their benefit. (d) Any alternative or other amendments to address the matters raised in this appeal, and to achieve the intent of this appeal (including as raised in the general and specific reasons given in this appeal); and (e) Any similar, alternative, consequential and/or other relief as necessary to address the issues raised in this appeal. | Oppose, to the extent that the relief conflicts with Transpower’s Appeal relief seeking that, in the event of any conflict between EIT-INF-Px and other policies in this regional policy statement, EIT-INF-Px prevails over those policies, and to the extent it will not give effect to the NPSET. |