

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

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

ENV-2024-CHC-25

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 **DUNEDIN CITY COUNCIL**
Appellant

AND **OTAGO REGIONAL COUNCIL**
Respondent

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

**NOTICE OF WISH TO BE PARTY TO PROCEEDING PURSUANT TO
SECTION 274 OF THE ACT**

7 JUNE 2024



GALLOWAY COOK ALLAN LAWYERS
Bridget Irving/Simon Peirce
Bridget.Irving@gallowaycookallan.co.nz
Simon.Peirce@gallowaycookallan.co.nz

PO Box 143
Dunedin 9054
Ph: +64 (03) 477 7312
Fax: (03) 477 5564

**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: *Dunedin City Council v Otago Regional Council*, ENV-2024-CHC-25.
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:
 - (a) Air: AIR-P4 - Managing certain discharges.
 - (b) Interpretation: Definition of 'Māori Land'.
 8. The EDBs support 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 EDBs rely on the use of diesel generators to maintain electricity supply to affected consumers during planned or unplanned outages. Providing a continuous supply, and promptly restoring supply after an outage, is critical to the EDBs function as a lifeline utility to protect vulnerable and affected people and communities. The relief sought by the Appellant is consistent with the need to allow for certain discharges that may be required for such critical functions.
 - (f) The EDBs support narrowing the definition of Māori land as sought by the Appellant as the function of the EDBs network may be compromised by activities seeking to locate on land that has newly gained the status of Māori land. This may have the ancillary consequence of impacting on the EDBs long-term planning for the maintenance, upgrade, development or replacement of their network's. To the extent that the EDBs can safely accommodate land uses on Māori land, then they will continue to do so, but there is a need to ensure that the EDBs are aware of what land may classify for that purpose.
9. 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

Attention	Bridget Irving / Simon Peirce
Address	Galloway Cook Allan Lawyers 123 Vogel Street, Level 2 DUNEDIN 9054
Telephone	(03) 477 7312
Fax	(03) 477 5564
Email (preferred)	bridget.irving@gallowaycookallan.co.nz simon.peirce@gallowaycookallan.co.nz

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.