

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

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

**ENV-2024-CHC-39**

**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** **ENVIRONMENTAL DEFENCE  
SOCIETY INCORPORATED**

**Appellant**

**AND** **OTAGO REGIONAL COUNCIL**

**Respondent**

**AND** **AURORA ENERGY LIMITED,  
NETWORK WAITAKI LIMITED AND  
POWERNET LIMITED**

**Section 274 Party**

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

**7 JUNE 2024**

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**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: *Environmental Defence Society Incorporated v Otago Regional Council*, ENV-2024-CHC-39.
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) Definitions: Significant Natural Areas.
    - (b) Coastal Environment: CE-P9 and CE-P10.
    - (c) Energy, Infrastructure and Transport: EIT-INF-O4 EIT-INF-P12 and EIT-INF-P13.
  8. The EDBs oppose 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, polices 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 relief sought by the Appellant has the potential to create reverse sensitivity effects and/or compromise the operation, maintenance, development or upgrade of the electricity distribution network which may have a functional need or operational needs to locate in areas of concern to the appeal.
  - (f) The EDBs seek to ensure that the relief sought by the Appellant does not give rise to unintended consequences for the management of their networks in the region.
  - (g) Broadening the criteria for areas that classify as significant natural areas through resource consent or other processes as sought may is not appropriate and is contrary to the National Policy Statement for Indigenous Biodiversity.
  - (h) The EDBs may be required to locate in the coastal environment due to the operational needs of their network. The term 'operational needs' has become synonymous with 'functional needs' in recent years, but there are key differences which need to be accommodated through planning instruments.
9. The EDBs agree to participate in mediation or other alternative dispute resolution of the proceedings.

A handwritten signature in black ink, appearing to read 'Simon R Peirce', with a large, stylized flourish at the end.

S R Peirce

Solicitor for Aurora Energy, Network Waitaki and PowerNet

Dated 7 June 2024

Service details for the EDBs

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*Advice*

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