

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH
I MUA I TE KOOTI TAIAO O AOTEAROA**

ENV-2018-CHC-229

UNDER	The Resource Management Act 1991 (Act)
IN THE MATTER	of an appeal under clause 14(1) of Schedule 1 of the Act
BETWEEN	LIQUIGAS LIMITED Appellant
AND	DUNEDIN CITY COUNCIL Respondent

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

DATED 31 JANUARY 2019

 **Simpson Grierson**
Barristers & Solicitors

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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 Liquigas Limited (**Liquigas**) against a decision of the Dunedin City Council on the Dunedin 2GP District Plan (**2GP**).
2. Transpower is a person who made a submission about the subject matter of the proceedings (submissions 806 and 2453). Transpower either made a submission on the provisions appealed, or the appeal points concern the same topics 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 public generally for the reasons set out in its Appeal (ENV-2018-CHC-249) 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 is interested in the parts of the proceedings that may or will affect its ability to operate, maintain, develop and upgrade the National Grid, being those aspects of the appeal set out in **Appendix A**. Transpower's position on the amendments sought by Liquigas is also set out in **Appendix A**.
6. The general reasons for Transpower's interest in the proceedings are set out in its Notice of Appeal at paragraphs 13 to 15. In addition and without limiting those reasons, in some instances Transpower considers its Appeal relief gives better effect to the National Policy Statement on Electricity Transmission (**NPSET**) and the Otago Regional Policy Statement (**RPS**), as the provisions would apply to the National Grid.

7. Transpower agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 31st day of January 2019



S J Scott / C J McCallum
Counsel for Transpower New Zealand Ltd

Address for service of interested party

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APPENDIX A

Parts of the proceeding that Transpower is interested in

PROVISION APPEALED BY LIQUIGAS	RELIEF SOUGHT BY LIQUIGAS Additions shown with <u>underline</u> text and deletions shown with striketrough on the Decisions version of the 2GP.	POSITION ON RELIEF
Chapter 1 Definitions		
Major hazard facility	Add new definition as follows: <u>Major hazard facility: Any hazardous facility designated under the Health and Safety at Work Act and including: The land at 254 Fryatt Street, Dunedin, formally described as Lot 2 Deposited Plan 430695.</u>	Oppose, as it is unclear the extent major hazard facilities will be regulated in the National Grid Yard.
Reverse sensitivity	Delete existing definition and replace with: <u>Reverse Sensitivity</u> <u>When existing activities are affected by newer uses establishing that may have a sensitivity to, and subsequently raise concerns or complain about, the effects of the existing activity; and which could lead to restrictions being placed on existing activities.</u> In the alternative, delete definition altogether.	Oppose, on the basis that the definition in the decisions version is more appropriate and gives better effect to Policy 10 of the NPSET. Oppose.
(new) Sensitive Activities	Add new definition of Sensitive Activities as follows; <u>The category of activities that are considered to be a "sensitive activity" for the purposes of the national grid setback, new roads or additions or alterations to existing roads, natural hazards provisions, and the hazard facility mapped area. Sensitive activities include:</u> <u>a. Cemeteries</u> <u>b. Crematoriums</u>	Oppose, as the proposed new definition conflicts with the definition of 'National Grid Sensitive Activities' in the decisions version of the District Plan.

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	<u>c. Registered health practitioners</u> <u>d. Early childhood education</u> <u>e. Emergency services</u> <u>f. Hospital</u> <u>g. Landfills</u> <u>h. Marae-related activities</u> <u>i. Prison or detention centre</u> <u>j. Residential activities (excluding working from home)</u> <u>k. Schools</u> <u>l. Service stations</u> <u>m. Visitor accommodation.</u>	
Objective 5.2.1	Amend as follows: Network utility activities, including renewable energy generation activities, are able to establish, operate and upgrade efficiently and effectively, while minimising <u>avoiding, remedying or mitigating</u> , as far as practicable, any adverse effects on the amenity and character of the zone; and, where located in an overlay zone, scheduled site, or mapped area, meet the relevant objectives and policies for those areas.	Oppose, as conflicts with Transpower's relief, and in so far as these amendments may have implications for the National Grid if Transpower does not achieve its primary relief.
Policy 5.2.1.3	Amend as follows: Require underground or internal network utilities and network utility structures —small scale to be designed and located to enable the provision of network utilities while avoiding, <u>remedying or mitigating</u> or, where avoidance is not practicable, adequately mitigating adverse effects on the amenity and character of the zone.	Oppose, as conflicts with Transpower's relief, and in so far as these amendments may have implications for the National Grid if Transpower does not achieve its primary relief.
New policy under Objective 5.2.1	Include a new policy under Objective 5.2.1 protecting existing network utilities by avoiding the establishment of incompatible activities in adjacent areas that	Oppose.

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	may adversely affect the ongoing operation and development of network utilities through reverse sensitivity effects.	