

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

**ENV-2018-CHC-287**

|                      |                                                                                         |
|----------------------|-----------------------------------------------------------------------------------------|
| <b>UNDER</b>         | The Resource Management Act 1991<br>(Act)                                               |
| <b>IN THE MATTER</b> | of an appeal under clause 14(1) of<br>Schedule 1 of the Act                             |
| <b>BETWEEN</b>       | <b>ROYAL FOREST AND BIRD<br/>PROTECTION SOCIETY OF<br/>NEW ZEALAND</b><br><br>Appellant |
| <b>AND</b>           | <b>DUNEDIN CITY COUNCIL</b><br><br>Respondent                                           |

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

**DATED 31 JANUARY 2019**

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**Simpson Grierson**

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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 Royal Forest and Bird Protection Society of New Zealand (**Forest and Bird**) 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). The appeal points Transpower is joining 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 Forest and Bird 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, Transpower considers its Appeal relief gives better effect to the National Policy Statement on Electricity Transmission (**NPSET**) and the Otago Regional Policy Statement (**RPS**).

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

**DATED** this 31<sup>st</sup> day of January 2019



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

**Address for service of interested party**

Sarah Jane Scott

Counsel for Transpower New Zealand Limited

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## Appendix A

### Parts of the proceeding that Transpower is interested in

| PROVISION<br>APPEALED BY<br>FOREST AND BIRD | RELIEF SOUGHT BY FOREST AND BIRD<br>Additions shown with <u>underline</u> text and deletions shown with <del>striketrough</del> on the Decisions version of the 2GP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | POSITION ON RELIEF                                                                                              |
|---------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| <b>Chapter 10 Natural Environment</b>       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                 |
| Policy 10.2.1.2                             | Amend policy to require that adverse effects on areas meeting the criteria in Policy 2.2.3.2 are avoided (not just “where practicable”) unless they are consistent with maintenance of the site’s biodiversity values.                                                                                                                                                                                                                                                                                                                                                                                                                  | Oppose, as conflicts with Transpower’s relief and does not give effect to the RPS (in particular Policy 4.3.6). |
| Policy 10.2.1.2                             | <p>This policy allows adverse effects on significant indigenous vegetation and significant habitat of indigenous fauna whenever avoidance is “not practicable” which is inadequate to protect IBDA’s and is uncertain. Sub-paragraphs a – c do not provide for remediation or mitigation of effects and the relationship between the three sub-paragraphs is uncertain. Policy does not give effect to the Otago RPS.</p> <p>Require that adverse effects on areas meeting the criteria in Policy 2.2.3.2 are avoided (not just “where practicable”) unless they are consistent with maintenance of the site’s biodiversity values.</p> | Oppose, as conflicts with Transpower’s relief and does not give effect to the RPS (in particular Policy 4.3.6). |
| Policy 10.2.1.3                             | Require that the listed activities are avoided unless they are consistent with maintenance of the ASBV’s biodiversity values.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Oppose, as conflicts with Transpower’s relief and does not give effect to the RPS (in particular Policy 4.3.6). |

| PROVISION<br>APPEALED BY<br>FOREST AND BIRD | RELIEF SOUGHT BY FOREST AND BIRD<br>Additions shown with <u>underline</u> text and deletions shown with <del>striketrough</del> on the Decisions version of the 2GP.                                                                                                                                                                                                                                                                                             | POSITION ON RELIEF                                                                                              |
|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| Policy 10.2.1.4                             | Require that the listed activities are avoided unless they are consistent with the protection of the ASBV's values.                                                                                                                                                                                                                                                                                                                                              | Oppose, as conflicts with Transpower's relief and does not give effect to the RPS (in particular Policy 4.3.6). |
| Policy 10.2.1.6                             | <p>Amend policy to include reference to maintaining or enhancing biodiversity values. Policy would read:</p> <p>Only allow indigenous vegetation clearance – large scale in the rural and rural residential zones where adverse effects on biodiversity values are avoided or, if avoidance is not practicable, more than minor <u>and the biodiversity values are maintained or enhanced.</u></p>                                                               | Oppose, as conflicts with Transpower's relief and does not give effect to the RPS (in particular Policy 4.3.6). |
| Policy 10.2.1.7                             | <p>Policy currently reads: <i>"Only allow indigenous vegetation clearance in a wetland, or where there are threatened plant or fauna species or mature trees on the important native tree species list present, where there is no net loss and preferably a net gain in biodiversity values."</i></p> <p>Relief seeks amendment to require that indigenous vegetation clearance within a wetland or of the other vegetation/habitat types listed is avoided.</p> | Oppose, as conflicts with Transpower's relief and does not give effect to the RPS (in particular Policy 4.3.6). |

| PROVISION<br>APPEALED BY<br>FOREST AND BIRD                                                  | RELIEF SOUGHT BY FOREST AND BIRD<br>Additions shown with <u>underline</u> text and deletions shown with <del>striketrough</del> on the Decisions version of the 2GP.                                                                                                                                                                                                                                               | POSITION ON RELIEF                                                                                                                 |
|----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Rule 10.3.2.3                                                                                | Amend c <sup>1</sup> to specify that activities that contravene the standard are non-complying.                                                                                                                                                                                                                                                                                                                    | Oppose, as conflicts with Transpower's relief and does not give effect to the RPS (particular Policy 4.3.6).                       |
| Assessment of restricted discretionary activities (performance standard contraventions) 10.5 | Ensure objectives and policies are comprehensively listed or delete reference to objectives and policies. Do not repeat text of objectives and policies.                                                                                                                                                                                                                                                           | Interested, to the extent that any changes may conflict with Transpower's relief and to ensure any changes give effect to the RPS. |
| Assessment of restricted discretionary activities 10.6                                       | <p>Ensure objectives and policies are comprehensively listed or delete reference to objectives and policies. Do not repeat text of objectives and policies.</p> <p>Delete references to compensation in relation to activities affecting Policy 11, 13, 15 NZCPS areas.</p> <p>Make any consequential amendments to matters of discretion required as a result of other relief sought in this Notice of Appeal</p> | Interested, to the extent that any changes may conflict with Transpower's relief and to ensure any changes give effect to the RPS. |
| Assessment of discretionary activities 10.7                                                  | Delete reference to "priority" objectives and policies. Ensure objectives and policies are comprehensively listed or delete reference to objectives and policies. Do not repeat text of objectives and policies.                                                                                                                                                                                                   | Interested, to the extent that any changes may conflict with Transpower's relief and to ensure any changes give effect to the RPS. |

1 Transpower understands this is a typographical error as the activity status for Rule 10.3.2.3 is in sub-section e, not c.

| PROVISION<br>APPEALED BY<br>FOREST AND BIRD | RELIEF SOUGHT BY FOREST AND BIRD<br>Additions shown with <u>underline</u> text and deletions shown with <del>striketrough</del> on the Decisions version of the 2GP.                                                                                                                                                                                                                                                                                                      | POSITION ON RELIEF                                                                                                                 |
|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
|                                             | <p>Delete references to compensation in relation to activities affecting Policy 11, 13, 15 NZCPS areas</p> <p>Make any consequential amendments to matters of discretion required as a result of other relief sought in this Notice of Appeal</p> <p>Provide a new definition of “no practicable alternative locations” if policies referring to this are retained.</p>                                                                                                   |                                                                                                                                    |
| Assessment of non-complying activities 10.8 | <p>Delete reference to “priority” objectives and policies. Ensure objectives and policies are comprehensively listed or delete reference to objectives and policies. Do not repeat text of objectives and policies.</p> <p>Delete references to compensation in relation to activities affecting Policy 11, 13, 15 NZCPS areas</p> <p>Make any consequential amendments to matters of discretion required as a result of other relief sought in this Notice of Appeal</p> | Interested, to the extent that any changes may conflict with Transpower’s relief and to ensure any changes give effect to the RPS. |