

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2018-CHC-000249

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under Clause 14(1) of the First
Schedule of the Act in relation to the
Proposed Second-Generation Dunedin City
Plan

BETWEEN **TRANSPower NEW ZEALAND LIMITED**

Appellant

AND **DUNEDIN CITY COUNCIL**

Respondent

**NOTICE OF WISH TO BE
PARTY TO PROCEEDINGS PURSUANT TO
SECTION 274 RESOURCE MANAGEMENT ACT 1991**

To: The Registrar

Environment Court

Christchurch

1. Horticulture New Zealand ("**HortNZ**") wishes to be a party pursuant to section 274 of the Resource Management Act 1991 ("**RMA**") to the following proceedings:
 - (a) *Otago Regional Council v Dunedin City Council* (**ENV-2018-CHC-000249**) being an appeal against decisions of the Dunedin City Council on the Proposed Second-Generation Dunedin City Plan.
2. HortNZ made submissions and further submissions on the Proposed Second-Generation Dunedin City Plan (submission number 1090 and further submission number 2452).
3. HortNZ also has an interest in these proceedings that is greater than the general public as it represents interest groups in the community that are likely to be adversely affected by the proposed relief sought by the Respondent
4. HortNZ is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
5. The parts of the proceedings HortNZ is interested in are:
 - (a) Definitions National Grid Yard and National Grid Subdivision Corridor
 - (b) Definition reverse sensitivity
 - (c) Objective 2.3.1 and Policy 2.3.1.7
 - (d) 5.2 Objectives and policies
 - (e) Policies 5.2.2.2, 5.2.2.3 and 5.2.2.4
 - (f) Rule 5.6 Setbacks from National Grid and Network utilities
 - (g) Rule 5.6.1.2 Setback from National Grid (earthworks)
 - (h) Rules 5.10.2 and 5.10.4

6. The particular issues and whether HortNZ supports, opposes or conditionally opposes the relief sought are set out in the attached table.
7. HortNZ agrees to participate in mediation or other alternative dispute resolution of the proceedings.



Rachel McClung

Environmental Policy Advisor – South Island
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23 January 2019

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Advice

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

Provision Appealed by Transpower	Scope for s274 (HortNZ submission point reference)	Support / Oppose	Reasons
Definitions National Grid Yard National Grid Subdivision Corridor	FS2452.19 on OS806.11 by Transpower	Support	The definitions and diagram sought by the Appellant clarify the areas affected by the National Grid provisions.
Definition reverse sensitivity	OS1090.8	Support in part	HortNZ supported retaining the notified definition of reverse sensitivity. The decision amends the definition as a result of OS1046.5 by Air New Zealand. The Appellant seeks the deletion of the reference to 'beyond the site boundaries' which is problematic given the definition of site in the Plan and the location of the National Grid. HortNZ seeks that a definition for reverse sensitivity is retained in the Plan so it is clear how the term will be interpreted and implemented in the Plan and does not consider the change sought by the Appellant will negate the application of the definition.
Objective 2.3.1 and Policy 2.3.1.7	FS2452.7 on OS918.22 by RadioNZ FS2452.13 on OS457.42 by Aurora Energy FS2452.12 on OS457.166 by Aurora Energy FS2452.17 on OS806.26 by Transpower FS2452.16 on	Support in part	The Appellant seeks to amend the objective and policy to give effect to the NPSET. HortNZ supports other changes to Policy 2.3.1.7 sought by Federated Farmers so the policy is consistent with the NPSET and the RPS. The Partially Operative RPS for Otago has Policy 4.3.6 and Method 4.1.17 which provide for the National Grid by managing activities and providing controls on activities.

Provision Appealed by Transpower	Scope for s274 (HortNZ submission point reference)	Support / Oppose	Reasons
	OS806.25 by Transpower		
5.2 Objectives and policies	FS2452.15 on OS806.21 FS2452.16 on OS806.25 FS2452.17 on OS806.26	Support in part	The Plan includes Policies 5.2.2.2, 5.2.2.3 and 5.2.2.4 to provide for the National Grid, but the Appellant seeks to delete these policies and replace with a standalone objective and suite of policies. HortNZ supports ensuring the policies give effect to the NPSET, but are unsure why the decision version of the policies is inadequate. They are consistent with the style of the Plan.
Policies 5.2.2.2, 5.2.2.3 and 5.2.2.4	FS2452.15 on OS806.21 FS2452.16 on OS806.25 FS2452.17 on OS806.26	Support in Part (contingent on above appeal point)	The Appellant seeks the deletion of the policies as a consequence of adding the new suite of objectives and policies that are sought. If the policies are found to be inadequate, then deletion of the notified version of these policies would be necessary.
Rule 5.6 Setbacks from National Grid and Network utilities	FS2452.19 on OS806.11 by Transpower	Support in part Oppose in part	The Appellant seeks the deletion of the clause in 5.6.1.1 b) regarding NZECP34. HortNZ supports the deletion to ensure that there is not confusion about the application of NZECP. The Appellant seeks to amend 5.6.1.1.b) v regarding irrigation equipment. HortNZ opposes the amended change as it would limit the ability to use irrigation equipment near the National Grid. In addition, the exclusion of network utility operations in 5.6.1.1.b) v) means that such operations are not provided for in the Plan.

Provision Appealed by Transpower	Scope for s274 (HortNZ submission point reference)	Support / Oppose	Reasons
Rule 5.6.1.2 Setback from National Grid (earthworks)	FS2452.19 on OS806.11 by Transpower	Support in part Oppose in part	The Appellant seeks that the provisions are more closely aligned with NZECP earthwork provisions. The intent is supported. However, the Appellant also seeks that the default activity status be non-complying rather than restricted discretionary. Transpower has accepted restricted discretionary activity status for earthworks in other plans. It is not clear why non-complying is sought in Dunedin.
Rule 5.10.2 and 5.10.4	FS2452.19 on OS806.11 by Transpower	Oppose	While resource consent application of non-complying are assessed under sections 104 and 104D of the RMA, 5.10.2 and 5.10.4 are provided as 'guidance' for such applications. They do not limit the assessment of an application but identify objectives and policies that are relevant. Given the status of guidance there is no need to delete the provisions.