

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

ENV-2018-CHC-291

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

**NOTICE OF TRANSPOWER NEW ZEALAND LIMITED'S WISH TO BE PARTY TO
PROCEEDING**

DATED 31 JANUARY 2019

 **Simpson Grierson**
Barristers & Solicitors

S J Scott / C J McCallum
Telephone: +64-3-968 4018
Facsimile: +64-3-379 5023
Email: sarah.scott@simpsongrierson.com
PO Box 874
SOLICITORS
CHRISTCHURCH 8140

**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 BP Oil New Zealand Limited (**BP Oil**) 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 provision 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 BP Oil 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.
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

Sarah Jane Scott

Counsel for Transpower New Zealand Limited

Simpson Grierson, Level 1, 151 Cambridge Terrace, Christchurch

PO Box 874 Christchurch 8140

sarah.scott@simpsongrierson.com

Appendix A

Parts of the proceeding that Transpower is interested in

PROVISION APPEALED BY BP OIL	RELIEF SOUGHT BY BP OIL 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		
Reverse sensitivity	Delete decisions version and replace with: <u>The potential for the operation of an existing lawfully established activity to be constrained or curtailed by the more recent establishment or intensification of other activities which are sensitive to the established activity.</u>	Interested, Transpower submitted in support of the notified definition.
Strategic infrastructure	Include new definition for “strategic infrastructure”	Interested, the new definition sought is not specified and may affect Transpower and the National Grid.
Network utilities	Amend definition of “network utilities” to ensure that network utilities only capture the bulk fuel facilities (including storage) and transmission and distribution pipelines relating to natural or manufactured gas, petroleum, biofuel, or geothermal energy.	Conditional support provided that bulk fuel facilities remain captured by Rule 9.3.4.2: 1. <i>The <u>storage and use of hazardous substances</u> with explosive or flammable properties must be set back 12m from <u>National Grid transmission lines</u>, support <u>structures</u> and <u>substations</u>, except:</i> a. <i>the <u>storage and use of hazardous substances</u> which comply with the residential zones hazardous substances quantity limits in Appendix A6.1.</i>

PROVISION APPEALED BY BP OIL	RELIEF SOUGHT BY BP OIL Additions shown with <u>underline</u> text and deletions shown with striketrough on the Decisions version of the 2GP.	POSITION ON RELIEF
Chapter 9 Public Health and Safety		
Rule 9.3.4	Remove the provisions managing hazardous substances and rely on the Hazardous Substances and New Organisms Act 1996 unless exceptional circumstances can be demonstrated to existing through a robust s32 analysis.	–Oppose. BP Oil’s relief appears to apply to Rule 9.3.4 in its entirety including Rule 9.3.4.2 (setbacks from the National Grid). Transpower opposes any removal, or weakening of National Grid setbacks.