

In the Environment Court of New Zealand
at Christchurch

ENV-2018-CHC-230

under: the Resource Management Act 1991

in the matter of: an appeal under clause 14(1) of Schedule 1 to the Act

and: the Proposed Second Generation Dunedin City District Plan
(2GP)

between: **Aurora Energy Limited**
Appellant

and: **Dunedin City Council**
Respondent

Notice of Spark New Zealand Trading Limited's, Chorus New Zealand Limited's and
Vodafone New Zealand Limited's wish to be party to proceedings

Dated: 30 January 2019

**NOTICE OF SPARK NEW ZEALAND TRADING LIMITED'S, CHORUS NEW
ZEALAND LIMITED'S AND VODAFONE NEW ZEALAND LIMITED'S WISH TO
BE PARTY TO PROCEEDINGS**

Section 274, Resource Management Act 1991

- To** The Registrar
 Environment Court
 Christchurch
- 1 Spark New Zealand Trading Limited (*Spark*), Chorus New Zealand Limited (*Chorus*) and Vodafone New Zealand Limited (*Vodafone*) wish to be a party to the following proceedings:
- 1.1 the appeal by Auroroa Energy Limited (the *Appellant*) to the Environment Court against the decisions of the Dunedin City Council on the Proposed Second Generation Dunedin City District Plan (2GP).
- 2 Spark, Chorus and Vodafone (*the Companies*) made submissions and further submissions on the Proposed Plan.
- 3 The Companies are not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
- 4 The Companies are interested in part of the proceedings as these relate to Chapter 2 Strategic Directions and Chapter 5 Network Utilities.
- 5 The Companies are interested in the following particular issues:
- New Objective 2.3.1A***
- 5.1 The Appellant seeks a new objective in the Strategic Directions Chapter in relation to infrastructure. The Companies lodged submissions on Chapter 2 Strategic Directions seeking amendments to ensure at the strategic directions level that the provisions dealt appropriately with all infrastructure, and not just public infrastructure.
- 5.2 The decisions made a number of amendments to the Strategic Directions Chapter in relation to infrastructure which the Companies did not appeal. The Companies have an interest in the outcome of any further amendments to the Strategic Directions provisions in relation to infrastructure.

New Policy 2.3.1A.1

- 5.3 The Appellant seeks a new policy in the Strategic Directions Chapter in relation to infrastructure. The Companies lodged submissions on Chapter 2 Strategic Directions seeking amendments to ensure at the strategic directions level that the provisions dealt appropriately with all infrastructure, and not just public infrastructure.
- 5.4 The decisions made a number of amendments to the Strategic Directions Chapter in relation to infrastructure which the Companies did not appeal. The Companies have an interest in the outcome of any further amendments to the Strategic Directions provisions in relation to infrastructure.

Objective 5.2.1

- 5.5 The Appellant seeks amendments to Objective 5.2.1 in Chapter 5 Network Utilities. The Companies made submissions on the Chapter generally seeking a better policy framework for network utilities, and specifically in regard to Objective 5.2.1 seeking changes to the objective as notified.
- 5.6 The Companies did not appeal the decisions version of Objective 5.2.1, but have an interest in the outcome of any amendments to the Objective.

Chapter 5 New Policy

- 5.7 The Appellant requests that a new policy is added in Chapter 5 to support the establishment, maintenance and upgrade of network utilities. The Companies lodged submissions on the Chapter generally seeking a better policy framework for network utilities, and specifically seeking a new Policy in Chapter 5 requiring the benefits of network utilities to be considered where assessing the adverse effects of proposals.
- 5.8 The Companies have lodged an appeal seeking a new Policy as sought in its submission which was not included in Chapter 5 in the Council decisions.
- 5.9 The Companies have an interest in the addition of any further policies to Chapter 5, or possible integration of matters covered in the Policy sought by the Companies and the new Policy sought by the Appellant.

Policy 5.2.1.11

- 5.10 The Appellant refers to Policy 5.2.1.11 (the notified policy reference) which is now numbered 5.2.1.5 in the decisions version of the 2GP. The Companies lodged submissions on the Chapter generally seeking a better policy framework for network utilities, and specifically on Policy 5.2.1.11 seeking that the notified version of the policy be deleted.
- 5.11 The Companies did not appeal the decisions version of Policy 5.2.1.5, but have an interest in the outcome of any amendments to the policy or the policy framework for Chapter 5 generally.

Rule 5.8.2 – Assessment of Restricted Discretionary Network Utility Activities

- 5.12 The Appellant requests changes to Rule 5.8.2 – Assessment of Restricted Discretionary Activities. The Companies lodged submissions on the assessment criteria in Section 5.8, and have also lodged an appeal on these provisions.
- 5.13 Whilst the Appellant appears to be focussed on outcomes in regard to electricity distribution infrastructure, the Companies have an interest in the general content and structure of the assessment criteria.
- 6 The Companies agree to participate in mediation or other alternative dispute resolution of the proceedings.

Signed for and on behalf of **Spark New Zealand Trading Limited** by

Robert Berrill
GM Physical Infrastructure

Date:

Address for service of person:

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Please direct enquiries to:
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Signed for and on behalf of **Spark New Zealand Trading Limited** by



Robert Berrill

GM Physical Infrastructure

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Signed for and on behalf of **Chorus New Zealand Limited** by

Andrew Kantor

Environmental Planner and RMA Advisor

Date:

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Signed for and on behalf of **Chorus New Zealand Limited** by



Andrew Kantor
Environmental Planner and RMA Advisor

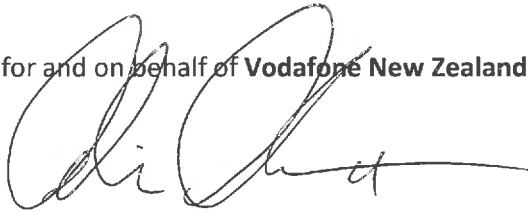
Date: 30.01.19

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Signed for and on behalf of Vodafone New Zealand Limited by



Colin Clune
RMA Planner

Date:

Address for service of person:

The address for service for the appellant is at:
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This document is filed by Chris Horne, Director, Incite (Auckland) Limited, under instruction from Spark New Zealand Trading Limited, Chorus New Zealand Limited and Vodafone New Zealand Limited.

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Attention:
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Advice

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