

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY**

I TE KŌTI TAIAO O AOTEAROA

ENV-2018-CHC-277

BETWEEN

AURORA ENERGY LIMITED

Appellant

AND

DUNEDIN CITY COUNCIL

Respondent

NOTICE OF PARTIES' WISH TO BE PARTY TO PROCEEDINGS

KĀTI HUIRAPA RŪNAKA KI PUKETERAKI AND TE RŪNANGA O ŌTĀKOU

Dated 31 January 2019

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Notice of wish to be party to proceedings

Under section 274 of the Resource Management Act 1991

To The Registrar
Environment Court
Christchurch

1 Kāti Huirapa Rūnaka Ki Puketeraki and Te Rūnanga O Ōtākou
("Manawhenua"), wish to be parties to the following proceedings
concerning the Proposed Second Generation Dunedin District Plan ("2GP"):

ENV-2018-CHC-277 Aurora Energy Limited v Dunedin City Council.

2 Manawhenua made a submission about the subject matter of the
proceedings.

3 Further, as the Kāi Tahu rūnanga are Manawhenua within the Dunedin
district and therefore have an interest in the proceedings greater than the
general public.

4 Manawhenua are not trade competitors.

5 Manawhenua are interested in all of the proceedings.

6 The ability of Kāi Tahu to provide for their cultural wellbeing is dependent
on the protection of valued sites, resources and landscapes, including wāhi
tūpuna, and therefore Manawhenua are particularly interested in the
following issues:

- a Any changes proposed in this appeal that have the potential to
impact how the 2GP provides for and protects Kāi Tahu values in the
Dunedin district.
- b Any changes that enable the establishment of new or significantly
expanded network utility infrastructure, and the corresponding risk
of impacting certain sites and locations with particular importance
or values to Manawhenua, particularly where these might affect
wāhi tūpuna, important landscapes and ridgelines.
- c Any changes to the policy balance in the 2GP to the detriment of
consideration of Kāi Tahu values, including the amendments sought

by the Appellant to the introductory sections and policy provisions as set out in Appendix 1 of the appeal.

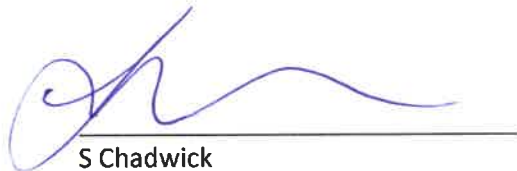
- d Any changes to the 2GP that change the activity classification or assessment criteria to the detriment of consideration of Kāi Tahu values in the Dunedin district, including the amendments sought by the Appellant to the rules and plan maps as set out in Appendix 1 of the appeal.
- e Any changes to the 2GP that have the potential to impact on Kāi Tahu involvement in planning and consenting decisions.
- f Any alternative or consequential relief.

7 Manawhenua oppose the relief sought by the Appellant for the following reasons:

- a Scheduling is an inappropriate planning method for managing network utilities.
- b Network utility activities can have adverse effects on Manawhenua values, and have been identified as a threat in many wāhi tūpuna across the district.
- c Strengthening the policy and assessment provisions in favour of network utilities may have the effect of weakening protection of Manawhenua values and Manawhenua wish to ensure an appropriate policy balance is struck.
- d Network utilities often locate in naturally and visually sensitive areas and ridgelines are particularly vulnerable. Manawhenua have identified that ridgeline protection is a priority, within and outside of wāhi tūpuna.
- e It is important that Manawhenua values are fully considered in consenting decisions about network utilities, both through appropriate provisions in the rules and policy of the 2GP and through Manawhenua involvement in consenting processes.

- f The 2GP contains a trigger that provides for all activities that are discretionary or non complying to be notified to Manawhenua, whether they are in identified wāhi tūpuna or not. Changing the activity status of an activity from discretionary to restricted discretionary or a lesser classification removes this requirement for notification, which is inappropriate.
- g The Appellant's proposed amendments do not promote sustainable management and do not adequately reflect or take account of the important matters in Part II of the Resource Management Act 1991, including sections 6(b), 6(e), 6(g), 7(a), 7(aa) and 8.
- h Any new network utility policy must include adequate provision for consideration of impacts on Kāi Tahu values.

8 Manawhenua agree to participate in mediation or other alternative dispute resolution.



S Chadwick
Counsel for Kāti Huirapa Rūnaka Ki Puketeraki and Te Rūnanga O Ōtākou

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