

**In the Environment Court
I Mua I Te Kōti Taiao O Aotearoa
Christchurch Registry
Ōtautahi Rohe**

ENV-2020-CHC-000042

Under the Resource Management Act 1991
And in the matter of an application under Section 274 of the Act

Between

Minister of Conservation

Appellant

and

Marlborough District Council

Respondent

**Notice of Transpower New Zealand Limited's wish to be
party to proceedings**

8 June 2020

BELL GULLY

BARRISTERS AND SOLICITORS
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To: The Registrar
Environment Court
Christchurch

1. Transpower New Zealand Limited (**Transpower**) wishes to be a party to the following proceedings:
 - (a) ENV-2020-CHC-000042 *Minister of Conservation v Marlborough District Council*.
2. Transpower has an interest in the proceedings that is greater than the interest that the general public has as the owner and operator of the National Grid infrastructure within the Marlborough region, some of which traverse sensitive ecological sites.
3. Transpower is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991 (**RMA**).
4. Transpower is interested in the following part of the proceedings:
 - (a) Policy 8.3.6 – Biodiversity Offsetting.
5. Transpower opposes the relief sought because—
 - (a) Transpower is often required to undertake works for the operation, maintenance, upgrade and development of the National Grid that may have adverse effects on biodiversity;

For example, Transpower maintains a network of access tracks that reach Transpower's structures in the Wairau Valley in Marlborough. As part of this network, there are many waterway crossings that are required to be forded (i.e. there are no constructed crossings). In order to maintain access to Transpower's structures, these crossings require periodic maintenance (earthworks and gravel placement) to ensure they are traversable using a 4WD vehicle.

The Wairau River is known nesting habitat of black fronted tern (nationally endangered), black billed gull (nationally critical), banded dotterel (nationally vulnerable) and New Zealand pitpit (at risk – declining) and the area is recognised for its conservation value by a number of agencies.

Prior to any maintenance works, an ecologist visited all waterway crossings in this area and determined whether they were suitable nesting habitat and assigned each crossing a risk rating. Based on the risk rating mitigation measures were proposed for each site, such as avoiding work in that area during breeding season, surveying the area prior to any works, and having an ecologist supervise any works. No mitigation was required for low risk sites. These recommendations have been used to inform Transpower's maintenance programme for the access ways in this area.

- (b) Transpower's ability to undertake works such as these may be limited by the proposed changes to Policy 8.3.6 as Transpower may be unable to utilise biodiversity offsetting to offset any adverse effects of the works. Therefore the proposed amendments to Policy 8.3.6 have the potential to adversely affect the operation, maintenance, upgrade, and development of the National Grid;
- (c) The relief sought fails to give effect to the National Policy Statement on Electricity Transmission 2008; and
- (d) The relief sought is otherwise contrary to Part 2 and the purpose of the RMA being to promote the sustainable management of natural and physical resources.

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



A J L Beatson / T M Crawford
Counsel for Transpower New Zealand Limited

Dated 8 June 2020

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Advice

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