

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2020-CHC-000065

IN THE MATTER of the Resource Management Act
1991 (the **Act**)

AND

IN THE MATTER of an appeal under Clause 14(1) of
Schedule 1 of the Act

BETWEEN Levide Capital Limited
Appellant

AND Marlborough District Council
Respondent

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS
Section 274 of the Act


HOLLAND BECKETT
L A W

525 Cameron Road
DX HP40014
Private Bag 12011
Tauranga 3143
Telephone: (07) 578 2199
Facsimile: (07) 578 8055

Solicitor: Vanessa Hamm

Email: vanessa.hamm@hobec.co.nz

TO: The Registrar
Environment Court
CHRISTCHURCH

1. **Trustpower Limited (Trustpower)** wishes to be a party to the following proceedings:
 - (a) ENV-2020-CHC-000065, *Levide Capital Limited v Marlborough District Council*, an appeal under Clause 14(1) of Schedule 1 of the Act on the Proposed Marlborough Environment Plan (the **Plan**).
2. Trustpower made a submission about the subject matter of the proceedings.
3. Trustpower is not a trade competitor for the purposes of section 308C or 308CA of the Act.
4. Trustpower is interested in part of the proceedings.
5. The parts of the proceedings Trustpower is interested in are the appellant's reasons for appeal and relief sought with respect to:
 - (a) Policies 5.3.1 and 5.3.6;
 - (b) Additional policies, or amendments to existing policies, to recognise the status and importance of existing water allocations;
 - (c) New policies, rules and methods in relation to water allocation (discussed at 9(a)(v) of the appellant's Notice of Appeal); and
 - (d) Any further or consequential relief to address the issues raised in relation to these provisions.
6. Trustpower is interested in the following particular issues:

- (a) The parts of the decision appealed and the appellant's reasons for appeal and relief sought insofar as it relates to water allocation matters which may impact the operation of Trustpower's hydro-electric power schemes, and changing the Plan in a manner which is inconsistent with Trustpower's own appeal and submission.
- 7. Trustpower opposes the relief sought with respect to Policy 5.3.1 for the following reason:
 - (a) The appellant seeks amendments to Policy 5.3.1 to include water takes for permanent crops in the water allocation hierarchy. This is contrary to Trustpower's appeal, which seeks that this policy be deleted and water be allocated on a first in, first served basis.
- 8. Trustpower otherwise neither supports nor opposes the relief sought but wishes to monitor the relief sought including for the following reasons:
 - (a) The appellant seeks a series of amendments and additions to the Plan relating to water allocation. Trustpower owns and operates the Branch and Waihopai hydro-electric power schemes in the Marlborough Region. As a hydro-electricity generator, Trustpower has a particular interest in the planning framework for water allocation.
 - (b) The relief sought relates to matters canvassed in Trustpower's submission, and some of the relief sought relates to matters raised in Trustpower's own appeal. Parts of the relief are also framed very broadly and it is unclear what specific amendments would be included in the Plan.
 - (c) For example, the appellant seeks new policies or amendments to existing policies to recognise the status and importance of existing water allocations. This relief is very broad, and could give rise to provisions which relate to Trustpower's own water allocations for its hydro-electric power schemes.

(d) Trustpower therefore wishes to be a party to the appeal so that it may be involved in the development of any amendments that may affect Trustpower's interests and to ensure that any relief granted is appropriate and consistent with its submission and own appeal.

9. Trustpower agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Signature:



Vanessa Hamm
Counsel for Trustpower Limited

Date: 8 June 2020

**Address for service of
Trustpower Limited:**

Vanessa Jane Hamm
c/- Holland Beckett
525 Cameron Road
Private Bag 12011
Tauranga 3143

Telephone:

(07) 578 2199

Fax:

(07) 578 8055

Email:

Vanessa.Hamm@hobec.co.nz

Meila.Wilkins@hobec.co.nz

Contact person:

Vanessa Hamm

Advice

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