

**N THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2017-CHC-000026

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under Clause 14(1) of the First
Schedule of the Act in relation to the
proposed Southland Water and Land Plan

BETWEEN **Transpower New Zealand Limited**

Appellant

AND **Southland Regional Council**

Respondent

**NOTICE OF WISH TO BE
PARTY TO PROCEEDINGS PURSUANT TO
SECTION 274 RESOURCE MANAGEMENT ACT 1991**

To: The Registrar

Environment Court

Christchurch

1. Horticulture New Zealand ("**HortNZ**") wishes to be a party pursuant to section 274 of the Resource Management Act 1991 ("**RMA**") to the following proceedings:
 - (a) *Transpower New Zealand Limited v Southland Regional Council* (**ENV-2017-CHC-000026**) being an appeal against decisions of the Southland Regional Council on the proposed Southland Water and Land Plan.
2. HortNZ made submissions and further submissions on the proposed Southland Water and Land Plan (submission number 390 and further submission number 390).
3. HortNZ also has an interest in these proceedings that is greater than the general public as it represents interest groups in the community that are likely to be affected by the proposed relief sought by the Respondent.
4. HortNZ is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
5. The parts of the proceedings HortNZ is interested in are:
 - (a) Rule 59
6. The particular issues and whether HortNZ supports, opposes or conditionally opposes the relief sought are set out in the attached table.
7. HortNZ agrees to participate in mediation or other alternative dispute resolution of the proceedings.



Rachel McClung

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Horticulture New Zealand

14 / 06 / 2018

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Advice

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

Provision Appealed by Transpower	Scope for s274 (HortNZ submission point reference)	Support / Oppose	Reasons
Rule 59 a) Culverts	390.FS on 708.4	Oppose	<p>Transpower has appealed the decision on Rule 59a) seeking a 12 metre setback of a culvert from a network utility structure unless they are for the purpose of maintaining, upgrading or developing that network utility.</p> <p>The appeal is based on a further submission made by Transpower on a submission by NZ Transport Agency (614.24) which sought that Rule 59 a) iv) be amended as follows: <i>any culvert shall be designed to pass flood flows a 0.5% AEP flood event (either through, around or over the culvert) and shall not increase the risk of flooding or damage to neighbouring properties or network utilities upstream or downstream of the culvert;</i></p> <p>The decision does not accept the decision of NZTA, supported by Transpower. Based on NZTA's submission Transpower is now seeking the following clause in Rule 59: <i>Culverts shall not be located within 12 metres of a network utility structure unless they are for the purpose of maintaining, upgrading or developing that network utility.</i></p> <p>There is nothing in the original submission of NZTA that would indicate that a 12 metre setback would be required for a culvert from a network utility structure.</p> <p>It would seem that the issue for Transpower would be the potential effect that earthworks for a culvert may have on the integrity of a National Grid structure if the earthworks were undertaken too close to the structure. However such earthworks are managed through the Electricity Regulations and NZECP34:2001 which has setback distances for earthworks from transmission structures so it is unnecessary to include a setback of 12 metres in Rule 59.</p>

			<p>While Transpower's issue relates to transmission structures the relief sought applies to any network utility structure which could potentially affect the ability of people and communities to adequately provide for their safety and wellbeing.</p> <p>Given that the relief sought was not indicated in the original submission by NZTA, HortNZ considers that the change sought is inappropriate and out of scope.</p>
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