

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

**I MUA I TE KŌTI TAIAO
TĀMAKI MAKAURAU ROHE**

ENV-2020-AKL-000127

UNDER the Resource Management Act 1991 ("**RMA**")
IN THE MATTER of an appeal under cl 14 of Sch 1 to the RMA
BETWEEN **THE DIRECTOR-GENERAL OF CONSERVATION**
Appellant
A N D **WHANGAREI DISTRICT COUNCIL**
Respondent

**NOTICE OF NORTHPOWER LIMITED'S WISH TO BE A PARTY TO
PROCEEDINGS**

5 AUGUST 2020

Barker & Associates Limited

REF: David Badham

**Unit 18A 16-24 Commerce Street,
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Whangarei 0140**

**NOTICE OF NORTHPOWER LIMITED'S WISH TO BE A PARTY TO
PROCEEDINGS**

TO: The Registrar
Environment Court
Auckland

NORTHPOWER LIMITED ("**Northpower**") gives notice of its wish to be a party to the appeal ENV-2020-AKL-000127 by the Director-General of Conservation ("**The Appeal**") against parts of the decision of Whangarei District Council ("**WDC**") on the Urban and Services Plan Changes ("**Plan Changes**") to the Whangarei District Plan.

1. Northpower is a person who has an interest in the proceedings that is greater than the public generally, as it owns the electricity distribution and ultra-fast broadband networks in the Whangarei and Kaipara districts, which are considered by the Northland Regional Policy Statement ("**RPS**") as regionally significant infrastructure.
2. Northpower is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
3. Northpower is interested in all of the proceedings.
4. In principle, Northpower is supportive of the issues raised in the Appeal with regard to the protection of kauri trees from the spread of kauri dieback disease. However, Northpower is interested in the Appeal to the extent that the issues raised by the Appeal may adversely affect or restrict Northpower's ability to operate, maintain, develop and upgrade the electricity distribution and ultra-fast broadband networks in the Whangarei District.
5. Accordingly, Northpower conditionally opposes the relief sought because:
 - 5.1 It does not result in the most appropriate provisions in terms of section 32 of the RMA.
 - 5.2 Suitable provision must be made to allow the cutting and trimming of trees to protect the security of supply of electricity and safety of the public in accordance with the Electricity (Hazards from Trees) Regulations 2003. Northpower regularly undertakes vegetation clearance in accordance with these regulations.

- 5.3 Any determination of the relief sought, needs to be considered alongside the provisions in Chapter 23 (Network Utility Operations), the Critical Electricity Lines and Substations Chapter (CEL) and the Network Utilities Chapter (NTW) in the Whangarei District Plan.
- 5.4 The relief sought may restrict typical trimming of trees or vegetation and earthworks required for the maintenance, operation, installation and upgrading of Northpower's assets throughout the District.
- 5.5 There is no readily available information provided with the Appeal to understand the extent of kauri within the Whangarei District, or how this relates to Northpower's assets.
6. Northpower agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 5th day of August 2020

NORTHPOWER LIMITED by its
planner and duly authorised agent
Barker & Associates



David Badham

ADDRESS FOR SERVICE: The offices of Barker & Associates Limited, Planners,
Unit 18A 16-24 Commerce Street, Whangarei 0110, PO Box 37, Whangarei 0140
Telephone: 0212031034. **Attention:** David Badham, davidb@barker.co.nz.

COPY TO: The Appellant

AND TO: Whangarei District Council

AND TO: Section 274 Parties