

In the Environment Court of New Zealand
at Auckland

I mua i te Kōti Taiao o Aotearoa
I te rohe o Tāmaki Makaurau

ENV-2020-AKL-000127

under: the Resource Management Act 1991

in the matter of: an appeal pursuant to clause 14(1) of the First
Schedule to the Resource Management Act 1991

between: **the Director-General of Conservation**
Appellant

and: **Whangarei District Council**
Respondent

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

Dated: 4 August 2020

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NOTICE OF TRANSPOWER NEW ZEALAND LIMITED'S WISH TO BE PARTY TO PROCEEDINGS

Section 274, Resource Management Act 1991

- To** The Registrar
Environment Court
Auckland
- 1 Transpower New Zealand Limited (*Transpower*) wishes to be a party to appeal ENV-2020-AKL-000127 by the Director-General of Conservation (*Appeal*) against parts of the decision of Whangarei District Council (*Council*) on the Urban and Services Plan Changes to the Whangarei District Plan (*Plan Changes*).
 - 2 Transpower made a submission about the subject matter of these proceedings.
 - 3 Transpower is also a person who has an interest in the proceedings that is greater than the public generally, in that it is the State Owned Enterprise that plans, builds, maintains, owns and operates New Zealand's electricity transmission network – the National Grid. The need to operate, maintain, develop and upgrade the electricity transmission network is a matter of national significance under the National Policy Statement for Electricity Transmission 2008 (*NPSET*).
 - 4 Transpower is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
 - 5 Transpower is interested in all of the proceedings.
 - 6 Transpower is interested in the issues raised by the appeal that may affect its ability to operate, maintain, develop and upgrade the National Grid.
 - 7 Transpower conditionally opposes the relief sought because:
 - 7.1 The relief sought does not result in the most appropriate provisions in terms of section 32 of the RMA;
 - 7.2 The Plan Changes must give effect to the NPSET, including by recognising and providing for the effective operation, maintenance, upgrading and development of the National Grid (Policy 2) and by enabling the reasonable operational, maintenance and minor upgrade requirements of established electricity transmission assets (Policy 5).
 - 7.3 The Electricity (Hazards from Trees) Regulations 2003 establish responsibilities for the cutting or trimming of trees to protect the security of supply of electricity and the safety of the public. Transpower undertakes vegetation clearance in accordance with the Regulations.
 - 7.4 The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (*NESETA*) regulate activities that relate to the operation, maintenance and upgrading of existing transmission

lines. Regulation 30 of the NESETA permits the trimming, felling or removal of trees or vegetation in relation to an existing transmission line subject to conditions. Transpower relies on Regulation 30 for the effective and efficient maintenance of existing National Grid transmission lines.

7.5 Policy NTW.1.3.4 of the Whangarei District Plan is to enable the operation, maintenance and redevelopment of the existing National Grid in accordance with NESETA.

7.6 The Appeal seeks new policies and rules in relation to the protection of kauri trees from the spread of kauri dieback disease. The relief sought may restrict the trimming of trees or vegetation for the maintenance of existing National Grid transmission lines.

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

Signed for and on behalf of Transpower New Zealand Limited by its solicitors and authorised agents Chapman Tripp



Luke Hinchey

Partner
4 August 2020

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