

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-000126

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 New Zealand Refining Company Limited**
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-000126 by the New Zealand Refining Company Limited (*Refining NZ*) 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 the parts of the proceedings that relate to *DGD-O15 – Adverse Effects* and *DGD-P15 – Benefits of Regionally Significant Infrastructure*.
- 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 supports the relief sought because:
 - 7.1 The intention of the appeal is to better recognise and provide for regionally significant infrastructure. The National Grid is regionally significant infrastructure.
 - 7.2 The Plan Changes must give effect to the NPSET, including by recognising and providing for the national, regional and local benefits of sustainable, secure and effective electricity transmission (Policy 1) and recognising and providing for the efficient operation, maintenance, upgrading and development of the National Grid (Policy 2).
 - 7.3 The Plan Changes must give effect to the Northland Regional Policy Statement (*RPS*). Policy 5.3.2 of the RPS requires particular regard to be had to the significant benefits of regionally significant infrastructure. Policy 5.3.3 of the RPS requires decision-makers to give weight to any constraints that limit the design and location of the activity and the extent to which adverse effects of the activity can be practicably reduced.

- 7.4 In relation to DGD-O15, the objective and subsequent policies DGD-P16 and DGD-P17 must be vertically integrated. The policies require the full range of management tools to be taken into account, as well as any constraints that limit the design and location of the activity and the extent to which adverse effects of the activity can be practicably reduced.
- 7.5 In relation to DGD-P15, Transpower's submission sought the deletion of the words "*where adverse effects can be avoided, remedied, mitigated or offset*". This qualifier is not necessary or appropriate given that the management of effects is addressed in subsequent policies DGD-P16 and DGD-P17.
- 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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