

**In the Environment Court of New Zealand
Auckland Registry**

**I Te Kōti Taiao O Aotearoa
Ki Te Tāmaki Makaurau**

ENV-2023-AKL-000114

Under the Resource Management Act 1991 (the Act)

In the matter of an appeal under clause 14(1) of the first schedule of the Act

Between **Federated Farmers of New Zealand Inc**
Appellant

And **Central Hawke's Bay District Council**
Respondent

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

Dated 31 July 2023

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To The Registrar
 Environment Court
 Auckland

- 1 Transpower New Zealand Limited (**'Transpower'**) wishes to be a party to the following proceedings:
 - a an appeal by Federated Farmers of New Zealand Inc (**'Appellant'**) against part of the decision (**'the Decision'**) of the Central Hawke's Bay District Council (the **'Respondent'**) on the proposed Central Hawke's Bay District Plan (the **'Proposed Plan'**) (Environment Court reference ENV-2023-AKL-000114.

- 2 Transpower:
 - a has an interest in the proceedings that is greater than the interest that the general public has. This is because Transpower, as the State-Owned Enterprise that plans, builds, maintains and operates New Zealand's National Grid, is a network utility operator with responsibility for a network utility (the National Grid). The Appellant's relief includes amendments to provisions that relate to Transpower's functions; and
 - b made a submission (S79) and further submission (FS18) about the subject matter of the proceedings.

- 3 Transpower is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

- 4 Transpower is interested in part of the proceedings.

- 5 The part of the proceedings Transpower is interested in relate to managing the effects of third party activities on the operation, maintenance, upgrading and development of the National Grid.

- 6 Transpower is interested in the following particular issues:
 - a Amendments sought to SUB-S4;
 - b Amendments sought to EW-R5;
 - c Amendments sought to EW-S6;
 - d Amendments sought to GRUZ-S13;

- e Amendments sought to RPROZ-S15;
 - f Amendments sought to the definition of 'National Grid Yard'; and
 - g Amendments sought to the definition of 'National Grid Subdivision Corridor'.
- 7 Transpower has set out its position in relation to the above provisions and the reasons for those in **Appendix A** to this notice.
- 8 Transpower agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated 31 July 2023



Nicola McIndoe/ Liam Bullen
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Appendix A Transpower's positions

TRANSPOWER'S POSITIONS		
PROVISION	POSITION	REASON
SUB-S4	Oppose	<p>The Appellant seeks the deletion of SUB-S4 Clause 3.</p> <p>The purpose of the subdivision provisions in the Proposed Plan are to manage subdivision in the National Grid Corridor to ensure that the long-term maintenance, operation and development of the National Grid is not compromised.</p> <p>The amendment sought does not give effect to Policies 10 and 11 of the NPSET.</p>
EW-R5	Oppose	<p>The Appellant seeks amendments to EW-R5 on the basis of consistency with NZECP34.</p> <p>NZECP34 does not recognise the significance of the National Grid and is confined to safety.</p> <p>The minimum safety requirements in NZECP34 alone do not protect the integrity of the National Grid from the effects of earthworks.</p> <p>Transpower opposes the relief sought as it does not give effect to Policy 10 of the NPSET.</p>
EW-S6	Oppose	<p>The Appellant seeks EW-S6 be amended to remove the access standard.</p> <p>Transpower has had instances in the past where access to a support structure is severely restricted and Transpower's ability to operate and maintain the network is compromised.</p> <p>Transpower opposes the relief sought as it does not give effect to Policy 10 of the NPSET.</p>
GRUZ-S13	Oppose	<p>The Appellant seeks the deletion of Clause (b)(ii) for vehicle access in GRUZ-S13 on the basis that NZECP34 already ensures that support structures can be accessed for inspection and maintenance.</p> <p>Transpower's position is that reliance on NZECP34 alone to give effect to the NPSET is not appropriate as it does not recognise the significance of the National Grid.</p> <p>It is important Transpower can readily access support structures for operational and maintenance requirements, including responding to emergency faults.</p> <p>Transpower opposes the relief sought as it does not give effect to Policy 10 of the NPSET.</p>

TRANSPower'S POSITIONS		
PROVISION	POSITION	REASON
RPROZ-S15	Oppose	<p>The Appellant seeks the deletion of Clause (b)(ii) for vehicle access in RPROZ-S15. on the basis that NZECP34 already ensures that support structures can be accessed for inspection and maintenance.</p> <p>Transpower opposes the relief sought by the Appellant for the same reasons as given above in relation to GRUZ-S13.</p>
Definition of 'National Grid Yard'	Oppose	<p>The Appellant seeks that the definition of 'National Grid Yard' be amended to show a 10m radius setback from a single pole.</p> <p>Transpower opposes the relief sought. A 12m setback around each support structure is sought for access, maintenance and safety purposes. The setback is based on the space required to allow the support structures to be accessed and provide sufficient space for most (but not all) maintenance activities.</p> <p>The Appellant has referred to NZECP34 as the basis for the relief sought.</p> <p>Transpower does not support reliance on NZECP34 alone to give effect to the NPSET, because NZECP34 is only confined to safety .</p> <p>On this basis, reliance on NZECP34 and the request to provide an 10m setback from a single pole does not give effect to or achieve the requirements of the NPSET "to operate, maintain, develop and upgrade the National Grid".</p>
Definition of 'National Grid Subdivision Corridor'	Oppose	<p>The Appellant seeks that the definition of 'National Grid Subdivision Corridor' be amended to show a 10m radius setback from a single pole.</p> <p>Transpower opposes the relief sought by the Appellant for the same reasons as given above in relation to the amendments to the definition of 'National Grid Yard'.</p>