

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

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

**ENV-2023-AKL-000116**

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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 **Royal Forest and Bird Protection Society of New Zealand Inc**  
Appellant

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

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**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 Royal Forest and Bird Protection Society 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-000116).
  
- 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 these 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 sections 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:
  - a       providing for the effective operation, maintenance, upgrading and development of the National Grid; and
  - b       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 ECO-O2;
  - b       Amendments sought to ECO-R1A;

- c Amendments sought to ECO-R3;
  - d Amendments sought to ECO-R4; and
  - e Amendments sought to ECO-R6.
- 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**  
Counsel for Transpower New Zealand Limited

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Contact person: Liam Bullen

## Appendix A Transpower's Positions

TRANSPOWER'S POSITIONS		
PROVISION	POSITION	REASON
ECO-O2	Neither support nor oppose	<p>The Appellant seeks to amend ECO-O2 to add the word 'enhance' or 'restore' in relation to indigenous biodiversity.</p> <p>Transpower is neutral on the changes sought by the Appellant but considers the National Grid needs to be excluded from being subject to ECO-O2, in order to give effect to the NPS-IB.</p>
ECO-R1A	Oppose	<p>The Appellant seeks to delete all of the permitted activity conditions in ECO-R1A, except for one.</p> <p>It is important Transpower is able to trim, maintain or remove any vegetation that could affect the safe operation, maintenance or upgrade of its lines. Transpower is supportive of a permitted rule which allows it to do so, and, as a result, opposes the amendments sought by the Appellant.</p>
ECO-R3	Oppose	<p>The Appellant seeks amendments to include additional limits in ECO-R3 in relation to vegetation trimming or clearance.</p> <p>It is important Transpower is able to trim, maintain or remove any vegetation that could affect the safe operation, maintenance or upgrade of its lines.</p> <p>The amendments sought do not give effect to Policies 2 and 5 of the NPSET.</p>
ECO-R4	Oppose	<p>The Appellant seeks amendments to include additional limits in ECO-R4 in relation to vegetation trimming or clearance.</p> <p>It is important Transpower is able to trim, maintain or remove any vegetation that could affect the safe operation, maintenance or upgrade of its lines.</p> <p>The amendments sought do not give effect to Policies 2 and 5 of the NPSET.</p>
ECO-R6	Oppose	<p>The Appellant seeks to delete the note in ECO-R6 which relates to the application of the ECO-R6 in relation to activities regulated by NESETA.</p> <p>The NESETA regulates trimming, felling or removal of any trees or vegetation with a SNA. Transpower opposes the relief sought as it reduces the clarity as to the application of the rule to activities regulated by the NESETA.</p>