

BEFORE THE BOARD OF INQUIRY

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of applications for
resource consent and
notices of requirement
by Transpower
New Zealand Limited
for the North Island
Grid Upgrade Project

**STATEMENT OF EVIDENCE OF JOHN CRAIG MILES IN REBUTTAL ON
BEHALF OF TRANSPOWER NEW ZEALAND LIMITED
(Property acquisition and landowner liaison)**

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Introduction

1. **MY** name is John Craig Miles. I wish to present rebuttal evidence to the statements of evidence of:
 - (a) Councillor Fulton, on behalf of Waikato District Council (**WDC**);
 - (b) Mr Aaron Collier, on behalf of South Waikato District Council (**SWDC**);
 - (c) Mayor Mark Ball, on behalf of Franklin District Council (**FDC**);
 - (d) Mr Murray John Parrish, on behalf of Carter Holt Harvey Ltd (**CHH**);
 - (e) Ms Sally Strang, on behalf of Hancock Forest Management (NZ) Ltd (**HFM**); and
 - (f) Mr Doug Parker, on behalf of Hunua and Paparimu Valley Residents' Association Incorporated.

2. I address the evidence of each submitter below.

Councillor Fulton, on behalf of WDC

3. **AT** paragraphs 8-10, Councillor Fulton raises concerns about Transpower's access to properties for maintenance, and landowner complaints through that process. He raises concerns about subcontractors not being fully informed.

4. **IT** appears to me that Councillor Fulton is raising concerns about the existing transmission lines that currently run through the Waikato District, and in particular the OTA-WKM A, B and C lines. The majority of these lines are not subject to easements, and Transpower's rights to enter land and maintain such existing lines are found in the Electricity Act 1992. Transpower has a statutory right to obtain access to the transmission lines.

5. **THERE** are provisions in the Electricity Act 1992 relating to the notice that must be given to landowners prior to any works being carried out. If there is any dispute as to access under section 23, there is a procedure under section 23F to refer that dispute to the Environment Court. A landowner could also make a complaint under the Electricity and Gas Complaints Commission Scheme.

6. **WITH** regard to the proposed line, there are notice provisions contained within Transpower's standard easement document at clause 3.5, and to a certain extent they mirror the existing provisions in the Electricity Act 1992.

7. **THE** notice provisions in Transpower's standard easement document are:-

"3.5 The Grantee will give notice to the Grantor before exercising its rights under this Easement Instrument as follows:

- (a) before entering the Land to Construct, remove, repair, maintain, renew, alter, replace, upgrade, add to and modify the Works in the Easement Area, the Grantee will give the Grantor at least 10 Working Days' notice in writing; and*
- (b) before entering the Land to inspect or operate the Works in the Easement Area, the Grantee will give the Grantor at least 5 Working Days' notice in writing.*

3.6 If the Grantee gives notice under clause 3.5, the Grantor may set reasonable conditions relating to the timing of entry onto the Land but these conditions may not:

- (a) delay the entry by more than 10 Working Days;*
- (b) require monetary or other consideration; or*
- (c) otherwise defeat the ability of the Grantee to exercise effectively its rights under this Easement Instrument.*

3.7 In the case of emergencies (being where entry onto the Land is necessary in circumstances of probable danger to life or property or to maintain the continuity or safety of the supply and distribution of electricity), the Grantee may enter onto the Land without giving prior notice to the Grantor but will give notice to the Grantor as soon as possible and in any event within 5 Working Days following the entry onto the Land and will comply with all other provisions of this Easement Instrument."

8. **ONCE** the new works for the Upgrade Project are operational, maintenance works will become the responsibility of the relevant field staff. Transpower and

its contractors are required to comply with a number of Transpower Service Specifications. From a property perspective, there is a Service Specification TP:SS 05.20 Stakeholder Liaison. This Service Specification sets out the requirements that need to be complied with, and includes issues such as stakeholder relation services, entry onto land, burn-off management, New Zealand Electrical Code of Practice NZECP34, EMF, RFI, audible noise, complaints process, damage to property, and stakeholder information and records.

9. **THE** Service Specification mentioned above is primarily targeted at properties where Transpower currently has a statutory right of entry, rather than a registered easement in gross. (Approximately 96% of the current transmission network is protected by a statutory right with the balance of 4% covered by a registered easement in gross.) In light of the existing works that Transpower is currently working on and the Upgrade Project, this Service Specification is currently being rewritten and will address the above items as well as the requirements where Transpower has negotiated an easement in gross.
10. **TRANSPOWER** also has a computer system which is used in relation to all its lines, iPass. Information from the current processes will be transferred to iPass once the designation is in place, and all easements and interactions with landowners will be recorded in this way. This information will be made available to the appropriate contractor groups to ensure that they are kept up to date with entry requirements for individual properties, and comply with those individual landowner requirements.
11. **IN** addition, the existing external contract groups that maintain the existing transmission lines have a responsibility to provide a landowner liaison officer and one of their functions will be to ensure that entry requirements are adhered to in relation to the new line.
12. **AT** paragraph 13, Councillor Fulton states that Transpower should establish a comprehensive and workable methodology as to how it will liaise with land owners. He states that the Land Access Protocol should form part of the designation / resource consent conditions.
13. **TRANSPOWER** has recently developed, in consultation with Federated Farmers South Canterbury, an access protocol with regards to existing lines

which addresses how it can build stronger relationships with landowners with regards to informing them of works that are likely to be carried out on their property. I consider that the access protocol, once implemented, would address concerns that landowners have had in relation to maintenance of existing lines on their property (as raised in paragraphs 8-10 of Councillor Fulton's evidence).

14. **IT** is Transpower's intention to roll this programme out across the whole country and similar protocols are proposed to be adopted on the proposed line once it is completed. Mr Rasul (at paragraphs 60-61 of his evidence in chief) has provided evidence about the Landowner Management Plan that would be prepared, and require the appointment of a Land Liaison Officer, who will be responsible for access and landowner relationships during the construction period. A designation condition is proposed requiring the appointment of the Land Liaison Officer.
15. **AT** paragraph 14 of his evidence, Councillor Fulton suggests that there should be one single access agreement with landowners in relation to existing lines and the proposed 400kV capable line.
16. I agree with Councillor Fulton that it would be preferable for there to be one single access agreement in relation to existing lines and also the proposed line in the long term.
17. **THE** works involved in the construction of the proposed line will be covered by a specific agreement with the landowner, as this process is substantially different to that of the ongoing maintenance regime. Once the works have been established Transpower will endeavour to consolidate all entry arrangements that relate to a single property into one document. However, there are some difficulties around the different status of the lines, with existing lines being operated under a statutory rights regime and the proposed line being operated under an easement regime. Transpower will work with landowners to try to find a solution that is workable for all parties.

Mr Aaron Collier, on behalf of SWDC

18. **AT** paragraph 7.2.2 of his revised evidence, Mr Collier refers to construction of the line and effects on existing farming operations. He refers to "*severance*

