

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 PETER HOWARD PHILLIPS IN REBUTTAL
ON BEHALF OF TRANSPOWER NEW ZEALAND LIMITED
(Consultation / social impacts)**

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Introduction

1. **MY** name is Peter Howard Phillips. I wish to present rebuttal evidence to the statements of evidence of:
 - (a) Mr Geoff Copstick and Ms Kate Brennan;
 - (b) Ms Di Lucas, on behalf of South Waikato District Council (**SWDC**);
 - (c) Mr Aaron Collier (SWDC);
 - (d) Mr Michael O'Connor, on behalf of Matamata-Piako District Council (**MPDC**);
 - (e) Messrs Randal McKenzie and Mark Spring;
 - (f) Mr John Makin.

I address each submitter below.

Mr Copstick / Ms Brennan

2. **MR** Copstick and Ms Brennan make various statements in their evidence about the coverage of the consultation. Starting at paragraph 103 of their revised statement of evidence, they state that “*Transpower claims to have consulted with affected landowners and communities. That is not true.*” I have addressed the extensive and thorough consultation that Transpower has undertaken in my first statement of evidence.
3. **THEN** at paragraph 104 of their revised statement of evidence, they state that:

“Transpower has confused the landowners within the 65m easement with the people it has a duty to consult with under the provisions of the RMA.”
4. **THIS** assertion is incorrect. There was no such confusion. I described in paragraph 9 of my first statement of evidence the four way classification I used in developing the consultation plans. The distinction drawn between those people whose properties are crossed by the proposed transmission line (the

directly affected) and those that do not have the line across their property recognises the different nature of the potential impacts, particularly in terms of direct construction impacts.

5. **THIS** distinction, however, did not have any effect on whether or not people were consulted. The whole point in defining the four groups was to ensure that information was distributed to each group and all were invited to participate. At the outset of the consultation, in October 2004, Transpower notified people along the two 500 metre wide routes and people in the surrounding areas outside these two routes. Letters were written to 844 properties along the routes and newsletters were delivered to 9,462 properties in the adjoining localities. Later in the project, the maildrop for the Interim Decision in May 2005 went to 9,020 properties. These numbers should be seen in the context of the 297 properties crossed by the final alignment.
6. **FURTHERMORE**, as noted in paragraphs 28 to 36 of my first statement of evidence there were a range of ways in which Transpower sought to inform and engage with communities along the route. These included the initial press releases about the project, public open days, public meetings and drop-in sessions, the call centre and the project website. The latter made available the same information about the project to everyone, including the technical reports that were produced. The only difference in the information available to landowners whose properties were crossed by the indicative alignment was the aerial photograph showing the position of the possible alignment on their property and the preliminary tower positions. It is simply incorrect to suggest, as Mr Copstick and Ms Brennan do at paragraph 114 of their revised evidence, that Transpower kept “*one small part of the community informed and the rest of the community in the dark*”.
7. **AT** paragraph 106 of their revised evidence, Mr Copstick and Ms Brennan state that “*Transpower has been in touch with the landowners they want to purchase an easement from and they call this contact ‘consultation’. It isn’t, it is a negotiation to purchase an easement on*”. This statement fails to distinguish between two separate processes.
8. **WHILE** initial consultation on the route options had been broad based, the focus of consultation in the overhead section from 19 July 2005 to 26 January 2006 was on defining the position of the proposed transmission line and the location of the towers. This was why landowners within the route, whose

properties were not crossed by the preliminary alignment, were informed that while Transpower had identified a possible alignment it was still possible that the position of the line could move onto their property as a result of the consultation. Some landowners chose not to be involved in this process, but over two thirds of the towers were moved from their preliminary positions as a result of the consultation and further technical studies. There were no easements negotiated during this period, or indeed during the next 12 months.

9. **AT** paragraph 107 of their revised evidence, Mr Copstick and Ms Brennan state that *“Transpower have made no attempt at all to contact people who live close to the line but whose land Transpower does not want an easement on.”* They go on in paragraph 108 of their revised evidence to cite the following example:

“a Te Miro resident has a property which would be 93m from the nearest pylon. Mr Lister in his evidence says the line will have a ‘very high’ impact on the property. The landowner has never been contacted by Transpower individually.”

10. **PAGE** 15, of the Day 9 transcript of these hearings shows that Ms Allan was cross-examined about the alleged lack of individual contact with the unnamed landowner, whose property was identified on a map. I have also reviewed the records provided to me by Mr Lister of his visual analysis, which is referred to by Mr Copstick and Ms Brennan. I have concluded that the landowner that Mr Copstick and Ms Brennan referred to are Mr Vince and Mrs Sue Jones of 261 Gray Road, Te Miro, as this is the only property which matches the description, and the map location.
11. I have conducted an investigation of the GridTracker records of contacts with Mr and Mrs Jones. There were 29 inwards or outwards contacts between 27 October 2004 and 28 May 2007, as summarised in the report in **Appendix A**. The report shows a number of individual contacts with Mr and Mrs Jones, as well as their receipt of a number of general mailouts.
12. **THE** first personal contact with the property owners was at the Te Miro Open Day on 10th November 2004. Mr Jones discussed the proposal with Mr Toby Mann, a Transpower case manager, who completed a field report of the meeting. This contact was followed up by contacts regarding the age of the aerial photos produced at the Open Day which did not show their house. Mr

Andrew Gale, a case manager at Transpower spoke to Mr Jones to inform him that updated photos were expected to be available in March 2005.

13. **IN** April 2005, there were phone calls and call minder messages to arrange a meeting between Transpower representatives, Mr Jones, and four neighbours. By way of example, Mr Gale recorded that he had spoken directly to Mr Jones on 11th April 2005. When the meeting was held on 21 April 2005, the neighbours attended but unfortunately Mr Jones did not. It was recorded on 19 July 2005 that Mr and Mrs Jones had posted the pink "Notice to Transpower" trespass sign at the gate to their property.
14. **ON** 11 November 2005, Ms Rebecca Joblin (now Whillans), a MWH consultant called Mr and Mrs Jones to confirm that they had received the mailout showing the revised centreline and tower positions. Ms Joblin also gave details of the process and dates for the finalisation of the alignment which was the focus of the consultation in relation to the overhead section at that time. It is therefore untrue to say that "*The landowner has never been contacted by Transpower individually*" as Mr Copstick and Ms Brennan claim.
15. **MR** Copstick and Ms Brennan state, at paragraph 112 of their revised evidence, that "*the main 'consultation' exercise by Transpower involved a series of public meetings where they alienated whole communities followed by a few very non-specific newsletters.*" The schedule I presented in Table 1 of my first statement of evidence demonstrates that the consultation was more extensive than Mr Copstick and Ms Brennan suggest.
16. **AT** paragraph 137 of their revised evidence, Mr Copstick and Ms Brennan return to their theme of the alleged narrow coverage of the consultation when they state that "*in the main, the only people that Transpower wanted to talk to were the ones they see as 'directly affected', i.e. those with land within 22.5m of the proposed line. Everyone else was deemed 'unaffected' and excluded from information about the proposal.*" This statement is incorrect. I have already discussed the process for informing people outside the area to be designated of the progress of the project which is one part of engagement. Mr Copstick and Ms Brennan's statement also does not recognise the other interactions with potentially affected and interested parties outside the area of the designation, some of which I undertook, as I will now describe.
17. **WHILE** my role was principally as an advisor to Transpower, rather than being part of Transpower's case management team, I have had a range of contacts

which have helped me build up an understanding of the communities for both the consultation and the social impact assessment over the various project components. For example, I had meetings with the Boards of Trustees of Hunua and Hora Hora Schools, the principal of Mayfield School, the senior staff and Board of Sir Edmund Hillary Collegiate, Otara and the property committee of Sancta Maria College, Flatbush all of which provided useful insights into their local communities.

18. I also attended a number of the initial open days in November 2004, all of the progress meetings in February-March 2005, community meetings in Kaihere, Hunua, Te Hoe, and Mangatarata between December 2004 and March 2005, the Hunua drop-in sessions in April 2005, the Otara drop-in sessions in August-September 2005, and the Botany Downs drop-in sessions in October-November 2006.
19. **DURING** the course of the project, I have also met a number of individuals whom I would consider to be key informants about the communities in which they live. I was also responsible for direct liaison with owners/occupiers of the properties in Brownhill Road (excluding that of Mark and Lindsey Dodd, Kath and Richard French, and Regis Park). These properties included those overlooking the proposed Brownhill Substation site, none of which are traversed by the alignment. I have also had the benefit of access to all the records of the interactions with the community from all locations in GridTracker, the project database. These records include meeting notes, records of phone calls, and correspondence both to and from Transpower from people outside the area to be designated.
20. **FURTHERMORE**, running in parallel with the community consultation there was also a process of engaging with a range of stakeholders. This consultation was conducted principally by Transpower and its planning advisers. The stakeholders included the local councils, as well as community based organisations such as NEE and Underground In Manukau, and specific interest organisations such as Transit New Zealand, the New Zealand Historic Places Trust, and Federated Farmers.
21. **VALUABLE** inputs were also obtained from the analysis of the submissions, and statistical analysis of data from the 2001 and 2006 Censi for the social impact assessment. Among the submissions, there were many from properties not crossed by the area to be designated, such as that of Mr

Copstick and Ms Brennan, in April 2005. Taken together, I consider that Transpower has had wide engagement, and appropriate resources, to build up a good understanding of the potential effects of the proposed transmission line on the range of communities. It is my view that the assertion of Mr Copstick and Ms Brennan of a lack of engagement with anyone other than those whose properties are crossed by the area to be designated is incorrect.

- 22.** **AT** paragraph 87 of my first statement of evidence, I discussed the reviews of alternatives that Transpower undertook during the consultation even though the purpose of the consultation was the choice of route and definition of the alignment, not the choice of technology. Mr Copstick and Ms Brennan assert at paragraph 139 of their revised statement of evidence that this is “*an admission that Transpower were not interested in finding the best transmission solution for New Zealand*”. It is my understanding that Transpower undertook extensive investigations and analysis of the transmission options before selecting the preferred technology, and reviewed it again during the consultation process, in response to the interest shown. It also issued a Request for Proposals on 27 September 2004, seeking views on non-transmission alternatives (as discussed in the evidence of Mr George).
- 23.** **AT** paragraph 141 of their revised evidence, Mr Copstick and Ms Brennan state that “*If landowners, through whose land Transpower wants to build this line, wanted to know exactly where on their land the proposed line would go, they were forced to meet Transpower staff. This allowed Transpower to claim they had ‘consultation’ meetings with landowners. Transpower’s refusal to make information freely available is a defect in dealing with local communities.*”
- 24.** **THIS** statement is incorrect. The mailout of 19 July 2005 to all landowners whose properties were crossed by the indicative alignment included an aerial photograph showing the indicative centreline, possible tower positions, and the bounds of the associated designation. As I noted earlier, all landowners within the preferred route were also notified that the western route had been chosen as it was possible that properties not affected by the indicative alignment could be affected following the consultation. The mailout on 4 November 2005 again included aerial photographs showing the indicative centreline, possible tower positions and the indicative designation. As I noted earlier in this evidence, this mailout was undertaken after the position of over two thirds of the towers had been moved following discussions with landowners and further

technical studies. Landowners were not “*forced*” to meet Transpower staff to obtain this information. They were, however, encouraged to meet the Transpower case managers so that they could have an input into the process of determining the precise location of the centreline and the towers. Many landowners chose to do this even when opposed to the construction of the line. Some did not.

25. **AT** paragraph 148 of their revised evidence, Mr Copstick and Ms Brennan discuss the situation of a neighbour who they suggest may leave their property if the proposed transmission line goes ahead. They then assert at paragraph 150 of their revised evidence, that this is the “*natural turnover*” in communities to which I refer in paragraph 260 of my first statement of evidence. This interpretation is mistaken. What I was referring to is not a possible induced change such as this, but the inherent dynamism of communities, including rural communities. By way of example, in the Statistics New Zealand census meshblock covering much of the community of Te Miro, in which Mr Copstick and Ms Brennan live, at the 2006 Census over half (52%) of the people were living somewhere else in New Zealand when the previous Census was taken in 2001.
26. **ALSO** in paragraph 150 of their revised evidence, Mr Copstick and Ms Brennan state that “*In fact many farms this line would affect are owned by second-, third- or even fourth-generation farmers.*” As I will discuss later in this statement of evidence for one portion of the line, land ownership along the 186 kilometres of line may be more complex than Mr Copstick and Ms Brennan appreciate.
27. **AT** paragraph 155 of their revised evidence, Mr Copstick and Ms Brennan state that “*We note that Dr Phillips did not consult with wider communities as he knew the communities were opposed to the project. This is an example of Transpower limiting the ‘consultation’ wherever they could.*”
28. **AS** I have previously discussed in this evidence, there was consultation with wider communities and there was certainly no intent to limit consultation. It needs also to be recognised, however, that consultation with communities cannot occur if the communities choose not to engage, as has happened for some areas of the line.

29. I will illustrate this point by way of an example drawn from close to where Mr Copstick and Ms Brennan live. On 8 December 2004, Ms Megan Johnson, the chair of the Board of Trustees of Whitehall School, approached Transpower to organise a meeting to talk to the children in the school, and also to attend a meeting with the Board of Trustees. This was referred to me as my responsibilities included liaising with the schools in the vicinity of the line as it was recognised that they are important community facilities.
30. I made contact with Ms Johnson on 20 January 2005 and we arranged for Ms Johnson to call back at the start of the new term, which she did on 9 February 2005. In this call Ms Johnson said that some parents were concerned and it was arranged that a meeting date would be set between Transpower and the School Principal, Ms Marie Herbert. The meeting was subsequently arranged for 14 March 2005, to be preceded by a site inspection. Unfortunately, the proposed meeting was cancelled by Ms Johnson on 7 March 2005. Ms Johnson said that the Ms Herbert was concerned about the children witnessing their parents expressing strong views about the proposed line. In response, I said that Transpower would be happy to attend other types of meetings, not involving the children, on request. However, no meetings were sought. On 20 October 2005, I wrote to the principals of the five schools with whom I had not met, including Te Miro and Whitehall Schools, offering a meeting. The letters to Te Miro and Whitehall Schools were not acknowledged.

Ms Diane Lucas on behalf of South Waikato District Council

Community perceptions

31. AT paragraph 34 of her evidence, Ms Lucas quotes a number of examples of concerns expressed by the community about the possible visual effects of the proposed transmission line. I included a list of such community views in my social impact assessment, as well as my first statement of evidence (see paragraph 62(f), by way of example). Reporting them does not mean, however, that I endorse those community views. However, I note that there appear to be words missing from Ms Lucas's paragraph 34, and this may not have been her intent.

- 32.** **IN** my first statement of evidence, at paragraph 260, I discuss the processes of community turnover and adaptation in response to projects. Ms Lucas states in paragraph 39 of her evidence, that *“Whilst these factors may be particularly significant for more transient communities, particularly urban communities, I question their degree of relevance in the long lived-in rural lands of the South Waikato, specifically around Arapuni – Te Waotu – Tokapuhi. Many of these lands have been owned, occupied and managed by particular families for generations.”*
- 33.** **IN** my experience, the processes of community turnover and adaptation are general, and certainly not restricted to rural areas. In terms of adaptation, people in all types of situations face a choice when new projects are built. They can either leave an area because the effects of a project are deemed to be unacceptable, or they can stay and adapt to the changed situation. This dilemma is common to both town and country, not just rural areas, as Ms Lucas suggests.
- 34.** **THIS** choice can be harder for people with a long term connection with a property, although this is not always the case. Ms Lucas does not specify the number of households to whom she is referring in paragraph 39 of her evidence when she states *“many of these lands have been owned, occupied and managed by particular families for generations”*. At paragraph 41 of her evidence, Ms Lucas also states that *“for the Raukawa peoples, land ownership is more typically considered inter-generational”*, but again does not quantify the number of properties owned by people of Ngati Raukawa descent crossed by the designation or the wider route.
- 35.** **TO** get some sense of scale, I have recently reviewed the Census of Population data for 2006 to assess the existing rate of turnover in the five meshblocks crossed by the proposed transmission line. The data shows that under eight percent of the population was living in the same dwelling as 30 years ago. The corresponding figure for the whole of the South Waikato was only a little lower (6.8% compared with 7.6%). The data also shows that 48% of the people in these five meshblocks were living elsewhere in New Zealand five years ago, and a further 5% were living overseas.

- 36. TO** understand the pattern of land ownership in more detail, I have recently sought LINZ and Companies Office information on a range of properties along the route from Arapuni to Wiltsdown Road. Based on a review of current ownership of the 20 holdings (comprising the 66 parcels) between Towers 321 and 353, it is apparent that some properties have been in the same family for a number of years. The oldest recorded transaction of current property ownership in the same family name that I can identify is that of GA Pearce, in 1918 (now in the name of Huitaha Ltd.). The records also show FQ Burwell leasing a property in 1930 that was subsequently freeholded by MF and GM Burwell in 1989 and is currently owned by BF and JM Burwell.
- 37. ON** the other hand, some of the current owners acquired their properties since 1990, while others were registered since 2000. Where companies are now the registered owners, I have checked the names of shareholders in the Company Register. While it is not possible from these records to identify possible links between persons of different names (such as acquiring an interest in property through marriage), the property records I have examined do not support Ms Lucas' assertion that "*many of these lands have been owned, occupied and managed by particular families for generations*" with respect to the properties crossed by the proposed designation.
- 38. DURING** the course of the project, I have also observed the attachment to property and long term residence that Ms Lucas discusses in paragraph 39 of her evidence in relation to the Arapuni–Te Waotu-Tokapuhi area in a number of other places. I have, for instance, met landowners in the Mangapiko Valley, crossed by the proposed transmission line whose families have owned and farmed the land for generations. They have objected vigorously to the proposed transmission line, but do not intend to leave their properties if it is built. In practice, the very attachment that Ms Lucas talks about is the reason why people stay and adapt to the presence of a project despite the perceived effects.

Farming impacts

- 39. AT** paragraph 42 of her evidence, Ms Lucas states that in paragraph 273 of my first statement of evidence I "*hint*" at the people in the South Waikato District having a pride in nurturing their landscapes privately, and as a community. This interpretation is incorrect. What I was referring to was the

perception of potential impacts on the operation of the farms by the presence of the transmission line including such practical matters as the movement of irrigation equipment and top-dressing.

Integrity of the cultures of South Waikato

- 40.** **IN** paragraph 43 of her evidence, Ms Lucas states that I have ignored the long-term effects of the presence of the line through this landscape on the integrity of the cultures of the South Waikato. I reject this assertion. The long term effects of the proposal were considered, but in my opinion the integrity of the cultures of the South Waikato District are not threatened by the line.
- 41.** **MY** rejection is based on two grounds. For the line to have a long-term effect on cultures of the South Waikato, would require two conditions to be met: first, that large numbers of people leave the South Waikato and second, that they are replaced by people of a distinctly different culture, or cultures, as a direct result of the project. I do not expect either of these conditions to occur.
- 42.** **THIS** judgement is based in part on my different expectation of the capacity of the local communities to absorb change than those for example implicit in paragraph 37 of Ms Lucas' evidence. Over the last 25 years, the rural sector has demonstrated a very robust capacity to respond to major changes. Many of the changes have affected household incomes, lifestyles and farming/land use practices. They include the removal of Supplementary Minimum Prices, the withdrawal of many local public services, growing environmental regulation, and market shifts, such as those that are now encouraging the conversion of forestry land to dairying south of Wiltstown Road. The proposed transmission line may be very important for the affected landowners, but the potential effects are not of the same nature or quantum as other changes faced recently.
- 43.** **MORE** particularly, in terms of the District-wide scale of Ms Lucas' evidence, my judgement is also based on consideration of the relative size of the populations of the area affected by the proposal and that of the District as a whole.
- 44.** **THE** returns from the 2006 Census of Population can be used to put the proposal in context. The proposed transmission line crosses five Census

meshblocks. Because of the low population densities in this locality, the areas covered are quite large so only a portion of the meshblocks fall within the route of the proposed line. In March 2006, the total usually-resident population of these five meshblocks was 153 people. This represents 0.67% of the District population. Along the 13.7km of route between Tower 320 at Arapuni Road and Tower 353 near Wiltstown Road, there were a total of 18 dwellings in a band 500 metres wide either side of the proposed centreline. For the purposes of my rebuttal evidence, I have reviewed the calculations of the numbers of persons living within specific distances from the centreline set out in the social impact report. I have calculated that these dwellings were home to approximately 58 people, using the average occupancy rates for the meshblocks crossed by the proposed line.

45. **ON** Census night in March 2006, South Waikato had a usually resident population of 22,641 people. The District also comprised three major ethnic groups with 13,413 people of European ethnicity, 6711 of Maori ethnicity and 2,565 of Pacific Peoples ethnicity.
46. **IN** my opinion, the scale of any effects arising from the construction or operation of the proposed transmission line in this section, where it affects such a small number of people, are simply not sufficient to affect "*the integrity of the cultures of South Waikato*" as Ms Lucas suggests. In practice, the scale and diversity of the population of South Waikato would, in itself, militate against change from a project affecting a very small minority of the District's population.
47. **THE** second ground for rejection of Ms Lucas' assertion is based on a difference in the usage of the term "culture" between Ms Lucas and me. At paragraph 42 of her evidence, Ms Lucas states that "*New Zealand has a very strong and particular private land culture*". I do not consider what Ms Lucas refers to as a "*private land culture*" to be a culture at all. For the purposes of this project, I have used the UNESCO definition of culture from 2002 that states that "*culture is the set of distinctive spiritual, material, intellectual and emotional features of society or a social group which encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs.*"¹ Private land ownership may be a feature of the culture of New Zealand, but it is not New Zealand's culture. Furthermore, it is a feature that

¹ UNESCO, (2002), Universal Declaration on Cultural Diversity.

has been introduced quite recently in the country's history and in some cases under dubious circumstances.

48. **MY** consideration of these wider aspects of culture, and the ways that the transmission line might affect them, included a review of the project against various cultural indicators in use in New Zealand, and a range of other aspects of community life, including effects on local infrastructure, such as schools. This broader perspective is needed when assessing the coherence of cultures, and their ability to respond to the development of the proposed transmission line. These aspects go far beyond the specific issue of response to landscape and potential impacts on local networks discussed by Ms Lucas. Certainly, there will be effects on the individuals along the proposed route of the transmission line and some of these may flow through their networks. But, in my opinion, the assertion by Ms Lucas, in paragraph 43 of her evidence, that this will affect the long-term integrity of the cultures of South Waikato is simply not appropriate or correct.

Scale of effects of the proposed line in toto

49. **IN** paragraph 45 of her evidence, Ms Lucas takes me to task over the assessment of effects and insists that states that it is not a "*numbers game*". Ms Lucas' criticism, however, depends on misrepresenting my evidence by stating "*Dr Phillips contends (paragraph 291) that significant effects have been avoided through avoiding population centres*".
50. **WHAT** I actually wrote was "*the number of affected parties and the scale of the effects have been effectively minimised by the use of the ACRE process, which from the outset took into account social aspects, such as settlement patterns, and cultural and heritage values.*"
51. **MY** evidence does not exclude the possibility of significant individual impacts occurring along the preferred route of the proposed transmission line. Rather, it refers to the effects in aggregate of avoiding concentrations of population.

Mr Michael O'Connor (MPDC)

52. **AT** paragraph 2.1 of his evidence, Mr O'Connor states that he undertook a survey of landholders in the Matamata-Piako District who will have the proposed line running through their properties. In section 3 of his evidence, Mr O'Connor outlines his "survey results".
53. **THIS** survey is problematic for a number of reasons. The principal issues relate to the response rate to the survey and the way that some of the questions were posed.
54. I consider the key problem with Mr O'Connor's study is that the responses cannot be claimed to be representative of opinion. Mr O'Connor surveyed a very small group of people. In such circumstances, for a survey to have any validity there must be a very high response rate. Mr O'Connor acknowledges at paragraph 3.1 that he only achieved 10 responses (a 20% response rate, not the 25% that Mr O'Connor claimed). He also admits that he did not follow-up non-respondents to get a better rate of return, as would be normal practice in my experience of surveys in New Zealand and Australia.
55. **THERE** are other techniques used in polling to ensure the reliability of the response, but they cannot be applied here given the small, finite population to be surveyed. With such a low response rate, it is technically not possible to draw any reliable conclusions from Mr O'Connor's data.
56. **EVEN** if Mr O'Connor had achieved a complete response, there are issues with the way the questions were posed which would limit the usefulness of the responses when considering the proposed transmission line. For instance, Question 3 asks landowners to describe any land related interactions that they have had with Transpower. The question is therefore cast much too generally. This is evident in the way it includes responses that do not relate to the Upgrade Project at all, such as "*ignored advice to service pylon in summer; came in winter when much mess, delays and inconvenience.*" I consider a response such as this relates to existing lines and clearly illustrates that the questions were not appropriately framed to provide information about the Upgrade Project. It is consequently impossible to determine to which of Transpower's assets the responses relate.

57. MR O'Connor's commentary on question 3 includes the statement that:

“Transpower consultation still concentrates on the broader issues of whether or not the lines should be in a particular location rather than on the detail of the relationship between Transpower and the landowners across whose land the lines are proposed to pass.”

58. I note that it was outside of the Upgrade Project's remit to consult on the direct relationship between Transpower and landowners. However, there was considerable oral and written feedback from people on what they thought of Transpower as an organisation, and a number of complaints about alleged infractions of Transpower's line maintenance contractors. Any specific complaints that came to my attention were referred to Transpower to be addressed. Transpower also considered and responded on a range of other matters, including landowner requests for annual rather than lump sum payments for the purchase of the property easement, and concerns expressed about liability for damage to transmission lines, even though these were outside the scope of the consultation.

59. MR O'Connor makes general statements in relation to question 3 of his survey about Transpower's alleged poor performance on communications. Without landowners' names and details to support these claims, it is not possible to identify the issues to which he is referring. In response to Mr O'Connor's claims, I consider overall that the GridTracker case management system adequately monitored the rate of response by Transpower personnel to inquiries (as discussed in paragraph 85 of my first statement of evidence).

60. MR O'Connor's statement in his summation on Question 5 of his survey states that “*The fact that they are told where the pylons are going on their land irrespective of whether it is the most valuable part of their farm or not or that it disrupts stock movements in some way ...*”, is not a “fact”. On 19 July 2005, Transpower issued an indicative alignment with possible tower positions and invited landowners to discuss these with their case manager and a field engineer. Some landowners chose not to take this opportunity but overall there has been significant opportunity for landowners to change the locations of towers, as demonstrated by the evidence of Mr Noble.

Randal McKenzie and Mark Spring

61. AT paragraph 16 of their evidence, Messrs McKenzie and Spring state that “Transpower confirmed to us that if they were starting the substation proposal again Hampton Park would have been preferred to the Brownhill Road site”. I have reviewed the notes of the meetings held with residents which I prepared for circulation and confirmation by the residents. These meeting notes are contained in **Appendix 2**. There was a discussion on 20th December 2006 which relates to this point. The meeting notes show the following:

Question	Response
If you were starting today, would you by (sic) Hampton Park or Brownhill Road?	From a substation engineering point of view probably would choose Hampton Park.

62. **THIS** response was consistent with information provided earlier in the meeting, that establishing a substation at the East Tamaki Road site might involve 50,000 m³ earthworks to establish 130x130 metre platform; that there was a fall of five metres across site; and that these works would not be difficult compared with Brownhill Rd.
63. **IN** my view, Messrs McKenzie and Spring have made a very broad interpretation of what, in practice, was a very limited response, which I recall was made by Mr Robert Deller. Substation engineering is only one factor to be considered in deciding on the location of the substation. It is stretching the response too far to go from saying that the East Tamaki Road site would “*from a substation engineering point of view probably would choose Hampton Park*” to be saying it would have been preferred overall if Transpower was starting again. It is my understanding is that a substation in the vicinity was considered in the initial analysis of possible sites and was not the preferred site. It was then carefully reviewed when it was advocated by the Brownhill Road residents and Manukau City Council. The assessment, however, came out in favour of the Brownhill Road site.

Mr Aaron Collier (SWDC)

64. AT paragraph 7.2.2 of his evidence, Mr Collier states that:

"The applicant suggests that the ability for Transpower and its contractors to consult with the landowner and to reach an agreement will be an important part in terms of minimising effects on farming activities. Although the ability to consult may resolve some issues relating to the effects on farming activities, if landowners are unwilling to talk to Transpower I am unable to see how such effects could be minimised."

65. **THIS** statement fails to recognise that consultation is a two way process, and if people choose not to engage, they cannot complain later if Transpower proceeds by making best endeavours to minimise effects based on the information available to it. Transpower has made every effort to engage people in all four groups I identified in paragraph 12 of my first statement of evidence.
66. **LANDOWNERS** in the directly affected group cannot simply seek to frustrate the process by not engaging. For instance, a number of landowners south of Arapuni, among others, have not engaged with Transpower between July and December 2005 when Transpower consulted on the indicative centreline and provisional tower positions, or since. While the opportunity to influence both the tower positions and the location of the centreline was there, it was not taken up.

Mr John Makin

67. **IN**, the first paragraph of the "Visual Impact" section of his evidence (page 2), Mr Makin states that *"Unfortunately it seems that Transpower has never bothered to look up the meaning of "consultation"*. This is incorrect. As consultation advisor to Transpower, I am familiar with the accepted definitions of consultation in New Zealand. I reject Mr Makin's suggestion that the consultation *"has been dictatorial right from the start"*.
68. **MR** Makin states in the final bullet point on page 4 of his evidence *that "It was widely reported in the early stages of the Transpower "consultation process" that they or their consultants MWH had carried out an extensive demographic survey of the land-owners likely to be affected by the Transpower plans."* This statement is not correct. The evidence of Ms Allan sets out the manner in which settlement patterns were taken into account in the ACRE process stages. Mr Makin does not specify what he means by *"Certain suggestions*

made by Transpower staff on alternative sites for pylon 22 during our personal briefing in 2005 make this relevant."

- 69.** I have reviewed the notes of the meeting on 28 October 2005 with Mr Makin, made by Mr Peter Port of Transpower. I have also queried Mr Port and Mr Patrick about the matters discussed at the meeting and can find nothing that might support Mr Makin's contention that any such remarks might have been made. I have also sought clarification from Mr Roy Noble as to the matters influencing the location of Tower 22. Mr Noble has informed me that neither demographic factors, nor the influence of landowners, were an issue in the decision. Mr Noble has discussed the principles of alignment selection and tower positioning at paragraph 36 of his first statement of evidence. Mr Noble discusses Route section 3 in which Tower 22 is located in paragraphs 60-64 of his evidence.

Peter Howard Phillips

13 May 2008

Appendix A: Grid Tracker records of contact with Mr and Mrs Jones

Appendix B: Brownhill Road meeting notes