

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

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JOINT MEMORANDUM OF COUNSEL ON BEHALF OF TRANSPOWER  
NEW ZEALAND LIMITED AND VECTOR LIMITED  
IN RELATION TO FUTURE WORKS AND UTILITY CONDITIONS

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**Item# 297**  
**Party Ref:**  
**Date.**

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SIMPSON GRIERSON  
D J S LAING / J G A WINCHESTER  
TELEPHONE: +64-4-499 4599  
FACSIMILE: +64-4-472 6986  
DX SX11174 P O BOX 2402  
SOLICITORS  
WELLINGTON 6140

COUNSEL ACTING  
J STEPHEN KOS, QC  
STOUT STREET CHAMBERS  
TELEPHONE: +64-4-472 9025  
FACSIMILE: +64-4-472 9027  
P O BOX 117  
WELLINGTON 6140

## MAY IT PLEASE THE BOARD

1. **THIS** joint memorandum of counsel on behalf of Transpower New Zealand Limited (**Transpower**) and the Vector Limited (**Vector**) relates to the proposed utility conditions, which have been lodged by Transpower with the Board of Inquiry.

### Background

2. **VECTOR** lodged a submission with the Board of Inquiry (Submission 0863). Vector's submission was in support of the North Island Grid Upgrade Project as a whole. However, Vector's submission opposed:

- (a) the Notice of Requirement (**NOR**) for the underground cable routes between Pakuranga Substation and the proposed substation at Brownhill Road, and the related resource consents;
- (b) the NOR for the underground cable between Otahuhu Substation and the proposed substation site at Brownhill Road; and
- (c) in part, the NOR for the proposed overhead 400kV capable transmission line from Whakamaru to the proposed Brownhill Substation Site.

3. **VECTOR** lodged evidence in support of its submission, by:

- (a) Timothy Nicholas Chatterton (Divisional Manager, Engineering (Electricity Business Line));
- (b) Peter Graham Sacree (Gas Project Manager); and
- (c) David Andrew Robinson (Manager New Opportunity Technology).

4. **THE** underground cable component of the North Island Grid Upgrade Project (**proposed underground cables**) is largely located within legal road. Vector's gas, communications, electricity distribution and electricity sub-transmission assets are also located in legal road. Vector may wish to install additional electricity, gas and communications infrastructure and this proposed infrastructure

may cross or run parallel to Transpower's proposed underground cables at various locations. Transpower may also upgrade or install additional assets in proximity to Vector's assets in the future.

#### **Protocol for future works**

5. **TRANSPOWER** and Vector have entered into discussions and have agreed to certain measures to address Vector's concerns with the proposed underground cables. These discussions have resulted in Vector and Transpower agreeing on a "*Protocol for Future Works in close proximity to existing assets in the proposed designation*" (**protocol**).

#### **Proposed designation conditions**

6. **IN** addition, Vector wishes to advise the Board that it generally agrees to the common utility conditions proposed by Transpower, and previously lodged with the Board of Inquiry. The amendments Vector seeks are to condition B, and consequential amendments are made to condition A(c). An amended version of the proposed conditions is set out in **Annexure A** to this memorandum.
7. **TRANSPOWER** and Vector request that the conditions set out in **Annexure A** be imposed on the designations for the proposed underground cables.
8. **IN** the event that other parties propose further changes to the designation and resource consent conditions in relation to impacts on utilities, Vector seeks the leave of the Board to make further submissions on any amended conditions.

#### **Withdrawal of evidence**

9. **VECTOR** has read the evidence lodged by Transpower in relation to its concerns. After considering that evidence, and in light of the agreed protocol, and proposed conditions, Vector considers that the concerns raised in its submission, and evidence, have been addressed. As a result, Vector withdraws the evidence referred to in paragraph 3 above.

10. **TRANSPower** and Vector respectfully request that this Memorandum be posted on the Board website.

**DATED** at Auckland this 8th day of September 2008



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J S Kós, QC/D J S Laing/J G A Winchester  
Counsel for Transpower New Zealand Limited



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Louise Delamare  
Counsel for Vector Limited

**Annexure A: Underground Cable Route Designations – Amended Existing Utilities  
Conditions**

A. Transpower shall liaise with all relevant utility operators during the detailed design and subsequent construction processes prior to undertaking any work pursuant to this designation and shall ensure that:

- (a) it is aware of the location of all utility services existing at the time of construction in or adjacent to the designation; if necessary, exploratory excavation shall be undertaken;
- (b) To the greatest extent practicable, all utility services existing at 28 May 2007 (being the date the NOR was lodged) located in or adjacent to the designation are protected from any activity associated with the North Island Grid Upgrade Project which may interfere with the proper functioning of the services;
- (c) ~~Subject to condition [B below], if~~ it is not practicable to avoid a reduction in the level of service in accordance with (b) above, or if services are otherwise damaged, all utility services existing at 28 May 2007 located in or adjacent to the designation are repaired or relocated at Transpower's expense, to the reasonable satisfaction of the affected utility operator; and
- (d) Reasonable access to existing utility services located in or adjacent to the designation are able to be accessed during construction.

B. Nothing in condition A(c) requires Transpower to:

- (a) Provide compensation to any affected utility operator shall not be liable for indirect costs, such as for delays and inconvenience caused; and
- (b) Put the owner of the utility services should not unduly benefit from mitigation works such that they would be in a better position as a result of the mitigation works than if the North Island Grid Upgrade Project had not been proposed or installed.