

**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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**MEMORANDUM OF COUNSEL FOR  
TRANSPOWER NEW ZEALAND LIMITED IN RELATION TO PROPOSED  
SITE/ROUTE VISIT**

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## **MAY IT PLEASE THE BOARD**

1. **THIS** memorandum advises the Board of the proposal by Transpower New Zealand Limited (**Transpower**) concerning a site visit by the Board of Inquiry of the proposed route of the overhead line, cable routes and substation sites.
  
2. **TRANSPOWER** has consulted with various submitters over the draft itinerary for the proposed site/route visit. In particular, Transpower has sought comment on its proposal from the following submitters:
  - (a) Auckland Regional Council;
  - (b) Manukau City Council;
  - (c) Franklin District Council;
  - (d) Waikato District Council;
  - (e) Matamata-Piako District Council;
  - (f) South Waikato District Council;
  - (g) Waipa District Council;
  - (h) Federated Farmers of New Zealand;
  - (i) Underground in Manukau Inc;
  - (j) The Hunua and Paparimu Residents Association;
  - (k) Dr Robert McQueen;
  - (l) Mr Ewan Mackay and others represented by Harkness Henry & Co;
  - (m) Mr Geoff Copstick and Ms Katherine Brennan; and
  - (n) Glencoal Limited.
  
3. **AN** example of the letter sent on 1 May 2008 to these parties is attached to this memorandum as Appendix A.
  
4. **RESPONSES** have been received from:
  - (a) Mr Geoff Copstick and Ms Katherine Brennan;
  - (b) Mr Ewan Mackay and others represented by Harkness Henry & Co;
  - (c) Dr Robert McQueen;
  - (d) The Hunua and Paparimu Residents Association;
  - (e) Franklin District Council;
  - (f) Waikato District Council;
  - (g) South Waikato District Council;
  - (h) Waipa District Council;

- (i) Federated Farmers; and
- (j) Underground in Manukau.

5. **A** range of matters have been raised by those submitters, including:

- (a) the ability of their representatives (including legal representatives) attending the site/route visit;
- (b) unsuitability of the proposed dates;
- (c) the desirability of visiting different sites or possible alternative routes;
- (d) the desirability of more detailed inspections of sites or parts of the proposed route than was proposed by Transpower;
- (e) the proposed duration of the route visit being too short to allow detailed inspection of submitters' properties;
- (f) opposition to Transpower hosting the route visit due to suspicion about its motives in seeking to control the Board's itinerary;
- (g) opposition to the route visit based on the assumption that Transpower may seek to access private properties;
- (h) a perception that Transpower will give evidence to the Board members during the course of the route visit; and
- (i) queries as to the necessity for Transpower staff to attend.

6. **THE** responses received are attached to this memorandum as Appendix B.

7. **IT** appears from the nature of a number of those responses that submitters may have misunderstood or misinterpreted the intent of the proposed site/route visit. It is not intended to be anything other than an orientation exercise for members of the Board, so that they will be in a position to better understand evidence to be given and cross examination on that evidence (particularly in relation to landscape/visual witnesses), and put it into some context.

8. **IT** is not Transpower's intention, nor is it submitted to be appropriate, that the site/route visit become a "mobile hearing" or an opportunity for either Transpower or submitters to give informal evidence to the Board. The Board is no doubt acutely aware of this issue.

9. **IN** response to the matters raised by submitters, Transpower's position is set out below:

- (a) Transpower does not envisage or intend the proposed route visit as being the Board's only opportunity to visit locations along the route. If submitters would like the Board to take more detailed visits to specific locations, then they are free to make such suggestions and the proposed route visit does not preclude that occurring. Transpower would however reserve its position as to whether any such suggested additional site or route visits are necessary or appropriate.
- (b) As noted earlier, the purpose of the route visit is intended to be for general orientation purposes, so that the Board is better acquainted with landmarks and locations along the route that are referred to in the evidence which has been lodged (particularly the visual/landscape evidence).
- (c) The Transpower staff who have been nominated to assist with the route visit are not witnesses and have been nominated because they have an intimate knowledge of the proposed route, the nature of the proposed works, tower numbers, proposed tower locations and details of individual towers, road crossing points and various landmarks. The Board will doubtlessly be vigilant to ensure that only purely factual information is provided to it by the Transpower staff on any site visit, and counsel are prepared to provide an undertaking that such "riding instructions" will be conveyed to the nominated Transpower staff.
- (d) No doubt such rules would govern all persons who might be present.
- (e) It is not and has never been proposed that the route visit would involve the Board visiting private land. The majority of the route and tower locations are visible from public roads or other publicly accessible locations. In this regard, it is proposed that the visit would involve travelling along the publicly accessible areas of the underground cable routes, viewing the substation sites from publicly accessible areas around those sites, and viewing the overhead line tower locations from publicly accessible areas.
- (f) While Transpower would prefer that the route visit not become too unwieldy through the participation of numerous submitters or other parties, it was never Transpower's intention that submitters would be

denied a comparable level of representative participation to that proposed for Transpower. Bearing in mind the intended purpose of the site/route visit, Transpower suggests that an individual officer from each of the relevant territorial authorities (not being a witness in the proceedings) joined the route visit as it traversed the various districts (subject to undertakings being given that such officers would abide by the same riding instructions as Transpower staff). Given the time constraints and the length of the overhead line route to cover in two days, such officers would however need to be prepared to fit in with the proposed timetable to ensure that there was no undue delay.

(g) Other submitters may of course wish to propose other arrangements to the Board.

10. **IT** appears that, in order to make the most efficient use of the hearing time available in Takanini, and given the current progress of Transpower's case, the dates of 15 and 16 May 2008 for the proposed route visit would be the most suitable. It is noted that counsel for Waipa District Council, Underground in Manukau, and the Hunua and Paparimu Residents' Association also prefer these dates.
11. **TRANSPOWER** will send a copy of this Memorandum to the submitters who have responded regarding the proposed site visit. It has also requested that this Memorandum be posted on the Board of Inquiry website.
12. **SUBJECT** to the Board's determination and directions regarding this matter, Transpower will continue to liaise with and provide all necessary cooperation with and support to the Board's Executive Officer regarding the detailed arrangements to be put in place.

**DATED** this 8<sup>th</sup> day of May 2008

  
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## **APPENDIX A**

Example of letter sent to Submitters