

Transpower Counsel  
Mr J Stephen Kos  
Mt Duncan Laing  
Mr James Winchester  
(Day 1)



25 March 2008

**Audio Transcript**

To be read in conjunction with  
the tabled evidence / statement.

11.00 am Introduction

Chairperson "Good morning and a warm welcome to you all. This is a meeting of the independent Board, appointed to inquire into Transpower's Upper North Island Grid Upgrade Proposal, and the submissions on it. I'll introduce the members of the Board. On my right is Dr Deborah Read, a medical practitioner specialising in public health and environmental health. On Dr Read's right is Kevin Prime of Ngatihine, a farmer, and an Environment Court Commissioner. On my left is John Rutherford, a professional Electrical Engineer, specialising in generation and transmission. I'm David Sheppard, an Environment Judge and Chairperson of the Board. Now, the Board Staff includes Steve Rice, whom you can see here, he's the Hearing Manager, Jo Daly who's the Executive Officer, and Nicholas Zaman who's the Project Manager.

The Board of Inquiry is constituted under the Resource Management Act. It is the Board's understanding that the scope of the Inquiry is defined by that Act, and except to the extent that may be provided by that Act, the Inquiry does not extend to matters under the Electricity Act or matters already considered and decided by the Electricity Commission. The process that the Board follows also has to conform to the Resource Management Act. The Board wants to avoid unnecessary formality, however there are a considerable number of people who want to take part in the Inquiry. There are numerous questions to be considered and the questions and the outcome are important, so the Board's understanding will be helped by an orderly procedure, and we expect that this will also help all who are taking part.

The proceedings of the Inquiry are being recorded, so whoever is addressing the Board or giving evidence is asked to use a microphone. The recording will be transcribed, and the transcript will be made available on the Board's web Pages, a paper copy will also be available for viewing. The Board wants keenly to understand fully all of the submissions, and the evidence in support of them. It can do that best by first hearing from Transpower and understanding correctly what is proposed and why, that will give the right context to us to understand the submissions.

The Staff are noting the names and addresses of those who are attending and wishing to take part, so we will not delay now for everyone to introduce themselves at this stage, that can be done when each submitter has occasion to address the Board. Transpower now has occasion to address the Board and invite its Counsel to introduce themselves and then present opening submissions."

11.09 am  
Kos Page 1 Reading item 003

11.16 am  
Chairperson (Opening Statement)  
"Thank you Mr Kos, I would prefer that at this stage we proceed to the substantive opening address. Obviously, the Board's consideration of the individual procedural items that you've identified, would be better once we've heard from any other

submitters who wish to address on them, but would be even better off, if they've had opportunity to consider what you've said, and then address us later. And so, may we please invite you now to go to the substantive address."

11.17 am

Kos Reading legal submission

11.31 am

Discussion on order of maps, map 4 missing

12.05 pm

Page 7 Paragraph 29 Interpolation

"I might say that, just an aside, that although Transpower has produced a very substantial body of evidence in relation to public health issues, recognising the submissions they've made on that, the comparable range of the evidence has not been provided by other submitters, and in one particular instance, for instance, the principal evidence that you have in relation to that, is a 1 or 2 Page statement from one submitter with about fifteen academic reports, and I'm not de-crying academic reports, but that's what they are - they're general reports attached, and quite how I'm going to cross examine that particular witness in relation to those reports remains to be seen. But that's, I think, what the Board can perhaps draw from that, to some extent, and the nature of the evidence before it, is that the issues have moved to an extent away from health issues, and I'm sure that we'll hear otherwise from some submitters, but the balance of the evidence and the burden of the evidence doesn't suggest that, that is, assumes the degree of importance that's previously its seen to. And one possible reason that I might mention for that is that the evidence in my submission on public health effects from Transpower is compelling, and shows compliance with the guidelines now provided from the National Policy Statement."

Reading

"Now moving from that topic to another one which is...NEED..."

12.07 pm

Reading

Page 9 Paragraph 37 Interpolation

...with New Zealand forced to face a significant shortfall in indigenous gas production by the middle of the next decade... "And the source for those observations can be found in the Ministry's submission, and also in those of generators, to the Board."

Reading

Page 10 Paragraph 40 Interpolation

...except to the extent that the RMA's statutory requirements might require that to occur. "And that to some extent, Sir, seems to echo remarks that your Honour made in the opening this morning in terms of the separate statutory roles."

Reading

Page 11 Paragraph 42 Interpolation

...but they are not being pursued by Transpower, "Indeed, they are not being pursued by Transpower, in part because this is the proposal, which has been mandated by the Commission."

Reading

- Page 11 Paragraph 43 Interpolation  
"So with that brief encapsulation of the issue of need, which will be the subject of some evidence before the Board over the next few days, I move to the legislative and policy context."
- 12.17 pm Page 11 Paragraph 44 - refers to map book, chart of north island.
- Reading
- 12.21 pm Page 13 Paragraph 52 Interpolation  
... and requires the identification and approval of the best economic option,... "And I'll come back to this point, but while the focus of the Electricity Commission is economic, it does not exclude environmental considerations, and I'll explain how that occurs at a later point. The Commerce Commission, for its part, certainly doesn't look at environmental issues."
- Reading
- 12.25 pm Page 15 Paragraph 58 Interpolation  
...that larger capacity lines may provide by avoiding multiple smaller lines ... "Now that's a point I'll come back to because that is part of the strategy underlying this particular investment, which is, to minimize the proliferation of transmission routes to Auckland for the proliferation of islands and towers, as many, which we've just had numbered a moment ago."
- Reading
- 12.35 pm LUNCH BREAK
- 1.50 pm RESUMED
- Kos Page 19 Paragraph 75
- Reading
- 1.55 pm Page 20 Paragraph 77 Interpolation  
..."system vision" investigations were summarised in various documents..."Let me interpolate at this point to say that environmental mitigation was explicitly a very significant part of these processes since the middle of 2003 at the time at which Boffa Miskell were engaged to assist Transpower, and you'll hear more of that in the evidence for Transpower."
- Reading
- Page 22 Paragraph 85 Interpolation  
...(I) final announcement on Brownhill Road transition station/substation and cable route sub-option from Brownhill Road site in April 2007... "So the Board will appreciate it is a substantial process and one which the considerable period of time and effort has been applied by Transpower and its consultants and also by members of the community with whom consultation took place, but I'll talk about that in a moment."
- Reading

- 2.00 pm Page 23 Paragraph 87 - refers to bundle of images Interpolation  
...refinement of different route options...“And what I want to take the board to now, is from the small bundle of additional images, at about Page number seven, I think. You will see a document called ACRE map, which looks like that (shows image). It's a document of bright hue and you'll see within that document the progressive refinement from area in the grey colouring corridors and the pink route, then within the orange, and you can see, in each case, at least two principle options there, most the length of the route and then the easement specifically. So, it refines down from area through this process of review and consultation to the green line easement, which is the one, which approval is here sought.”
- Reading
- Page 27 Paragraph 98 (d) Interpolation  
...Pakuranga and Otahuhu...“That's important in the longer term, in terms of avoiding a proliferation of further transmission lines.”
- Reading
- 2.15 pm Page 30 Paragraph 111 Interpolation  
...thereby eliminating “waste” of valuable electricity... “Just on that particular point, you will hear, for instance, that one of the alternative proposals had the effect of creating transmission losses to the full extent of one small power station, so that's the kind of consideration that had to be taken into account by Transpower. One of the alternative options, the duplexing option, was extremely wasteful in terms of transmission losses, you'll hear about that.”
- Reading
- Page 30 Paragraph 113 Interpolation  
...to the benefit of the wider public...“And that passage omits the observation made before about the importance of non-proliferation.”
- 2.20 pm Reading
- Page 33 Paragraph 128 Interpolation  
...such as the current ARI-PAK A line into Auckland...“So, built in capacity is part of good electricity industry practice, and that, of course, is what is happening in this particular proposal.”
- Reading
- 2.30 pm Page 37 Paragraph 143 - refers to maps Interpolation  
...Pages 20-25...“The first point is that the current proposal, that's the short part of the northern end of the route towers 5-13, we saw where ARI-PAK and the route diverge, that's at the top, and I think that was map 3.”
- Reading
- 2.32 pm Page 38 Paragraph 146 Interpolation  
...approximately 10m shorter than the proposed 400kV line...“And remember there, that the maximum tower under the present proposal is 70 meters, and the average is 60 on this proposal, and in this alternative it will be approximately 10 meters below that, i.e. an average of 50.”

## Reading

## Page 38 Paragraph 147 Interpolation

...in the order of 10 meters on average...“So, to put it another way, towers at the current level in the existing routes, whether it's the ARI-PAK route or the reasonably adjacent Otahuhu and Whakamaru A and B lines, is simply not part of the alternative process. Whatever is going to be built to meet the problem is going to be bigger, and I just indicated the relative scale of the difference.”

## Reading

## Page 38 Paragraph 149 Interpolation

...(equivalent to the loss of a small power station)...“I wrongly attributed that to loss a moment ago, to duplexing, it's clearly to the high conductor option.”

## Reading

2.40 pm

## Page 42 Paragraph 161 Interpolation

...transmission corridors to six from the current four...“Now, this is illustrated, there's a picture that's better than words in the little booklet, and right at the end, after the very interesting picture of the triplex conductor bundle, is a schematic photographic image of the current transmission infrastructure, and you see there, the relative heights of the... the average heights of the current lines on the left of the Huntly-Otahuhu A and Otahuhu-Whakamaru C, which are the ones that I can change, and then you see the flat top towers, which are Otahuhu A and B, Whakamaru A and B and then the ARI-PAK line on the right hand side. We turn in the Page, we see the proposed infrastructure under this project leaving in place all the lines, except for the ARI-PAK one, and the ARI-PAK one has been replaced in the right hand side by Whakamaru-Brownhill 400 capable line, as you see depicted there.”

2.41 pm

Chairperson

## Page 42 - discussion on bad quality images.

“Just wondering whether, what I have in front of me, illustrates the point that you're trying to make as well as you would like. I'm going to ask Mr Rice to bring you my copy of the A4 bundle, open it to what I take to be the Page you are referring to so that you can see what I'm looking at and perhaps you can help me to understand why I'm not able to see the point that you're trying to make.”

Kos

“Yes, well I can see that there's a very good reason for that, and that is that the quality of your Honour's copy is so poor, that you probably can't see it. Mine is better, so I think the short answer will be, I will make sure that you see my copy - but of course you have picked up one of the essential features of the Transpower case, your Honour.”

Chairperson

“I hope it wasn't a test”... (unclear).

Kos

“The visibility of these structures can be grossly exaggerated. Now, I wonder if the rest of the Board has the same visual difficulty...Well, I'll give you mine.”

Chairperson

“What perhaps you might like to do, if you have one that is printed to a better resolution that makes the point to your satisfaction, you might consider asking your client, like, to reproduce copies of these illustrations for us at the same clarity.”

Kos

“I will do that, and just so that I don't stop the current flow, if you wouldn't mind looking at our copies, which are better, then at least I can make the point, and then provide

your Honour with better copies later on, because I know what is in your Honour's copy even if it can't be seen. Now I was on the Page which was Proposed Infrastructure 2011, and the Board will see there that what is changed from the previous Page, or now see what's changed from the previous Page, is that the ARI-PAK line has been replaced by the Whakamaru-Brownhill line, and that is the proposed...those are the routes, the 4 routes, Huntly A is one, Otahuhu-Whakamaru C is one, Otahuhu Whakamaru A and B is another route, as those two sit side by side, and then the fourth route is the Whakamaru-Brownhill route. We then turn to the long term. What this shows is, on the upper Page is, the upper half, is the 220 kV option, and you'll see there that what you end up with, this is calculated at about, round about 2060 to show all the relevant lines, you will see that there are now 6 transmission corridors, the top of the Page, which is the 220 kV option, the bottom of the Page, is the likely transmission option if we take the non-proliferation approach that Transpower is taking with the maximum use made of the existing corridors. The Whakamaru B one replaces the previous Whakamaru-Otahuhu A and B lines, the little flat top towers. So that is a depiction visually and I'll appreciate that now is visual, and it's the point I've been labouring over the last few Pages of the written submissions to show the Board that why it is, that from at least a proliferation or non-proliferation point of view, it is the approach taken on the penultimate Page and the ultimate Page, which is preferred by the Applicant."

Reading

Page 49 Paragraph 198 Reading completed

3.04 pm

Chairperson

"I'm just unsure about one matter that you might like to help me with. There's two or three things that the Board is...has some uncertainty about arising from the view piece that you've presented to us and I'm wondering whether you'd prefer us to ask you a question or two to try and elucidate those matters now or whether you'd prefer that we defer that until after we've heard from Mr Laing and Mr Winchester?"

Kos

"Might I say now Sir, that I probably prefer that you ask the questions now, but I might defer the provision of the answer, so the others will have a chance to think about them. That's probably best Sir, so we know what the Board's thinking."

Chairperson

"Very well, thank you."

Kos

"I'll just make sure Mr Winchester makes a note of this."

Chairperson

"The first one is really quite a minor point I think, but it's the first that arose, so you'll allow me to ask it, and it arose from your Paragraph 22, when you're telling us about the optical fibres in the earth wire to provide communication's capacity, and you say for the operation of the proposed line in the grid, so are we right to infer that those optical fibres would not be used for the kind of use that Cordia and other such bodies might otherwise make of it?"

Kos

"Yes Sir, the answer for that is yes."

Chairperson

"Thank you. Now, perhaps this is the matter on which you may decide you'd like to take time, but in a number of points in the course of your part of the address, you have referred, as if relying on various policy instruments of the Government...of the Executive Government, and you refer, for instance, to the New Zealand Energy

- Strategy, to the GPS, and I've just forgotten off hand what that stands for, but I'm sure you know."
- Kos "It's the Government Policy Statement."
- Chairperson "It's a policy statement, thank you, and at another time you invoked the Government's vision about something or another, and I just wanted to be a little bit more clear about the way in which this Board should consider those instruments that you've been citing, bearing in mind that our task is somewhat as a substitute for the local authorities and possibly the Environment Court in appeal level and its to be independent of the Executive Government and its policies set to the extent that its policies have been incorporated or expressed in or represented by some legal instruments such as this new National Policy Statement that we're only just starting to understand, so without labelling the point further I think you're understanding that I'm not clear in my mind about the role of these matters that you're referring us to, and it may be that there are differing opinions amongst the people that we'll be hearing during the course of these inquiries. Do you wish to answer that now or would you like to take time to address us on it later?"
- Kos "I'll address it later, but I'll just make two points by way of a preliminary answer to your Honour."
- Chairperson "Thank you."
- Kos "The first is that it is clear that the National Policy Statement is in a different category to the other instruments, all are emanations of the Government apart from the National Policy Statement is more of a direct impact.... statutory impact to this particular board. The second is, of course, that the National Policy Statement has emerged from a background of those other policy instruments and that it...and so to that extent they represent in context in which the National Policy Statement can be interpreted, given it's a very new statement and we haven't read all the information about it. Now, that's all I'll say at this stage, that the second is simply led by context, if they provide anything more than that, then I will address you on it at that point of the morning."
- Chairperson "Thank you. The National Policy Statement has been gazetted, and I have done the calculations, which you or some of your assistants have done, and have come to a different answer about when the National Policy Statement comes into force, I don't think there is anything significant that turns on it, but I am telling you that whereas you thought in Paragraph 64 it comes into force on the 11<sup>th</sup> of April, some of us thought that it would be the 10<sup>th</sup> and perhaps that could be reviewed."
- Kos "There's the larger issue that I was debating with my friend Mr Patrick this morning, which is the date that's specified in the gazette notice itself it's not entirely clear what the legitimate basis for the deferral is. Now, it doesn't seem...it doesn't seem to be reflected in the Act itself. Those...the alternative view is, that once gazetted it is effective, so that's beside the question if there is a 28 day period of when it actually runs, that's one question, but the bigger question, I think, is whether it doesn't actually already... already be in effect, so I'll look at that overnight as well."
- Chairperson "Yes, well, thank you. One of the things about this is, apparently the document or the instrument has been gazetted, and I'm unclear whether there is any other publication of it other than one's ability to download it from some kind of website through the internet. Do you know whether there's been a publication of it like one might have expected in the past?"

- Kos "Only in the Gazette itself, so, I think, the answer there...and I presume Sir, that the Board doesn't have it, so, I'll make sure that you do."
- Chairperson "We have downloaded a copy in an informal way, and I'm supposing that's correct if that...if there had been an official publication of it, then that would be something we might find more that we're accustomed to as a reliable source of law."
- Kos "That will be obtained."
- Chairperson "Yes...well I've made a question mark beside your Paragraph 67 where you have quoted Clause 80 with the GPS, and I just asked myself a question that you might share in the answer of. Is this, that is to say, that Clause of the GPS, a policy?"
- Kos "Yes, it is. Remember Sir, that the importance, the other importance of the GPS is that it is obligatory, as far as Transpower is concerned, so while the question was, your Honour asked me at the outset was, what is the impact on you was, and that is the question I am going to answer tomorrow. I can certainly say to you that its impact on Transpower is that Transpower is obliged to follow the GPS, as is the Commission."
- Chairperson "Well, I suppose what I was unsure about when I made that mark in the note, was that, what does Clause 80 look like in the context of the instrument as a whole. Is this a part of an explanatory section of the document, or is it like a rule or is it..."
- Kos "It's in the familiar objective...pre-amble objective policy and operative provisions. It's more...from the operative provision."
- Chairperson "I see. Thank you, now finally in this comes back to perhaps minor points that may prove to have no significance, but it's too early to tell at this stage. In Paragraph 121 you were telling us about the possibility, well, in Paragraph 120 about a peaking plant, possibly burning diesel, and then you were talking in the next Paragraph about a 10 year moratorium, which I think, at the moment, is not law, but to the extent that it is an expression of the Government's wishes to SOE generators, it's limited, is it not, to base load rather than peak load?"
- Kos "That is more detail than I can answer. It's also limited, I believe, by the extent of generation. I seem to recall, I think it was 10 megawatts, I cannot tell you whether it's been based on peak, and we'll clarify that."
- Chairperson "Yes, it's just that, in the context of where you were talking about a peak load plant in one Paragraph and then you come to this moratorium, which applies to base load?"
- Kos "I thought it was base load...I thought it was base load, but I will check."
- Chairperson "Thank you very much indeed."
- Kos "Obliged to the Board, thank you."
- Chairperson "Mr Laing. May we invite you to address us next please?"
- Laing "Thank you your Honour."
- 3.15 pm  
Laing "I will be starting with Page 50, and this deals with the statutory framework the board needs to consider."

- Laing Reading from Page 50 Paragraph 199.
- 3.17 pm  
Chairperson Page 50 Paragraph 201  
"Would you also be addressing us on the point of difference between 5 (a) and 8 (a), in that 5 (a) refers to powers and duties of a local authority and 8 (a) is powers of a territorial authority?"
- Laing "Yes, well, 5 (a) relates to, obviously to resource consent applications, so that...and then 5...8 (a) that relates to the Notice of Requirement, and what happens there, is effectively the powers of the Requiring Authority...and the Territorial Authority are conflated, so you make a final decision in the respective Notice of Requirement. Is that your Honour's point or am I missing something vital?"
- Chairperson "No, I don't have a point, I only have a question."
- Laing "Yes."
- Chairperson "And I'm assuming, maybe unwisely, that when Parliament did one sub-Paragraph of the same section it refers the duties of a local authority, and in another sub-Paragraph of the same section refers to the powers of a territorial authority, there must be some sort of point of difference?"
- Laing "I don't think I can answer that point for you readily, and that is for resource consent applications. They may, of course, be resource consent applications to a territorial authority or to a regional council, and so my submission is by the word, local authority is being used there, because it must encompass both territorial and regional councils."
- Chairperson "In 8, the difference is, that is only territorial authority, which has powers of respect of a Notice of Requirement, and not a regional council, so I think that is certainly the reason that the distinctions are being used there."
- Chairperson "Thank you."
- 3.19 pm  
Laing "I turn to...Paragraph 203..."
- Reading  
Page 52 Paragraph 209 Interpolation  
"...it was held in Bungalow Holdings Ltd..."And I'll pause for a moment there. Behind you, you should have copies of all the decisions referred to. There is one full copy of the decisions and the other ones are simply extracts of the same paper, and the extracts relate to my submissions."
- Chairperson "So, just let's just see if we can identify it Mr Laing."
- Laing "I think...hopefully they're just behind you."
- Chairperson "Mr Rice says they're in those six cartons there, is that right?"
- Laing "If Mr Rice says so, I'm sure it's correct, but...yes, they were delivered this morning. I was just...wondered...was just anxious to make sure you actually had them."

- Chairperson "Yes, well it's important that we should know that we have them thank you, I'll ask Mr Rice to show them to us at adjournment."
- 3.20 pm  
Laing "Thank you, I'm grateful your Honour...so, if I just turn back to 209."  
  
Reading.
- 3.25 pm Page 53 Paragraph 216 Interpolation  
...design work is completed..."And if I just pause there, truly this is a matter, which is yet to be finalised. Transpower, I think it's common knowledge, is that...has not had access to a number of properties, so is unable to fully identify and access tracks and routes, and those resource consents very much have to be dealt with on a property by property basis."
- Chairperson "Thank you."
- Laing "I then turn to the outline plan procedure..."  
  
Reading
- Chairperson "Now, because we're going to interrupt you now in any event for the afternoon break, I'm going to ask a question about that submission while we're at it."
- Laing "Yes."
- Chairperson "And we're now getting to matters of law Mr Laing."
- Laing "My shopping list!"
- Chairperson "The cases that you have referred to are cases where the reasoning of the Environment Court has derived, if I remember correctly, from a judgement of Justice Cook or perhaps President Cook, in Environmental Defence Society in Maunganui County Council, in a recent decision given by Justice Randerson in...is it Auckland City and Woolly Trust?"
- Laing "Is this a Treaty decision?"
- Chairperson "I think so, yes. It seems that Justice Randerson felt that it was open to him, and that it was right for him to declare that that line of reasoning that had been followed by the Environment Court and attempting to apply the Court of Appeal's reasoning in the Maunganui case, was wrong, so my question is, what is the significance for this case, of Justice Randerson's judgement in the Woolly Trust case? See if I've correctly remembered the name right. And you don't need to answer it now if you don't wish to, if you'd rather take time and come back with it."
- Laing "I will take time, I'd like to, obviously, get that case and look at it more closely but, the extent that the EDS case is binding authority, my submission would be that, to that extent, Justice Randerson's decision should not be followed, but I'll look at that perhaps in more detail if your Honour pleases."
- Chairperson "Thank you. We'll adjourn for a tea break for 20 minutes."
- 3.30 pm AFTERNOON TEA BREAK

3.55 pm

Laing Page 55 Paragraph 221 resumed reading

4.00 pm

Page 57 Paragraph 229 Interpolation

"Ms Allan will give evidence noting of Paragraph 198, of her first statement of evidence...I should just mention here, if the Board please, that Ms Allan has two primary statements of evidence, and I've called them 1 and 2, and equally there will be more than one rebuttal statement as well, so that's how I'm going to distinguish them, as 1 and 2. Statement number 1 primarily relates to the ACRE model and the selection of the route process, and the second statement of evidence, number 2, deals with policy and planning provisions and overall assessment. So that's the distinction."

Reading

4.02 pm

Page 58 Paragraph 232 (e) Interpolation

...or will be managed through construction..."And clearly, as you will hear in evidence, the route selection process, one or two very important issues that we focus on is, avoiding archaeological sites or sites of cultural historic importance. Now, that hasn't been able to be fully achieved, but you will hear the extent to which the efforts, very substantial efforts have been made to choose a route that avoids key sites."

Reading

4.05 pm

Page 59 Paragraph 235 (d) Interpolation

...west of Morrinsville is a future growth area..."And that is perhaps a slight cryptic reference. The evidence you will hear from submitters that the Morrinsville west area may be a future residential growth area. And certainly, in any terms of site visit, it would certainly be useful to take into account...take a visit to the alignment along the...where it runs close to the Morrinsville town, because I think that would be a useful perspective to have."

Reading

Page 59 Paragraph 235 (g) Interpolation

...of the District Plans for that area..."I say District Plans because there is actually still a transitional plan as well as a proposed plan. Notwithstanding many years after the commencement of the Resource Act."

Reading

4.07 pm

Page 60 Paragraph 236 Interpolation

...relating to the operation of Auckland International Airport..."So, the overhead line route does go through areas where there are Auckland International Airport designations as well, and that will be further covered in the evidence in due course."

Reading

Page 60 Paragraph 239 Interpolation

...the relevant statutory planning documents..."And that I have to say is a very brief summary of the evidence, but it is just intended to establish the framework for the evidence, which will come."

Reading

Page 61 Paragraph 240 Interpolation

...Map Book, Series 5...“And it may be helpful to the Board as the Hearing progresses, to update that information, because it was the books...map books in Mr Miles’ evidence...was prepared in late January for the relevant exchange period and obviously time has moved on since then.”

4.10

Chairperson “Yes, well we have a replacement book for Series 1-4, and we already have a replacement book for Series 5 that we received at the end of February, and the...if there’s further developments that should be reflected in that, perhaps the time when the evidence is given by Mr Miles, would be the time for him to present something that’s up-to-date as at the time he presents his evidence.”

Laing “Yes, thank you your Honour, that’s a useful indication and certainly with the Board’s lead we will do that.”

Chairperson “Thank you.”

Laing Reading Paragraph 241

Page 62 Paragraph 246 Interpolation

...Town and country Planning Act 1977...“But my submission still remains applicable, and the words that I’d like to draw the Board’s attention to is about half way down.”  
...the merits of various alternatives. “And unfortunately that is the very thing that a number of submitters in this case would invite the Board to do. And my submission it is not necessary or appropriate for that evidence to be given any weight.”

Page 62 Paragraph 248 Interpolation

...speculative or suppositious options...“And again, in my submission, the whole...the totality of the evidence you will hear, will, I believe, demonstrate to you there has been very thorough consideration of the alternatives.”

Reading

4.15 pm

Page 63 Paragraph 250 Interpolation

...or site for a particular public work...”And, if nothing else, which really illustrates that is the diagram in the set of additional graphic materials given to you this morning, where you will see from...I think your Honour’s got mine now, but it’s the one that shows the route ACRE model process starting from a very wide range area finally going into looking at a corridor and there an easement. And so, to a large degree, there has to be some sensibility built into a process that is considered a vast area all the way from Whakamaru to south Auckland, and it is never possible to totally rule out any other alternative, it is...it is the coherence, consistency and application of a model which is robust, and that’s my observation, the important fact to take into account.”

Page 64 Paragraph 255 Interpolation

...from the Route 1 stage onwards...“That route 1 is, there were two route stages, two reports, route 1 and route 2.”

Reading

4.20 pm

Page 65 Paragraph 261 Interpolation

...to address future changes in supply...“And I’ll just ask the Board there to note the words maintaining current grid reliability standards, because it does come...it is again

an ally to the question that you asked Mr Kos this morning as part of his homework about the relevance of the GPS, and I will come back to that as well.”

Reading

Page 65 Paragraph 262 Interpolation

...for security and diversity of electricity supply...“And the reasons I feel that Mr Kos outlined earlier, this is a long term project, and I’ll come to the Brownhill station, sub-station in a moment, so there’s looking forward in the long term, not, it’s not simply a band aid proposal to just get by or something of that nature.”

Page 65 Paragraph 264 Interpolation

...for security and diversity of electricity supply...“And again in 264 the same words are used in the third Paragraph - the objectives, and you’ve already heard this morning that the Brownhill sub-station proposal is in three parts, and it develops as time goes on to become a fourth sub-station.”

Reading

4.22 pm

Page 66 Paragraph 265 Interpolation

...electricity transmission infrastructure...“So, the important thing there, is that the removal of the ARI-PAK line is covered by this project, although predominantly it is outside the NOR corridor. It is referred to in the objective, because it is obviously an important part of the overall project to remove the ARI-PAK line.”

Reading

4.24 pm

Page 66 Paragraph 267 Interpolation

...reasonably necessary for achieving it...“And I just want to pause there. Obviously the Babbington Case is from the era where it was a designation that had to be considered, not designation of the work, but in my submission the same principal applies.”

Reading

Page 67 Paragraph 271 Interpolation

...to address future changes in supply...“And again, that’s the theme consistent with my friend Mr Kos’ submissions to you earlier.”

Reading

Page 68 Paragraph 275 (a) Interpolation

...position in terms of plan provisions. “So in terms of certainty and ability to be able to complete the project the NOR designation process is the preferable process.”  
(Reading)

4.30 pm

Page 69 Paragraph 279 Interpolation

...circuit, joint bays, and link pits...“And there will be considerable evidence addressed to the Board on those topics, particularly the construction needs to install cables in roads.”

Reading

Page 69 Paragraph 280

Change word - ‘decision’ rather than ‘recommendation’

...in order to make a recommendation on the NORs..."Well, sorry, I'll change that around. To make a 'decision' if I could change those words your Honour please."

Reading

Page 69 Paragraph 282 (b) Interpolation

...to the extent discussed above;..."And you have heard the context earlier today, which Electricity Commission's decision in my submission is relevant. Firstly, it reflects the process, which has led to the particular proposal, which became subject to the NORs, so it is relevant to the Board's understanding of the project. And secondly, in my submission, it's also relevant, in that alternative transmission options were further scrutinised, albeit in a different context, and one which does not...and one, which is a different focus to the RMA. So, that really just flows from the submissions you heard this morning as to why the commissions' process is of some importance in the current context. Now, I think you'll probably be hearing various durations of this from other submitters but my submission is a relevant matter, the weight..."

4.33 pm

Chairperson "Because we need to be clear, don't we."

Laing "Yes."

Chairperson "There's one thing that seems, that it's...part of the background, and it just helps you to understand there's another thing that says the Electricity Commission came to certain conclusions or findings, or judgements in. On that way of arguing, the Board is being asked to give weight to those findings or judgements, perhaps even equivalent to the weight it might give to applicable instruments, such as, NPS. Now, what we need to be clear about is, which of those is the case that Transpower leans on the Board in respect of the Electricity Commission process, so would you like to address that?"

Laing "Yes I would, but probably, I think it would be best if we gave you one answer, because we also come back over here, if your Honour pleases, to the Government, the electricity Government rules, so to me it's...I'd probably be best to deal with it in that context. But you've heard my submission though in terms of what I see the relevance, as opposed to...let me cite questions of weight, which, that's a different thing again, but I think I've explained the best that I can at the moment, my... the Commission's processes particularly, are of some relevance, and certainly a matter that falls under 171(1) (d). Now, I think probably the best thing we can do, is to give you one reply, of all Government policy and other process issues tomorrow, let me finish, but that is where I see particularly the relevance of it is, it certainly helps to explain why we're here to today. It explains the process that was arrived at to choose a 400Kv option, but in Transpower's...in my submission anyway, that process was robust and sufficient before there was any embarkation onto the Electricity Commission process, so, to me it is, it certainly helps explain why we're here, and explains the process, and also, in a general sort of way, it shows it was another process that key issues, such as the 220 as opposed to the 400 option, were considered. Now, to me that is probably the...about the high water of it."

Chairperson "Well, you're asking to come back to this tomorrow, and there's no difficulty about that, we'd be grateful if you do, and it would be the one presentation for Transpower on the topic, and when we have that, we'll know what you're contending for, and that will then help us to understand whatever submissions we might hear from submitters on the topic."

- Laing "Yes."
- Chairperson "Thank you."
- 4.39 pm Reading.  
 Page 70 Paragraph 282 (c) Interpolation  
 ...the grid investment test...“And we will put this into our...sort of, substantial reply, but I simply would point out, at this stage, is that those things include the grid reliability standards, which go to the need for the project. So, in that sense, they are to explain why there is a need for the project, and you heard from my friend Mr Kos this morning about n-1 standards so, again, they explain or go to the question of need, and in the GPS that you’ve already raised with my good friend this morning, we’ll deal with that, and the factor to call in best reasons given by the Minister for it, and again, as explained this morning, that assists in the discussion...what is about a nationally significant project, and so my submission...the fact to call on the reasons, are relevant matters.”
- Chairperson “So yes, is there, is there...or perhaps there isn’t, I just had in the back of my mind, that maybe there was something in the provisions of the Resource Management Act about call ins to the general effect that the Board, considering they called in a project, is to have regard to the reasons given by the Minister for calling the project in, is that right?”
- Laing “The...from memory, that only relates to certain procedural matters but I can find the relevant...”
- Chairperson “Or if you prefer, you can come back to it tomorrow.”
- Laing “I will come back to it tomorrow, but in my recollection, those...the relevance is related to certain procedural steps, rather than it being a new and additional matter to take into account substantially, but I’ll confirm that.”
- Chairperson “Thank you.”
- Laing Reading Paragraph 283
- 4.40 pm Page 70 Paragraph 286 Interpolation  
 ...and specifically electricity transmission...“Then I turn to section...I note the references to the policy framework, which we will turn to tomorrow.”
- Reading
- 4.45 pm Page 73 Paragraph 301 Interpolation  
 ...practical in the circumstances...“If I can just then interpolate, this project is somewhat unusual in the case...normally in the case of NOR, land has to be acquired in full for the designated purpose, whether it’s a sewage treatment plant, a road, or some other form of vital infrastructure, here, although it’s really a matter of property information, the...Transpower does not require to own the land of...which...the overhead lines and underground cables...to the extent that they’re in either road or private land, so the overall impact is quite different to taking out of production a corridor of productive land, so if I could move on now to 302.”
- 4.46 pm Reading Paragraph 302

4.49 pm Page 75 Paragraph 307 Interpolation  
...a State highway extension...“In all those cases, the Courts held that the projects were a matter of national significance that was entitled to weight under section 5.”

Reading

Page 78 Paragraph 323 Interpolation  
... (whether or not identified in a district plan)...“And the important point there, if the Board pleases, that is, you will hear evidence, particularly evidence from landscape nature, obviously attacking Transpower’s choice of route based primarily on landscape values, and that is...falls into that...my submission, real error, that is, inherent on that approach that the ACRE model was a multi-disciplinary approach as you will hear in evidence, and landscape plainly was a very important factor. I’ll come to that in a moment, but there was a multi-disciplinary approach and it was necessary to weigh a wide variety of factors, including cultural heritage, topography, ground conditions, all of those factors, yet much of the evidence you will hear focuses on one or more narrow factors. As I say above there, the, there were cases where there was a finely balanced assessment that favoured one particular alignment over another, and that is, only to my submission, to be expected in a project of this size and of a linear nature.”

Reading

4.58 pm Page 78 Paragraph 326 Interpolation  
...part of the overall alignment...“Or within the district, for example, due to its scarcity within or value to that particular area, so that just really reinforces the point I’ve already made.”

Reading - skipped a Page accidentally

Laing “I’ve just turned over a Page, I’ll continue with that.”

Reading to end of Paragraph 329 Page 79.

“Section 6 (c)...”

4.59 pm  
Chairperson “Thank you, we’ve reached the point where we can excuse you for the day Mr Laing...and will it be convenient for you to resume at half past nine tomorrow morning.”

Laing “If your Honour pleases, that’s very convenient.”

Chairperson “This Hearing is adjourned until half past nine tomorrow morning.”

5.00 pm ADJOURNMENT