

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

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

Item# 401

Party Ref:

Date.

Transpower

29-10-08

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J Moore

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 KÓS, 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 Watercare Services Limited (**Watercare**) relates to the proposed utility conditions, which have been lodged by Transpower with the Board of Inquiry.

Background

2. **WATERCARE** lodged a submission with the Board of Inquiry (Submission 0800). Watercare's submission opposed:
 - (a) the Notice of Requirement (**NOR**) for the Pakuranga Substation;
 - (b) the NOR for the Otahuhu Substation;
 - (c) the NOR for the underground cable routes between Pakuranga Substation and the proposed substation at Brownhill Road, and the related resource consents; and
 - (d) the NOR for the underground cable between Otahuhu Substation and the proposed substation site at Brownhill Road.
3. **THE** underground cable component of the North Island Grid Upgrade Project (**proposed underground cables**) is largely located within legal road. Watercare has some assets located in legal road and Watercare may wish to install additional assets near to or across Transpower's proposed underground cables at various locations. Transpower may also upgrade or install additional assets in proximity to Watercare's assets in the future.

Protocol for future works

4. **TRANSPOWER** and Watercare have entered into discussions and have agreed to certain measures to address Watercare's concerns with the proposed underground cables. These discussions have resulted in Watercare and Transpower agreeing on a protocol for future works in close proximity to existing assets in the proposed designation (**protocol**).

Proposed designation conditions

5. **IN** addition, Watercare wishes to advise the Board that it agrees to the common utility conditions proposed by Transpower, and previously lodged with the Board of Inquiry. A copy of the proposed conditions is set out in **Annexure A** to this memorandum.
6. **TRANSPOWER** and Watercare request that the conditions set out in **Annexure A** be imposed on the designations for the proposed underground cables.
7. **IN** the event that other parties propose further changes to the designation and resource consent conditions in relation to impacts on utilities, Watercare seeks the leave of the Board to make further submissions on any amended conditions.
8. **WATERCARE** 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, Watercare considers that the concerns raised in its submission have been addressed.
9. **TRANSPOWER** and Watercare respectfully request that this Memorandum be posted on the Board website.

DATED at Wellington this ^{October} 28th day of ~~September~~ 2008



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



for Watercare Services Limited

**UNDERGROUND CABLE ROUTE DESIGNATIONS – EXISTING UTILITIES
CONDITIONS
[TO BE INSERTED INTO COMMON CONDITIONS]**

Existing Utilities

- 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. Transpower shall not be liable for indirect costs, such as for delays and inconvenience caused; and the owner of the utility services should not unduly benefit from mitigation works such that they would be in a better position than if the North Island Grid Upgrade Project had not been proposed or installed.