

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

**STATUTORY DECLARATION BY DAVID JAMES VIVIERS FOR
TRANSPOWER NEW ZEALAND LIMITED**

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STATUTORY DECLARATION

I, **DAVID JAMES VIVIERS**, Property Manager of Wellington, solemnly and sincerely declare that:

1. Transpower New Zealand Limited (**Transpower**) made comments on the Board of Inquiry's draft decision and report dated 24 June 2009 (**Transpower's comments**), and included, in Appendix C, amendments to the tables of legal descriptions of the parcels of land that would be subject to the designations (**Tables**).
2. The Board of Inquiry has sought confirmation that the changes to legal descriptions in Appendix C are current descriptions of land identified in the notices of requirement.
3. The Tables set out in Appendix C repeat the tables set out in each notice of requirement. These Tables use three methods of describing the relevant area of land:
 - (a) parcel ID;
 - (b) parcel (legal description); and
 - (c) certificate of title / computer freehold register (**CFR**).
4. The parcel ID is described in the LINZ spatial database. It is not as commonly used, or known, as the database that contains the CFRs (previously certificates of title). It is generally used for technical survey purposes. However, it is a further method of identifying land in a legal manner.
5. Subject to the exceptions in paragraph 6 below, Transpower has not sought amendments to all three methods of describing a parcel of land set out in the Tables. There is a consistent method of describing the land subject to the notices of requirement (ie. (a), (b), or (c) in paragraph 3 above).
6. The exceptions relate to:
 - (a) the existing Whakamaru Outdoor Switchyard;
 - (b) the Hamilton-Waihou A (**HAM-WHU**) line deviation;
 - (c) Franco Lane; and
 - (d) Some parcels of land between towers 355 and 365.
7. All three descriptions for the relevant parcels of land for the Whakamaru Outdoor Switchyard, HAM-WHU line, Franco Lane and between towers 355 and 365 are amended in the Tables. However, the areas of land for the existing Whakamaru Outdoor Switchyard, HAM-WHU line deviation and Franco Lane were included in the relevant notice of requirement (as explained at paragraphs 2-3, and 7-10 of the Memorandum of Counsel, dated 3 August 2009). The parcels of land between towers 355 and 365 were also included in the relevant notice of requirement. These changes were due to a subdivision of the relevant property.

Annexed to this statutory declaration and marked "**B**" are plans which show that the same land has been included in the Tables for all of these four parcels of land.

8. In order to give the statutory declaration sought by the Board, a review of the information in the Tables has been carried out to ensure that no new land that was not subject to the original notices of requirement has been included. In this review Transpower has:
- (a) Reviewed the legal descriptions and CFRs for all of the amended legal descriptions or titles in the Tables. The CFRs have been checked to ensure they make up part of the same land that was previously described in the Tables. The legal descriptions have been checked to ensure they relate to the same land affected by the relevant notice of requirement. Where the amendment to the Tables was the result of the cancellation of a CFR or subdivision, a new plan has been obtained that shows it is still the same land as previously referred to.
 - (b) Checked all the CFRs in the Tables to ensure that they are live CFRs.
 - (c) Reviewed all the CFRs, legal descriptions and plans of the land contained in the Tables and compared these to the maps showing the land affected by the designation. The map book used for the comparison is titled "*Transpower New Zealand Limited North Island Grid Upgrade Project: Map Book Series 5 – Property Information*". This comparison has been made to ensure that each parcel of land shown as affected by the designation has been correctly referred to by its legal description and CFR in the Tables. This check has further ensured that only land that is subject to the notices of requirement is included. By way of example, if a property was subdivided, only part of it may now be affected by the relevant notice of requirement. Only that relevant part has been included in the Tables.
 - (d) Checked the CFR references and legal descriptions in the Tables attached to the Board of Inquiry draft report and decision (**draft report**) with the CFR references and legal descriptions in the tables attached to the notices of requirement.
9. All legal descriptions and CFRs contained in the Tables have been reviewed to ensure they are accurate. As a result of this review, I became aware of the need for further amendments or update to the Tables. In particular, the following require correction:
- (a) In Table 6, one of the Parcel IDs for Stancombe Road has been incorrectly stated as being "6868739". It should be "6868737".
 - (b) In Table 6, the first updated legal description has been incorrectly stated as being "Allot 365 Parish of Pakuranga". It should be "Allot 355 Parish of Manurewa".
 - (c) In Table 6, the second updated title (NZG 1972/774) has a legal description which also requires updating. It incorrectly stated "Reclaimed Crown Foreshore SO 47238". It should refer to "Part Old Bed Otara Creek".

- (d) In Table 8, Part Allotment 155 and 156 Parish of Hunua and Lot 9 DP 375298 have been repeated. The repeated set should be deleted.
- (e) In Table 8, the legal description for CFR NA334/106 has a legal description that requires updating. It has been referenced incorrectly twice as "Part Allotment 87 Parish of Hunua" and "Part Allotment 88 Parish of Hunua". It should refer to "Part DP 13436 in both instances.
- (f) In Table 8, the title DI 2F1515 no longer exists. It is now described as Lot 1 DP 388392 and contained in CFR 357314.

These amendments have been highlighted green in the Tables annexed to this statutory declaration and marked "A".

10. Recent developments to properties have meant that some titles have been amended or cancelled. As a result of the review, I became aware that the following corrections are required:

- (a) In Table 7, the road contained in Parcel ID 5213853 has been stopped and is now contained in CFR 3727708 and has a legal description of Section 1 SO 68169.
- (b) In Table 8, CFR NA52C/138 and NA58D/738 have been cancelled and are now contained in CFR 334939.
- (c) In Table 8, CFR NA26D/187 has been cancelled. It is now described as Lot 3 DP 347436 and contained in CFR NA372/31.
- (d) In Table 9, two properties described as Lot 1 DPS 13105 as contained in CFR SA10D/286 and Lot 1 DPS 75308 as contained in CFR SA53D/12 have been subdivided. Two new titles have been issued and only one title is affected by the notice of requirement and is described as Lot 2 DP 417722 and contained in CFR 468407.

These amendments have been highlighted green in the Tables annexed to this statutory declaration and marked "A".

11. I also note that minor typographical corrections are required to some references in the Tables. These corrections are due to:

- (a) typographical errors in the draft Report when compared to the relevant notice of requirement; or
- (b) minor errors in relation to the legal description or CFR references, where one description/reference was accurate, but the other required correction.

These amendments are highlighted yellow in the Tables annexed to this statutory declaration and marked "A".

12. I confirm that no new land that was not subject to the original notices of requirement has been included in the tables in Appendix C of Transpower's

comments, or in the amended tables annexed to this statutory declaration. Only land originally subject to the notices of requirement has been included.

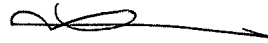
13. Annexed to this statutory declaration and marked "C", in the same order that they have been identified in Appendix C of Transpower's comments are:
- (a) the CFR for each parcel of land identified in the notices of requirement, and the updated CFR; and
 - (b) the Parcel IDs identified in the notices of requirement, and any update of those Parcel IDs.

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.



David James Viviers

DECLARED at Wellington this 3rd day of August 2009, before me:



A Solicitor of the
High Court of New Zealand

Naomi Jaine McKean
Solicitor
Wellington

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**SECOND MEMORANDUM OF COUNSEL FOR
TRANSPOWER NEW ZEALAND LIMITED PROVIDING FURTHER COMMENTS**

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MAY IT PLEASE THE BOARD

1. **THIS** Memorandum of Counsel sets out Transpower New Zealand Limited's (**Transpower**) the response to property matters raised in the 15 July 2009 letter which was sent on behalf of the Board of Inquiry. Transpower's response to all other matters was set out in its 28 July 2009 Memorandum.

Land not included in the NOR

2. **THE** Board has asked Transpower to explain the Board's authority to include land in the designation "*that was not included in the original NOR application*". The amendment sought by Transpower to Table 4 was set out at paragraph 51 of its comment, and related to the existing Whakamaru Outdoor Switchyard.
3. **TRANSPOWER** wishes to clarify that the existing Whakamaru Outdoor Switchyard was included in the original Notice of Requirement (**NOR**). It is only the legal description which was omitted from paragraph 2 of the NOR (Part 1A of the NOR). The physical address and the NZ Map Series 260 references at paragraph 2 of the NOR include the existing Whakamaru Outdoor Switchyard. The plans referred to in paragraph 2 also include the existing Whakamaru Outdoor Switchyard. For ease of reference, a copy of the relevant NOR is **attached**.

Amendments to tables of legal descriptions

4. **THE** Board has sought a statutory declaration verifying that the changes to the legal descriptions sought in appendix C of Transpower's comment are current descriptions of land identified in the original NORs.
5. **A** statutory declaration is attached. As noted in the declaration, all changes to tables are to update the legal descriptions from those included in the tables in the NORs (or correct typographical errors), subject to three exceptions.
6. **THESE** exceptions relate to:
 - (a) the existing Whakamaru Outdoor Switchyard (as discussed above, and at paragraph 51 of Transpower's comments);

(b) the Hamilton-Waihou A (**HAM-WHU**) line; and

(c) Franco Lane, Manukau City.

7. **AS** discussed at paragraphs 31-35 of Transpower's comments, the lowering of the HAM-WHU line is an ancillary work, and is incorporated into the designation for the overhead line in Matamata-Piako District. The relevant areas of land are shown on the planning maps contained in the NOR (and as referred to in paragraph 2 of the NOR). However, the legal descriptions were inadvertently omitted from the schedule contained in the NOR (and as referred to in paragraph 2).
8. **FRANCO** Lane is also shown as an additional parcel of land in Table 5. This lane was incorporated into the designation for the Pakuranga to Brownhill Underground Cable route. This parcel of land relates to the section of the underground cable route where one circuit would be in the existing ARI-PAK A tunnel.
9. **IT** is shown in the Replacement NOR (Part XI), in the map entitled "*Map 1 of 3 – Final Designation – Parcel ID Reference Map, BHL-PAK Cable Route, Manukau City Council*" (19 April 2007). It is also shown on Exhibit X (introduced by Ms McGovern, 19 June 2009, Transcript, page 22), as well as on the Map 9, Appendix V to the draft report. Accordingly, while this area of land was incorporated into the designation, the legal description were inadvertently omitted from the schedule contained in the NOR. All plans are **attached**, for ease of reference.
10. **THE** legal descriptions for the parcels of land between towers 355 and 365 in South Waikato District were included in the relevant notice of requirement. However, due to a subdivision of the relevant property the legal description, CFR and parcel ID for these properties have changed. Updated references are

contained in the statutory declaration of David James Viviers.

DATED this 3rd day of August 2009

A handwritten signature in black ink, consisting of a large, stylized loop followed by a smaller loop and a short horizontal stroke.

D J S Laing / J G A Winchester / J P Mooar
Counsel for Transpower New Zealand Limited