

Barry and Barbara McAlley

423 Monument Road

Clevedon

RD2

Papakura 2528

15 June 2009

Grid Update Draft Decision Comments

PO Box 390

Waikato Mail Centre

Hamilton 3240

Re : Draft Report and Decision of the Board of Inquiry

We acknowledge the draft report and decision of the Board of Inquiry made in accordance with section 148 of the Resource Management Act 1991 (RMA) and thank you for the opportunity to submit on the draft report.

These comments are made by Barry and Barbara McAlley, 423 Monument Road, Clevedon, RD2, Papakura and relate to the Notice of Requirement and Resource Consent applications made by Transpower with respect to the Upper North Island Grid Upgrade Proposal.

The McAlley property is located at 423 Monument Road, Clevedon, within the jurisdiction of the Manukau City Council. The property is contained within two adjoining separate certificates of title and is traversed by the current powerlines, being the Arapuni to Pakuranga A line and contains one power pylon. It is proposed with the new routing of the powerlines that the existing pylon will be removed, however the property will still be crossed by the proposed powerlines.

The legal details of the properties in question are Lot 1 DP 62602 & Part Allotment 145 Parish of Hunua, with a total combined area of 30.4774 ha, held in certificates of title NA578/161 & NA19C/1234.

With regard to the draft report our comments are as follows. We disagree with the Board's findings in paragraph 969 that the removal of the ARI-PAK A line will adequately mitigate the adverse visual amenity and landscape effects associated with the construction of the new line and associated pylons. Whilst the existing line has unfortunately become part of the Clevedon Valley scenery it is our opinion that the replacement of the existing line and pylons by new structures, three times the height will be glaringly obvious to all residents and visitors.

In your conclusion (paragraph 1218) you acknowledge the substantial adverse landscape and visual effects that will remain "even with the mitigation proposed in various places and in various ways". Much weight is placed on the removal of the ARI-PAK A line with regard to mitigating the adverse visual and landscape effects associated with the construction of the new lines and pylons within the

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Natural heritage in the rural environment contributes to the character and identity of the area and this heritage can be destroyed or damaged by activities which occur in the rural area.

The proposed pylons are of such a height and scale that they have the potential to generate significant and unmitigated adverse effects on the rural character, landscape qualities and amenity values of the rural area.

Activities occurring in the rural area, or which seek to locate in the rural area can have an adverse effect on the rural character, landscape qualities and amenity values of the rural area.

Resource Management Issues

The Manukau City District Plan contains resource management issues, objectives and policies that relate to development within the Rural Area (Chapter 12). A selection of relevant portions of Chapter 12 have been repeated below, with commentary in *italics*

Whist the subject site and the surrounding area is punctuated by rural residential development, it is largely a rural outlook that predominates, notably areas of pasture land, forestry and native bush. The pylons proposed are of such a considerable height that they will effectively and permanently alter the landscape, bringing into the local landscape an 'industrial' element to a far greater degree than the existing services do.

The subject site forms part of the foothills that rise toward the Hunua Ranges and the ridge line behind the subject site provides the skyline for a considerable viewing audience. The view obtained from our property is one of the single most important and valuable aspects of the subject site and the construction of the proposed very large pylons in close proximity to the house will have a considerable level of adverse effect on the property and our enjoyment of it. Whist it is recognised that the existing pylons and existing lines crossing the subject site are located in close proximity to the dwelling, the new towers are of such an increased scale that it is assessed that they will not be readily absorbed into the surrounding environment and will result in a significant adverse effect on the environment.

Whist we can see the logic in the approach, that removing the existing line and replacing it with the new line will be 'much of a muchness', we are of the opinion that this conclusion relates to where the lines, old and new, are being viewed from. If an observer were some distance from the path of the existing line (say 4 km) and the new line were to be following as closely as possible the route of the old line, then we would concur that there is the potential that visual and landscape effects would not be too indifferent. However, as is the situation that we are faced with, where an observer is in close proximity to both the old line and the proposed route of the new line, then we contend that the potential adverse effects of the size of the new structures with regard to visual and landscape amenity in particular will be significant.

Clevedon Valley. Other than this one mention, there appears to be no specific mitigation methods required (in your opinion) for the Clevedon Valley section of the proposed line.

The proposed structures are of such a scale and will be sited in such a manner as to negatively impact on the rural character of the subject site, surrounding sites and the surrounding area. The cumulative effect of a number of structures on the landscape will detract from the amenity values and the rural character of the area. As mentioned the area is predominantly an open rural landscape and these structures, which have the potential to dominate the environment, will detract from the open space character of the area, as they will be visually intrusive within people's views and sight lines, but also will have a dominating effect due to their height, over property, housing and recreational areas, detracting from people's ability to enjoy the environment.

- detract from the open space character;
- dominate the site or area in scale, appearance or density;
- generate significant increases in traffic volumes

not:

Buildings, structures and activities should be designed, of a scale and sited in a manner which complements the rural character of the site and the cumulative effect should not detract from the amenity values and rural character of the area. Particularly they should

Policies

The proposal will not assist in any way to protect and enhance the rural character and amenity values of the rural area, namely the Clevedon Valley. As previously mentioned the pylons are of such a size and scale as to be out of character with the surrounding environment and introduce essentially what it an industrial structure into what is predominantly a rural landscape. Whilst there are existing pylons and power lines in this area, their size is significantly less than those proposed, with the proposed pylons having a significant potential adverse effect on the submitter's property (and others). The subject site and surrounding sites form the foothills of the Hunua Ranges which are a significant landscape form within the surrounding environment and as such should not be subject to this form of development.

character and diversity.

To preserve or protect landscapes of outstanding value and maintain rural landscape

To protect and enhance the rural character and amenity values of the rural area.

Objectives

wide area.

The proposed pylons are of such a height and scale that they have the potential to generate significant, unmitigated adverse effects on the rural character, landscape qualities and amenity values of the rural area. The subject site and those that surround it form the foothills of the Hunua Ranges and are seen from a wide viewing audience. The inclusion of a line of incredibly tall pylons and associated powerlines have the potential to generate a negative impact on the character and identity of the rural environment and the views of such from a

Buildings, structures and activities should not create adverse visual effects on particular knolls or other landforms, or in the coastal environment. In particular they should not intrude into or dominate the skyline or the coastal margin.

The subject site and surrounding sites form a series of hills rising up toward the Hunua Ranges. As such this area is viewed from a wide viewing audience, including a sizeable portion of the Clevedon Valley. This series of hills form a number of ridgelines/skylines depending on where views are taken from and the proposed line of pylon structures rising up and over the hills will result in an adverse effect on the landscape environment that will be seen from a very wide area. In particular proposed tower 30 will be positioned on a conspicuous knoll, adjacent to the McAlley property and will effectively spoil the view to the north and dominate the immediate skyline, causing adverse, unmitigated visual and landscape effects.

It is our opinion that the proposal is not in accordance with the relevant objectives and policies of the Manukau City District Plan. The proposal will generate negative effects on visual amenity, rural and landscape character. These effects will not be mitigated through the removal of the existing line and therefore in our opinion the proposal should not proceed in its current form.

With regard to social effects, in paragraph 1303 the Board acknowledges that there will be significant adverse social effects and that these effects deserve to be considered in an "ultimate judgement". We are very concerned about the possible social effects of this proposal and respectfully suggest that the Board in ensuring that people and communities can provide for their social wellbeing, has the power to place conditions on Transpower that would require it to eliminate these adverse social effects as a condition of granting the designation.

We are of the opinion that the Board's consideration of "other adverse environmental effects" does not align to the reality of the situation that is evolving on the ground and in the affected communities as a result of this proposal/process that is occurring. For example, the Board says in paragraph 1752 that the most environmentally "friendly" way of completing this project would be to underground the proposed line. But this alternative is then disregarded on account of the cost.

Using Transpower's figure of \$830m for the construction of the new line, with undergrounding estimated to be 10x that cost, then the most environmentally "friendly" alternative will cost \$8300m. It is suggested that this could be considered to be the true cost of this proposal and that this cost would have to be recouped from electricity consumers (the beneficiaries), or a more cost effective and environmentally sensitive alternative found.

Because the Board in its draft decision has concluded that the landscape and visual effects can be adequately mitigated (which we contend they cannot be), the result is that landowners themselves will have to carry the cost difference between the underground (environmentally friendly) proposal and the current proposal.

These costs are the unmitigated, "adverse environmental effects" and "other environmental effects" as listed in your considerations (paragraphs 1297 to 1303 & 1332 to 1341). We note that Transpower say there is \$130m available for compensation to landowners but this is far short of the true cost of compensation/environmental protection when viewed in the light of the detail above.

For example in our case;

We wish to retire (both aged 69) and want Transpower to buy our property and therefore carry the unmitigated effects and associated costs of those effects, related to this project, rather than us. Transpower only want to take an easement over our property and are offering approximately 10% of the value of the property by way of compensation for the easement and injurious affection. Discussions with local land agents indicate that our property will lose 30% to 40% of its market value with the easement in place (assuming we are able to sell). This negative impact on property values and the lack of desirability of the Transpower easement has been demonstrated through Transpower's inability to find buyers for the properties they have already purchased as part of the project (where Transpower looked to sell properties that they purchased once they have put the easement in place).

In our instance the difference in the compensation offered and the loss in market value is approx. \$1 million. If this figure is representative of the average effect (in \$ value of the easement and line/pylons) on the 312 properties directly involved, then the cost that landowners are bearing is \$312m over and above the \$130m available for compensation. We consider therefore that this project, will have adverse environmental (visual and landscape) effects, that will flow on to create adverse economic effects (due to the drop in land values), that will subsequently result in social effects as whole communities have their property values and their livelihoods negatively affected by this proposal. In turn, we believe that this proposal will not lead to sustainable management of natural and physical resources and will not enable people and communities to provide for their social and economic wellbeing.

In paragraph 1301 the Board makes its findings about the social effects of allowing the designations and resource consents on the basis that they would be mitigated and remedied in those ways and to that extent. However, to date Transpower has exhibited little interest in mitigating or remedying any of the "other adverse environmental effects" that the Board makes mention of. Transpower's stock answer is "accept our easement agreement or we will process you through the Public Works Act".

However, we are of the opinion that these methods (compensation by way of the Public Works Act) are deficient. Use of the Public Works Act (as a means of compensation) can only be considered to be effective where the environmental effects are considered to be adequately mitigated. As we are of the opinion that the adverse environmental effects cannot be mitigated we believe that the Board must consider these outstanding aspects and ensure that comprehensive and binding conditions are placed on Transpower to address these issues. We believe that the Board has the power to make such recommendations in their role of ensuring that effects are adequately mitigated and that the exercising of these powers would not overlap with the role of the Public Works Act, where compensation is required to be paid where land is taken (purchased), or where easements are put in place. Overall it is our opinion that the Public Works Act is not equipped to assist in the process of calculating the cost of mitigation of effects that cannot be otherwise mitigated.

A means of calculating the financial cost of this proposal (the line and pylons) on a particular piece of land and the landowner could be to have the Land Valuation Tribunal involved in determining the effects of this project on the market valuations of the affected properties.

We therefore consider, that due to the effects of the proposal not being able to be adequately mitigated, that the imposition of such effects on landowners will result in our economic wellbeing being reduced, with a knock-on negative effect with regard to quality of life and social wellbeing.

In short we are of the opinion that:

1. The adverse effects of the proposal cannot be mitigated, in particular the landscape and visual amenity effects
2. The negative effects of the proposal will affect our economic wellbeing
3. The negative effects of this proposal will affect the social and economic wellbeing of people and communities
4. That the Public Works Act is not adequate in its powers and abilities to sufficiently compensate for the adverse effects that will occur
5. That the Board needs to make firm recommendations regarding compensation as a means of adequately mitigating effects where Transpower has not confirmed that it will buy the affected property

We thank you again for the opportunity to make this comment of the draft report and request that if you should require any further information that you do not hesitate to contact the undersigned.

Barry McAlley



Barbara McAlley

