

BEFORE THE BOARD OF INQUIRY

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

Notice of Requirement by Transpower New Zealand Limited for
North Island Grid Upgrade (South Waikato District)

STATEMENT OF EVIDENCE OF AARON MARK COLLIER

1. INTRODUCTION

- 1.1 My name is Aaron Mark Collier. I am an Associate of Connell Wagner Ltd, consulting Surveyors, Engineers and Planners and the Planning Manager of Connell Wagner's Tauranga Office. I have 13 years experience working as a Local Authority and Consultant Planner in the Tauranga, central North Island and Bay of Plenty regions.
- 1.2 My qualifications are a Masters Degree with Honours and a Post Graduate Diploma in Resources and Environmental Planning from the University of Waikato.
- 1.3 My predominant experience has been in the area of statutory land use and subdivision planning in the preparation of applications for resource consents, Plan Changes and Notices of Requirement. I also assist a number of District and Regional Councils with the processing of resource management applications. I have presented evidence at hearings and before the Environment Court.
- 1.4 I am familiar with the details relating to the Notices of Requirement application. I was engaged by the respondent South Waikato District Council in December 2007.
- 1.5 In preparing this evidence the material I have reviewed includes the Transpower New Zealand Ltd Notices of Requirement and Resource Consent Application documentation. I have also reviewed the application history and the relevant Plans and statutory documents.
- 1.6 I have also reviewed the section 42(A) report prepared for the Board of Enquiry which in my view does not provide a recommendation as such with respect to the Notice of Requirement, but rather appears to be an analysis in terms of the adequacy of the information provided by Transpower.
- 1.7 I have also visited the site of the corridor as it runs through the South Waikato District and have looked at the route from a number of specific vantage points on private property and from public roads including Arapuni, Darby Road and Waotu Road.
- 1.8 My evidence is solely in terms of the Notice of Requirement by Transpower as it relates to the South Waikato District. Specifically my evidence relates to the Arapuni to Wiltsdown Road and the Wiltsdown Road to Whakamaru North section of the proposed route.
- 1.9 As the proposal is fully outlined in both the Notice of Requirement documentation and the evidence prepared by Transpower, I do not intend to repeat any of the specifics of the application as the Board of Enquiry will be familiar with the Notice of Requirement.

1.10 My evidence will address the following matters:

- A description of the site and the receiving environment as it relates to the South Waikato District, along with the key matters raised in the Council's submission.
- Consideration of the statutory criteria which apply.
- Relevant Regional Planning Provisions.
- Relevant provisions of the South Waikato District Plan, including an assessment of the proposal in light of the Objectives and Policies of this document.
- Assessment of the relevant Part II considerations under the Resource Management Act 1991 (the Act).
- Assessment of the Section 171 requirements of the Resource Management Act.
- Assessment of the environmental effects of the proposal.

1.11 I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of, that might alter or detract from the opinions that I express and that this evidence is within my area of expertise.

1.12 Separate evidence will be presented by Di Lucas of Lucas Associates which addresses the landscape and visual effects of the proposal as it relates to the South Waikato District.

2. DESCRIPTION OF THE SITE

2.1 The South Waikato District Council covers an area of approximately 182,000 ha and is divided into two distinctive geographical areas. The northern areas of the District are intensively farmed supporting dairying, sheep, dry stock grazing and a variety of crops. The Districts' economy is based principally on farming and forestry (including timber processing which occurs in the major centres of Tokoroa and Putaruru). The southern parts of the District are subject to limitations for agriculture in terms of a cobalt deficiency in the soil which historically resulted in the establishment of exotic forest plantations as the principle land use. Due to the recent 'dairy boom' in the Waikato large parts of this southern area are now undergoing a transition from forestry to pasture as a result of large scale dairy conversion practices. The District has experienced low growth pressure with its main centres being Putaruru and Tokoroa.

2.2 The South Waikato District Council submission (0799) raises the following matters:

- Inadequate consideration has been given to alternative transmission corridors. In particular the submission raised the option of retention and upgrading of existing transmission line from Atiamuri to Arapuni, and the alternative of undergrounding the transmission line.
- That there are impacts on existing rural land use arrangements.
- That the highly intrusive pylon structures and lines will impact on the amenity values of directly affected landowners and landowners with properties within the visual zone, which extends several kilometres either side of the proposed transmission corridor depending on the immediate landforms.
- That overall there are effects on amenity values both on directly affected landowners and the wider community.

2.3 Overall it is my view that the above matters raised in this submission relating to the visual effects and the impact on the rural landscape amenity values of the receiving environment are the most significant and relevant environmental effects which require consideration in terms of the South Waikato District Plan and Part II of the Act.

3. STATUTORY CRITERIA

3.1 A Notice of Requirement for a designation is the mechanism provided for in the Resource Management Act 1991 (RMA) by which provision is made for network utilities and some other types of projects or works within District plans.

3.2 Under Section 168 (2), *a Requiring Authority for the purposes approved under section 167 may at any time give notice in the prescribed form to a Territorial Authority of its requirement for a designation –*

(a) for a project or work

(b) in respect of any land, water, subsoil, or airspace where a restriction is reasonably necessary for the safe or efficient functioning of or operation of such a project or work.

3.3 Section 171 provides the statutory context for considering the notice of requirement as follows:

(1) When considering a requirement and any submissions received, a territorial authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to—

- (a) *any relevant provisions of—*
 - (i) *a national policy statement;*
 - (ii) *a New Zealand coastal policy statement;*
 - (iii) *a regional policy statement or proposed regional policy statement;*
 - (iv) *a plan or proposed plan; and*
 - (b) *whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if—*
 - (i) *the requiring authority does not have an interest in the land sufficient for undertaking the work; or*
 - (ii) *it is likely that the work will have a significant adverse effect on the environment; and*
 - (c) *whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought; and*
 - (d) *any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.*
- (2) *The territorial authority may recommend to the requiring authority that it—*
- (a) *confirm the requirement;*
 - (b) *modify the requirement;*
 - (c) *impose conditions;*
 - (d) *withdraw the requirement.*
- (3) *The territorial authority must give reasons for its recommendation under subsection (2).*

3.4 Central Government has proposed a National Policy Statement (NPS) setting out the objective and policies for the managing the electricity transmission network under the RMA. The Proposed NPS was notified in May 2007 and submissions closed on 25th June 2007. At present, consideration of the Proposed NPS has not been concluded and as such the Board cannot take into account the NPS on electricity transmission in its decision making due to its inoperative state. In my opinion there are no National Policy Statements relevant to the Notice of Requirement.

3.5 Given the location of the transmission line, in my view the New Zealand Coastal Policy Statement also has no relevance to the proposal.

3.6 In terms of other matters under section 171(d), the Ministry for the Environment (MFE) is currently consulting on proposals for two National Environmental Standards (NES) for electricity transmission. One standard sets out a consent framework for managing the operational environmental effects of the national grid (excluding construction of new lines) and the other relates to controlling activities that could impact on the national grid. MFE has indicated that the NES for electricity transmission are unlikely to

take effect until late 2008 and as such the Board of Enquiry is unable to take them into consideration in their inoperative state.

4 DISTRICT PLAN PROVISIONS

- 4.1 The South Waikato District Plan (the District Plan) is a key component of the South Waikato District Council's strategy for the environment, setting out the significant issues objectives and policies in relation to promoting the sustainable management of natural and physical resources in the District. The District Plan became operative on 30 June 1998, and was developed based on wide submissions, consultation and workshops with the community under the guidance of the overarching principles of the RMA. The Plan therefore reflects the overall desires and aspirations of the community regarding the management of natural and physical resources of the District.
- 4.2 The Plan identifies a series of significant Resource Management issues for the District, and contains a number of zones with supporting objectives, policies and rules.
- 4.3 Having been notified on 21 July 1994 the District Plan was in my view an early effects based District Plan prepared under the Act and is relatively enabling in terms of how it deals with development. Under the Plan the Council has significantly relaxed the controls on subdivision and development in the District. In my view this reflects the Councils drive to encourage economic growth and development in its District, and to also promote mechanisms to achieve sustainable management which are non regulatory in their nature.
- 4.4 The Plans promotion of the use of non-statutory mechanisms in terms of "Other Methods" to achieve particular Objectives and Policies is significant. This includes working with other organisations involved in resource management (i.e. Department of Conservation, producer organisations and environmental groups), public education (particularly in relation to educating land owners on sustainable land use practices), and financial incentives such as rates relief and the allocation of funds for projects that enhance the quality of the environment. These non-statutory mechanisms have resulted in outcomes such as retirement of stream margins and protective covenanting of areas throughout the District on a voluntary basis.
- 4.5 As it dissects the South Waikato District, the corridor is located within the Rural Zone. Most of the rural areas of the District are covered by a single rural zone. Within the rural zone, pastoral farming (particularly dairying) and forestry are the predominant land uses. Approximately half of the South Waikato District is covered in forestry which is generally located in the southern half of the District. Forestry and farming have permitted activity status subject to performance standards in the rural zone.

4.6 The District Plan contains a number of overall planning objectives for the District (section 3.2) as follows:

- (i) The maintenance and enhancement of the landscape and amenity values of the District.*
- (iv) The sustainable management of the natural and physical resources of the District in a manner that will enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.*
- (v) Adverse effects on the environment avoid remedy or are avoided remedied or mitigated.*

4.7 Sustainability of the rural environment has been identified in the Plan as a major issue facing the District and is identified in the Plan as a Significant Resource Management Issue (2.3.2 and 2.3.5 of the District Plan). The Plan seeks in a broad sense to ensure that activities do not have any significant effects on;

1. Soils
2. The landscape and amenity of rural areas so as to safeguard the needs of present and future generations.

4.8 In my opinion the issue of effects on soils is a relevant consideration particularly in terms of the effects on farming practices such as the ability to apply fertiliser by air; however the issue of landscape and amenity of rural areas is the key resource management consideration in relation to the lines and pylons. These landscape and rural amenity effects are addressed in detail in the evidence of Di Lucas.

4.9 In terms of dealing with notices of requirement and network utilities, Section 1 of the District Plan defines Network Utility Operator as defined in section 166 of the RMA and states that Network Utility Operation has the same meaning.

4.10 Section 10 of the Plan addresses public works and network utilities and contains specific rules (10.4.2) in relation to network utilities as follows:

Rule A	<i>The following public works and network utilities shall be permitted activities throughout the District unless otherwise stated and subject to complying with Rule B below</i> <i>(i) Electric lines for conveying electricity at a voltage up to and including 100kva with a capacity up to and including 100mva per circuit</i>
Rule B	<i>Public works and network utilities specified in Rule A above excluding private forestry roads, private ways, and farm tracks, shall comply with the following performance standards to be a permitted activity</i>

	<p><i>(i) The consent of the directly affected landowners must be obtained before any public work or utility is constructed or carried out</i></p> <p><i>(ii) Comply with the rules in all other sections of Part B of the District Plan</i></p>
Rule C	<i>Every public work and utility deemed not provided for as a permitted activity shall be deemed to be a discretionary activity in every zone.</i>
Rule D	<p><i>In relation to public works and network utilities the following criteria shall be used when considering an application for a resource consent for a discretionary activity in the District Plan. Without limiting Councils discretion, Council will have regard to</i></p> <p><i>(i) The degree of compliance with the performance standards for permitted public works and network utilities specified in Rule B above</i></p> <p><i>(ii) The degree of compliance with other sections in the District Plan</i></p> <p><i>(iii) The adequacy of measures to avoid or mitigate any adverse effects created by the activity.</i></p>

4.11 Because the proposal does not comply with Rule 10.4.2 (A) above (as the capacity of the line exceeds 100 kva) the Notice of Requirement, precedes overall as a discretionary activity under Rule 10.4.2(C) above.

4.12 The District Plan states in 10.5 (principle reasons):

"Because many public works and network utilities provide an essential service and have only minor effects on the environment they will be generally provided for as permitted activities".

4.13 This is significant in that it reinforces the focus of the Plan on minor effects. I do not however agree that this is likely to be the case with the effects of the Notice of Requirement. The reason for my conclusions are that Rule 19.9 contains performance standards which must be met by all activities in the rural zone (including those subject to a notice of requirement) and specifies a maximum height for the rural zone of 10m (Rule 19.9.1.3). In my opinion this 10m height limit establishes a scale of permitted development anticipated in the rural zone, which is significantly less than that proposed by the Notice of Requirement.

4.14 The District Plan also identifies in 10.1 the potential effects on the environment (associated with public works and Network Utilities) that the Council is also seeking to avoid, remedy, or mitigate as;

- (i) adverse effects on the productive potential of land and especially soils within the District;*
- (ii) loss of amenity values including adverse effects on the landscape of the District;*
- (iii) adverse effects associated with the construction and maintenance of public works and network utilities;*
- (iv) noise effects*
- (v) effects on sites and areas of ecological, heritage, or cultural value*

(vi) *effects on the health and safety of people and communities*

4.15 In my opinion the above provisions provide a useful guide (but are not limited to) considering the overall effects of the proposal. This is further supported by 10.5 of the District Plan which states :

“Other public works and network utilities have more significant adverse effects, they will require a resource consent for a Discretionary Activity. This is so that the effects of the activity can be fully assessed in terms of criteria specified in the rules and the Purpose of the Act, or the recommendation in respect of a requirement for a designation may be subject to certain conditions”.

4.16 The Plan also contains a number of following Objectives and Supporting Policies in relation to Network utilities which are relevant.

<i>Objective 10.2.1</i>	<i>The provision of appropriate infrastructure in a way that does not have significant adverse effects on the environment.</i>
<i>Objective 10.2.2</i>	<i>Sustainable management of physical resources (the built environment).</i>
<i>Objective 10.2.3</i>	<i>To recognise the importance of Network Utilities to the social, economic and cultural wellbeing of the people of the District.</i>
<i>Policy 10.3.1</i>	<i>To provide for most public works and network utilities as permitted activities as permitted activities subject to compliance with performance standards.</i>
<i>Policy 10.3.2</i>	<i>To apply criteria for the assessment of effects of new public works and network utilities not provided for as Permitted Activities.</i>
<i>Policy 10.3.3</i>	<i>To require the avoidance, remediation, or mitigation of significant adverse effects on the environment associated with the public work or network utility.</i>
<i>Policy 10.3.4</i>	<i>To encourage the co-siting or sharing of public works and network utility facilities where this is technically feasible and practical and where the operations of co-sited facilities are compatible.</i>
<i>Policy 10.3.5</i>	<i>To encourage network utility operator to place public works and network utilities underground where appropriate and practical to avoid adverse effects on amenity values.</i>

<i>Policy 10.3.6</i>	<i>To ensure that all public works and network utilities are located and designed in a manner that will not adversely affect the health and/or safety of people.</i>
<i>Policy 10.3.7</i>	<i>To develop a strategic plan for the District which will include matters such as the provision of public works and network utilities within the District.</i>
<i>Policy 10.3.8</i>	<i>To encourage the development and improvement of public works and network utilities within the District.</i>
<i>Policy 10.3.9</i>	<i>To protect public works and network utility installations from encroachment by land uses which are not compatible with the existing facility.</i>

- 4.17 The proposal is particularly incompatible with the following policies, for the following reasons;
- 1.(Policy 10.3.1) The scale of development is such that it does not comply with the performance standards. Consent has also not been obtained from directly affected landowners.
 - 2.(Policy 10.3.2) The proposal does not compare favourably to the assessment criteria for discretionary activities specified in Rule10.4.2 D of the District Plan due to the degree of non-compliance with the performance standards for permitted public works (one of which is the requirement to obtain consent from landowners as mentioned above) and the ineffectiveness of measures to avoid or mitigate any adverse effects created by the activity.
 - 3.(Policy 10.3.3) In my view the requirement to avoid, remedy or mitigate significant adverse effects on the environment has not been met in the South Waikato District. There will remain substantial effects on amenity and rural landscape values as outlined in the evidence of Di Lucas.
 4. (Policy 10.3.4) The option of co-siting using existing line corridors as opposed to the use of a 'greenfields' corridor is promoted by the Plan and would be a more acceptable alternative in terms of mitigating environmental effects.
 - 5.(Policy 10.3.5) The alternative of undergrounding to avoid adverse effects on amenity values is also promoted by the Plan but is not promoted by the applicant.
- 4.18 Although the above Objectives and Policies are generally enabling in nature and provide for network utilities, they do so strictly on the basis that their environmental effects are compatible with the receiving environment. In my view this compatibility is dependent on the location, scale and significance of the network utility structures.

4.19 For the reasons outlined above I believe the proposal is generally contrary to the above objectives and policies of the Plan.

4.20 There are also a number of methods identified in the Plan which are relevant to network utilities as follows:

10.4.1(i)	<i>Network utility operators will be encouraged, and where necessary required, to undertake the construction and operation of public works and network utilities in a way that minimises adverse effects on people and the environment.</i>
10.4.1 (ii)	<i>The Council will develop a strategic plan for the long-term development of the District including the development and improvement of public works and network utilities.</i>
10.4.1 (iii)	<i>Council will liaise with requiring authorities and encourage the provision of public works and network utilities in accordance with the specific rules listed in this section.</i>

4.21 I believe the above methods to be consistent with both the Councils effects based approach of its Plan and also the use of non-regulatory methods (in an RMA sense) promoted by the Plan.

4.22 The following outcomes are anticipated in terms of the Anticipated Environmental Results for Network Utilities:

That Public works and network utilities:

- (i) May be provided if they can meet minimum environmental conditions and criteria*
- (ii) Will not adversely affect the natural and physical environment or the amenity values of the District*
- (iii) Will be provided in a manner that ensures that the safety of the public is not compromised*
- (iv) Will be provided in an efficient and co-ordinated manner with a minimum of disruption to the public and the environment.*

4.23 In my opinion none of these outcomes will result from the proposal as the proposal:

- (i) Does not comply with the minimum environmental conditions that provide for network utilities as permitted activities and does not compare favourably with the assessment criteria under which discretionary activities are to be assessed.
- (ii) Will adversely affect the amenity values of the District by significantly affecting landscape and visual character as is outlined in the evidence of Di Lucas.

- (iii) Will result in significant disruption to people and communities due to the detrimental effects of installation of pylons, constraints on farming activities such as aerial topdressing, placement of fences, gates, preferred routes for mustering stock within farms, and the separation effects of the corridor through farms. A number of the submitters who are landowners have also suggested that the value of their properties have lowered as a result of the proposal and that they have concerns for their health and safety. The proposal has created considerable uncertainty in the community.

4.24 In addition to specific Network Utility provisions the District Plan also contain the following specific objectives and policies relating to landscape and amenity effects in the rural zone which are of relevance.

<i>Objective 12.2.1</i>	<i>the maintenance and enhancement of amenity values and the protection of special landscapes</i>
<i>Objective 12.2.2</i>	<i>the protection and enhancement of the natural character of rural areas of the district</i>
<i>Objective 19.2.3</i>	<i>conserve the potential of the rural land resource for use by a wide range of rural activities</i>
<i>Objective 19.2.5</i>	<i>minimise potential incompatibilities between activities in rural areas</i>
<i>Policy 12.3.1</i>	<i>to protect all special landscapes and landscape features of the district including areas of indigenous forest and vegetation</i>
<i>Policy 12.3.1</i>	<i>to protect and enhance the amenity values of rural areas in the district</i>

4.25 In terms of landscape and amenity values the above provisions are included in the Plan in a broad sense. Although a landscape assessment was undertaken of the District, there are no specific landscape features identified in the Plan. The landscape assessment undertaken outside of the District Plan identifies special landscapes. Further comment on these landscapes is outlined in the statement of evidence of Di Lucas which also identifies the particular landscapes physically located beyond the district boundaries are also enjoyed by the District.

4.26 The Plan does not give any particular recognition in terms of landscape values to any particular area, rather the landscape assessment assisted in the identification of landscape features within the District (which remain outside the District Plan) and in the development of appropriate objectives and policies which can be considered in the context of specific applications. In my opinion the intent of the Plan, in not identifying any specific landscape values does not imply the lack of such values but rather the adequacy of self regulatory measures and the absence of threats to the landscape of the nature and

scale of this proposal at the time that the District Plan was prepared. This view is also supported by the evidence of Di Lucas (paragraph 24) which states;

"The vacuum of delineated landscape values in official documentation does not equate with a vacuum with regard to highly valued landscapes on the ground".

4.27 In summary, although the Plan provides for a wide range of activities these are restricted in their nature to rural activities. In my view many of the effects of the proposal are incompatible with existing land use in the rural zone.

5 RELEVANT REGIONAL PLAN PROVISIONS

5.1 The relevant regional planning documents with regard to this submission are the Waikato Regional Policy Statement and the Waikato Regional Plan.

5.2 My evidence also relies on the relevant Objectives and Policies from the Regional Plan which have been addressed in the consent application to Environment Waikato. I am satisfied that erosion and sediment control measures can ensure that effects of earthworks are appropriately managed.

5.3 In terms of the Regional Policy Statement Part 3.3 (Land and Soil) includes objectives and policies to achieve the sustainable management of the regions land and soil resource. Of particular relevance to the Transpower proposal is accelerated erosion (erosion that is accelerated or caused by human activity) which is the focus of section 3.3.7 of the RPS. Accelerated Erosion of Soil Resources has also been identified in the RPS as a Significant Resource Management issue as follows:

<i>Issue</i>	<i>Accelerated Erosion of soil resources is leading to: Loss of soil productivity, capability and/or versatility Downstream sedimentation resulting in degradation of water quality, aquatic ecosystems and water supply systems, and increased flooding potential. Adverse effects on the aesthetic, scientific and cultural values associated with the land.</i>
<i>Objective 3.3.7</i>	<i>Net reduction in the effects of accelerated erosion and those effects avoided where practicable.</i>

5.4 Careful consideration should be given to the cumulative effects of accelerated erosion from the earthworks required for a proposal of this scale. Inappropriate land use management practices are a major contributor to erosion problems within the District and erosion may result in loss of soil

productivity, and/or versatility, as well as downstream sedimentation and impacts on the aesthetic, scientific and cultural values associated with land.

5.5 The Waikato is one of the most intensively farmed regions in the country and this places considerable demands upon its soil resources. Soil health is critical to the sustainable management of both the Region's soil and water resources.

5.6 Many farms within the South Waikato District will have their normal farming activities hindered by this application. Among these activities is the application of fertiliser by aerial topdressing which will be severely affected by the lines, as well as the effects on airstrips along the route. Consideration should also be given to the cumulative effect of reduced fertiliser application rates which could affect nutrient levels and in turn, the soil productivity of the District. The RPS contains the following relevant provisions:

<i>Issue</i>	<i>Some land use practices may adversely affect soil health and reduce soil versatility and productivity in the Region.</i>
<i>Objective 3.3.9</i>	<i>Maintain versatility and productive capacity of the Region's soil resources.</i>

6 PART II THE RESOURCE MANAGEMENT ACT

6.1 Part II is overarching and provides the highest level of evaluation of the Notice of Requirement in terms of a number of specific and general matters.

6.2 Firstly Section 5 sets out the overall Purpose of the Act which is the promotion of sustainable management through managing the use, development and protection of natural and physical resources. The Act is intended to be enabling and to provide the means by which people in communities can meet their social, cultural and economic well being and their health and safety, provided a number of aspects of sustainable management are not overlooked. These aspects include sustaining the potential of resources to meet the needs for future generations, sustaining the life supporting and capacity of basic natural resources and eco systems and avoiding remedying or mitigating adverse effects on the environment.

6.3 Although documentation relevant to the Notice of Requirement concludes that the upgrade project as a whole is of national importance the proposal is not a matter of national importance under Section 6 of the Act and must not be interpreted as such. I accept that there is a need to ensure that there is an adequate power supply to Auckland and that this "supply need" is of importance, however this must be considered in the overall context of Section 5.

- 6.4 In my opinion the Board of Enquiry will need to balance the need for power supply with the effects on people and communities adversely affected by the Notice of Requirement. Clearly there are a number of alternatives which could be considered by the applicant which could achieve a nationally important outcome of providing transmission without the significant adverse environmental effect resulting from the current proposal. These include:
- a) Use of existing corridors.
 - b) Undergrounding.
- 6.5 The Acts purpose of sustainable management requires adverse effects of activities to be avoided, remedied or mitigated. In my opinion the opportunity exists for this to be achieved through the use of existing corridors or the alternative of undergrounding.
- 6.6 I have read the evidence in support of the proposal and there are no compelling resource management reasons for preferring the proposed Greenfield route. The assessment of existing line corridor options with the proposed corridor did not result in reasons to strongly favour the corridor which is the subject of the application.
- 6.7 This is also relevant in terms of the Section 171 (1)c requirement as to "*whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work*".
- 6.8 It would appear to me that one of the reasons for siting the corridor through this area was because of the extensive exotic forestry plantations at the southern end of the line. Since the route was first proposed a changing pattern of land use has occurred in this area involving extensive deforestation and conversion of land for dairying purposes. Although no recent aerial photographs are available to determine the extent of this conversion, discussions with South Waikato District Council planning staff indicate that up to 30 ha per day of exotic forestry has been converted for dairying use up to 31 December 2007. In addition to this conversion, further dairy sheds and dwellings for farm workers have been established in this area. The effects on people and communities are therefore likely to increase as a result of the changing land use patterns and this has not been recognised by the applicant.
- 6.9 In terms of Section 6 of the Act, Section 6(a) "*the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development*" is relevant. As outlined in the evidence of Di Lucas there may be significant effects on the natural character of the Waikato River and its margins in terms of interrupting the naturally flowing length of this feature. More specifically, the choice of route through the South Waikato necessitates a new 'greenfield' crossing of the Waikato River at Arapuni. I rely on the evidence of Di Lucas (paragraph 79) and concur that the vicinity of the proposed crossing is an area of high natural character. Care has been taken in the past to confine

structures to the power generation area, keeping the natural river section free of towers and lines. This area has been identified by Gavin Lister as having a moderately high degree of natural character and moderately high landscape values. Any proposal to modify this situation must be subject to the analysis required by Section 6(a) I do not agree with the applicants statement in the application which states:

"Section 6(a) – the preservation of the natural character of the coastal environment, wetlands, lakes and rivers is not considered relevant to this notice of requirement" – (Part VIII page 201).

Based on Di Lucas's evidence, I consider that the Arapuni crossing area has high natural character and the presence of towers on either side along with suites of lines draped across the river constitutes inappropriate development from which the river deserves protection under section 6(a).

- 6.10 I am satisfied that there no Section 6(b) matters (*the protection of outstanding natural features and landscape from inappropriate subdivision use and development*) and that there are no outstanding landscapes identified in the South Waikato District Plan which are affected. The evidence of Di Lucas addresses the effect on the neighbouring outstanding landscape feature of Maungatautiri which is outside of the South Waikato District, but which is experienced from the District.
- 6.11 In terms of Section 6(c) *"the protection of areas of significant indigenous vegetation and significant habitats of indigenous vegetation"* I am satisfied that no such areas are affected in the South Waikato District.
- 6.12 Section 6(d) relates to *"the maintenance and enhancement of public access to and along the coastal Marine area, lakes, and rivers"*. Although the Waikato River and the Waipa Stream are crossed the line will have no effect in terms of reducing existing access. While I accept that in terms of Section 6 (f) matters of archaeological sites have been avoided as far as possible by the applicant and can be addressed through appropriate monitoring conditions where relevant, the important issue for the District is the historic heritage landscape which will be significantly affected by the proposal. This issue has been raised in submissions from Raukawa and rural landowners, many of whom have lived and farmed in the District for generations.
- 6.13 In terms of Section 7 *"other matters"*, I am satisfied that there are no relevant Section 7(a) and Section 7(aa) matters. In terms of Section 7(b) relating to the *"efficient use and development of natural and physical resources"*. It would appear as stated in the minority decision of Electricity Commissioner Pinnell that Transpower *"has not investigated the alternative of duplexing the Otahuhu-Whakamaru A and B lines to the same level of detail as the other options"*.
- 6.14 I consider that Transpower should give further consideration to the use of existing infrastructure which would constrain effects to an existing environment already characterised by electricity transmission.

- 6.15 In my opinion Section 7(ba) (*the efficiency of the end used of energy*) is not relevant as the Notice of Requirement seeks to convey energy and not to use it.
- 6.16 Section 7(c) relating to the *maintenance and enhancement of amenity values* and section 7(f) the *maintenance and enhancement of the quality of the environment* are particularly relevant. I do not consider that the amenity values of the corridor (which includes the existing rural character) will be maintained or enhanced by the line.
- 6.17 In my experience the sheer scale of the proposals will result in the quality of the receiving environment being significantly reduced.
- 6.18 Amenity values are defined in Section 2 of the Act as those natural or physical qualities and characteristics of an area that contributes to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes. Amenity as a resource management issue essentially has two components. Firstly, amenity attributes (these are tangible and measurable matters such as noise, odour, density of development) that together define the amenity character of an area.
- 6.19 The second component is the perception and expectations that people hold about rural amenity. These derive from people's culture, values, and desires. In my view the proposal may counteract the ability for surrounding residents to carry out activities and to enjoy the existing environment and its pleasantness.
- 6.20 In my view people living next to the line or able to see the line will have reduced amenity values based on the sheer scale of the proposal. I also agree with the evidence of Di Lucas that this is a lived-in land and it is not a place where the view from the sitting room is the extent of people's relationship and experience. During the daytime the lands are traversed (as they are very much in my view a working environment) and therefore the impact on amenity values of intensively utilised land such as this is greater than and not restricted to simply those who are able to see the line.
- 6.21 I am not aware of any Section 8 (Treaty of Waitangi) matters which are of relevance to the notice of requirement.

7. Section 171 Analysis

- 7.1 Assessment of the Notice of Requirement in relation to section 171 requires that consideration be given to the environmental effects of allowing the requirement, having particular regard to the relevant provisions of the Regional Policy Statement and the District Plan.
- 7.2 As stated earlier in section 5 of my evidence, I am of the opinion that the NOR is not consistent with Part 3.3 of the Regional Policy Statement which deals with Land and Soil specifically with relation to accelerated erosion and soil health.
- 7.3 With regard to the South Waikato District Plan, I consider that the application is not consistent with several of the objectives and policies as detailed earlier in my evidence.
- 7.4 Section 171(b) requires that the decision on the notice of Requirement must have particular regard to;
“Whether adequate consideration has been given to alternative sites, routes or methods of undertaking the work”.
- 7.5 As part of the Route selection stage of the ACRE process, several criteria were used in the evaluation to select the final route (Part VIII, page 74). The list of criteria provided does not include evaluation of District Plan provisions. It is suggested (page 74) that consideration was also given to other aspects including District Plan provisions, but these were considered “either not to be at the appropriate scale or to represent double-counting”.
- 7.6 I disagree with this approach. In my view the Requiring Authority should take into account the provisions of each of the District Plans in their examination of alternative routes. Transpower reasons that *“District Plans contain policies which will also need to be considered when a route is proposed in more detail. However, they do not provide a basis for choice between route options, particularly given the number and varying styles and contents of different District Plans within the route options”.* (Environmental Phase 2; Report Interim Route Decision; Part 1; Report' May 2005; Page 32).
- 7.7 In my opinion, District Plans are one of the most relevant documents that should have been considered at this early stage of consideration of alternatives and this was not done.
- 7.8 I consider that the meaning of the term ‘adequate consideration’ should include an examination of the policies and provisions of the District Plans for each alternative. This was not done and in my opinion should have been part of the considerations.

8 ENVIRONMENTAL EFFECTS

8.1 I have considered the effects on amenity in the context of my analysis under Section 7 of the Act. As a planner the further environmental effects which I wish to comment on and which I consider relevant are those on farming and primary production and landscape and visual effects. I consider that there is also the potential for a reduction in property values which although in they are not a relevant resource management consideration, are the consequence of environmental effects resulting from the proposal and I believe this to be a fear of many of the submitters. The line has created significant uncertainty for the landowners in the South Waikato District. In terms of future subdivision and land development expectations (which are promoted by the District Plan) these are also likely to be reduced by the transmission line. Other effects such as electric and magnetic fields and economic effects are addressed in the technical evidence of Transpower. As a planner I am unable to comment on such effects.

8.2 Farming and effects on Primary Production

8.2.1 The environment through which the line runs is best described as a working rural area with the land use being forestry and farming. Both activities will be affected by the proposal. The effects on rural uses are outlined in the application documents themselves and relate to limitations on farming and other rural uses under and near the line including the exclusion of buildings within the designated area and limits on specific activities through the easement agreement. It may be the case in other Districts that because the alignment replaces or closely follows the existing ARI-PAK A line that farm practices have adapted to the presence of the earlier line, but this is not the case in the South Waikato District where the line is Greenfield development.

8.2.2 In terms on farming effects it is my view that the construction and operation of the line will involve effects on existing farming operations which will include paddocks, fences, gateways and airstrips being changed, effects on existing buildings and the potential for new buildings to be constructed. The applicant suggests that the ability for Transpower and its contractors to consult with the landowner and to reach an agreement will be an important part in terms of minimising effects on farming activities. Although the ability to consult may resolve some issues relating to the effects on farming activities, if landowners are unwilling to talk to Transpower I am unable to see how such effects could be minimised. These effects include severance effects (such as where dwellings, farm buildings or dairy sheds are separated by the line) restrictions on the use of equipment, and direct effects on land use such as the inability to use and operate aerial topdressing strips and apply fertiliser. During my site visit I observed two airstrips which are affected by the line. It remains unclear how Transpower is to address the loss of

such important rural services particularly where due to topography the application of fertiliser by air is the only practical option.

8.2.3 Transpower appears to rely on the conditions of easement documents as a means of addressing these effects on farming and primary production. As I understand most landowners in the South Waikato District have not signed this easement agreement and therefore these effects in my opinion have not been adequately resolved and must be considered in the context of the Notice of Requirement. Of some concern is that no houses or work places are able to be placed within the designated area. This definition of workplace is unclear. In my view farms are workplaces and I believe that this issue requires clarification.

8.2.4 I understand that a number of landowners will further address some of their specific concerns on a property by property basis in terms of how their farming and rural activities are affected by the proposal.

8.3 Landscape and Visual Effects

8.3.1 Unlike other sections of the line where the landscape has already been modified by the presence of the line, the corridor through the South Waikato District is a Greenfield development. The most significant effect of the lines is that associated with the visual impact and the impact on the landscape. I have commented on these in the context of Part II considerations. My concerns are based on the expert landscape evidence of Di Lucas. Clearly these visual and landscape effects are unavoidable within the route in this location. The visual and landscape effects will be significant not only within close proximity to the structures but also within several kilometres.

8.3.2 These effects can be avoided if the line was placed underground or an upgrade of existing line infrastructure occurs.

8.3.3 The route appears to be preferred because of the extent of the forestry which it traverses, which has the effect of reducing its visibility and its impacts on settled landscapes. One of the reasons appears to be the small number of affected houses given this forestry land use. However this is changing and in my view is likely to continue to change given that farming is a permitted activity under the District Plan.

9 CONCLUSIONS

- 9.1 In my view, the intent of the South Waikato District Plan is very clear. The Plan aims to make provision for normal infrastructure related to the rural community and aspects of primary production.
- 9.2 The South Waikato District Plan is effects based and seeks to protect amenity values of rural areas. The Plan also seeks that adverse effects of Network Utilities be avoided, remedied or mitigated.
- 9.3 Having reviewed the application it is my view that the Notice of Requirement should be withdrawn. The proposal as it stands will lead to significant adverse effects on the rural community. In particular I am of the view that based on the evidence of Di Lucas, the establishment of the corridor will lead to significant visual effects and effects on the amenity of the surrounding rural environment which are not anticipated by the South Waikato District Plan and cannot be avoided, remedied or mitigated.
- 9.4 The proposal in its current form also does not reflect the principles of sustainable management under Part II of the Act. I am not satisfied that the need to create such significant effects is warranted. In my view alternatives need further consideration such as undergrounding or the upgrading of existing line corridors.



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