



23 February 2008

Board of Inquiry
PO Box 4405
Hamilton East
Hamilton 3247

Re: Upper North Island Grid Upgrade Proposal

Please find attached a submission, made on behalf of:

Mr Barry McAlley
423 Monument Road
Clevedon
RD2
Papakura

The following is a submission in opposition, made to the Board of Inquiry with regard to the Notice of Requirement and Resource Consent applications made by Transpower with respect to the Upper North Island Grid Upgrade Proposal.

Mr Barry McAlley and his wife Barbara are landowners, whose property at Monument Road, Clevedon, is within the jurisdiction of the Manukau City Council. Their 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 proposed that the existing pylon will be removed, however their property will still be crossed by the proposed powerlines.

The Property

The legal details of the properties in question is: 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.

The property is described as a good-sized lifestyle block/small grazing property which features a 1970's two level, 5 bedroom dwelling with 3 car internal access garaging. The block is partially deer fenced and contains a small set of deer handling yards as well as a set of cattle yards. The property is of medium to

steep hill contour with approximately 10 ha of pine trees having recently been harvested. The remainder of the property is in permanent pasture, except for a small area of bush and swamp. The block is well located on Monument Road with an elevated position enjoying an expansive outlook over the Clevedon Valley and is located approximately 4 km from the Clevedon Village.

The property is zoned Rural 1 under the Manukau City Council Operative District Plan. The zone provides mainly for farming type uses with a minimum allotment area of 20 ha. There are also other provisions for smaller allotments to be created by way of subdivision where a property has been held in a separate certificate of title from the date of 5 June 1989. Although a formal assessment of subdivision potential has not been undertaken it would appear that the property currently held in two titles could be subdivided to create two further titles.

Submission

The main thrust of the submitters concerns relate to the negative impact that will be generated by the proposed new pylons and powerlines to be located in close proximity to their property. Whilst it is accepted that the existing pylons and powerlines were a feature of the landscape at the time that the submitter purchased their property, they are now very concerned that the level of impact associated with the proposed development of new pylons and powerlines will severely detract from their enjoyment of their house and property, that they have held for the last 35 years and will have a severe impact on their ability to sell their property now or in the future, for a fair market value.

In making a submission it is proposed that there be four areas that particular consideration will be applied to, being:

1. The adequacy of the information prepared in support of the Notice of Requirement and Resource Consent Applications
2. The requirements of Section 171 of the Resource Management Act (RMA, the 'Act')
3. The requirements of Part 2 of the Resource Management Act
4. The economic impact of the application on the submitter and the potential negative impact of the purchase and release of land on the market

Information Supplied

The report prepared by Mitchell Partnerships, in accordance with Section 42A of the Resource Management Act for the Board of Inquiry states that, "in accordance with s 42A, and matters described in s 39(1) this report covers the following:

- An overview of the NOR documentation and resource consent applications lodged by Transpower.
- A review of the statutory framework in respect to the 'calling in' of Transpower's proposal, and the directions of the RMA for considering the NOR and the resource consent applications.
- A review of the NOR documentation in accordance with s 171 of the RMA and the adequacy of information provided.
- A review of the resource consent applications in accordance with s 104 of the RMA and the adequacy of information provided.
- Identification of the key issues in the NOR, resource consent applications and public submissions

- An analysis of the adequacy of information provided by Transpower in the NOR and resource consent applications.”

In Section 7.7 of the abovementioned report, it states that “the NOR documentation provided by Transpower provides a comprehensive assessment of the effects of the proposal. There are a few matters of detail that require further information (particularly in respect to health effects of EMFs, and proposed consent conditions). In this regard, the further information requested by Dr Dockerty should be provided to enable a robust assessment of possible health effects. The effects of resource consent activity have been given limited consideration by the applicant and this needs to be addressed in further detail in evidence to the Board. There is no reason to stop the application process at this stage as any further information requests can be addressed during the hearing” (underlining added).

Whilst it is concluded that there is seen to be no reason to stop the application process at this stage, it is concerning to the submitter that the summary should state that the effects of resource consent activity have been given *limited* consideration by the applicant. The submitter is of the opinion that information provided with regard to the resource consent application should be of such a level of detail as to enable accurate and complete assessment of those applications. Whilst it is acknowledged that further information can be presented at the hearing, it is of concern that this information will effectively only be of benefit to the Board of Inquiry, as it would be somewhat excessive and beyond what could be considered normal or appropriate for any submitter to spend lengthy periods of time at the hearing (or hearings) of the submissions to hear the provision of further information by the applicant.

It is acknowledged that the applicant has gone to some considerable expense and time in preparing such applications, however it is the private property of the some 297 directly affected landowners that these applications relate to and it would be considered appropriate that the information provided in the application that was publicly notified is of a sufficient level of detail that those potentially affected property owners and others, are able to adequately assess the potential effects. It is therefore a grave concern as to the fairness of what is a public process that the comment detailed above is contained within the report provided to the Board of Inquiry and it is proposed that prior to any hearings occurring that these information deficiencies should be righted and that the additional information be notified in order that those potentially affected by and interested in this application can undertake a full and complete assessment of the information provided and make submissions accordingly.

Section 171 Considerations

Section 171 (Recommendation by Territorial Authority) of the RMA States:

- (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).

The submitter has particular concerns regarding the visual and landscape impact related to the new pylons proposed as part of this upgrade. The proposal as detailed will result in three pylons being within the immediate vicinity of the submitter's landholding. The towers proposed are considerably larger than those existing and the submitter is of the opinion that these towers will adversely affect the visual amenity of the area, in particular the outlook from the property and will have a negative effect on the landscape values of the surrounding area.

The subject site forms part of the foothills that rise toward the Hunua Ranges and the ridgeline behind the subject site provides the skyline for a considerable viewing audience. The view obtained from the submitter's 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 are seen to have a considerable level of adverse affect on the property and the submitter's enjoyment of it. Whilst 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 proposed that they will not be readily absorbed into the surrounding environment and will result in a significant adverse effect on the environment.

Whilst the subject site and the surrounding area is punctuated by rural residential development, it is largely a rural outlook that predominates, being 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 it an 'industrial' element to a far greater degree than the existing services that exist.

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*.

Resource Management Issues

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.

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

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 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 wide area.

Objectives

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

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

The proposal will not assist in any way to protect and enhance the rural character and amenity values of the rural area. 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 submitters property. 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.

Policies

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 not:

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

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 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 over property, housing and recreational areas, detracting from people's ability to enjoy the environment.

Buildings, structures and activities should not create adverse visual effects on particular “sensitive ridgeline and coastal margin areas” and generally should not be sited on ridges,

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 therefore results in an adverse affect on the landscape environment that will be seen from a very wide area.

Part II Considerations

Section 171 of the RMA specifically makes mention of its relationship to Part 2 of the Act. Parts of the Act outlining the Purpose and Principles are detailed below.

Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—
 - (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The submitter is of the opinion that the proposal will not meet the requirements of the above. The implementation of the proposal runs the risk of creating economic inequities within the community (detailed further below), is questionable as to whether it is a sustainable use of natural and physical resources and will lead to adverse effects on the environment, particularly the construction of the very large pylon structures and the negative effect these structures will have on the landscape values and rural amenity characteristics of the subject site and those that surround it.

Matters of National Importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (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:
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- (f) The protection of historic heritage from inappropriate subdivision, use, and development.
- (g) The protection of recognised customary activities.

The subject site forms the foothills of the Hunua Ranges which are a significant natural and landscape feature within the environment in which they are located. It is therefore proposed that the construction of the proposed pylons and power lines will lead to a negative effect on this significant landscape feature.

Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) Kaitiakitanga:
- (aa) The ethic of stewardship:
- (b) The efficient use and development of natural and physical resources:
- (ba) The efficiency of the end use of energy:
- (c) The maintenance and enhancement of amenity values:
- (d) Intrinsic values of ecosystems:
- (f) Maintenance and enhancement of the quality of the environment:
- (g) Any finite characteristics of natural and physical resources:
- (h) The protection of the habitat of trout and salmon:
- (i) The effects of climate change:
- (j) The benefits to be derived from the use and development of renewable energy.

The submitter has concerns as to whether this proposal is the efficient use and development of natural and physical resources, whether it will lead to the efficiency of the end use of energy and whether it will enhance benefits to be derived from the use and development of renewable energy. The reason the submitter has these concerns is that the construction of a new, larger set of overhead lines, running a considerable length of the country, appears to be the replication of existing technologies and modes of electricity transmission, rather than finding a long-term solution to the country's growing thirst for energy, a lack of efficient energy use and also the proposal does nothing to answer the question of supplying Auckland with a long-term energy solution within close proximity to this major energy user.

The submitter has also detailed concerns, that they believe the proposal will not maintain and enhance amenity values, nor will it maintain and enhance the quality of the environment. This overhead transmission proposal, using such large physical structures, within an environment enjoyed by many for its pleasant rural outlook and predominantly rural character, will lead to significant adverse effects on the environment which cannot readily be remedied avoided or mitigated.

Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The submitter is not in a position to comment as to whether they believe the proposal has adequately taken into account the principles of the Treaty of Waitangi.

Economic Impact

In accordance of Part 2 of RMA, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.

Comments above have been made as to the adverse effects of this proposal, as the submitter sees them on the natural environment and to some extent whether the proposal promotes the sustainable management of physical resources in regards to electricity generation. However, the submitter also has serious concerns as to whether this proposal and its potential implementation will provide for the social and economic well-being of the communities that it will potentially affect.

The submitter purchased their property some 35 years ago, as effectively a large lifestyle block but also as a retirement investment. The growth of Auckland and the close proximity of employment opportunities to the subject site, its expansive views and rural outlook have seen the value of this property increase over time. It was always the submitters intention that later in life when it was an appropriate time to retire, that they would investigate options as to the future of the property and where they would reside in their retirement years.

This proposal has now led to a great deal of uncertainty as to the submitter's ability to realise their plans put down 35 years ago. Anecdotal advice from local real estate agents that have been contacted by the submitter, is that in the current environment due to the uncertainty surrounding this proposal and the potential adverse effects of this proposal on the environment, that it is effectively impossible to sell a property that will either be traversed by, or is in close proximity to the new power lines, or that properties that do sell will only achieve a sale price some 40% below the current market value. This perception in the market place has a markedly negative effect on the submitter's ability to retire in the manner that they proposed.

However, the submitter also has greater concerns above and beyond their own particular circumstances. It is widely known that Transpower, in preparation for this proposal, has purchased properties within the line of the proposed pylons and powerlines. These properties have been purchased following valuation at current market values, plus it is understood, a percentage amount added for the disruption that has been caused to the landowners. The land purchasing by Transpower has resulted in a group of landowners not being impacted upon by the negative perceptions in the marketplace of this proposal and its effect on property values. This therefore leads to an iniquity within the community as to those who have had their properties purchased and those who are left with their properties negatively impacted upon by this proposal.

Whilst it is recognised that Transpower is proposing to purchase the easements required for the power lines from landowners, this does not assist those who may be looking to sell their properties completely, as currently there is a very limited, or no market for such properties and even if a sale can be achieved it appears from advice received that it will be markedly below the market value. This inequity therefore does not enable the community to provide for its social and economic well-being.

Moreover, this negative effect on property values has the potential to be increased whether or not the proposal goes ahead. As has been mentioned, Transpower has purchased some properties that are within the transmission corridor. The submitter is of the opinion that it is highly unlikely, that successful or otherwise, that Transpower will hold on to these properties into the future, therefore there runs a

serious risk that once a decision is made on this proposal, whether or not the decision is in favour or against the proposal, that the market will be flooded by properties that Transpower disposes of as they will no longer be of any use to them. This has the potential to further decrease property values, further impacting upon not only the submitter's property and their retirement proposal but on the lives and livelihoods of a large number of people over and above the 297 directly affected property owners.

It should be noted that this proposal is to supply electricity to Auckland City, not to the landowners over which these pylons and powerlines are proposed to run. Therefore the communities that this proposal will affect are not those that benefit directly from this proposal, creating further inequity between those that benefit from this proposal and those that will be affected adversely now and into the future by the potential establishment of this transmission corridor, pylons and power lines.

Conclusion

This proposal has the potential to adversely affect the environment through the physical development of the proposed large pylon structures within an area that is predominantly a rural environment, including hill country and sensitive ridgelines.

The proposal does not promote the sustainable management of natural and physical resources through reduced energy use, does not enable people and communities to provide to their social and economic well-being and sees the continued use of traditional technology as opposed to the establishment and use of new technologies to transmit electricity in a manner that does not create such adverse effects on the environment.

It is a concern of the submitter as to the fairness of what is a public process that there are information deficiencies within the documents publically notified and the submitter is of the opinion that these information deficiencies should be righted and that the additional information be notified in order that those potentially affected by and interested in this application can undertake a full and complete assessment of the information provided.

The submitter is therefore of the opinion that the proposal should not be approved in its current form and the submitter would like to be heard in respect to their submission.

If you have any questions or require any further information, please do not hesitate to contact the undersigned.

Yours sincerely,
on Behalf of Barry McAlley

A handwritten signature in black ink, appearing to read 'Ian McAlley', written in a cursive style.

Ian McAlley
Director