

**BEFORE THE BOARD OF INQUIRY**

**IN THE MATTER**

of the Resource Management  
Act 1991

**AND**

**IN THE MATTER**

of Applications by Transpower  
New Zealand Limited for  
resource consents and Notices  
of Requirement for the Upper  
North Island Grid Upgrade  
Project between Whakamaru  
and South Auckland.

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**STATEMENT OF EVIDENCE OF MARIUS ERASMUS RADEMEYER**

**Planning/ RMA Assessment– Matamata-Piako District**

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## 1.0 INTRODUCTION

- 1.1 My name is Marius Erasmus Rademeyer. I hold a Bachelor's Degree in Town and Regional Planning. I have been a practising planner for more than 25 years. During that time I held the position of principal of my own firm of planning consultants in South Africa. Since immigrating to New Zealand in March 2000 I worked as senior planner for the Matamata-Piako District Council ("the Council"), until I established my own firm of resource management consultants in April 2003. I was admitted as a full member of the South African Council for Town and Regional Planners in 1982. I am presently an Affiliate Member of the New Zealand Planning Institute.
- 1.2 In my capacity, initially as staff planner and lately as consulting planner for the Council, I have been responsible for the assessment of a range of resource consent applications and Notices of Requirement under the Resource Management Act 1991 ("the RMA") and the Operative Matamata-Piako District Plan ("the District Plan") both for rural development in various parts of the Matamata-Piako District ("the District") and for infill/ urban expansion in the towns of Morrinsville, Matamata, and Te Aroha. I was also a member of the "Officers Forum", which comprised representatives of the District and Regional Councils affected by Transpower New Zealand's ("Transpower's") Notice of Requirement ("NoR") for the Upper North Island Grid Upgrade Project ("the Project"). The "Officers Forum" was an informal committee responsible for liaison with Transpower regarding the integrated processing of the NoR. The Forum was disbanded when the NoR was called in by the Minister for the Environment.
- 1.3 In January 2008, the Council engaged a small team of experts in addition to myself, to advise them on specific aspects of the NoR relating to the District. The other experts engaged by the District include:
- Mr Gary Orbell (Soil Scientist) – Impact on the preservation of the District's high quality soils;
  - Mr Mike O'Connor (Agricultural Consultant) – Impact on farming;
  - Ms Bridget Gilbert (Landscape Architect) – Visual and landscape amenity impacts;
  - Mr Daniel Phillips (Architect/ Urban Designer) – Impact on the long-term urban growth of Morrinsville.
- 1.4 I am familiar with the documents lodged by Transpower in support of the NoR and the forty-seven Statements of Evidence filed by Transpower in these proceedings. Through my involvement over the past eight years, I am also familiar with most areas within the District, and with the route of the power line. Over the years, I have visited most areas now affected by the power line route.
- 1.5 I have read the following Statements of Evidence filed by Transpower, pertaining to matters within the scope of my evidence:

<b>Name</b>	<b>Topic</b>
Sylvia Jean Allan	Resource Management Act analysis
Sylvia Jean Allan	Route and site selection
James Kenneth Allen	Organic farming issues
Dougall James Campbell	ACRE model and approach to easement selection and tower move process
John Nicholas Oliver Coad	Project description overview
Brent Dale Druskovich	Archaeological/heritage issues.
Timothy Andrew George	Process in selecting the 400kV capable line option
Francis John Hall	Agricultural issues
Helen Glyndwr Hendren	Tangata Whenua Consultation
Richard Edward Joyce	Construction processes and management: Cables
Gavin Craig Lister	Landscape/Visual
Nigel Robert Lloyd	Noise review and conditions
Buddy Mikaere	Tangata whenua consultation and cultural issues
John Craig Miles	Property acquisition and landowner liaison
Tahi Fancis Ngakete	Tangata whenua consultation
Alan James Nichol	Aerial top-dressing
Philip James Patrick	Construction processes and management: Lines
Peter Howard Phillips	Consultation/social impacts
Peter Rasul	Overview of construction processes: Lines
Kevin Michael Rooney	Animal health issues
Julie Meade Rose	Social impact peer review
Dr Michael Lawrence Steven	Landscape/visual effects peer review
Graham William Francis Warren	Noise

- 1.5 I have read the Section 42A RMA report prepared for the Board by Mitchell Partnerships, dated January 2008, and I refer to this document later in my evidence.
- 1.6 I have also read the Statements of Evidence of the other experts engaged by the District, referred to in Paragraph 1.3. I have, in part, relied on the evidence of these experts in forming the opinions expressed here.
- 1.7 I have been provided with a copy of the Code of Conduct for Expert Witnesses in the Environment Court, Practice Note (31 March 2005), now contained in the Consolidated Environment Court Practice Note (2006). I have approached the preparation of this evidence in the same way that I would for the Environment Court.

## **2.0 SCOPE OF EVIDENCE**

- 2.1 My evidence deals with the following six matters pertaining specifically to the District:

- The effects of the Project on the preservation of the District's high quality soils;
- The effects on the productive capability of the soils;
- Landscape and visual effects;
- Effects on the urban growth and development of Morrinsville town;
- The relationship of the NoR to the District Plan; and:
- The statutory matters to be considered by the Board.

### **3.0 OVERVIEW OF THE LOCATION OF THE LINE**

- 3.1 The District comprises 185,000 ha of land located in the valley formed by the Kaimai Ranges to the east, and the mountain ranges to the west, traversed by the Waihou, Waitoa and Piako Rivers. The soils have high natural fertility, and much of the District is intensively farmed, predominantly for milk production. Farmland within the District is increasingly being used for cropping, predominantly onions, potatoes, and maize.
- 3.2 The District has a total population of 30,000. The population is split almost equally, with half living in the rural area, and the remaining half in the three towns: Matamata, Morrinsville, and Te Aroha. Morrinsville, with a population of just over 6,000 people is the largest of the three towns.
- 3.3 The District has experienced slow, but steady population growth. Given the proximity to Hamilton City and the attractive rural amenity locally, the expectation is that the town of Morrinsville is poised to see significant growth in the future, as a "dormitory town" for commuters to the city.
- 3.4 Approximately 24 kilometres of the proposed power line traverses the western part of the District, from Tauhei in the north, turning south across Tauhei Road and Hangawhera Road, skirting the western edge of Morrinsville, across State Highway 26, Kuranui Road, Tahuroa Road, Starky Road and Bell Road, to exist the District to the west of Wairama Road. The proposed alignment follows roughly the route of an existing power line known as the ARI-PAK-A line. The centreline of the proposed route is shown on the plan attached as Appendix "MR1".
- 3.5 The proposed alignment is predominantly across farm land except near Tauhei where it traverses a rural-residential cluster along Card Road, and at Tahuroa and Starky Roads where individual rural-residential lots are affected. The line will cross a total of 61 titles. Given a minimum easement width of 65 metres, approximately 160 ha of farm land are to be encumbered by proposed easements.
- 3.6 On the outskirts of Morrinsville, north of Thames Street, the centreline of the proposed easement, comes close to existing residential development and "greenfields" land zoned for future industrial and rural-residential use. To the south of Thames Street, the centreline is near an existing rural-residential cluster along West Street. South of Kuranui Road, the route alignment is in near proximity to recently consented rural-residential development, in an area (given the proximity to Morrinsville town) where there is pressure for lifestyle development anticipated under the District Plan's "low quality soils" rules.

## 4.0 THE MATAMATA-PIAKO DISTRICT PLAN

4.1 The Matamata-Piako District Plan was notified in 1996, and became operative in July 2005. It is still a first generation plan which has not seen any significant revision. It is therefore essentially based on information, issues, and trends as it existed eighteen years ago, in the early 1990's, when the provisions were first drafted. This is particularly relevant in respect of the urban areas of Morrinsville, Matamata, and (to a lesser extent) Te Aroha, where changes, growth and development have occurred in the interim, with the District Plan provisions now becoming somewhat "outdated". It is my understanding that the Council is presently considering a full review of the District Plan, in stages, with the urban areas given priority, in acknowledgement that the availability of sufficient zoned land for future development needs to be revisited with some urgency. Given the constraints faced by small rural Councils, both in terms of funding and resources, it is likely to take years before the review will be completed.

### Morrinsville Town

4.2 The situation in Morrinsville is particularly relevant in the context of the NoR and the proposed route alignment on the outskirts of Morrinsville. There are still three portions of zoned residential land available for development in Morrinsville, illustrated on the Plan attached as Appendix "MR2":

- The first portion, "Parkwood" is to the west of the golf course. It is owned by a single developer. The land is the subject of a subdivision consent which allows for the development of approximately 350 sections, in stages. Development of the first two stages is now nearing completion. It is my understanding that the developer has recently sold a "block" of 100 sections to a consortium of builders, and that he will now "fast track" the completion of the remaining stages.
- The second land portion, "the Allen Block", is to the south of the golf course. This land portion is tightly held by a large farming enterprise and there is presently no indication that it will become available for residential development in the foreseeable future.
- The third portion is known as "Lockerbie Farm", and is situated to the north-west of Parkwood. It is an historic farm which, I understand, is unlikely to be offered for residential development in the foreseeable future.

In view of the above, I consider that Morrinsville currently has insufficient land zoned for future residential development and that this is an issue which should be addressed by the Council as a priority.

4.3 There are a number of constraints on the future residential expansion of Morrinsville, as illustrated on the Plan attached as Appendix "MR3":

- The Waitakaruru Stream to the south and the location of the town's sewer outfall in the south-east, prevents expansion this direction.
- The Piako River to the east, significant farming interests along Horrell Road, and the presence of unsuitable peat soils east of the Piako River, constrains expansion in this direction.

- There is an existing mushroom composting facility to the north, along Taukoro Road. Major expansion of this facility is currently in the planning stage. The location of the facility could influence the feasibility of significant residential growth towards the north.
- 4.4 For the above reasons, residential and rural-residential expansion is most likely to occur towards the west, in the vicinity of the proposed power line. Given the expectation that Morrinsville will develop as a “dormitory” town for Hamilton commuters, this will also be the favoured direction for expansion to keep travel times and commuting distances to a minimum. The constraints on the growth of Morrinsville referred to here, is further discussed in the evidence of Mr Daniel Phillips.
- 4.5 Ms Allan, at Paragraph 224 (p 62) of her Statement of Evidence (2) has the following to say regarding the route alignment at Morrinsville:
 

*“..the alignment passes to the west of the town of Morrinsville. I note that the Plan contains no provisions or policy that would suggest the area is a future growth area.”* Later on, at Paragraph 358 (p98), Ms Allan comments on what she calls “urban growth type” submissions. She again forms the view that none of the settlements purportedly impacted on by the line (which includes Morrinsville), have previously identified growth paths in their District Plans.
- 4.6 Ms Allan is correct, in so far as Morrinsville is concerned, because the District Plan does not indicate future growth areas towards the west of Morrinsville, beyond the existing industrial and rural-residential zones. However, and as discussed previously, the District Plan is now somewhat dated and cannot be relied on in this regard.
- 4.7 At Paragraph 145 (p41) Ms Allan comes to the conclusion that the line would not *“be an impediment to future urban growth in the Morrinsville area, or in the vicinity of the line, further to the west”*. I disagree with this view, for reasons stated earlier, and further supported by the evidence of Mr Daniel Phillips.

#### Rural Area

- 4.8 It is my understanding of the District Plan that the most significant resource management issues that it seeks to address, the “cornerstone” of the Plan, are the preservation of the District’s high quality soils, and the productive capability thereof. I applaud this approach, because the District is blessed with so much high quality soils, and because these soils are important as a scarce, finite resource to be protected for future generations.
- 4.9 The importance of preserving these soils for their versatility is further underlined in the evidence of Mr Gary Orbell. From a resource management perspective, Mr Orbell makes a valid point that it is not only the current use of the land for grazing that needs to be considered, but also the future options to be able to put this limited, versatile resource to alternative production as population pressures increase, and high quality soils become increasingly scarce.
- 4.10 To achieve the objective of preserving the high quality soils and their productive capacity without unduly limiting further development, the District Plan contains two mechanisms:

- On the one hand, it limits further rural subdivision on high quality soils, while:
- On the other hand, it is permissive of subdivision on low quality soils.

These so-called “low quality soils” provisions are contained in Rule 6.1.3(b) of the District Plan where it states that subdivision with a minimum lot size of 5,000 m<sup>2</sup> on Class IV to VIII soils, is a discretionary activity in the rural zone.

4.11 Given the above mechanisms, the NoR impacts on the District Plan provisions in two ways:

- Firstly, it impacts on the preservation of the high quality soils and the productive capability thereof. Not only does it directly encumber 160 ha of land (much of it high quality soils), but it also fragments land holdings and impacts on the ability to use the versatility of the soils in future for alternative agricultural production, well beyond just the area encumbered by the easement. These effects are explained in the evidence of Mr Orbell and Mr O’Connor.
- Secondly, the line results in adverse visual and landscape effects which Transpower’s own landscape experts believe will be present up to a kilometre and more from the line, and which effects may well have been underestimated (as explained in the evidence of Ms Bridget Gilbert). These effects will impact on the attractiveness of rural-residential subdivision on low quality soils where the land is located in the vicinity of the power line. This will limit and undermine the mechanisms provided for in the District Plan to channel subdivision pressure away from the high quality soils.

Objectives and Policies

4.12 I have read Pages 53 – 65 of the Section 42A report prepared for the Board by Mitchell Partnerships. I agree that the relevant District Plan provisions to be considered by the Board in relation to the NoR for the Matamata-Piako District are mostly covered in that document.

4.13 I now comment on certain of the objectives and policies:

**Chapter 3.1: Natural Environment and Heritage**

1. Landscape Character

*Objective 1- To retain and enhance the varied landscape qualities of the District.*

The impact of the line on landscape character is addressed in the evidence of Ms Gilbert. Ms Gilbert finds the Project to be inconsistent with the above objective.

**Chapter 3.3: Land and Development**

1. Sustainable Activities

*Objective 2- To manage all activities in a manner that maintains and enhances the District’s good quality soils and to ensure that the productive capability of rural land is not compromised.*

I discussed this issue before, in Paragraphs 4.4 and 4.5. It is my view that the Project is inconsistent with the above objective.

### **Chapter 3.5: Amenity**

#### 1. Development Standards

*Objective 2- To minimise the adverse effects created by building scale or dominance, shading, building location and site lay-out.*

*Policy 3- To maintain the open space character of residential and rural areas by ensuring that development is compatible in scale to surrounding activities and structures.*

The scale, dominance, and potential incompatibility of the Project with the rural character are discussed in the evidence of Ms Gilbert. Ms Gilbert finds the proposal to be incompatible with the above objective and policy.

#### 2. Design, Appearance, and Character of Built Environment

*Objective 1- To ensure that the design and appearance of buildings and sites is in keeping with the character of the surrounding townscape and landscape.*

Ms Gilbert addresses the design and appearance of the proposed power pylons in her evidence. It is her finding that the Project is not consistent with the above objective.

#### 3. Nuisance Effects

*Policy 2- To ensure that activities in business, rural, industrial and recreational areas avoid, remedy or mitigate generated effects to maintain and enhance a healthy, safe, and pleasant environment and take all reasonable steps to internalise any nuisance effects.*

Given the visual and landscape impact of the Project as outlined in Ms Gilbert's evidence, it is my view that the NoR is inconsistent with the above policy in so far as it fails to maintain and enhance a pleasant environment and to take all reasonable steps to internalise nuisance visual effects.

### **Chapter 3.7: Works and Network Utilities**

#### 1. Provision and benefits

*Objective 1- To enable the effective provision of works and utilities so as to minimise the adverse environmental effects while enabling people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.*

*Policy 3- To ensure that works and network utilities are considered having particular regard to the avoidance, remediation, or mitigation of anticipated adverse environmental effects and comprehensive analysis of the existing and future services/ facilities.*

*Policy 5- To take a precautionary approach in the siting of facilities where there is significant doubt or debate over the impact of its effects.*

The above objective and policies require adverse effects to be minimised, and a precautionary approach to be taken where doubt exists over the impact. It is my opinion, and that of the other experts engaged by the Council, that further measures should and could be taken to minimise the adverse effects of the Project. I consider that there is doubt regarding the impact of the line on the future growth of Morrinsville and on the impact of the line on the preservation of the District's high quality soils and its productive capability. For these reasons, it is my view that the Project is not consistent with the above objective and policies.

### District Plan Rules

4.14 Dr Mitchell, at Pages 53 – 65 of the Section 42A report prepared for the Board, sets out the District Plan rules to be considered in relation to the NoR as it applies to the Matamata-Piako District. I concur that those are the most relevant provisions.

4.15 I comment as follows on, what I consider, to be the most important provisions:

#### Rule 3.2.1 – Building Envelope

This Rule sets a maximum building height of 10 metres for structures in the rural zone, well below that of the proposed 50 m to 70 m high pylons. The adverse landscape and visual effects associated with the excess height, and the incompatibility thereof with the character of the rural environment, is addressed in the evidence of Ms Gilbert.

#### Rule 11.4 – Overhead Electrical Lines and Pylons

This Rule requires overhead electrical lines and pylons to be considered as discretionary activities in the rural zone.

#### Rule 1.4.1 – Visual Criteria

Visual impact, addressed in Rule 1.4.1, is the most relevant criterion to be considered in assessing overhead lines and pylons as a discretionary activity under Rule 11.4. The relevant criteria are considered in the evidence of Ms Gilbert.

## **5.0 THE STATUTORY FRAMEWORK**

5.1 Ms Allan, at Paragraphs 9 – 12 (p 4 – p5) of her Statement of Evidence (2), sets out the matters to be considered by the Board. She correctly states that Section 104 RMA elevates Part II to an overarching consideration, in addition to an assessment of:

- The effects on the environment;
- Relevant provisions of national and regional policy statements and regional and district plans;
- Other matters reasonably necessary to make a decision.

She correctly points out that, for a NoR, the following matters should also be considered:

- Whether adequate consideration has been given to alternative routes or methods of undertaking the work, particularly if significant adverse effects on the environment are involved.
- Whether the works are reasonably necessary for achieving the objectives of the requiring authority.

### Effects on the Environment

5.2 Ms Allan, at Paragraph 144 (p41) of her Statement of Evidence (2), refers to the evidence of Mr Lister and Dr Steven, and concludes that *“visual values in the vicinity of Morrinsville will be affected because of the elevated landscape crossed by the alignment. A number of specific modifications have been made... Effects are nevertheless considered to be reasonably significant. Pressure for rural-residential subdivision of the area close to the alignment will increase the effects in terms of numbers of nearby residents.”*

5.3 At Paragraph 178, of her evidence Ms Allan concludes, regarding adverse effects, to say:

*“While it is acknowledged that there are adverse effects of some significance associated with all of the overhead sections of the line, as far as practicable in my opinion, effects have been identified, avoided or mitigated. Following the construction stage, the remaining pervasive effect will be visual, although it is acknowledged that there will be some ongoing effect on farm operations, which will need to adapt to the presence of the line.”*

5.4 I agree with the assertions made by Ms Allan that visual effects in the vicinity of Morrinsville is ,at least, *“reasonably significant”*, and that the line will have a remaining pervasive visual effect. In addition, it is my assessment that:

- Consideration should be given to further methods to mitigate the visual effects of the line in the vicinity of Morrinsville and other locations as explained in the evidence of Ms Gilbert and Mr Phillips.
- The effects on preservation of the District’s high quality soils and productive capability have not been adequately assessed and that further work is required in this regard as set out in the evidence of Mr Orbell and Mr O’Connor.

### District Plan Provisions

5.5 Ms Allan, at Paragraph 22 (p62) of her evidence states that she considers the Project to be consistent with the intent of the Plan which seeks the character and landscape of the rural area to be retained. This, in her opinion, is particularly so because the alignment follows the route of the existing ARI-PAK A line, which will be removed. However, she considers the visual impact to be potentially inconsistent with the amenity values sought by the District Plan.

5.6 In my view, relying on the evidence of Ms Gilbert, I consider the Project to be contrary to the landscape and amenity values sought by the District Plan. I do not consider the removal of the ARI-PAK A line to be particularly relevant, because the new line is much more visually intrusive. I also consider the Project to be contrary to the objectives and policies requiring the District’s high quality soils, and the productive capability thereof (which I see as a “cornerstone of the District Plan”), to be preserved.

## Part 2 Matters

- 5.7 It would seem to me then, that there is, at the very least, “tension” between the Project and the District Plan provisions. There are also residual visual effects and effects on the preservation and use of high quality soils which cannot be avoided. The appropriate mechanism available under the RMA to resolve this “tension” is to test the Project against Part II provisions.
- 5.8 Ms Allan describes the relevant provisions at Paragraphs 236 to 251 (p 62 – p69) of her evidence. I agree with her description of the relevant RMA provisions, but not always with her assessment:
- 5.9 At Paragraph 244 (p67) Ms Allan refers to Section 7(b) RMA, the efficient use and development of natural and physical resources. She considers the new line to be efficient because it is an integral part of the national power grid. That may be so but I, on the other hand, would argue that the effect that the line will have on the preservation and use of the scarce versatile soils of the District, is not an efficient use of an important natural resource.
- 5.10 Ms Allan, at Paragraph 246 (p67) refers to Section 7(c) RMA (the maintenance and enhancement of amenity values) and Section 7(f) RMA (maintenance and enhancement of the quality of the environment). It is her opinion that the visual amenity values will not be maintained, and that the visual quality of the environment will be reduced. She states that “*section 7(c) and 7(f) matters will not be able to be achieved*”. I concur with her opinion here.
- 5.11 At Paragraph 248 (p68) Ms Allan refers to Section 7(g) RMA (finite characteristics of natural and physical resources). In her view, “*the alignment avoids or mitigates effects on areas with special finite characteristics*”. I disagree, and consider that further work is required to fully understand the impact on, and methods to mitigate the effects on the preservation and use of the District’s finite, versatile soil resource.
- 5.12 Ms Allan refers to Section 5 RMA – the purpose of the Act, at Paragraphs 249 – 251 (p68 – p69) of her evidence. The full text of Section 5 RMA is:

### **5. 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 reasonable 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.*

- 5.12 Ms Allan's states at Paragraph 250 that the Project is consistent with the purpose of the RMA because it is part of a project of national importance aimed at securing the foreseeable electricity and thus social and economic needs of future generations and because the adverse effects can be avoided, remedied or mitigated.
- 5.13 I agree that the Project could potentially be of national importance. However, I do not see that this somehow "excuses" the activity from safeguarding the District's high quality soils, meeting the District Plan expectations, or from Section 7 matters, or from appropriately mitigating adverse effects.

## **6.0 CONCLUSION**

- 6.1 "Weighing up" the various statutory requirements and the "tensions" between the Project and some of those provisions, is a complex matter for the Board to decide.
- 6.2 In my opinion:
- The long-term effects of the Project on the preservation and productive capacity of the finite resource of scarce versatile soils in the District, is a relevant and important consideration which has not been assessed adequately and in respect of which the Board should call for further information, before a decision is reached;
  - There are significant residual adverse visual effects associated with the Project. The activity should not be "excused" from these effects because it is in the national interest to secure a reliable power supply. Rather, further assessment should be done to fully understand the visual effects, and additional mitigation should be implemented, as proposed in the evidence of Ms Gilbert.
  - The Project does have the ability to impact on the long-term future growth of Morrinsville township. Additional methods to mitigate the potential impact on the town should be considered, as explained in the evidence of Mr Daniel Phillips.

**Marius Rademeyer**  
Resource Management Consultant