

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a Board of Inquiry
appointed under Section 146

REGARDING An application for Resource Consents by
Mighty River Power Ltd to construct, operate
and maintain a windfarm at Turitea,
Manawatu

Supplementary Evidence of Di Lucas

15 July 2009

Introduction

1. My full name is Diane Jean Lucas. I am a Registered NZILA Landscape Architect and my expertise and experience have been described in my primary statement of evidence for TAG and FOTR.
2. I have been asked to provide a statement of supplementary evidence regarding Ms Julia Williams' s42A Report of June 2009 that was commissioned to review the landscape, visual and cumulative effects information, evidence, reports and representations that are before the Board of Inquiry.
3. My evidence briefly responds regarding three areas, the:
 - a. identification of outstanding natural landscapes (ONFL);
 - b. other statutory bases for landscape considerations, and,
 - c. use of distance effects charts.
4. I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note and agree to comply with it.

a. ONL Identification

5. Ms Williams appropriately identifies (para.1.1) that under the RPS, the Skyline of the Tararua Ranges and the Tararua ONFL are both considered to be regionally significant, a s6(b) matter, ONFL, and that this is repeated in the territorial plans. Rather than address the statutory thresholds set by this s.6b status, Ms Williams extensively reviews evidence of each of the landscape architects with regard to their analysis of whether or not the proposed windfarm needs to be considered in terms of s.6b. (Appendix 1 shows the north of the TFP)
6. The Manawatu-Wanganui Regional Policy Statement (RPS), operative for more than a decade, at Chapter 22 addresses management of outstanding natural features and landscapes (ONFL). At 22.2 it defines landscape (page 93) to recognise it is not merely a static background, and includes physical, ecological and cultural dimensions. It recognises "landscape" is not merely the view from a road. It recognises that "*The once commonplace can become highly valued as particular elements become more scarce*", and that, "*Today, the forest has all but gone*".

7. The landscape issue noted at NCF1 is the *“Loss or degradation of regionally significant natural features and landscapes.”* Also, that *“Conflict may arise between the management options of development and protection.”*

8. RPS Objective 8 is *“To protect natural features and landscapes which are outstanding and regionally significant from inappropriate subdivision, use and development.”* Policy 8.2 largely repeats this intent. *“Inappropriate”* development is to be assessed according to

(a) the degree the activities would adversely affect the values specified in Policy 8.3 so far as those values provide a significant contribution to outstanding natural features and landscapes; and

(b) the degree to which the activity provides for the social or economic well-being of people and communities, (including providing essential services to the public);

while ensuring that, in all cases, adverse effects of any activity on the features or landscapes are avoided, remedied or mitigated.”

12. RPS Policy 8.3 is *To protect, from inappropriate ...development, the specified values associated with the following features which are both outstanding and regionally significant:*

p. The skyline of the Tararua Ranges, specifically:

i. its scenic qualities provided by its prominence throughout much of the Region and its backdrop vista in contrast to the region’s plains.

13. According to RPS 22.3.4, the Skyline of the Tararua Ranges is an ONFL as it meets Policy 8.1, criterion a.

a: “with respect to major geographical and geological features or landscapes, the degree to which it contributes to the Region’s character in terms of:

i. visual prominence; and

ii. *scenic characteristics, including views, vistas and backdrops.*”

14. “Backdrops” are not a mere line, but a surface. Scenic characteristics, views and visits are two way, the scenic, views and vistas enjoyed when looking at such a feature and landscape, and may be those enjoyed when looking from such a feature and landscape. The RPS attributes noted suggest that the ONL being addressed in the RPS is more than a thin line where earth meets sky as viewed from beyond.
15. To locate the skyline land that is being considered, RPS 22.3.4 page 112 identifies that *“The skyline is defined as the boundary between land and sky at the crest of the highest points along the ridge. The skyline of the Tararua Ranges is the land/sky boundary as viewed at a sufficient distance from the foothills so as to see the contrast between the solid nature of the land at the crest at the highest points along the range and the sky.”* This clarifies that the “skyline” is not the upper surface when viewed from close in, for these form the foothills to the range, rather than the highest crest. It is the summit of the main range.
16. Rather than describing the highest crest in words, the watershed delineates the centreline to this crest (appendix 2). The skyline is more than this centre line, it is the summit land surface of the range as viewed from beyond. On this ‘peneplain’, the land surface forming the skyline involves a broad summit. To address the Skyline as a backdrop from out on the plains, a broad summit is being referenced. This applies for views from both east and west.
17. A core component of a skyline is the space above the junction of land and sky, the skyscape. Due to the large scale of the structures, as is clearly evident in Mr Wyatt’s simulation images (and in the K2vi simulation seen at caucus, and referred to by Ms Williams at 2.82), many of the proposed turbines would protrude into the skyscape. The turbines protruding into the skyscape directly affect this Skyline ONL.
18. The nuances of spatial delineation of the skyline across the summit need not be addressed if the situation being assessed involves a proposal of a scale and location that would inevitably be located upon or intrude into any common

sense interpretation of the “Skyline”. More than 50 of the turbines are proposed to be located right on the crest, along the watershed, and undoubtedly on the Range Skyline as perceived from west and/or east. Others would visually protrude through the skyline. Ms Williams recognises this (page 10, summary, 1st bullet) but has not addressed this in terms of a s6b assessment of effects on the formally identified Skyline ONFL as per the region, city and district.

19. Ms Williams provides discussion (page 10) on her suggested ideal methodology for landscape management which may result in ONFL identification. This in my opinion is peripheral to the task at hand. ONFL have been variously and incrementally identified through regions, districts and sites. For Canterbury Region, a non-consultative, expert approach has been undertaken and generally endorsed (Boffa Miskell & Lucas Associates, 1993). For Hurunui District, a consultative, whole-landscape management approach was undertaken (Lucas Associates, 1995) and it is incorrect to suggest a whole-of-landscape approach is new.
20. With no central government leadership, councils and courts have utilised varying methods to sustainably manage the landscape resource over which they have jurisdiction and responsibilities to address adverse effects. ONFL have been accepted as appropriately identified at regional scale, at district scale, and as a result of a one-off local assessment. Whilst Ms Williams, Mr Anstey and Mr Coombs may seek an ideal process where a comprehensive district assessment leads eventually to ONFL identification via a consultative process and perhaps agreement of landowners, this is not the only or the necessary route.
21. At para 5 Ms Williams states confidence that from the methodology being used, ONFL identification will emerge from the consultative PNCC study. Whilst there is no indication in the study documentation that broad-scale ONL identification will emerge, this is entirely peripheral to the task at hand. The study has no status and the Skyline and Park ONFLs are already valid for the City assessment.
22. The landscape studies of Golden Bay on which the Tasman District Plan was based (Sissons and Conway, 1992; Works Consultancy Services, 1995) were

also spatially limited. In excluding the main landscapes and features of the Bay, the “big picture” of the Bay landscape was overlooked. However, Judge Kenderdine’s court recognised that Golden Bay as a whole is an ONFL.¹

23. Whilst not an essential ingredient to identification, in being addressed in the operative RPS and district plans, the Range ONL and Skyline ONFL have resulted from a form of regional and district consultative processes. In the summary page 10-11 Ms Williams appears to not have fully accepted this status, or that of the Tararua Forest Park.

24. The RPS identifies:

q. The Tararua State Forest Park, specifically:

i. its recreational and ecological values, contributing to the national conservation estate.

According to 22.3.4, the Tararua State Forest Park is an ONFL. The Park and various recreational and ecological values in the northern lobe to the Park are within the ambit of the proposed windfarm. The values continue seamlessly from the Park to Hardings Park and Turitea Reserve.

25. The RPS recognises the Skyline of the Tararua Ranges and the Tararua Forest Park as s6b landscapes. Whilst addressed separately, these landscapes overlap, the lands of the Skyline landscape being primarily within the Tararua Forest Park excepting for the northern lobe where the Skyline lands extend beyond the finger of this Park land to include lands of Turitea Reserve.

26. The effects of the proposal on the Tararua Forest Park ONFL must be addressed with respect to the regional and territorial statutory regimes, and under s.6b. The effects on the ONFL delineated by the Tararua Forest Park are to be addressed. That is, activities located outside the boundary that affect the TFP ONFL must be addressed. The proposed Groups D and E turbines located on the Tararua range summit, whilst located physically outside the Park boundary those in, would significantly affect the landscape values of the ONFL of the Park.

¹ Interim Report & Findings. Golden Bay Marine Farmers v Tasman District Council. 2001. para. 733.

27. Similarly, the turbines would affect the ONFL of the Tararua Ranges Skyline. Not only turbines located on the highest points, or those along the line of the watershed, the summit dividing the east and west of the range (appendix 2), but turbines that would appear to poke up in front of the summit when viewed from below to east and west, and for those up on the range, experienced as on the summit lands. Red Rock Knob is on the summit, and on the line of the watershed. A public walking track to Red Rock Knob provides views across the summit lands (appendices 4-5). A terrain-based viewshed provides a sample map of the lands visible from Red Rock Knob (appendix 3, red areas). The viewshed map does not allow for vegetation screening, but the photographic panorama shows little would be screened.
28. Addressing the proposed turbines, the sample viewshed map shows those that would be visible from Red Rock Knob for all except some of the lower 50 metres of the mast – some 54 turbines are shown (yellow spots) as likely to be visible. Parts of other turbines would also be visible.
29. The viewshed map shows the considerable number of turbines that would be experienced in close proximity, within just a few kilometres. A K2vi screen shot from Red Rock Knob also demonstrates this (appendices 4-5).
30. As identified in 22.3.2, Methods 8.1 and 8.2, both the regional and district councils are to provide for the protection of these ONL when considering resource consent applications. This means that whether or not PNCC and TDC have formally identified ONL within their boundaries, these regional ONL are required to be protected.
31. However, Ms Williams addresses this at 1.13. Her review suggests (para. 1.22) that ONFL cannot be identified without a comprehensive regional study (mid-page 10). Whilst perhaps the ideal process, I question the basis to this interpretation as a requirement. Case law surely recognises that ONLs can be identified by fact and needn't necessarily involve a prior comprehensive, consultative district assessment.
32. The original Marlborough Sounds landscape study was not a consultative, comprehensive or a region/district wide study that identified ONL areas

(Hansen et.al.). It did not identify Chance Bay as an ONL. However, Judge Kenderdine's court identified that based on fact provided to the Court on that site alone, Chance Bay was an ONL².

33. In Auckland, Stephen Brown identified small landform and vegetation components in North Shore as ONL, but Judge Jackson's court identified a more extensive Hauraki Gulf Long Bay ONL.³ In Canterbury, Banks Peninsula in total is recognised in the District Plan as an ONL at the regional scale, with small ONLs at the district scale. The opposite also occurs, with larger areas at the district and smaller at regional scales. There is no set formula.

34. These examples demonstrate the different scales that are recognised as appropriate for ONFL identification. From broad scale to a local scale. Mr Brown has assessed at a sub-regional scale only. However the regional, city and district scales should all be addressed. Ms Williams appears to not recognise the appropriateness of the varying scales of assessment. Several of the landscape architects have not assessed the landscape or the proposal in the Tararua District context, instead focussing on the city, and this has not been questioned by Ms Williams.

35. Ms Williams perhaps misreads my assessment in that I do not assess that the site in total is within an ONL (page 9, 2nd para.). I assess that part of the site is located within the ONLs, and that the proposal overall significantly affects the ONLs.

36. Whilst Ms Williams surprisingly questions whether the "modified Pigeon Bay factors" are adequately comprehensive (page 7), the summary of landscape effects at para. 4.3 does not address this spectrum. Nor does this address the Skyline and Park landscapes ONFL status re s.6b.

² Chance Bay Marine Farm v Marlborough District Council, W70/99, paragraph 159

³ Long Bay Okura Great Park Society v North Shore City Council, A 78/2008, paragraph 148

b. Statutory Basis other than s.6b

37. In section 1.3 of her report Ms Williams appropriately addresses the Turitea Reserve Management Plan provisions, noting the status under the Reserves Act, but provides no analysis regarding the classification status.
38. The purpose of classification (Reserves Act s16) is “*To ensure the control, management, development, use, maintenance, and preservation of reserves for their appropriate purposes.*” As provided for under s16, a single Reserve may have different status for different parts. As identified in my primary evidence (para. 98 – 99), the Hardings Park area of Turitea Reserve is gazetted a Scenic Reserve. For Reserves protected for such purpose, “*the natural environment and beauty shall as far as possible be preserved*” (s19 (2) (c)).
39. The natural environment and beauty result from a combination of values within and beyond the park boundaries. Those enjoyed in Hardings Park are a combination of the natural values on site and the natural values of the lands around including the values on the adjoining protected lands in Turitea Reserve.
40. For example, enjoyment of the walk up onto Red Rock Knob on the Tararua watershed. This has scenic and natural values enjoyed of the immediate bush clad context seamlessly extending across the Turitea catchment to the east and north (refer panorama appendix 5).
41. The viewshed map (appendix 3, yellow dots) indicates that the full blade sweep of 50 of the proposed turbines would be visible from Red Rock Knob. Turbines located close by along the summit ridgeline (Groups G and F), beyond the bush (Group H), to the north amidst the bush on Game Ridge and Tirohanga (Group J), along the main summit ridge (Groups D), and along the THP boundary and eastern bush edge (Group E). The specific turbines from these groups are shown on the map appended. A number of other turbines would be visible in part from this viewpoint.
42. The viewshed map indicates land surfaces potentially visible (red areas), and hence the earthworks along these areas would be visible, including roading

and platforms in Groups G, H, J and D. The photos and K2vi (appendix 5) show some existing tracking.

43. As is demonstrated on the viewshed map, the Red Rock Knob viewpoint would have a semi-circle of turbines around, with the closest just 450 m away, 25 within 2 km and a total of 36 within 3 km. The furthest would be 7km away north on the main summit, turbine 7. The full sweep of more than 30 turbines would be viewed as located on or within the native bush of the protected public land. These turbines would significantly affect the natural, scenic, landscape and amenity values enjoyed in Hardings Park, which are enjoyed and anticipated up on Red Rock Knob.
44. As considered at caucus, the K2vi model clearly shows a raft of turbines that would be visible from within Harding Park, and would affect the experience of the scenic and natural values experienced in the Park (appendices 4-5).

c. Distance Effects Charts

45. At 2.3 Ms Williams addresses visual effects matrices. The tables are a coarse tool and just one ingredient in landscape assessment. They do not recognise landscape context, association and meaning. People's relationship with that land and landscape. The measures are frequently quite inadequate.
46. Ms Williams refers to the Waitahora assessments (page 15) but does not mention that the question involved was whether the significant effects on the s.6b landscape under consideration would be addressed by use of smaller turbines. The opinions were that they would not. This is quite a different question to that suggested by the matrix and Ms Williams interpretation. Depending on the context, greater or lesser turbine scale can considerably change the degree of effects.
47. There are situations where turbines at a distance of more than 10 km have very significant landscape effects. Situations with significant effects have been assessed at a distance of more than 20 km. To suggest that at a distance of 10 km, turbines are "not prominent" and visual effects are "only slight" can be the case in some locations but quite inadequate in others (Boffa Miskell chart, page 15).

48. The matrices provide a rather crude measure of relative visual prominence. That is not a measure of landscape effects. The matrices are of only limited value, as identified in Ms Williams' summary (page 16).
49. Considering viewers, in her summary at page 29-30, Ms Williams notes the role of "attitude of the viewer". The attitude of the viewer to the proposed activity is one aspect. The other is the attitude of the viewer to that landscape. Both are valid considerations. It is not merely about someone liking or not liking of turbines, but about how someone relates to the landscape in which they are proposed to be located.