

In the matter

of the Resource Management Act 1991

And

In the matter

of a Board of Inquiry appointed under s146 of the Resource Management Act 1991 to consider an application by Mighty River Power Limited for resource consents to construct, operate and maintain a wind farm at Turitea

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**STATEMENT OF REBUTTAL EVIDENCE OF STEPHEN BROWN**

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## Introduction

1. My name is Stephen Kenneth Brown. I have already prepared a evidence in chief addressing the landscape character and values of the sub-regional 'catchment' around the Turitea Wind Farm site and that contains a description of my qualifications and experience in the field of landscape assessment. I confirm that I have prepared this rebuttal evidence in accordance with the Environment Court Code of Conduct for Expert Witnesses (July 2006).
2. This rebuttal statement has been prepared in response to the evidence of Ms Di Lucas, and Messrs Clive Anstey and Shannon Bray on behalf of the Tararua Aokautere Guardians, the Friends of Turitea Reserve, and Palmerston North City Council. It addresses those parts of their evidence which challenge and / or refer to specific parts of my evidence in chief and which express views with which I do not agree. As a result, this statement is divided into three sections, one responding to the comments of each witness.

## Di Lucas

3. Quoting a section of my evidence in chief from paragraph 65 – 71, Ms Lucas ranges very broadly over the topics of Outstanding Natural Landscapes (ONL) and Amenity Landscapes, and attempts to refute some of my key findings. I will address the various points she raises in turn – with a brief commentary after each.
4. Ms Lucas begins commenting on my ONL assessment as follows:

*“65. I question Mr Brown’s assessment that the largely inaccessible, 5,000 ha bush-clad summit to the Tararua Range meets this description of an “amenity landscape”. It is not an area of typical rural character, not an area of residential amenity, not a little local feature. The 5000 ha elevated bush area he delineates is a natural part of the main Tararua Range natural landscape, most involving protected natural ecosystems.”*
5. **Comment:** In other locations this might be a valid assertion, but the area of bush described by Ms Lucas is located centrally within the Turitea site that is part and parcel of a wider landscape that includes areas of high value remnant forest intermixed with pine forest, cut-over ex-forestry land, open pastoral slopes and at least one sizeable pocket of rural-residential land. Thus, the “5000 ha elevated bush area” does not read as a discrete entity in its own right either perceptually or geophysically.
6. Consequently, I do not consider that it retains sufficient integrity in terms of its ‘natural science values, endemicy, ‘aesthetic value’ (including overall naturalness) or ‘expressiveness’ (legibility) and ‘shared values’ to register as an outstanding landscape. Moreover, Ms Lucas has failed to address the issue of thresholds and whether or not the landscape at issue is sufficiently exemplary, exceptional or conspicuous to qualify as being truly outstanding. I adhere to the view that whereas such descriptions clearly apply to the main body of the Tararua Forest Park, they are not applicable to the Turitea site and its immediate surrounds.

7. Ms Lucas next states:

*“66. Mr Brown suggests that “amenity often relates to the outlook or views beyond either an urban periphery or the farm yard to key natural features, such as mountain ranges...”. The Tararua Range undoubtedly adds to the amenity value of the rural and urban dwellers of the lands below and beyond the range that enjoy this outlook. The outlook to other ranges is similarly enjoyed, including to the Tararua Range lands to the south.”*

8. **Comment:** I agree with this comment and similar extracts from my evidence discussed in the evidence of Mr Anstey. That is why the Turitea area and other foothill areas at the southern end of the Ruahine Ranges, as well as down both flanks of the northern Tararua Ranges are identified in my sub-regional assessment as being Amenity Landscapes.

9. However, Ms Lucas then goes on to state that:

*“67. At para. 39 Mr Brown provides his differentiation between ONL and amenity landscapes. I have considered these definitions, his criteria and thresholds, and assess that the delineation 27 on the northern section of the range is more appropriately considered an ONL than an amenity landscape.”*

10. **Comment:** Perhaps the most difficult part of all landscape assessments is the demarcation of boundaries between ONLs, Amenity Landscapes and Other Landscapes. In the case of the interface between the very extensive ONL that I have identified (which substantially correlates with the Tararua Forest Park), and the ‘Turitea Amenity Landscape’, I tried to capture the point at which the central spine of the Tararuas and its ‘cloak’ of remnant native forest starts to establish a certain primacy that outweighs the steep pasture and pine forestry blocks which influences the perception of the Tararuas south of both Linton and Pahiatua. I took that as coinciding with the steeply indented Patupaiarehe Stream Valley on the eastern side of the Tararuas and the termination of a sequence of blocks of pine forestry south of the Kahuterawa Stream system on the western side of the Ranges. As such, I maintain that my demarcation of ONLs and Amenity Landscapes around Hardings Park and the peak called Arawaru is appropriate.

11. Ms Lucas next states that:

*“68. Mr Brown contends (para. 43) that his assessment is consistent with ONL and amenity landscape identification elsewhere at a strategic level. I do not agree. For example, Christchurch, a grid-city on the alluvial plains fronting the Port Hills provides some parallels. As confirmed by the Court, Montgomery Spur is of similar distance and character to Bryant Hill (Mairekau). This was included within “the (rural) Port Hills as a whole as an outstanding landscape and that large areas of them are an outstanding natural landscape”, that is, at the City scale (photo attachment 28). I note that in the regional landscape assessment, the Port Hills were also identified as an ONL.*

*69. The Port Hills analysis supports the Arawaru to Pahiatua Track area of the Tararua Range in general as an ONL, and perhaps would extend that delineation from the summit down towards the 170 m asl.”*

12. **Comment:** To the best of my knowledge, there remain some very significant differences between the landscape contexts afforded by the Canterbury Plains / Banks Peninsula and the Manawatu Plains, lower Rangitikei and eastern Tararua sub-region. My assessment was based in the lower half of the North Island, and although some (far from all) of the assessment criteria employed by myself reflected more

generic responses to different types of NZ landscape, it did not transpose findings from the Canterbury Region to the Manawatu. In my opinion, it would be entirely inappropriate to do so. The volcanic calderas, coastal inlets and (in part) tussock / grass covered slopes of Banks Peninsula are not the same as the greywacke massifs of the Tararua and Ruahine Ranges, or even the more eastern Waewaepa Range – which together bisect the lower half of the central North Island. In terms of their geology and geomorphic configuration, ecology, vegetation cover, and degree of coastal influence, they are very different. I therefore consider the parallels Ms Lucas attempts to draw between these quite dissimilar contextual situations are entirely inappropriate.

13. Next, Ms Lucas states that:

*“70. Mr Brown’s ONL for the Tararua Range stops short of the peak Arawaru. Mr Brown describes the “key features” of the ‘Northern Tararuas – Turitea’ Amenity Landscape 27 (para. 47. Table 2) as “Mountain landform sequence, remnant native forest intermixed with pasture and pine forestry; peripheral interplay with main body of forest park to the south.” However the delineated area (Annexure 9, see my attachment 12, left) is almost entirely native bush, and “seamless” with further Forest Park land to the south, delineated as ONL. He has not recognised the natural values of non-forested areas such as montane summit lands and wetlands.*

*71. Following the broad identification of ONL and amenity landscape, Mr Brown undertook a detailed assessment of the range area associated with the site (from para. 51). At para. 54.2 he identifies the ‘internal’ forest landscape of Turitea reserve and Tararua forest Park. He identifies (para. 53) in the east the visibility of the forest from Marina southwards. For the west he assesses the native cover is largely screened. However, firstly, my analysis identifies that much of the forested lands are visible from the Manawatu plains. Also, as is clearly shown in many parts of New Zealand, an area need not be highly prominent from beyond to be recognised as contributing to an ONL. I do not accept Mr Brown’s analysis (para. 54.2) that rural-residential development below precludes the natural lands above from contributing to the ONL.*

*74. Mr Brown assesses that an entirely natural and visible area of the Tararua Forest Park, and the natural area of Turitea Reserve including the visited Hardings Park, are not part of the Tararua Ranges ONL (attachment 12, right). He truncates the regional ONL south of the peak of Arawaru. I consider it inappropriate to exclude the similarly highly natural, but more gentle, range lands northward from an ONL, particularly at the City/District scale.”*

14. **Comment:** I have explained the reason for my demarcation of ONLs and Amenity Landscapes in response to Ms Lucas’s Paragraph 67. In this respect, it seems to me that the main difference between her landscape interpretation and evaluation and that which I have undertaken arises from Ms Lucas’s treatment of the ‘native bush’ as a landscape in its own right. By contrast, I regard it as a large scale landscape element or component of a wider landscape that contains the other elements cited above, together with others.

15. Between Shannon and Browns Flat, the landscape of the Tararuas reveals a clear interplay of steep outer slopes mainly covered in pasture and exotic forestry, with a much more subdued upper mantle of native forest. This composite landscape is not, as I have already explained, overtly natural, expressive or aesthetically pleasing, nor is it exemplary, conspicuous or exceptional with regard to section 6(b) of the Resource Management Act 1991. The native forest is not, in my opinion, a discreet natural feature or

landscape in its own right, although it does become more prominent in conjunction with the pronounced uplift of the central Tararuas just north of Shannon and from there southwards.

16. I consider that my demarcation of the ONL / Amenity Landscape boundary is consistent with the Act's intentions in this respect and also consistent with my identification of other ONLs and Amenity Landscapes within the wider sub-regional catchment – for example, at the southern end of the Ruahine Ranges and around the Manawatu Gorge.

17. Moving next to the Regional Planning context, Ms Lucas states:

*“75. Considering the RPS criteria for an ONL (Policy 8.1), the elevated lands of the Arawaru to Pahiatua Track landscape qualifies as regionally significant and forms parts of both the Tararua Ranges skyline ONL and Tararua State Forest Park ONL (Policy 8.3 p. and q). Mr Brown proposes the existing regional ONL areas be downgraded to Amenity Landscapes. Given the criteria in the RPS and other widely accepted landscape criteria, I see no justification for this downgrade. The One Plan approach (Schedule F) would similarly include this landscape. In addition, the Arawaru to Pahiatua Track landscape would appropriately be identified as an ONL at the City and District scales.”*

18. **Comment:** Policy 8.1 of the proposed One Plan states that the following matters should be considered when *“identifying which natural features and landscapes are outstanding and regionally significant”*:

- 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; and*
- b. *the feature or landscape's ecological significance in terms of:*
  - i. *its importance as a habitat for rare or unique species; and/or*
  - ii. *its importance as an area of indigenous flora; and*
- c. *the cultural or spiritual significance of the site or area to tangata whenua; and*
- d. *special or important amenity and intrinsic values, including scientific, cultural and recreational values, of the area to the Region; and*
- e. *the degree to which the feature or landscape has recognised national or regional protection.*

19. I consider that the bulk of these factors are recognised in my assessment of ONLs and Amenity Landscapes: they appear to be closely aligned with the 'Modified Pigeon Bay' criteria, although the wording is different. Again, however, such criteria must be applied to natural features and landscapes, as opposed to subordinate landscape elements / components, and the issue of thresholds remains central to any identification of ONLs and Amenity or Regionally Significant Landscapes. The issue of the integrity of landscapes and features is also important in this respect.

20. I accept that my assessment does result in some effective downgrading of a number of features identified in the Manawatu Wanganui Regional Policy Statement and even proposed One Plan, although there is also some 'culling' of ONLs in the transition from the current to proposed policy documents – without any explanation as to why this has happened. This includes the Manawatu Gorge, Mangatainoka River and Lake Horowhenua, all three of which are very extensively modified and affected by human activities and structures. I regard such 'downgrading' (as acknowledged in Paragraph 64 of my evidence in chief) – including that of the foothills at the point of transition between the Ruahine and Tararua Ranges – as being entirely appropriate and consistent with my identification of ONLs and Amenity Landscapes at the regional level.

21. Ms Lucas next makes the following assertions:

*"76. Mr Brown recognises (para. 72) that the various protected lands of the Forest Park and Turitea Reserve including Hardings Park could be of ONL quality. He considers that the wind farm site as a whole does not qualify as ONL. Considering the whole site (see Mac [sic] Henry Exhibit MH1), I agree that it does not qualify as ONL. However, at least the area within and beyond this site that has been identified by Mr Brown as 'amenity landscape' in my opinion would more appropriately be identified as ONL, along with that of the Forest Park within and adjoining his delineation."*

22. **Comment:** I am unclear as to exactly what Ms Lucas means by this part of her statement: however, if she is intending to infer that all of Landscape Unit 27 (which I have identified as being an Amenity Landscape) should be an ONL, I must disagree with this assertion – for the reasons already outlined.

23. My final comment on Ms Lucas's evidence relates to the following passage:

*"93. Considering the Region's character, this is the expression of natural and cultural elements, patterns and processes that both characterise an area and distinguish one area from another. "As the Court stated in the first Queenstown landscape decision [fn22 [2000] NZRMA 59 at para (105)]: "When considering the issue of outstanding natural landscapes we must bear in mind that some hillsides, faces and foregrounds are not in themselves outstanding natural features or landscapes, but looked at as a whole together with other features that are, they become part of a whole that is greater than the sum of its parts. To individual landowners who look at their house, pasture, shelterbelts and sheds and cannot believe that their land is an outstanding natural landscape we point out that the land is part of an outstanding natural landscape and questions of the wider context and of scale need to be considered."*

24. **Comment:** I entirely agree with this statement. However, in order to determine whether subordinate landscape elements (hillsides, faces, foregrounds, etc or even areas of native forest) lie within or outside an ONL, one must have regard to the overall physical state, appearance and composition of elements that are evident within and across the entire landscape or feature being addressed. Thus, just as 'working landscape' elements (areas of pasture, forest woodlots, buildings, fencing, roads, etc) might be subsumed within an ONL that is still sufficiently natural, expressive, conspicuous, etc to qualify as such, it is equally true that within most of New Zealand such elements cumulatively ensure that the landscapes they lie within are less than outstanding. Weighing up such balances is fundamental to the process of landscape assessment, but there can be no presumption that natural elements will always 'outweigh' cultural elements when looking at landscapes which combine both of these 'layers' – such as around Turitea.

## Shannon Bray

25. Mr Bray also addresses the issue of the status of the land within and around Turitea:

*“73. In this respect, I find that the minor landscape unit containing Hardings Park and Turitea Reserve is close to being considered outstanding. However, being in agreement with Mr Brown’s analysis of the outstanding regional landscapes, I don’t consider that it does fall within the s6 category in a wider view of the region, but rather it ranks highly within the special amenity landscape category.*

*74. Of lower significance are the three landscape units incorporating the main ridgeline of the Ranges, running from South Range Road to Wharite Road. I don’t consider that as a whole unit this part of the landscape is outstanding, but the skyline is also at the higher end of the scale in terms of having significant amenity value.*

*75. I also class the foothill minor landscape units I have described and mapped as significant landscapes (although not outstanding), as whilst they don’t form the skyline from a majority of locations, they are significant in their contrast to the productive plains. The foothills of Bryant Hill, Ngahere Slopes (above the Ngahere Park forest) and Te Mata form a dominant rural backdrop to residential and productive development. These foothills are also significant in contributing to the dominance of the Tararua Ranges in the wider landscape.”*

26. **Comment:** I think that Mr Bray is entirely correct in his assessment of the situation around Turitea; there is no doubt in my mind that the area around Hardings Park is one of transition – away from the more modified landscape of my Unit 27 into the truly outstanding landscape that focuses upon the Tararua Forest Park (LU2). Landscape Unit 27 remains an Amenity Landscape, in my opinion, because, on one hand, it affords a prominent and well defined hill backdrop to both the Manawatu Plain and valley environs around Pahiatua: its central ridgeline and associated remnant native forest reinforce such value. On the other hand, however, the Landscape Unit’s natural science values, expressiveness, aesthetic value and other key landscape values are (as I have already stated) limited by the physical presence of peripheral areas of open pasture, pine forestry and even rural-residential development that otherwise dominate the outer (especially western) flanks of the northern Tararuas when viewed from the Manawatu Plain and river terraces either side of Pahiatua.

## Clive Anstey

27. Mr Anstey also states (Para. 26) that he generally concurs with my delineation of ONLs and Amenity Landscapes, but then (Para. 27) presumes that I accept Schedule F’s identification (Manawatu Wanganui Regional Policy Statement) of the ‘skyline of the Tararua Ranges’ as an Outstanding Natural Feature (ONF) because I have not specifically disputed that identification. This is not true: my Para 64 (evidence in chief) makes it clear that I have re-defined the extent of the Tararua Ranges ONL / ONF in terms of my Landscape Units 2 and 27. I have already elaborated on the reasons for drawing a distinction between those parts of the Tararua Ranges – and, by extension, their skyline – that lie within either the ONL of my Landscape Unit 2 or the Amenity Landscape of Landscape Unit 27.

28. At Paragraph 31, while Mr Anstey further concurs with my view that the Turitea landscape is less than outstanding at the 'regional scale', he is more equivocal at the city / district scale or level. Building on the latter, he then introduces the research undertaken by Mr James Baines, with his assistance. Given my area of specialisation, I leave it to other experts to comment on that research, but must acknowledge that I am not surprised to find that those who participated in that study were 'conflicted' and, in effect, caught between the 'stools' of environmental responsibility and concerns about the proposed wind farm's potential for more direct impacts on their environs.
29. I also note Mr Anstey's comments about the significance of the ridges at, or near, the effective summit of the Tararua Ranges around the Turitea site (Paragraph 38). Again, I don't dispute his description of the sequence of ridges and spurs that unfold as one moves around, and away from, the margins of the Ranges. However, their background role does not, of itself, connote the sort of distinction or significance associated with ONLs, although it may reinforce the amenity value of the skyline sequence from the Pahiatua Track or even the Manawatu Gorge southwards.
30. Continuing on to Mr Anstey's Paragraph 50, where he again reads perhaps a little too much into my evidence in adducing that "*Mr Wyatt may be persuaded to agree with Mr Brown; at least from some perspectives the Turitea Reserve landscape is outstanding*". He then goes on to state that such values relate to views from the City of Palmerston North and the wider Manawatu Plains. Yet, it is precisely in such views that the outer periphery of pasture, exotic forestry and rural-residential development weigh most heavily – effectively reducing the coherence, legibility and overall integrity of the Ranges landscape. As I have already stated, the sort of expressiveness and coherence that I associate with ONLs only starts to clearly emerge north of Shannon, in conjunction with the emerging primacy of the forested hill country at the core of the Tararua Forest Park. I have not assessed the Turitea landscape in a strictly local context, but doubt that my findings would substantially change at that level.
31. Much later in his evidence, at Paragraph 119, Anstey repeats much the same assertion in suggesting that I agree that: "*there are large parts of the Turitea Reserve that do meet the criteria generally used to establish an area of 'outstanding landscape'*". Without wishing to sound overly repetitive, I believe that I have explained why the Reserve lands are less than Outstanding in my opinion, and any inference to the contrary could only have arisen from an incorrect interpretation of what is stated in my evidence in chief.

**Stephen Brown**

**5 June 2009**