

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

Of the Variation to the Proposed District  
Plan, Upper Clutha Landscape Schedules

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**MEMORANDUM ON BEHALF OF**

**DR JOHN COSSENS**

Date: 15<sup>th</sup> of May 2026

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## MAY IT PLEASE THE COMMISSION

### UCES and Mr. Haworth

1. I would like to formally object to the Commissions decision to accept Mr Haworth as successor to the UCES submission.
2. I submit that given the UCES is now defunct the matter of the Upper Clutha Landscape Schedules must also be at an end for reasons outlined below.
3. The Commission will appreciate and recall that the need for 'non priority area (PA) Upper Clutha landscape schedules was rejected by the Environment Court in its 2019 decision<sup>1</sup> where the Court held that the focus of the landscape scheduling was to be centred on the 'priority areas' or those areas of the district most under development pressure.

*[162] We agree with both witnesses that the ONF/L and Upper Clutha RCL Values' Identification Frameworks should be targeted to Priority Areas.*

4. I would also note that in the decision by the Ministry for the Environment to allow an extension enabling this hearing to proceed, the MoE commented *'The Variation will identify relevant landscape values and capacity for change without altering the existing rule framework, which will improve consistency and resolve current inefficiencies in the Proposed District Plan (PDP). The Variation will also directly address the Environment Court's finding that the PDP lacks landscape schedules for ONLs/ONFs and RCLs.'*<sup>2</sup>
5. Presumably the last comment came from the QLDC extension application but it is not correct, and disingenuous of the Council to suggest such. The Court actually found that it was not appropriate for ALL ONL/ONF's and RCL's to be overlaid with landscape schedules but ONLY those priority areas under development pressure, namely the PA's

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<sup>1</sup> [2019] NZEnvC 205 Topic 2.2 19 Dec

<sup>2</sup> Plan Stop decisions, MoE, 13 March 2026

6. Panel members may also recall that the Council and its experts were all against an Upper Clutha landscape study in any form let alone the non-PA areas, and so it was considered a complete about face that the Council then agreed to undertake a further study of 'non PA's' following an appeal to the High Court by the UCES. To reiterate, the non-PA schedules were sought by the UCES not the Environment Court.
7. Therein lies the issue, the Council agreement for a non-PA landscape study was with the UCES not Mr. Haworth and thus given the UCES is now no longer in existence, that agreement must be at an end as you can't have a legal agreement to undertake a study with an entity that no longer exists.
8. The Environment Court was very concerned at the time and cost of undertaking a non-PA study and those concerns have been borne out with the schedules still being developed 5 years after the first appeal decisions and the cost (on-going) in time and money to submitters and appellants has been substantial.
9. While recognizing Mr. Haworth's lay experience as an environmental advocate over many years, he is not an incorporated society with its associated rules and requirements and so it seems incongruous that the Commission can now simply assign 'a Society's' submission over to an individual.
10. It is therefore my submission that the agreement between the QLDC and UCES (which went against the directions of the Environment Court) is null and void now that the UCES is dissolved and it is not possible for an individual such as Mr. Haworth to simply be assigned as the successor to that agreement. As such, there is no legal requirement (and certainly not from the Environment Court) for non-PA or Upper Clutha Landscape Schedules to be completed.

Dated this 15<sup>th</sup> day of May 2026



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Dr John Cossens, Wanaka