

Introduction

1. My evidence addresses planning matters associated with the Upper Clutha Landscape Schedules Variation (UCLS) to introduce one PA Schedule, for the Mata-au Clutha River ONE, and 12 non-PA RCLs for areas within the Upper Clutha Basin.
2. 55 submissions and six further submissions were received, amounting to 1,041 original submission points and 449 further submission points.
3. The Variation has a dual purpose. In relation to the Mata-au Clutha River PA, the Variation has been prepared to implement the strategic direction of the PDP which relate to PAs. In relation to the Upper Clutha non-PA RCLS, this Variation has been prepared to better achieve the objectives and policies of Chapters 3 and 6.
4. This Variation follows the PALS Variation which confirmed the contents of Preambles 21.22 and 21.23 and the contents and role of the PALS Schedules. The PALS and UCLS Schedules contain technical landscape information to be used in implementing Chapter 3 and 6 provisions, but are not themselves objectives, policies or rules. The Schedules will apply to resource consent applications in the rural zone, at restricted discretionary level and above, they represent a point in time and they assist, rather than replace, application-specific landscape assessments.
5. My s42A Report supported a number of changes proposed by submitters and recommended some changes to Preamble 21.23 text in response to those submissions.
6. Following expert conferencing, I consider that the Rebuttal Recommended Version of the UCLS attached as Appendix 1 to my rebuttal statement is the most appropriate, and that submissions should be accepted or rejected in accordance with my recommendations in Appendix 2 to my rebuttal statement.

Areas of Planning Expert Disagreement

Efficiency and effectiveness of the Schedules

7. In my s42A Report and rebuttal statement I have stated that identifying landscape attributes, values and capacity at the district plan level is a more efficient, streamlined approach than case-by-case identification from first principles. Having this outline or 'starting point' of an area's landscape attributes, values, and capacity also reduces misinterpretation and inconsistencies across landscape assessments, giving more certainty that the PDP framework can effectively manage adverse effects on landscape character and visual amenity values. Schedules can also make monitoring more efficient and effective by providing a baseline for measuring change against.¹

1 s42A Report, paragraphs 9.16 and 9.21, rebuttal statement, paragraphs 7.1 to 7.6.

8. In response to submissions, I have recommended changes to Preamble 21.23, to improve clarity and certainty as to how the Schedules are interpreted and applied.²

Strategic support for the schedules

9. Expert evidence has raised concerns that there is no strategic support for non-PA schedules.³ In my rebuttal statement, I have set out my view that Chapter 3 reflects the Environment Court's Decision 2.2 which directed Council to schedule specific PAs (including the Mata-au Clutha River ONF) and gave Council the discretion to schedule additional areas. I note that while the PALS Variation was expressly directed to occur by a PDP Chapter 3 provision, a plan provision directing a plan change to occur, is not a pre-requisite for a plan change.
10. In my evidence I explain that the Chapter 3 and 6 objectives and policies already provide for the maintenance or enhancement of visual amenity and landscape character values, and already provide for proposal-specific assessments of values and landscape capacity.⁴ Scheduling non-PAs therefore, gives greater certainty that these objectives and policies of Chapters 3 and 6 can be achieved.⁵
11. In my s42A Report and rebuttal statement, I have also explained that non-PA Schedules and their contents are aligned with the 2021 RPS.⁶ I would like to amend an error in my Rebuttal Statement, at footnote 11, and clarify that there was a change as between the 2019 RPS and the 2021 RPS. However, I clarify that under NFL-M1, the 2021 RPS provides that the Council *may* identify highly valued natural features and landscapes, and under NFL-P1, the 2021 RPS does require that any identification of values must be done using physical, associative and perceptual factors, and identification of Kāi Tahu values and indigenous species must expertly employ Te Ao Kāi Tahu methodologies, paradigms and mātauraka.
12. If the non-PA Schedules are listed in Schedule 21.23, assessment matter 21.21.2.1.a directs Council to have regard to them when undertaking a landscape assessment for a proposal. Reflecting on the discussion recorded in the JWS, I have recommended referencing this assessment matter in Preamble 21.23, to clarify the role of the schedules in the resource consent process.⁷

Appropriateness of the non-PA Schedules, including the sizes

13. Expert evidence has also raised concerns that the smaller RCL schedules are less effective or efficient. I adopt Ms Gilbert's view that these schedules are of an appropriate scale to determine

2 s42A Report, paragraph 3.13, rebuttal statement, paragraph 3.1.

3 See Planning Evidence of Dan Curley, Scott Edgar, Morgan Shepherd.

4 s42A Report, paragraph 9.16 – 9.21, rebuttal statement, paragraphs 7.2.

5 rebuttal statement, paragraphs 5.1 – 5.2.

6 s42A Report, paragraph 7.14, and rebuttal statement, paragraph 5.2(a).

7 rebuttal statement, paragraph 3.1(a).

landscape capacity, and that the Environment Court has also accepted smaller schedules are appropriate. I also note that a number of submitters also support these smaller schedules.

Reference to the Queenstown Lakes Spatial Plan 2021

14. In my rebuttal statement, I recommend amended guidance text for the capacity ratings that reference the Spatial Plan. These changes clarify that the Spatial Plan is relevant contextual information informing the landscape capacity rating for urban expansion and rural living. The Spatial Plan could be had regard to as another relevant matter in a resource consent application.⁸

Impact on rural activities

15. I can address new material provided in legal submissions and lay statements if that would assist the Panel.

Emily Frew

Dated: 1 September 2026

8 rebuttal statement, paragraphs 8.2 – 8.3.