

Before the Independent Hearing Panel

Under the

Resource Management Act 1991

In the matter

of Upper Clutha Landscape Schedules Variation to the
Queenstown Lakes Proposed District Plan

**SECTION 42A REPORT OF EMILY CLARE FREW ON BEHALF OF QUEENSTOWN
LAKES DISTRICT COUNCIL**

PLANNING

29 May 2026

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Appendix 1: Recommended Variation

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Appendix 4: Updated Maps to be inserted into the ePlan.

1. INTRODUCTION

1.1 My full name is Emily Clare Frew. I am employed by the Queenstown Lakes District Council (**Council** or **QLDC**) as a Policy Planner. I have been in this role since December 2024.

Qualifications and Experience

1.2 I hold the qualifications of Bachelor of Arts (Hons) majoring in History from the University of Auckland and a Post Graduate Diploma in Planning from Massey University. I am an associate member of the New Zealand Planning Institute.

1.3 I have been employed in the policy and planning sector since January 2021. I was previously employed as Policy Advisor for the Ministry of Transport from December 2023 – December 2024, and as a Transport Planner at Mott MacDonald Ltd from January 2021 – December 2023.

1.4 Through the course of my planning and policy roles, I have been involved in:

- (a) Advising Councillors of the changes required to the Proposed District Plan (**PDP**) following changes to National Planning Policy instruments;
- (b) Undertaking monitoring of the Operative District Plan under s 35 of the Resource Management Act 1991 (**RMA**);
- (c) Drafting of provisions for various chapters for a district plan review; and
- (d) Summarising submissions and further submissions, including those received on the Priority Area Landscape Schedules Variation (**PALS Variation**).

Code of Conduct

1.5 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. The Council, as my employer, has authorised me to give this evidence on its behalf.

Site Visits

1.6 I am generally familiar with the Upper Clutha Basin, including the land that is subject to the Upper Clutha Landscape Schedule Variation. This is through my work in in the district since 2024, and multiple site visits within the Upper Clutha Basin across that time.

1.7 After submitter evidence has been filed, I intend to undertake further site visits to the areas that submitters raise specific issues about.

2. SCOPE OF THIS SECTION 42A REPORT

2.1 In this section 42A report, I provide recommendations to the Independent Hearing Panel on the submissions and further submissions received on the Upper Clutha Landscape Schedules Variation (**UCLS Variation or the Schedules**) to the Proposed District Plan (**PDP**). I rely on Ms Bridget Gilbert’s technical expert evidence for the Council, which addresses landscape matters.

2.2 I attach the following appendices to this Report:

(a) **Appendix 1:** The recommended amendments to the UCLS as notified, being:

- Appendix 1A – Policy Change – Chapter 3 (no change from Notified version)
- Appendix 1B – Recommended Preamble 21.23;
- Appendix 1C – Recommended Landscape Schedules; and

(b) **Appendix 2:** The Recommendation on Submissions Table, which includes the submitter name, number,¹ relevant provision, the relief sought and recommendations on all submissions and further submissions (relying on the evidence of Ms Gilbert where necessary). I note that Ms Gilbert’s Appendix 1, sets out her recommendation on submissions relevant to her area of expertise in detail,

1 Where submission numbers and submission points are referenced in this report, the submission number allocated by Council has been used.

- (c) **Appendix 3:** The documents relied upon in preparation of this s42A report, and referred to.
- (d) **Appendix 4:** Updated Maps of the Mata-au Priority Area Landscape Schedule and 12 non-Priority Area Schedules, attached as PDFs and a link to an interactive web map showing the maps as they are proposed to be included in the PDP e-plan mapping tool.

2.3 My evidence sets out a summary of the UCLS Variation, the background and context, and the statutory policy provisions that are relevant.

2.4 I have structured my evidence on the relief sought by submitters, as follows:

- (a) **Theme 1:** Submission points that are out of scope
- (b) **Theme 2:** Preparation of the Variation
- (c) **Theme 3:** The hierarchy of the landscape Schedules
- (d) **Theme 4:** Mapping approach and scope of Schedule areas
- (e) **Theme 5:** Application of the Schedules
- (f) **Theme 6:** Capacity Ratings
- (g) **Theme 7:** Additional cost and regulatory burden
- (h) **Theme 8:** Catch all relief

2.5 For each topic, I summarise the key issue(s) and relief sought by submitters, consider whether the relief sought better achieves the objectives of the PDP, and evaluate the appropriateness, including the costs and benefits, of the requested changes in terms of s32AA of the RMA.

3. EXECUTIVE SUMMARY

3.1 The UCLS Variation to the PDP proposes to:

- (a) insert one Priority Area (**PA**) Outstanding Natural Feature Schedule (**ONF**) into Schedule 21.22 of Chapter 21 – Rural Zone of the PDP;
- (b) insert 12 non-Priority Area (**non-PA**) Rural Character Landscapes Schedules (**RCLs**) into Schedule 21.23 of Chapter 21 – Rural Zone of the PDP;
- (c) Support the inclusion of the Schedules by also inserting associated mapping of the Scheduled areas in the ePlan;
- (d) amend Strategic Policy (**SP**) 3.3.36 of Chapter 3 *Strategic Direction*;² and
- (e) amend Preamble 21.23 *Upper Clutha Rural Character Landscape Priority Areas Preamble* of Chapter 21 *Rural Zone*.

3.2 The UCLS Variation was originally intended to be notified as part of the PALS Variation. However, Council was required to notify the PALS Variation by a certain date and additional time was needed to prepare the changes to the Mata-au Clutha River PA in response to an Environment Court direction (arising from a section 293 process).

3.3 Like the PALS Variation, the UCLS Variation is intended to provide guidance and clarity, with respect to landscape attributes and values, and associated landscape capacity, for certain types of resource consent applications in the Rural Zone. These changes are intended to give better effect to the strategic objectives and policies of Chapter 3 of the PDP.

3.4 Appeals on the PALS Variation have largely been resolved. All ‘general’ relief, including relief relating to Preamble 21.23, has been resolved,³ and only a small number of appeals remain outstanding in respect of their schedule specific relief.⁴ Preambles 21.22 and 21.23, as amended by the Environment Court, have been incorporated into the PDP (with the amended mapping for the PA Schedules also incorporated into the PDP ePlan).

2 Noting there are no additional recommended amendments to the notified version of Policy 3.3.36

3 Refer to *Burdon v Queenstown Lakes District Council* [2026] NZEnvC 40.

4 The outstanding PALS are accessible online at < <https://www.gldc.govt.nz/your-council/district-plan/proposed-district-plan/appeals/landscape-schedule-variation-appeals-2024/>>.

- 3.5** No changes have been proposed to the mapped extent of the one ONF PA Schedule 21.22.25 Matau Au Clutha River that has been endorsed by the Environment Court through the PALS Variation.⁵ Ms Bridget Gilbert does recommend refinements to the approach to the mapping of the Mata-au Clutha River PA but no change to its extent, to bring it into line with the approach of the PALS mapping as confirmed by the Environment Court.
- 3.6** The UCLS Variation does not change any objectives, rules or other provisions in the PDP. The only policy change proposed is to insert a reference to the Mata-au Clutha River alongside the other PALS listed in Strategic Policy 3.3.36.
- 3.7** A total of 55 submissions and six further submissions were received on the UCLS Variation, amounting to a total of 1,041 separate submission points.
- 3.8** In summary, submissions raised the following key issues, which I have grouped into themes for the purposes of my s42A Report:
- (a) the adequacy of consultation;
 - (b) whether the UCLS Variation is consistent with Part 2 of the RMA or with national direction;
 - (c) whether the UCLS Variation adequately considered costs and benefits;
 - (d) how the geographic boundaries of the schedules were decided;
 - (e) how the scope, values and capacity of scheduled land were decided based on its landscape merits;
 - (f) how the schedules relate to and are applied through the PDP framework, particularly their ability to permit or prohibit activities in the rural zone;
 - (g) whether the application of the Schedules is clear;
 - (h) clarification on the relationship between PA and non-PA RCL schedules;
 - (i) whether the schedules enable change over time.
- 3.9** Submissions that require a planning assessment and recommendation are addressed in this s42A report. Ms Gilbert’s evidence provides recommendations on

⁵ Upper Clutha Environmental Society Inc v Queenstown Lakes District Council [2022] NZEnvC 244.

all landscape-related submission points. This s42A therefore needs to be read alongside the evidence of Ms Gilbert.

3.10 Ms Gilbert and I have recommended several amendments to the notified UCLS variation in response to submissions received, and to align with the approach decided for the PALS Variation, endorsed by the Environment Court in *Burdon v Queenstown Lakes District Council* [2026] NZEnvC 40 (**Topic 1 Consent Determination**).

3.11 As a point of clarification, the UCLS Variation, when notified,⁶ proposed several changes to Preamble 21.23 (**the notified Preamble**). Subsequently, through the Topic 1 Consent Determination on the PALS Variation, the base version of the notified Preamble 21.23 has been superseded. An updated version of Preamble 21.23 is now being proposed (**the proposed Preamble**) that carries over the intent of the changes proposed in the notified UCLS Variation, but makes these changes to the updated base version of Preamble 21.23. In addition to these changes, the proposed Preamble 21.23 also shows additional changes to the notified UCLS Variation, recommended in this section 42A report.

3.12 Several submitters sought relief that changes align with the approach confirmed through the PALS Variation,⁷ clarification on whether all RCLs in the District have been Scheduled,⁸ and that the notified Preamble 21.23 clarify how PA RCLs differ from non-PA RCLs.⁹ These submissions give scope for changes recommended to the e-plan maps and notified Preamble 21.23, and are addressed in the Theme sections below.

3.13 In summary, I recommend the following changes to the UCLS Variation:

- (a) Changes to the notified Preamble 21.23:
 - (i) a new section 2 to clarify the relationship between non-PA and PA landscape schedules, as provided for in SP 3.3.44;

6 Date of notification: 15 November 2024

7 OS29.4, OS30.9, OS37.3

8 OS4.4

9 OS41.8

- (ii) a new clause 4.1 to clarify that only the Upper Clutha Basin RCLs have been scheduled;
- (b) amendments to the e-mapping tool of the PDP to include the one PA and 12 non-PA RCLs in the format identified in the proposed Preamble 21.23,¹⁰ which is consistent with the current PALS mapping approach in the PDP ePlan; and
- (c) Changes to the content of the Schedules such as minor corrections, changes to descriptions attributes and values, and changes to capacity descriptions, as recommended in Ms Gilbert's evidence.

3.14 The recommended changes to the notified UCLS variation are set out in **Appendix 1** and specific recommendations on submissions and further submissions received are set out in **Appendix 2**.

3.15 Overall, I consider that these changes are the most appropriate way to achieve the relevant strategic objectives and policies of the PDP, and are the most appropriate way to achieve the objective of the UCLS Variation and purpose of the RMA.

¹⁰ See Proposed Preamble 21.23, clause 3.

5. BACKGROUND TO THE UCLS VARIATION

Topic 2 – Rural Landscapes PDP Appeals

- 5.1** The background of the UCLS Variation has been outlined in the section 32 report.
- 5.2** In summary, the UCLS Variation follows the PALS Variation which introduced landscape schedules for 24 PAs within Outstanding Natural Landscapes (**ONLs**) and ONFs and five PAs within RCL to give effect to the strategic objectives and policies in Chapter 3 of the PDP which required the Council to notify a plan change to identify specified Rural Zone PA's within ONF/Ls, in Schedule 21.22 and PA RCLs in Schedule 21.23. (SP 3.3.42). In the case of ONF/Ls, Schedules were to describe the landscape attributes, values and related landscape capacity for subdivision, use and development activities. For RCLs, schedules were to describe landscape attributes, character and visual amenities and related landscape capacity for subdivision, use and development activities.¹¹
- 5.3** The Environment Court had introduced the above Strategic Policies as a result of appeals on Stage 1 of the District Plan Review relating to the management of landscapes in the Rural Zone.¹² In summary, the Environment Court found that the protection of landscape values, maintenance of landscape character and maintenance and enhancement of visual amenity values, without specifying what those values were, did not provide enough certainty to ensure the policy direction of the PDP, and in turn Part 2 of the RMA, could be achieved. A list of relevant values helps 'plug that gap' and scheduling values would assist the PDP to fulfil its purpose.¹³
- 5.4** The Environment Court limited the scope of ONF/L and RCL Schedules to 'Priority Areas', as it would have been too significant an undertaking to identify the landscape values, character and visual amenity values in a District where 97% of landscapes are classified ONF/L. The Environment Court underwent a process with landscape architects and planners to identify 29 landscapes where development

11 See Strategic Policies - SP 3.3.36, SP 3.3.37, SP 3.3.39, SP 3.3.40.

12 Commencing with [2019] NZEnvC 205

13 [2019] NZEnvC 160, [30]-[31]

pressure was more likely and may result in cumulate effects on the landscape. These Schedules were to be included in the PDP first.

Priority Area Landscapes Variation and Appeals

- 5.5** To give effect to the strategic direction, the Council notified the PALS Variation to the PDP on 30 June 2022. Council accepted Panel recommendations on the Variation on 21 June 2024.
- 5.6** The PALS Variation has now been subject to a number of Environment Court appeals, most of which were resolved as of March 2026 via the Topic 1 Consent Determination, and Consent Orders.
- 5.7** The Topic 1 Consent Determination¹⁴ granted general relief (allocated to 'Topic 1') in relation to Preamble 21.22 and 21.23, and all schedules. The agreed amendments endorsed by the Environment Court included:
- (a) Amendments to clarify that the PA Schedules capacity ratings apply to the Rural Zone PA Areas only, but that the PA schedules contain contextual information that may be relevant for resource consent applications outside the Rural Zone PA Areas and landscape assessments informing plan development proposals.
 - (b) Amendments to mapping to create distinction between the 'Priority Area Assessment Extent' (outer boundary of the PA) and the 'Rural Zone Priority Area' (Rural Zone land within the PA).
 - (c) Relocation of the PA maps so that they form part of the PDP mapping tool, rather than being held as material incorporated by reference in the PDP, and consequential amendments made to Chapter 3 of the PDP to remove reference to material incorporated by reference.
 - (d) Amendments to emphasise the PA Schedules represent a point in time, are not intended to provide a complete record, and that proposal-specific assessments may identify further or different values.
 - (e) Amendments to further explain the basis for landscape capacity ratings and associated descriptions, including an explanation that they are high

14 Burdon v Queenstown Lakes District Council [2026] NZEnvC 40.

level and not intended to describe the relevant capacity of specific sites within the Rural Zone PA.

Relationship between the PALS and UCLS Variations

- 5.8** Separately from the PALS Variation, which was directed by the Environment Court’s Topic 2 decisions, Council decided to notify the UCLS Variation.
- 5.9** While the Environment Court’s Topic 2 findings were to identify only Priority Areas of the Upper Clutha Basin, in making the decision to initiate the UCLS Variation in November 2024, the Council accepted that ongoing management of the Upper Clutha Basin’s special landscapes would benefit from a study that assessed the entire area.
- 5.10** The Council’s original intention was for both the PA landscape schedules and RCL Schedules to be included in one variation to the PDP. However, as Council was required to meet a specified date for the notification of the PA Landscape Schedules Variation (as directed by SP 3.3.42), more time was needed to ensure that the identification and assessment of the Upper Clutha RCLs (not identified as PAs) was undertaken in a robust manner. This meant that the landscape scheduling assessment work needed to be split into two variations to the PDP.
- 5.11** Similarly, the Mata-au Clutha River was originally identified as a PA and intended to be notified alongside the other PAs as part of the PALS Variation in June 2022. However, Council was directed by the Environment Court to amend the PDP maps and categorise the feature as an ONF (and not an ONL) and to amend the boundaries of the feature as part of a s 293 process.¹⁵ The revised Mata-au Clutha River ONF boundaries were confirmed by the Environment Court in November 2022.¹⁶ This meant that the Mata-au Clutha River could not be notified with the other PAs on 30 June 2022 and has instead been notified as part of the UCLS Variation.

15 Decision 2.1; Decision 2.2; Decision 2.5; and Decision 2.9.

16 Decision 2.14 and Decision 2.15.

5.12 The UCLS Variation is intended to ‘build on’ and align with the learnings and outcomes of the PALS process and decisions. As Ms Gilbert has pointed out, the PALS Council-level hearing processes preceded the drafting of the UCLS Variation, and this allowed the UCLS to integrate the relevant amendments agreed through the PALS expert conferencing, along with amendments recommended by the Panel. In addition, the UCLS Variation has now had opportunity to draw upon the structural changes made through the Environment Court appeals process on the PALS.¹⁷

6. SUMMARY OF THE PROPOSED UCLS VARIATION

6.1 The UCLS Variation proposes to introduce 12 new landscape schedules for non-PA RCLs and one landscape schedule for a PA ONF, and associated mapping.

6.2 The Variation also proposes to amend Strategic Policy 3.3.36 of Chapter 3 *Strategic Direction*¹⁸ and the notified Preamble 21.23 of Chapter 21 *Rural Zone*.

6.3 The additional landscape schedules proposed to be introduced by the notified UCLS Variation are:

- (a) PA Schedule (relates to ONF):
 - (i) 21.22.25 Mata-au Clutha River

- (b) non-PA RCL Schedules:
 - (i) 21.23.6 East of Wānaka Mt Aspiring Road
 - (ii) 21.23.7 Studholme Road
 - (iii) 21.23.8 Riverbank Road
 - (iv) 21.23.9 Wānaka Airport Environs
 - (v) 21.23.10 Northern End of Criffel and Pisa Range Foothills
 - (vi) 21.23.11 East of Luggate
 - (vii) 21.23.12 Sheepskin Creek
 - (viii) 21.23.13 Kane Road and Luggate – Tarras Highway
 - (ix) 21.23.14 Hāwea Moraine
 - (x) 21.23.15 Hāwea Basin

¹⁷ Evidence in Chief of Bridget Mary Gilbery on Behalf of Queenstown Lakes District Council, Landscape, 29 May 2026, paragraphs 4.17-19.

¹⁸ Noting this s42A does not propose any changes to the version of SP 3.3.36 that was notified

- (xi) 21.23.16 Crosshill
- (xii) 21.23.17 Quartz Creek and Maungawera

6.4 Specifically, this UCLS Variation has been prepared:

- (a) For the Mata-au Clutha River, to implement the requirements of the PDP relating to PAs (as it relates to schedule 21.22.25 Mata-au Clutha River);¹⁹ and
- (b) For the areas of the RCL that are not captured in PA RCLs, to better achieve the objectives and policies in Chapter 3 *Strategic Direction*, Chapter 6 *Landscapes – Rural Character* and Chapter 21 *Rural Zone* by providing detailed descriptions of the values to be maintained or enhanced for Upper Clutha RCLs that are not PAs.

6.5 Like the PALS Variation, the UCLS Variation implements the policy direction given in Environment Court Decision 2.1 (to ‘fill the gap’ as I explain in Theme 2 of this s42A Report) by providing detailed descriptions of the landscape values that the PDP requires are to be protected in the case of the ONF or ONL Schedules. The UCLS Variation applies the same approach to the RCLs where the PDP requires landscape values to be maintained or enhanced in the case of the RCL Schedules. This also gives effect to an agreement reached in the resolution of an appeal as explained further in Theme 2.

6.6 As discussed earlier, my recommended changes are to carry over the changes of the PALS Preamble 21.23, consolidate these with the changes to the notified Preamble 21.23, and respond to submissions to clarify the application of the Schedules to both PA and non-PA RCLs.

6.7 My recommendation is to also adopt the PALS Variation approach to mapping the landscape schedules, to include the PA landscape schedules in the PDP e-Plan mapping tool, rather than being held as material incorporated by reference in the PDP, and to show the outer boundary (the ‘Assessment Extent’) of land that was considered when creating the Schedules, to ensure that the assessment was on a

¹⁹ See SP 3.3.29

proper landscape basis. I make minor amendments to the text of the notified Preamble 21.23 to apply this approach to both PA and non-PA RCLs.

- 6.8** The landscape methodology used to prepare the schedules introduced by this Variation is set out in Chapter 3 *Strategic Direction*, the methodology report (Appendix C1 to the s32 Report), and is described in the evidence prepared by Ms Gilbert.

7. STATUTORY FRAMEWORK

- 7.1** The Resource Management Act 1991 (**RMA**) sets out the statutory framework for considering the submissions on the UCLS Variation. Relevant sections include those concerning: the functions of territorial authorities (section 31); requirements for evaluation reports and further evaluation reports (section 32 and 32AA); purpose of district plans (section 72); preparing and changing district plans (section 73); matters to be considered by a territorial authority when changing a district plan (section 74); and contents of district plans (section 75). The procedure and requirements of Schedule 1 to the RMA are also relevant.

- 7.2** Sections 74 and 75 of the RMA require:

- (a) That the district plan is prepared in accordance with Part 2 of the RMA;
- (b) A s32 evaluation;
- (c) That the district plan is prepared in accordance with any national policy statement and any regulations;
- (d) That any relevant planning document recognised by an iwi authority be taken into account;
- (e) That the district plan must give effect to any national policy statement;
and
- (f) That the district plan must give effect to any regional policy statement.

- 7.3** As set out in the s32 report, the UCLS Variation relates to specific areas within the identified and mapped ONF and RCL within the Queenstown Lakes District.

- 7.4** The RMA requires that ONLs and ONFs are protected from inappropriate subdivision, use and development pursuant to subsection 6(b) of the RMA. The RMA also requires that particular regard be had to maintaining and enhancing amenity values of the RCL under subsection 7(c).
- 7.5** The policy direction in Chapter 3 has been prepared to give effect to Part 2 and the UCLS Variation has been prepared to give effect to Chapter 3 strategic objectives and policies. As such, the UCLS Variation gives effect to Part 2.

National policy statements and any regulations

- 7.6** Since notification of the UCLS Variation on 15 November 2025, there have been several changes to National Policy Statements and regulations referred to in the section 32 evaluation report, relevant to the relief sought in submissions. I address the changes to National Policy Statements and regulations since the s32 report below.

National Policy Statement for Electricity Networks 2008 (amended 2025)

- 7.7** The National Policy Statement for Electricity Networks replaced the NPS – Electricity Transmission in December 2025 and came into force on 15 January 2026. The new NES-EN has weaker requirements to consider the effects of EN activities on section 6 values.
- 7.8** Where previous NPS-ET stipulated (in Policy 8) that the transmission system *should seek to avoid adverse effects outstanding natural landscapes, areas of high natural character ... high recreation value and amenity and existing sensitivity activities*, new NPS EN policy (8c) requires that decision-makers, *when considering environmental effects of EN activities, must recognise and provide for EN activities that have an operational need or functional need to be in a particular environments, including in areas with section 6 RMA values, with unavoidable adverse effects on those environments*. In addition, NPS EN policy (7.a.i) states *Decision-makers shall also recognise that the operational or functional need of EN networks may include the need for EN assets in all locations and environments including rural environments*.

- 7.9** The proposed Schedules are not in themselves prohibitive, as they do not introduce any rules in the PDP. Rather, they are to be considered in the assessment of effects of EN activities on s6 and s7 matters. Therefore, I consider that the UCLS Variation gives effect to the NPS-EN and would aid decision makers in their assessment of effects under Policies 7 and 8 of the NPS-EN.

National Policy Statement on Renewable Electricity Generation 2025

- 7.10** The NPS-REG amendments took effect from 15 January 2026. Policy F-2 of the NPS-REG requires that District Plan provisions on section 6 matters be considered alongside the NPS-REG when assessing the effects of REG assets and activities on the environment. Therefore, Schedule 21.22.25, by articulating the values that are to be considered in determining effects on an ONF, is consistent with the NPS-REG.
- 7.11** Under Policy F-3, adverse effects of REG assets and activities on non section 6 matters, *must be, where practicable, avoided, remedied or mitigated*. The non-PA RCL Schedules are also consistent with the NPS-REG because they outline the values and landscape character that is maintained and/or enhanced. They therefore provide for a more detailed assessment of the effects of NPS-REG assets and activities on s7 and other matters. In summary, I consider that the UCLS Variation gives effect to the NPS-REG.

Proposed Otago Regional Policy Statement 2021

- 7.12** Since the UCLS Variation, all appeals on the May 2026 Appeals version of the pORPS 2021 have been resolved and it is now beyond legal challenge. The last step is the Otago Regional Council decision for the pORPS to be made operative, which I anticipate it is likely to be in mid 2026.
- 7.13** The weight to be given to a proposed regional policy statement remains a matter for the decision maker, but generally, more weight is given to a plan the closer it gets to being made operative. In this case, given that the May 2026 pORPS has already been the subject of testing and public participation through the hearings and appeal process, and its final content has been confirmed by the Court, and is

beyond legal challenge, I consider there are good reasons to give the pORPS significant weight.

7.14 My assessment finds that the UCLS Variation would give effect to the pORPS Natural Features and Landscapes (NFL) objectives NFL-O1 and NFL-O2²⁰ and its associated policies NPL-P1, to identify areas and values of ONF/L or highly valued natural features and landscapes, and NPL-P2, to maintain the values that contribute to the ONF/L being considered outstanding, and avoid, remedy or mitigate adverse effects. The Schedules align with pORPS method NFL – M1, in which territorial authorities may identify highly values natural features and landscapes, and must map the areas and state the values of those areas of ONF/L, state the capacity of ONF/Ls to accommodate use or development while protecting values from inappropriate use and development.²¹

Iwi Planning Documents

7.15 The section 32 identified two relevant iwi management plans in the District:

- (a) Kāi Tahu ki Otago Natural Resource Management Plan 2005;
- (b) Te Tangi a Tauira – The Cry of the People.

7.16 The preparation of the UCLS Variation has taken into account the outcomes of the iwi management plans, and the objectives and policies in Chapter 5 of the PDP. As noted Council’s s32 report, Council also engaged Kāi Tahu via their representatives (Aukaha and Te Ao Marama) as part of the development of this Variation, and were provided with copies of the draft schedules for comment and inclusion of values.²² Ngāi Tahu ki Murihiku contributed to the schedules by collaborating with Kāi Tahu ki Otago to insert key references to values and relationships that are held across all landscape, including within the Schedule areas.

20 NFL – O1 That the areas and values of Otago’s outstanding natural features and landscapes are identified, and the use and development of Otago’s natural and physical resources results in the protection of them from inappropriate subdivision, use and development; NFL – O2 The identified values of any highly valued natural features and landscapes are maintained or enhanced.

21 Proposed Otago Regional Policy Statement June 2021, Appeals Version (clean), May 2026, page 217-220

22 Pursuant to clause 3(1)(d) of Schedule 1 of the RMA, also outlined in UCLS Variation s32 Report, p 8.

7.17 In addition, the UCLS Variation does not seek to change the approach established in Chapter 39 regarding Wāhi Tūpuna and protecting mana whenua values.

8. THEME 1: SUBMISSION POINTS THAT ARE OUT OF SCOPE

8.1 The scope of the UCLS Variation is limited to the contents of the Mata-au Clutha River PA Schedule and the 12 non-PA RLC Schedules, minor amendments to SP 3.3.36 and to Preamble 21.23. In addition, the mapping of Scheduled areas notified in the UCLS Variation are within the scope of the Variation.

8.2 The following are not in scope of the Variation:

- (a) The underlying RCL, ONF or ONL boundaries, or their classification,
- (b) amendments the boundaries of the Rural Zone or other zone changes.

This is because the Variation does not propose to make any changes to those matters. This approach aligns with the preliminary decision on the PALS Variation in relation to scope.²³ In-scope submissions that seek amendments to non-PA RCL Schedule boundaries, are addressed in Theme 4 and in Ms Gilbert's evidence.

Inclusion of non-RCL land in a Schedule

8.3 Two submitters have requested that additional land south of Studholme Road be included in a UCLS Schedule.²⁴

Response to submissions

8.4 The area south of Studholme Road is zoned Rural Lifestyle Zone and not classified as an RCL in the PDP. The UCLS non-PA Schedules apply to land zoned Rural Zone and would therefore require that the submitter's land be re-zoned as Rural and classified as RCL. Therefore, there is no scope to include this land in a UCLS Schedule as it can only apply to land that is RCL. I therefore recommend that these submissions are rejected.

²³ [2026] NZEnvC 40, [8]

²⁴ OS3.1, OS7.2

Changes to landscape classifications

- 8.5** Some submissions have requested changes to the landscape classification for certain land, or to remove existing landscape classifications for specific areas.²⁵ For example, a submitter²⁶ requests that a ONL classification is more appropriate than a RCL classification for landscape schedule 21.23.16 Crosshill.

Response to submissions

- 8.6** The PDP landscape classifications have been determined through Stage 1 of the PDP, or through Environment Court decisions where ONF/L and RCL boundaries were subject to appeal (in Topic 2). As these classifications are not the subject of this Variation, these submission points are out of scope and are recommended to be rejected.

Amending Chapter 3 provisions

- 8.7** One submitter requests that the 'Upper Clutha Balance Areas' (non-PA RCLs) are listed in Chapter 3 to provide certainty of landscape outcomes.²⁷
- 8.8** In addition, the submitter requests that the non-PA RCL areas should be referenced in Chapter 3 in the same manner as the PAs to satisfy the agreement between the Upper Clutha Environmental Society and Council, and to amend the UCLS Variation section 32 report to say that the objective of the UCLS Variation is to 'implement the requirements of the PDP relating to the Upper Clutha BA's through the inclusion of twelve landscape schedules'.²⁸

Response to submissions

- 8.9** In response to the above relief to amend strategic policies in the PDP, I note that other than the change to Strategic Policy 3.3.36 of Chapter 3 to add to the list of ONF/Ls, no other Chapter 3 provisions have been notified as part of this Variation.

25 For example, OS35.3, OS39.1

26 OS5.6

27 OS1.22

28 OS1.23, OS1.3

Consequently, I consider that the relief seeking to amend other strategic policies, is out of scope.

8.10 In addition, I do not agree with the submitter that Council agreed to reference the non-PA Upper Clutha RCL in their 22 May 2020 agreement.²⁹ In the agreement, Council committed to carry out a Values Identification Framework (VIF) exercise (under SP 3.3.40 – SP 3.3.41) for the entire Upper Clutha RCL. Although Chapter 3 requires this exercise to be carried out for PA Upper Clutha RCL, this does not ‘infer’ that the non-PA Upper Clutha RCLs would be listed in the same way as PA Landscape Schedules. It is my understanding that the PA Landscape Schedules are included Chapter 3 because of decisions on PDP Topic 2 appeals, identifying these areas as the most at risk of development pressure at the time of plan change. But as provided for in SP 3.3.44, PA status does not indicate higher landscape importance or vulnerability to subdivision, use or development.

8.11 Given the confined scope of the UCLS Variation as detailed above, these requests are considered to be out of scope and recommended to be rejected.

Other matters

8.12 One submitter has opposed the PDP applying to their land.³⁰

8.13 One submitter has requested that unmarked legal roads be opened to the public as part of the PDP under the recreational attributes and values section of the schedules.³¹

8.14 Another submitter has requested that consideration and discussions are needed with other initiatives around the District to ensure that all sectors are complementing one another and not working against each other.³² The submitter has also requested that the ecosystem services, te taiao, nature based solutions,

29 See Agreement 22 May 2020 between QLDC and UCESI, in proceedings CIV 2020 409 000053, included in the submission of Julian Haworth (1)

30 OS48.2.

31 OS51.2 and OS51.3.

32 OS49.3

and one health frameworks be at the core of how we develop and manage future progress and care for our region.³³

- 8.15** Another submitter requests that in the event the Urban Growth Boundary (**UGB**) is removed from the PDP, that reference to the UGB in Schedule 21.23.6 (East of Wānaka – Mt Aspiring Road) be deleted and replaced with reference to the urban zone.³⁴

Response to submissions

- 8.16** I consider that the above relief relating to the application of the PDP, unmarked legal roads, and consideration of other initiatives cannot be addressed by changes to the UCLS variation and are out of scope. For completeness, they are not addressing the changes to the PDP proposed by the UCLS Variation.

- 8.17** In response to the request to remove reference to the UGB in a Schedule, I note the UCLS Variation fits into the existing PDP rule framework which (at this point in time) includes the UGB and related objectives and policies. Future plan changes can address changes to the Schedules.

Summary of Recommendations: THEME 1

- 8.18** For the above reasons, I recommend that:

- (a) The above relief sought by Julian Haworth (1), Terry Drayon (3), Rod Macleod (5), Florence Micoud (7), Laing Dairy Limited (35), Kathryn and Vaughn Woodfield (39), Garry Derrick (48), Mandy Bell (49) and Dr Alexandra Durran (51) be **rejected**

33 OS49.4

34 OS4.6

9. THEME 2: PREPARATION OF THE VARIATION

9.1 A number of submitters reject the content of specific schedules, the Variation in its entirety or request re-notification based on the following sub-themes:

- (a) Council did not undertake meaningful consultation and engagement with affected landowners and farmers before notification.
- (b) The notified variation is not consistent with part 2 of the RMA and with National Direction.
- (c) The section 32 analysis should include a better assessment of alternatives,
- (d) The existing PDP provisions provide adequate landscape protections.

Matters raised by submitters

Consultation

9.2 Several submitters raise concerns that Council did not undertake sufficient consultation as part of the development of the Variation, and that further consultation is required.³⁵

9.3 One submitter³⁶ considers that further consultation should be undertaken with landowners and farmers to ensure that their views and practical realities are taken into account.

9.4 One submitter requests that the Variation should be ceased until meaningful consultation is undertaken with affected landowners. The submitter considers that the Let's Talk process was not sufficient and that it would have been useful to consult with farmers personally.³⁷

9.5 Another submitter requests that Council engage with farmers in a manner that recognises the ethic of stewardship.³⁸ The submitter considers that Council should have engaged early and meaningfully with affected landowners prior to notification and that limiting the ability to input only through the submissions process does not

35 OS11.3, OS11.4, OS11.25, OS25.1, OS41.3 and OS41.11.

36 OS 11.4

37 OS25.1

38 OS41.3

recognise the ethic of stewardship. The submitter also requests that the schedules be amended to include feedback from farmers.³⁹

Response to submissions

- 9.6** The consultation that was undertaken for the UCLS Variation is set out in detail in paragraphs 4.1 to 4.22 of the s32 Report. Between March and April 2022, Council undertook community pre-consultation on PA and non-PA Schedules, prior to the notification of the PALS Variation. Council then undertook pre-consultation on the non-PA RCL Schedules and the Mata-au Clutha River PA prior to the notification of the UCLS Variation. This pre-consultation, between July and August 2023, consisted of a drop in session on the 4 July 2023, and an online session between 22 June and 6 August via the Council's Let's Talk Page.
- 9.7** The purpose of both pre-consultations was to gather the community's perspective on the values associated with landscapes in the Upper Clutha. This feedback was then used to help inform the values and attributes that within each of the Schedules.
- 9.8** Council withdrew notification that was scheduled for 18 July 2024 to correct minor errors with the mapping of the Mata-au Clutha River ONF. Council was required to undertake consultation under clause 34 of RMA Schedule 1, to allow a reasonable opportunity for persons to comment on the proposal to incorporate material by reference and consider any comments made. This is required to be done before a variation, or plan change is notified. Council collected feedback via its Let's Talk page between 19 August 2024 and 30 August 2024. In total 15 persons provided feedback on the material, with a total of 68 individual feedback points which are set out in Council's memo on C34 Feedback.⁴⁰ While feedback was sought on the mapping, some respondents provided feedback on the Schedules themselves. In response to this feedback, Council made a number of text changes to specific Schedules.⁴¹

39 OS41.11

40 See Memo: C34 Feedback on the material proposed to be incorporated by reference in the PDP, October 2024. [Link](#)

41 See Section 32 - Appendix E Clause 34 Feedback and Recommendations.

9.9 Based on the above, I consider that Council’s approach to consultation demonstrates its awareness of, and compliance with Schedule 1 process requirements, and that it provided opportunities for affected landowners and others to engage in the UCLS Variation.

9.10 In response to the request the Schedules be amended to include feedback from farmers, any requests to amend the schedule text are being considered through the submission process. Ms Gilbert has provided a landscape assessment of relevant submission points which may result in changes to Schedules.

Consistency with Part 2 RMA or policy and plans

9.11 A number of submitters seek that the text of specific Schedules be amended to enable and recognise farming activities in a manner consistent with Part 2 of the RMA, or state that individual Schedules are contrary to the purpose and principles of the RMA.⁴²

9.12 One submitter requests it would be more consistent with the policies of the Regional Policy Statement and PDP, to limit landscape capacity to urban-type subdivision, use and development only.⁴³

9.13 A submitter requests Council assess the non-landscape provisions in the Otago RPS relating to productive land, for example, RPS 2019 objective 5.3 that ‘sufficient land is managed and protected for economic production’, and policy 5.3.1(a) to ‘manage activities in rural areas, to support the region’s economy and communities, by (a) enabling primary production and other rural activities that support that production’.⁴⁴

42 OS27.3, OS38.3, OS40.20, OS41.2. OS41.5

43 OS41.5

44 OS41.7

Response to submissions

- 9.14** In response to submissions seeking to amend the text of Schedules to enable and recognise farming activities,⁴⁵ note that the Schedules are engaged when an activity requires a consent at restricted discretionary level or above, requiring Council have regard to the landscape values identified in Schedule 21.22 and landscape character and visual amenity values identified in Schedule 21.23.⁴⁶ Permitted and controlled farming activities continue to be enabled.
- 9.15** In response to relief to amend or reject Schedules to enable and recognise farming activities in a manner consistent with Part 2 RMA and the RPS, I note that farming activities are a form of land use and development. Part 2 of the RMA, and as a consequence, the pORPS, require that ONFs and ONLs be recognised and protected from inappropriate subdivision, use and development pursuant to subsection 6(b) RMA, and NFL-O1. In addition, when managing adverse effects of development, ss7(c) of the RMA and NFL-O2 requires that particular regard be had to maintaining and enhancing amenity values. The Schedules have been prepared to assist in the give effect to Part 2 and the pORPS, in identifying what is sought to be protected within ONF/Ls and RCLs and what subdivision, use and development is therefore inappropriate. The Schedules therefore help to ensure farming activities can occur in a manner that is consistent with Part 2 of the RMA.
- 9.16** In response to the submission that individual Schedules are contrary to the purpose of the RMA, decisions made on ODP Stage 1, Topic 2 appeals held that scheduling values can help decision-makers identify what is sought to be protected, what is inappropriate for s6(b) purposes, and what landscape character and amenity values are to be maintained or enhanced for s7(c) purposes, so as to effectively protect against cumulative degradation. The Environment Court in its Topic 2 decisions found that the RMA legislative framework intends for a district plan to ‘flesh out’ and give local context to s6(b) and s7(c) matters. The Schedules are therefore part of a hierarchy of provisions (objectives, policies, rules and matters of discretion) that give increasingly detailed information, providing more certainty

45 OS27.3, OS38.3, OS40.20, OS41.2

46 See PDP, Rules 21.5 - 21.9, 21.14, and Assessment Matters 21.21.1, 21.21.2

of achieving Chapter 3 policy direction, and in turn, giving effect to Part 2 of the RMA.⁴⁷

9.17 Lastly, regarding the request that the Variation be assessed against the Otago RPS provisions relating to productive land, I reiterate that the Schedules are to assist in the assessment of landscape effects and are not in themselves prohibitive, nor do they introduce any rules or restrictions that change the PDP approach to permitted farming activities, or would be inconsistent with the policies and objectives in the Otago RPS 2019, or in the pORPS.

Inadequate Section 32 analysis

9.18 One submitter requests that the section 32 analysis include a better assessment of alternatives, and that an improved and balanced consideration is given to how to achieve the PDP objectives relating to both landscape and farming.⁴⁸ Another submitter states that the landscape schedule 21.23.9 (Wānaka Airport Environs) does not meet section 32 of the RMA.⁴⁹

Response to submissions

9.19 In response to relief that the Variation consider how to achieve PDP objectives related to landscape and farming, consideration of these objectives was part of the assessment of how the Variation would better achieve the objectives of Chapter 3. I clarify that because the UCLS Variation does not introduce any new plan objectives or change existing objectives, the objective of the Variation is the purpose of the proposal; to introduce the PA Mata-au Schedule, and 12 non-PA Schedules to Schedules 21.22 and 21.23. The s32 found that inclusion of additional landscape schedules in the PDP would better achieve the objectives of Chapter 3 strategic directions, and by extension part 2 of the RMA, and result in a more consistent approach to managing landscape schedules across the Upper Clutha.⁵⁰

47 [2019] NZEnvC 205, [108]-[109]

48 OS41.2, OS41.7,

49 OS46.10

50 See RMA Section 32(6) **objectives** means,—

(a) for a proposal that contains or states objectives, those objectives:

(b) for all other proposals, the purpose of the proposal

- 9.20** In response to whether the section 32 should have had better assessment of alternatives, I note that in regard to the Mata-au Clutha River Schedule, Chapter 3 policies (mainly SP 3.3.42) are directive in terms of what was required for the UCLS Variation and therefore limited the scope of available options. Namely, that a PA Schedule be prepared and that it describes at an appropriate landscape scale the landscape attributes, values and related landscape capacity. Given this direction in Chapter 3 (and the requirement to include Schedules in Chapter 21), there were limited options for how to implement this policy direction.
- 9.21** In response to whether the section 32 should have sought better alternatives for non-PA Landscapes, or a more balanced consideration of options, I note that the section 32 analysis drew upon an already substantial body of analysis and decisions made through the Stage 1, Topic 2 Appeals process. These discussions had considered at length the extent to which the Schedules achieve the strategic objectives and policies of the PDP, and in turn the purpose of the RMA. The section 32 found these findings were applicable in its assessment of options, determining that the Schedules provide greater certainty during the resource consent process, because they help determine what is being protected and why, and in turn make this process more efficient and effective in meeting Chapter 3 objectives and policies.⁵¹
- 9.22** Regarding the request for withdrawal on the basis that Schedule 21.23.9 did not meet the requirements of s32, the submitter has not provided any examples, and so I interpret this relief to mean that the existence of the Schedule in general is not justified through the s32. As noted above, the section 32 found that scheduling the non-PA RCLs was a more effective and efficient way to achieve the policy direction of Chapter 3 and in turn, the purpose of the RMA.

⁵¹ See Decision 2.1 at [245]

Adequate existing provisions

9.23 One submitter seeks that the variation be rejected as there are already sufficient rules in place with regard to building consents and boundary rules to prevent intrusive infrastructure.⁵²

Response to submission

9.24 Building consents are issued under the Building Act 2004, meaning the Schedules are not engaged for a building consent assessment. Existing boundary rules in the PDP such as 21.5.2 (setback from roads) or 21.5.4 (setbacks of buildings from waterbodies) name 'visual amenity values' and 'landscape character' as matters of assessment, but without specifying what these are. As discussed above, scheduling values clarifies what values need to be considered and provide greater certainty.

Summary of Recommendations: THEME 2

9.25 For the above reasons, I recommend that:

- (a) The above relief sought by Lagoon Vallery Dairies Ltd (11), Fork Farm Family Trust (25), Tim Burdon (27), P&D McCarthy Ltd (34), Alex Durran (38), Kyle Wills (40), Otago Federated Farmers (41), Silverlight Studios Ltd (46) be **rejected**

10. THEME 3: THE HIERARCHY OF LANDSCAPE SCHEDULES

10.1 Several submitters state that is unclear how the non-PA Schedules are distinguished from the PA Schedules and seek amendments to Preamble 21.23 and the name of Schedules themselves, to make this distinction clear.

52 OS34.2

Matters raised by submitters

- 10.2** A submitter⁵³ seeks that the notified Preamble 21.23 be amended to clearly reflect how PA RCLS differ from non-PAs, and whether a hierarchy will be applied in practice, noting that identification of non-PA indicates a lower level of significance.
- 10.3** Another submitter seeks that the non-PA RCL Schedules be referred to as the “Upper Clutha Balance Areas (UCBA).”⁵⁴ The submitter considers that the existing terminology (i.e., non-PA RCLs) gives the impression that these areas are less important than PA RCLs and that the terminology is misleading, as these areas will be subject to development pressure across the life of the PDP. The submitter supports amendments to notified Preamble 21.23 but seek that further amendments are made to paragraph 1.1 to refer to as ‘UCBAs.’
- 10.4** The submitter also considers that the non-PA RCL Schedules will be given considerably less weight in resource consent hearings because the non-PA are not listed by name or collectively referenced at all in Chapter 3. The submitter seeks corresponding relief that the schedules covering the ‘UCBAs’ (12 non-PA RCL Schedules) by name in SP3.3.39 in the same way that the Upper Clutha PA RCLs are listed, and that other amendments be made to Chapter 3 to refer to ‘UCBAs.’⁵⁵
- 10.5** Another submitter requests that ‘non-PA’ be included in the title for Schedule 21.23.6 (East of Wānaka – Mount Aspiring Road).⁵⁶

Response to submissions

- 10.6** In response to submitters seeking clarification on how PAs differ from non-PAs, or that the terminology of non-PA suggests that these areas are less important, I note that the identification of an ONF/L or RCL as a PA is not intended to suggest any greater or lesser landscape significance.
- 10.7** As stated earlier in this report, it would be a significant undertaking to prepare schedules for all landscapes given 97% of the District is classified as ONF/L and most

53 OS41.8

54 OS1.1

55 OS1.21 and OS1.22, OS1.5 – OS1.17

56 OS4.22

of the remaining 3% is mapped RCL. The Environment Court therefore directed certain areas be 'prioritised' for landscape scheduling because they were deemed subject to greater development pressure. Their prioritisation does not indicate that they contain landscape attributes, values or character of greater significance than other ONF/Ls or RCLs in the district.

10.8 SP 3.3.44 of the PDP is of direct relevance and makes this distinction clear, stating that:

Where any or any part of an Outstanding Natural Feature, Outstanding Natural Landscape or a Rural Character Landscape is not identified as a Priority Area in Schedule 21.22 or 21.23, this does not imply that the relevant area:

- (i) is more or less important than the identified Priority Areas in terms of:
 - i. the landscape attributes and values, in the case of an Outstanding Natural Feature or Outstanding Natural Landscape;
 - ii. landscape character and visual amenity values, in the case of a Rural Character Landscape; or
- (ii) is more or less vulnerable to subdivision, use and development.

10.9 In response that the non-PA Schedules be renamed 'Balance Areas', I note SP 3.3.44 of the PDP already states that there is not intended to be any difference between PAs and non-PA RCL. I therefore recommend rejecting this relief.

10.10 However, I agree with the submitter⁵⁷ that the notified Preamble 21.23 could more clearly express the reasons for the differences between PA and non-PA terminology. I make recommendations on this in **Appendix 1**.

10.11 Lastly, I recommend rejecting the request that 'non-PA' be included in the title for Schedule 21.23.6,⁵⁸ as I do not consider that including 'non-PA' in the title will change the application or intent of the Schedule. The proposed Preamble 21.23 carried over minor amendments from the notified Preamble 21.23 to remove reference to Priority Areas (PAs) to indicate that the notified Preamble 21.23

57 OS41.8
58 OS4.22

applies to both PA RCLs and non-PA RCLs listed in Schedule 21.23. This should remove any potential confusion.

Summary of Recommendations: THEME 3

10.12 I recommend for the reasons set out above that:

- (a) The relief sought by Otago Federated Farmers (41) be **accepted**
- (b) The relief sought by Julian Haworth (1) and JS Blennerhassett Family Trust (4) be **rejected**

11. THEME 4: MAPPING APPROACH OF SCHEDULES AND SCOPE OF SCHEDULE AREAS

11.1 Neither I nor Ms Gilbert recommends any mapping changes to the Schedule areas in response to submissions.

11.2 As outlined earlier, I am recommending amendments to the e-mapping tool of the PDP, and changes to Preamble 21.23 to show the 'Schedule Area Assessment Extent' (outer boundary) and the 'Rural Zone Schedule Area' (Rural Zone Schedule areas within the Landscape Assessment Extent) as separate layers.

11.3 This recommended approach arises from relief seeking consequential or additional changes be made to the Preamble 21.23 text that arise from the PALS Variation appeals,⁵⁹ and seeks to be consistent with the changes made through the PALS Topic 1 Consent Determination issued by the Environment Court.

11.4 In addition, I recommend changes to Preamble 21.23 in response to relief that sought clarity on whether all RCLs in the District have now been Scheduled, to specify Schedule 21.23 applies to the Upper Clutha Basin only.⁶⁰

11.5 Recommended changes that arise from the above relief will improve clarity and, the effectiveness and efficiency of the Schedules application. This will address matters of relief seeking confirmation that the Schedules do not apply to land

⁵⁹ OS29.4, OS30.9, OS37.3,

⁶⁰ OS4.4

within the Rural Zone or land that is classified ONF/Ls, and whether their land can be removed from the Schedules, as well as clarification or certainty as to how the Schedules apply to plan changes.⁶¹

11.6 I address matters of mapping that relate to underlying zoning, landscape classification or the application of the Schedules to plan changes. Where submitters seek changes to the Schedule boundaries or exclusions based on landscape merits, I rely on the evidence of Ms Gilbert, and her detailed recommendations in relation to these submissions.

Relief seeking consequential changes to Preamble 21.23 text and mapping approach

11.7 Three submitters seek any consequential or additional changes be made to the Preamble 21.23 text that arise out of appeals on the PALS Variation.⁶²

11.8 Another submitter has asked that Preamble 21.23 be amended to clarify whether all RCLs in the district have now been included or whether there are some areas which are not Scheduled.⁶³

Response to submissions seeking consequential changes

11.9 In response to the relief above, the PALS Topic 1 Consent Determination was to relocate the Priority Area Schedule maps to the PDP e-plan mapping tool rather than being held as material incorporated by reference.

11.10 In addition, the Determination confirmed the Priority Area maps be included in the e-plan maps as two mapping layers. The distinction between the two layers is as follows:

- (a) A 'Priority Area Assessment Extent', which is the outer boundary on the PDP maps that depicts that extent of the area assessed when the

61 For example, OS6.1, OS21.1, OS26.2, OS29.2, OS30.1, OS35.2, OS36.5, OS37.1, OS38.5, OS53.1, OS54.1

62 OS29.4, OS30.9, OS37.3,

63 OS4.4

Schedules were prepared, and which can (where relevant) comprise a mix of different zones; and

- (b) The 'Rural Zone Priority Area', which identifies by orange hatching all land within the Rural Zone that is located within the Priority Area Assessment Extent.

11.11 These changes required the insertion of a new 'Application' section (section 2) into the PALS Preamble 21.23 to explain the approach to mapping that informs the PA schedules and outline the two mapping layers. This section also clarifies that the Schedules can contain information about the wider PA Assessment Extent, which may be relevant for resource consent applications outside the Rural Zone PA and landscape assessments informing plan development proposals.

11.12 In response to the above relief,⁶⁴ and to be consistent with both the format and application outlined in the PALS Determination, I consider the approach to relocate both the Mata-au PA Schedule and 12 non-PA landscape schedules into the PDP mapping tool, rather than as material incorporated by reference, and to map the Schedules as two layers in the e-plan tool, is therefore appropriate. I recommend amendments to the PDP e-plan mapping tool, and minor amendments to the text of the notified Preamble 21.23 that gives effect to the PALS determination mapping approach.

11.13 In response to relief seeking clarification on the scope of the Schedule areas,⁶⁵ I also recommend a new clause (4.1) to clarify that the Schedules identify and describe PA and non-PA RCLs in the Upper Clutha Basin only.

Relief seeking mapping changes

11.14 A number of submitters request that part, or all of a site located within the rural zone is excluded (by way of mapping amendments) from specific Scheduled areas.⁶⁶

64 OS29.4, OS30.9, OS37.3

65 OS4.4

66 For example, OS6.1, OS21.1, OS26.2, OS29.2, OS30.1, OS35.2, OS36.5 OS37.1, OS38.5, OS53.1, OS54.1

- 11.15** Submitters also seek clarification of how the Schedules will be affected by plan changes or rezoning. For example, a submitter seeks that Preamble 21.23 be amended to acknowledge that change processes or rezoning may result in amendments to the schedule, or its removal.⁶⁷
- 11.16** Other submitters seek that the Schedule boundaries relate to the built environment rather than follow zoning. One submitter asks that landscape Schedule 21.23.15 (Hāwea Basin) mapping be amended to follow the outside edge of the physically built environment, which includes buildings and occupation directly adjacent to the Rural Lifestyle Zone (but within the Rural Zone) rather than following zoning.⁶⁸ Similarly, a submitter requests that Schedule 21.23.7 (Studholme Road) be amended to follow a more logical and defensible boundary.⁶⁹
- 11.17** One submitter seeks that 3.961 hectares of their land be excluded from Schedule 21.23.10 Northern End of Criffel / Pisa Range Foothills on the grounds the area is currently subject to mediation, and they anticipate that it will be rezoned to Rural Industrial Subzone.⁷⁰
- 11.18** Several submitters seek mapping amendments to Schedule 21.22.25 Mata-au Clutha River to exclude areas of ONF land from the Schedule area.⁷¹ I note this would not be consistent with Preamble 21.22, which states that PA relate to ONF/Ls, and would undermine the effectiveness of the Schedules in protecting ss(6)(b) matters, if they omitted ONF land.
- 11.19** Two submitters request that Schedule 21.23.4 Hāwea Moraine be amended so that the Loess Lane subdivision is removed from the Scheduled area and instead placed in the Parcels and Property layer in the PDP.⁷²
- 11.20** One submitter has supported the mapping as notified and request that it continues to not apply to the site at 10 Mountain Road.⁷³

67 OS30.8

68 OS20.1

69 OS30.3

70 OS31.3

71 OS36.1, OS39.1, OS39.2, OS47.1, OS47.2, OS47.3,

72 OS51.1, OS38.5

73 OS13.2

Response to submissions seeking mapping changes

11.21 A number of submitters request that part, or all of a site located within the rural zone is excluded (by way of mapping amendments) from specific Scheduled areas.⁷⁴ The mapping amendments address this, as they more clearly show that the schedules apply to rural zone land within assessment extent. Preamble 21.23 clarifies that the schedules contain information about the wider landscape assessment extent, that may be relevant for resource consent applications outside the rural zone schedule area, and landscape assessments informing plan development proposals.

11.22 In response to submitters seeking clarification on how the Schedules will be affected by plan changes or rezoning, adopting the PALS determination mapping approach will clarify how the Schedules apply to PDP zones, and how they will be applied in future plan changes. That is, the 'Rural Zone Schedule Area' (in the proposed Preamble 21.23) illustrates that the Schedule directly applies to the Rural Zone only, by omitting areas that are not zoned Rural. In addition, the recommended changes clarify that the Rural Zone Schedule area may be relevant for resource consent applications outside the rural zone, and landscape assessments informing plan development proposals, because the Schedules were prepared in reference to the wider Schedule Assessment Area Extent.⁷⁵ Moreover, including maps in the PDP mapping tool allows for plan users to seek more efficient changes to mapping layers by way of a package of amendments, for example, changes to zoning.

11.23 In response to relief that the Schedule boundaries relate to the built environment rather than follow zoning, I reiterate that the proposed Preamble 21.23 is intended to clarify that while the 'Schedule Assessment Area Extent' can contain multiple zones, the Rural Zone Schedule Areas directly apply to the Rural Zone only.

74 For example, OS6.1, OS12.1, OS21.1, OS26.2, OS29.2, OS30.1, OS35.2, OS36.1, OS36.5 OS37.1, OS38.5, OS53.1, OS54.1

75 Proposed Preamble 21.23, clause 4.4

- 11.24** I reject relief to exclude land from Schedule 21.23.10 Northern End of Criffel / Pisa Range Foothills, on the grounds that the subject land has now been rezoned to Rural Industrial Subzone and is therefore subject to the Schedules. I note that regardless of whether the submitter's land is zoned Rural Zone or Rural Industrial Subzone, the Schedules will still apply to any proposal requiring resource consent for a restricted discretionary, discretionary or non-complying activity. Moreover, the proposed approach to call the Schedules the 'Rural Zone Schedule Area' should clarify its application to the Rural Zone.
- 11.25** In response to the request that land be excluded from the Mata-au Clutha River PA, I note that in the PALS determination, there was jurisdiction of alter the PA mapping, but there was no scope to amend the ONF/Ls and RCL boundaries.⁷⁶ The PALS appeals have not resulted in any geographic amendments to the PA mapping. Moreover, changing a PA Schedule to exclude underlying ONF land would fail to satisfy the purpose of the objectives and policies in the PDP to identify and protect ONF. Excluding areas that are confirmed ONF would likely compromise the effectiveness of the Schedules to protect ss(6)(b) matters, and I also note Ms Gilbert's evidence that it is also well established in case law that farming areas (including pastoral areas) can qualify as s6(b) landscape and features.⁷⁷
- 11.26** In response to requests to remove the Loess Lane Subdivision on the grounds that it can be managed through the 'Parcels and Properties' layer, I note that this is owned and managed by Land Information New Zealand, and its purpose is to delineate parcel and property boundaries rather than to assist with landscape assessment, so would not assist in achieving the policy framework in Chapter 3.
- 11.27** In response to the submitter who supports the notified mapping and seeks that it continues to exclude the site at 10 Mountain Road,⁷⁸ I rely on Ms Gilbert's evidence. It note that this land is currently subject to substantive fast track application for urban development in the Rural Zone, and a landscape assessment has been undertaken as part of that process.⁷⁹

76 [2026] NZEnvC 40, paragraph [8]

77 Evidence in Chief of Ms Bridget Mary Gilbert, 29 May 2026, paragraph 6.8

78 OS13.3

79 Mount Iron Junction Housing Scheme, Substantive Application, 17 March 2026, [link](#)

Inclusion of nohoaka sites

11.28 One submitter seeks that ‘mana whenua features and their locations’ and ‘mana whenua associations and experience’ provisions in the landscape schedules 21.23, and any part of landscape schedules 21.22.25 and 21.23 not addressed in their submission are retained as notified, with the exception of the relief sought in submission.⁸⁰

11.29 The submitter seeks further relief that landscape schedule 21.22.25 (Mata-au Clutha) River and 21.23.26 (East of Wānaka – Mount Aspiring Road) be amended so that nohoaka sites are not subject to landscape capacity assessment and landscape capacity ratings, and are enabled in the PDP.⁸¹

Response to submission

11.30 The first point of relief is accepted in part,⁸² with the clarification that ‘mana whenua features and their locations’ and ‘mana whenua associations and experience’ are not ‘provisions’ in the sense that they prohibit or require specific activities. Rather, they are matters of assessment that can be used to consider the appropriateness or otherwise of an activity in a resource consent application or plan change.

11.31 In response to relief for nohoaka sites, I note that nohoaka sites are still subject to the provisions of the PDP, and for those sites within the Rural Zone, subdivision, use or development could still be subject to a landscape assessment.⁸³ Exempting nohoaka sites from PDP provisions would require a further plan change process that is beyond the scope of the UCLS Variation. The Schedules can assist in identifying mana whenua attributes and values, associations and experience and features and their locations, including nohoaka sites, during the resource consent and plan change processes. In practice, this would mean that, should resource

80 OS10.1

81 OS10.10

82 OS10.1

83 See SP 3.3.46

consent be required for activities on nohoaka sites, the assessment of effects could consider and find positive effects on the expression of mana whenua values, and that they would maintain mana whenua associations and experience. Alongside the Schedules, the PDP also provides for the recognition and protection of mana whenua values from inappropriate development through Chapter 39 *Wāhi Tūpuna*.

Summary of Recommendations: THEME 4

11.32 I recommend for the reasons set out above that:

- (a) The relief sought by Hawthenden Limited (6), John Fisher (12), John and Colleen Leith (20), Jolly Holdings (21), SIO No12 Limited (26), Bell Group Limited (31), Laing Dairy Limited (35), N&W and D&J Pittaway Family Trust (36), Alex Durran (38), Kathryn and Vaughn Woodfield (39), Dirk and Rebecca Venter (47), Garry Derrick (48), Hawthenden Limited (50), Dr Alexandra Durran (51), Hawthenden Limited (53), Hawthenden Limited (54) be **rejected**
- (b) The relief sought by JS Blennerhassett Family Trust (4), Kāi Tahu ki Otago (10), McDonald's Restaurants (NZ) Limited (13), Devon Dairy Farms Limited (29), Deborah and Stephen Brent as trustees for Hawthenden Trust (30), Sunnyheights Limited RH and PH Masfen (37), be **accepted in part**

12. THEME 5: APPLICATION OF SCHEDULES

12.1 Several submitters seek that the Schedules do not apply to permitted activities or give policy direction as to outcomes. Submitters also seek clarification on whether the proposed Schedules will apply to plan changes, or request that they do not apply to plan changes.

Application of Schedules to permitted activities

12.2 One submitter has requested that there be no comment on activities that are permitted in the Rural Zone, such as farming activities.⁸⁴ Another submitter also

84 OS9.2

states that it is unclear whether the notified variation is consistent with the enabling provisions of the PDP. They also question the appropriateness of limits on landscape capacity for reasonably anticipated rural activities.⁸⁵

Response to submissions

12.3 In response to the above relief, I note that the Schedules are only engaged where a proposal requires resource consent in the Rural Zone for an activity that is restricted discretionary, discretionary, or non-complying. As a permitted activity does not require resource consent, the Schedules are not engaged.

Application and interpretation as a policy directive

12.4 In addition, one submitter⁸⁶ states that landscape capacity descriptions should not read as policy direction with statements as to what mitigation is appropriate for activities, and what outcomes should be aimed for, and that any policy-type statement be deleted.

12.5 Another submitter expresses concern that the interpretation and application of the attributes and values, specifically whether they will be positive, negative or neutral, will be left to the discretion of individuals responsible for implementing these requirements, and as relief, request that the notified Preamble 21.23 should more clearly articulate how attributes and values are to be considered and applied, including whether they contribute negatively, positively or neutrally. In addition, they request clarification on whether a value needs to be protected or is merely mentioned for completeness.⁸⁷

Response to submissions

12.6 In response to the submission that the capacity descriptions should not read as policy direction, the submitter has not provided an example of where the Schedules read as policy direction or how this could be a problem. However, I note that the

85 OS41.12

86 OS39.6

87 Otago Federated Farmers, OS 41.9

landscape capacity ratings and associated descriptions, as stated in the notified Preamble 21.23, and the proposed Preamble 21.23, are 'not a replacement for any relevant policies, rules or standards in the District Plan and are intended to provide guidance only'. Moreover, they are 'high level and are not intended to describe the relevant capacity of specific sites'.⁸⁸ In my opinion, both versions of Preamble 21.23 are clear that the landscape capacity ratings and descriptions are not directive in terms of what mitigation is appropriate or what outcomes should be aimed for, and that the descriptions are not policies. Nor are descriptions detailed enough to direct individual proposals.

12.7 In response to relief that the notified Preamble 21.23 articulate how the Schedules qualify attributes and values, as positive, negative or neutral, I consider that both notified Preamble 21.23, and the proposed Preamble 21.23 are clear that 'Plant and Animal Pests' corresponds to attributes that detract from landscape values and their reference is intended to guide future landscape management.⁸⁹ I consider this makes clear the negative attributes within Schedules, and infers that other attributes and values are positive or neutral.

12.8 In response to the request that the notified Preamble 21.23 better articulate how attributes are to be considered and applied, I consider both versions of Preamble 21.23 make clear that landscape attributes and values are 'based on the assessment area as a whole', summarising the 'attributes and values, and 'are not intended to describe specific sites'.⁹⁰ They state that a finer grain proposal-specific assessment of landscape attributes and values will typically be required for plan development or plan implementation purposes. They also say that landscape capacity ratings are 'high level' and describe 'potential outcomes that would likely be appropriate.' I consider this makes clear that how the Schedules are applied depends on the individual site and proposal, but that the Schedules do assist in providing context and a starting point for what a landscape assessment might consider.

88 Notified Preamble 21.23, subclause 4.3 and Proposed Preamble 21.23, subclause 6.3

89 See notified Preamble 21.23 subclause 3.5 and proposed Preamble 21.23 subclause 5.5

90 Notified Preamble 21.23 subclause 3.1, and Proposed Preamble 21.23 subclause 5.1

12.9 In addition, in response to the request that the notified Preamble 21.23 clarify whether a value needs to be protected or is merely mentioned for completeness, I note that in the case of RCLs, values are sought to be maintained or enhanced, not protected.

Application to plan changes

12.10 One submitter requests clarification on whether the capacity rating for urban expansion applies to a resource consent or plan change.⁹¹ Others request that capacity ratings for urban expansions do not apply to the evaluation of a plan change.⁹²

12.11 Submitters also request that clause 2.2 of notified Preamble 21.23 be deleted⁹³ or deleted and replaced with wording that acknowledges that plan changes or rezoning may result in amendments to a Schedule or its removal entirely.⁹⁴

Response to submissions

12.12 The application of the Schedules to plan changes was addressed through the PALS Determination, and this approach has been carried through to the proposed Preamble 21.23.

12.13 Changes were to remove clause 2.2 of the notified Preamble 21.23 and replace it with a clause clarifying that *“As the PA Schedules contain information about the wider Priority Area Assessment Extent, they contain contextual information that may be relevant for resource consent applications outside the Rural Zone Priority Area and landscape assessments informing plan development proposals.”* The addition of this clause led to the removal of the second limb of the definition of ‘urban expansion’ in the notified Preamble 21.23, deleting reference to changes in zoning, as this would require a plan change.

91 OS22.1

92 OS20.3, OS21.2,

93 OS37.2

94 OS29.3, OS30.8,

12.14 These changes improve certainty that the PA Schedules will directly apply to resource consents, at restricted discretionary level and above, in the Rural Zone. This change also retains the ability for the Schedules to inform plan changes, as the Schedules contain contextual information and a high-level landscape assessment.

12.15 In response to request that there is a need to state that the contents of the Schedule could be changed by a plan change or removed entirely, in my opinion this is not needed as although the notified Preamble 21.23 has omitted the clause that landscape capacity will also require assessment through ‘future plan changes,’⁹⁵ the proposed Preamble 21.23 provides for this in subclause clause 4.4.’ In my opinion, the version of Preamble 21.23 that is being proposed will appropriately address the matters raised by submitters.

Summary of recommendations

12.16 I recommend for the reasons set out above that:

- (a) The relief sought by Grandview Grazing Limited (9), John and Colleen Leith (20), Jolly Holdings Ltd (21), Deborah and Stephen Brent (22), Kathryn and Vaughn Woodfield (39), and Otago Federated Farmers (41) **be rejected**
- (b) The relief sought by Devon Dairy Farms Limited (29), Deborah and Stephen Brent as trustees of the Hawthenden Trust (30), Sunnyheights Limited RH and PH Masfen (37), **be accepted in part**

13. THEME 6: CAPACITY RATINGS

13.1 A number of submitters⁹⁶ address the contents of the Schedules and Preamble 21.23 in relation to capacity ratings, namely:

- (a) The scope of activities that are listed in the capacity ratings sections;
- (b) The level of capacity given to specific activities;

⁹⁵ See notified Preamble 21.23, subclause 4.4

⁹⁶ See for example OS26.1, OS27.1, OS29.1, OS29.6, OS30.11, OS31.11, OS37.17, OS38.1, OS40.1, OS43.1, OS48.1.

(c) The description of activities in the capacity ratings.

13.2 Submitters' dispute the scope, level of capacity or description of activities on the grounds that these will limit the use of their land and have a bias towards the status quo that will have the effect of 'locking in values' and preventing innovation and growth, with economic and environmental benefits.

13.3 Concerns relate to limitations on various activities including farming activities, intensive agriculture, forestry, transportation, utilities, regionally significant infrastructure and renewable energy generation, commercial recreation, visitor accommodation (**VA**), tourism and rural industrial activities.

13.4 Where submitters have requested changes to the descriptive content of the Schedules, I rely on the evidence of Ms Gilbert, and her detailed recommendations in relation to these submissions.⁹⁷

Matters raised in submissions

Scope of activities listed

13.5 A number of submitters have also requested the Schedules should only list and assess the capacity of certain activities.⁹⁸ One submitter for example suggests that it would be more appropriate to limit capacity ratings to urban type subdivision, use or development and remove farming activities.⁹⁹ Similarly, another submitter seeks to remove 'farm buildings' and 'intensive agriculture' from the list of rated activities so that there are no impediments to buildings or agricultural activity.¹⁰⁰

Response to submissions

13.6 In response to limiting the scope of activities that a capacity assessment must include, I understand that this list of activities was the product of expert planning

97 Relief sought by Fulton Hogan Limited (23), Ian Hadland (44) and Exclusive Developments Limited (45)

98 See for example, OS9.3, OS11.2

99 OS41.5

100 OS 24.3 and OS24.1

conferencing on the Values Identification Framework (VIF) provisions, involving planning experts participating in the Topic 2 appeals, and eventually formed part of the Topic 2 decisions that confirmed the final wording for SP 3.3.38 and SP 3.3.41. The VIF requires that the Schedules assess and record landscape capacity for a range of subdivision, use and development activities, including but not limited to this list of activities. While the PDP stipulates that the VIF is required only for PA Schedules, a consistent approach has been followed for the non-PA RCL Schedules. In my view, changing the approach would add unnecessary complexity. For this reason, I do not support the relief to omit certain activities from capacity assessment.

Capacity rating level of activity listed

Matters sought in submission:

- 13.7** One submitter has requested that the schedules be amended to remove the landscape capacity section, showing no capacity ratings for activities.¹⁰¹
- 13.8** A number of other submitters¹⁰² seek to raise or lower the capacity level of specific activities on the grounds that these ratings limit the use of their land or 'lock out' certain activities in the rural zone such as farm buildings, earthworks, transport infrastructure, visitor accommodation, commercial recreation or urban development.
- 13.9** One submitter for example requests that capacity ratings in Schedule 21.23.15 (Hāwea Basin) for rural living, intensive agriculture, earthworks and farm buildings should be amended to provide for a higher landscape capacity to support farming operations, including diversification of operations to meet changing market demand and alteration of practices to ensure greater future sustainability.¹⁰³
- 13.10** Another submitter has requested that Schedule 21.23.7 Studholme Road should be amended to change the capacity rating for urban development from some capacity

101 OS11.2

102 See for example: OS7.18, OS11.21, OS25.3, OS25.4, OS42.7,

103 OS42.7, OS42.8, OS42.9, OS42.10

to no capacity. The submitter considers that the Wānaka community is opposed to any further growth beyond what is already consented, and that they are concerned that the carrying capacity of Wānaka is overallocated and will destroy existing nature and wildlife.¹⁰⁴

13.11 In contrast, a submitter requests that in 21.23.13 (Kane Road and Luggate - Tarras Highway) 'Landscape Capacity' iii. urban expansions be amended so that there is infinite landscape capacity for urban development.¹⁰⁵

13.12 Another submitter seeks that the capacity of 'rural industrial activity' in Schedule 21.23.10 Northern End of Criffel / Pisa Range Foothills be changed to 'some' capacity, to provide for rural industry located within the Criffel Rural Industrial Subzone (RISZ), in the case that the RISZ remains.¹⁰⁶

Response to submissions

13.13 Ms Gilbert's evidence responds to the landscape reasons for whether a capacity rating or description should be amended in relation to each specific submission. My s42A responds broadly to these submissions as they apply to the general structure and intended use of the Schedules.

13.14 In response to the above relief to remove the landscape capacity section, I note that:

(a) in the case of the Mata-au Clutha River ONF PA, SP 3.2.5.1, SP 3.2.5.2, SP 3.3.29, and particularly SPs 3.3.36 - 3.3.38 require that landscape capacity is identified in Schedule 21.22. Similar SPs (particularly SPs 3.3.39 – 3.3.41) provide the same direction for RCL PAs landscape capacity to be identified in Schedule 21.23.

(b) in the case of RCL non-PAs, SP 3.3.33 and 3.3.35 also require that landscape capacity is identified, and while the PDP does not require that it be identified in a schedule, identifying it in schedule is consistent with

104 OS7.9
105 OS11.21
106 OS31.3

the approach for the PAs, and in my view, assists with achieving the objectives and policies of the PDP that seek maintenance or enhancement of RCLs, and is consistent with SP 3.3.44.

13.15 I therefore consider that removing the capacity section would be inconsistent with the directions of the Environment Court through Topic 2, and with the intention of the PDP.

13.16 In response to the above relief seeking to raise or lower capacity ratings, Ms Gilbert’s evidence responds to these submissions in detail. I note that the capacity ratings are not rules that restrict or provide for activities. Both the notified and proposed 21.23 Preambles make clear that the use of the five-tier landscape capacity terminology will *assist in providing high level guidance* with respect to the scale, location and characteristics of each land use type that will maintain and/or enhance landscape values. ‘High level guidance’ also does not indicate the avoidance of activities or prohibited activity status for activities.¹⁰⁷

13.17 In response to the criticism that capacity ratings fix into place the current landscape values or capacity, I note that both notified and proposed versions of Preamble 21.23 acknowledges that the landscape capacity stated in the Schedule, alongside the attributes and values represents a point in time, and that capacity, attributes and values change over time, requiring a more up to date assessment to be made at resource consent stage.¹⁰⁸

13.18 In response to the submission seeking that ‘infinite’ landscape capacity for urban development at 21.23.13 (Kane Road and Luggate - Tarras Highway), I note that the Rural Zone provisions do not anticipate activities associated with urban development, which aligns with SP 3.3.15 that requires that provisions avoid urban development outside of Urban Growth Boundaries is avoided and so I do not consider that this relief is appropriate.

107 Notified Preamble 21.23, subclause 3.2, Proposed Preamble 21.23 subclause 6.6

108 Notified Preamble 21.23, subclause 3,2, Proposed Preamble 21.23 subclause 5.1

13.19 In response to relief seeking the change in capacity rating level of ‘rural industrial activity’, I note that since the request was made, the submitter’s land has been rezoned from Rural Zone to Rural Industrial Subzone. Given the change, I believe it is still appropriate the site be subject to the Schedule 21.23.10 (Northern End of Criffel / Pisa Range Foothills), as the landscape Schedules are intended to apply to both the Rural Zone and Rural Industrial Subzone. The submitter’s land is also zoned RCL. Therefore, the Schedules still apply and the capacity rating is retained.

Description of activities

Matters raised in submissions

13.20 Several submitters have requested changes to how the activities are described in the capacity ratings.¹⁰⁹ For example, one submitter requests that the capacity rating for earthworks should be amended to remove the word ‘farming’ so that earthworks associated with farming can occur unfettered.¹¹⁰

13.21 In addition, another submitter requests additions to the description of ‘transport infrastructure, utilities and regionally significant infrastructure’ in individual Schedules so that it also reference required road and transport infrastructure upgrades and bus stops.¹¹¹ Similarly, the submitter requests the description of ‘renewable energy generation’ acknowledge ‘strategically placed renewable energy infrastructure, and more locally positioned carbon neutral generation schemes will be required in future.’¹¹² They also request to update the activity of ‘intensive agriculture’ in schedules 21.23.16 Crosshill and 21.23.17 Quartz Creek and Maungawera to include a description of where the activity may be appropriate, such as where soil and water allocation support the activity.¹¹³

13.22 The above submitter also seeks to change the activity ‘Forestry’ to ‘xi Production Forestry’, and change the description, amending ‘woodlots’ to ‘wildling woodlots’.

109 See for example OS16.8, OS19.2, OS20.2, OS25.6, OS28.5, OS41.5

110 OS24.2

111 OS25.18

112 OS25.22

113 OS25.10

In addition, they request that the planting of native woodlots and reforestation should be 'actively encouraged' by Council.¹¹⁴

13.23 Similarly, several submitters seek to narrow the wording of 'intensive agriculture' activities in individual Schedules to relate to buildings associated with intensive agriculture.¹¹⁵

13.24 Another submitter seeks that the activity 'iv. Intensive agriculture' landscape schedule 21.23.13 (Kane Road and Luggate - Tarras Highway) 'Landscape Capacity be amended so that further intensive agriculture is encouraged.'¹¹⁶

13.25 Two submitters have also requested that the description of 'urban expansions' in Schedule 21.23.15 Hāwea Basin be amended to remove reference to any long-term spatial plan.¹¹⁷

13.26 Lastly, a submitter has requested that a biodiversity assessment be undertaken for the whole of 21.23.7 Studholme Road and that the Schedule be updated.¹¹⁸

Response to submissions

13.27 I respond to relief seeking changes to the capacity descriptions in notified Schedules that would affect the efficient and effective application of the schedules through the PDP, their purpose, and their alignment with decisions made through the PALS Variation. Where submitters seek changes to capacity descriptions based on landscape merits, I rely on the evidence of Ms Gilbert, and her detailed recommendations in relation to these submissions

13.28 Regarding the relief on landscape capacity of transport infrastructure, utilities and regionally significant infrastructure, the submitter has not provided evidence of the issues described. In addition, Chapter 30 (Energy and Utilities) can provide a route for some of these activities. Regarding provision for renewable energy generation,

114 OS25.23 and OS25.24

115 OS16.8, OS19,2, OS22.2

116 OS11.22

117 OS20.2 and OS21.1

118 OS7.3

as discussed above, the Schedule capacity descriptions and ratings are not prohibitive and assist in the assessment of renewable energy activities on the environment.

13.29 In response to the request to change the activity ‘forestry’ to ‘production forestry’ I note that the approach taken in UCLS Variation, is to align the definition of activities in the Schedules with the Chapter 2 Definitions in the PDP. The same approach was also taken in the PALS Variation and was found to provide greater clarity of plan users. The PDP definition of ‘forestry activity’ covers ‘Production forestry’, as well as ‘commercial forestry’ under the National Environment Standard for Commercial Forestry (NES-CF), which also covers ‘production forestry’. For this reason, I do not support the request given, as a new and not clearly defined activity of ‘production forestry’ would add confusion. I consider using the PDP definition more efficient and effective in achieving the objectives and policies of Chapter 3 and 6, as it removes differences in interpretation across the Schedules.

13.30 Moreover, amending the description of ‘production forestry’ to refer to small scattered ‘wilding’ woodlots’ would conflict with Chapter 34 of the PDP which manages wilding exotic trees and includes rules which prohibit the planting of specified wilding trees. As this is a prohibited activity, resource consent cannot be granted or applied for. Given that the Schedules are intended to guide decision-making for resource consents, I do not consider that it would be appropriate to list a capacity rating for this activity.

13.31 Regarding changes to the definition of ‘intensive agriculture’, this is already defined to have the same meaning as Factory Farming in Chapter 2 of the PDP. I consider that the additional references to soil and water allocation would require a resource consents planner to make an assessment of water allocation for an activity, which is not the function of a district council under s31 of the RMA. These are the functions of a Regional Council under s30 and so I do not support the relief sought.

13.32 I similarly recommend rejecting changing the description of intensive agriculture to ‘buildings associated with intensive agriculture,’ in specific Schedules as the

definition of Factory Farming already includes the ‘use of land’ which would include buildings.

13.33 In response to relief seeking that the capacity descriptions ‘encourage’ other activities, I note that the purpose of the capacity ratings is to ‘reflect’ the capacity of the landscape or feature to accommodate various types or forms of development (proposed Preamble 21.23, paragraph 6.1). The purpose is not to ‘encourage’ specific activity types – rather it is for the objectives, policies and rules in Chapter 21 – Rural Zone to encourage particular activities.

13.34 In response to deleting any reference to a long-term spatial plan, I note that when Council prepares or changes a district plan, it shall have regard to any strategies prepared under other Acts, under (74(2)(b)(i)). As the Schedules can help inform plan development proposals, I consider it appropriate that the Grow Well | Whaiora Spatial Plan 2021 be included as a strategy for regard in terms of capacity for urban expansion within a Schedule area, as that strategy was formally adopted by Council in July 2021 as is Council’s strategy for sustainable district growth. The Spatial Plan provides information about Council’s vision for long term growth, informed by substantial community and stakeholder engagement, and referencing the Spatial Plan aligns with the purpose of the Schedules to contain factual information and evaluative content. Therefore, I reject relief to delete reference to the long-term spatial plan, as its inclusion makes the Schedules a more effective tool to identify and evaluate landscape capacity in resource consent and plan development proposals.

13.35 Lastly, regarding the relief seeking the contents of the schedule be revised by way of a biodiversity assessment for the whole of Studholme road, as detailed in the methodology report by Ms Gilbert, attached to the s32 report, Council engaged expert ecological advice to review the contents of the Schedules. Further, Chapter 33 *Indigenous Vegetation Biodiversity* includes provisions for protecting any important biodiversity values. For these reasons I do not support the relief sought.

Summary of Recommendations: THEME 6

13.36 I recommend for the reasons set out above that:

- (a) The relief sought by Florence Micould (7), Grandview Grazing Limited (9), Lagoon Valley Dairies Ltd (11), Lake McKay 2024 limited Partnership (16), PLDC Trustees Limited, Alison McRae Wright (19), John and Colleen Leith (20), Jolly Holdings Ltd (21), Deborah and Stephen Brent (22), Willowridge Developments Limited (24), Fork Farm Family Trust (25), SIO No12 Limited (26), Tim Burdon (27), Black Peak Farming (28), Devon Dairy Farms Limited (29), Deborah and Stephen Brent as trustees of the Hawthenden Trust (30), Bell Group Limited (31), Sunnyheights Limited RH and PH Masfen (37), Alex Durran (38), Kyle Wills (40), Otago Federated Farmers (41), Ross Family Trust (42), Scott Aubrey Family Trust (43), Garry Derrick (48) be **rejected**

14. THEME 7: ADDITIONAL COST AND REGULATORY BURDEN

Matters raised in submissions

14.1 Several submitters¹¹⁹ seek the UCLS Variation be withdrawn or amended on the grounds it will increase regulatory burden, economic costs, and associated social costs of reducing the efficiency of farming activities.

14.2 Another submitter has requested that if the notified variation goes ahead, then the cost be indicated to the public.¹²⁰

Response to submissions

14.3 In response to submitters' concerns that the Schedules will result in an increased regulatory burden, I reiterate that the requirement for landscape assessments for ONF/Ls and RCLs already exist through Chapter 21 and the notified UCLS Variation, does not introduce any new rules, and will have no regulatory effect other than

¹¹⁹ For example, OS41.1, OS31.11, OS33.1

¹²⁰ OS2.2

informing landscape assessment. Without the UCLS Variation, activities within the non-PA RCL's would be subject to the same rules¹²¹ requiring resource consent and would still have the same requirement to undertake a landscape assessment – and incur costs - to understand the effects on landscape values.

- 14.4** In terms of additional cost, the values and attributes set out in Schedules could be used to help to reduce costs by providing a starting point for landscape assessments. The UCLS section 32 analysis found that not having landscape schedules may transfer the costs of a landscape assessment from first principles to applicants. The PALS section 32 reached the same conclusion that the Schedules could reduce costs for resource consent applicants by identifying high level values and the geographic scope of the landscape assessment.
- 14.5** Moreover, as landscape assessment inherently involves differences in opinion, a high-level schedule could help reduce the inconsistency of individual landscape assessments and challenges to those assessments, and therefore, could reduce costs. In my view, the content of the Schedules provides a starting point for landscape assessments required in the Rural Zone schedule areas, and to that extent, provide for a more efficient application of the rule framework, and have the potential to reduce costs to applicants. I disagree with the submitter regarding the economic costs associated with the notified UCLS Variation.
- 14.6** In terms of social costs, the UCLS section 32, consistent with the Topic 2 Decisions, found that not including landscape schedules would provide no certainty that the values, that people hold about landscapes would be protected, or maintained and/or enhanced.
- 14.7** In response to relief seeking that the costs of the UCLS Variation be indicated to the public, I note that this does not seek a specific change to the notified UCLS Variation. However, if the submitter wishes to know the costs, they are able to request these under LOGIMA and they could be released if appropriate to do so.

121 Rules - 21.5. - 21.9, 21.14

Summary of Recommendations: THEME 7

14.8 I recommend for the reasons set out above that:

- (a) The relief sought by Gerrad Eckhoff (2), Bell Group Limited (31), Rg and ER Watson Limited (33), and Otago Federated Farmers (41) be **rejected**

15. THEME 8: GENERAL RELIEF AND SUBMISSIONS IN SUPPORT

15.1 Several submitters support the UCLS Variation or part of the Variation as notified.¹²² These submissions have been accepted in part, given the recommendations that have been made to the notified UCLS Variation. One submitter wishes to remain neutral.¹²³

15.2 A number of submitters have requested that any consequential changes be made as a result of submissions and expert analysis presented through this process, or any further, other or consequential relief be granted to respond to the general concerns raised in the submission.¹²⁴ The recommendations in these general submission points is outlined in **Appendix 2** and is directly linked to whether relief was accepted, accepted in part or rejected recommended for other matters raised in each submission.

Summary of Recommendations:

15.3 I recommend that:

- (a) The relief sought by JS Blennerhassett Family Trust (4), Wānaka Station Trust, Rippon Vineyard and Winery Land Co Limited, Roger Norman Macassey, Lois Diana Mills and Murray Graham Valentine (8), Grandview Grazing Ltd (9), Lagoon Valley Dairies (11), Aurora Energy Ltd (15), Mata Au Investments Ltd (17), Fork Farm Family Trust (25), SOI No12 Limited

¹²² For example, OS1.20, OS7.6, OS13.1, OS14.1

¹²³ OS55.1

¹²⁴ For example, OS17.1, OS26.4, OS24.7, OS29.4, OS30.12, OS31.13, OS35.22, OS36.33, OS38.4, OS39.9

(26), Tim Burdon (27), Alex Durran (38), Kathryn and Vaughn Woodfield (39) be **rejected**

- (b) The relief sought by Julian Haworth (1), JS Blennerhassett Family Trust (4), Road Macleod (5), Florence Micoud (7), Kai Tahu ki Otago (10), McDonald's Restaurants (NZ) Limited (13), Mount Barker Residents Association (14), Aurora Energy Limited (15), Mata Au Investments Ltd (17), Devon Dairy Farms Limited (29), Deborah and Stephen Brent as trustees of the Hawthenden Trust (30), Bell Group Limited (31), Patersons (32), Laing Dairy Limited (35), NW & DJ Pittaway Family Trust (36), Sunnyheights Limited RH and PH Masfen (37), Kyle Wills (40), Dirk and Rebecca Venter (47) and Bluesure Developments Ltd (55) be **accepted in part**

16. RECOMMENDED CHANGES AND SECTION 32AA OF THE RMA

16.1 I recommend the following changes to the UCLS Variation:

Amendments to the notified UCLS Preamble:

- (a) Changes to the Preamble 21.23:
- (i) a new section 2 to clarify the relationship between non-PA and PA landscape schedules, as provided for in SP 3.3.44;
 - (ii) a new clause 4.1 to clarify that only the Upper Clutha Basin RCL's have been scheduled;
- (b) amendments to the e-mapping tool of the PDP to include the one PA and 12 non-PA RCLS in the format identified in the proposed Preamble 21.23,¹²⁵ which is consistent with the current PALS mapping approach in the PDP ePlan; and
- (c) Changes to the content of the Schedules such as minor corrections, changes to descriptions attributes and values, and changes to capacity descriptions, as recommended in Ms Gilbert's evidence.

16.2 S32AA of the RMA requires a further evaluation of the recommended changes.

¹²⁵ Proposed Preamble 21.23 clause 3.

- 16.3** The removal of the clause that addresses the application of the Schedules to plan development proposals, (clause 2.2 in UCLS notified Preamble 21.23), and the consequential amendment to the definition of ‘urban expansion’, as set out in the PALS Determination, improves certainty for plan users and removes the potential for the Schedules to be used in a way that is inconsistent with Chapter 3. Moreover, the addition of a more directive clause, is helpful in enabling the Schedules to still be used to inform a plan change, both inside and outside the rural zone. Importing these changes to the notified Preamble 21.23 will improve clarity of application and therefore more effective and efficient application of the PDP framework.
- 16.4** In terms of the mapping approach, the approach confirmed through the PALS Variation is useful in differentiating between the areas is a more efficient and effective framework as it provides more clarity for plan users and decision makers on where the Schedules apply. In addition, identifying a wider assessment extent better achieves SO 3.2.5.2, SO 3.2.5.5, as it means the identification and evaluation of attributes and values of the Schedules is assessed at an appropriate landscape scale.
- 16.5** In addition, mapping the areas in the PDP e-plan is more efficient as it is consistent with how other planning map notations are identified in the PDP.
- 16.6** I consider minor amendments that will apply Preamble 21.23 to non-PA Schedules efficient and effective in terms of achieving SO 3.2.5.5 and related SPs. Given the PALS changes have been determined as effective and efficient in fulfilling the requirements of Chapter 3, I see no reason to propose a different framework for non-PA Schedules, nor would this be consistent with SP 3.3.44.
- 16.7** Amendments to include a new section clarifying the relationship between PA and non-PA Schedules will remove the potential for any confusion as to the application of the Schedules to non-PA RCL. This amendment responds to relief that sought further clarity the difference between PA RCLs and non-PA RCLs.¹²⁶ The amendment helps the UCLS Variation to better achieve the strategic objectives and policies in

126 OS41.8

Chapter 3 of the PDP, in particular those related to the management and/or enhancement of RCL, as well as SP 3.3.44.

16.8 Amendments to specify Schedule 21.23 applies to the Upper Clutha Basin only responds to relief seeking clarification on whether all RCL land in the District has been included in Schedules.¹²⁷ This amendment will increase the efficiency of application by reducing any potential confusion.

16.9 Ms Gilbert has recommended amendments to the contents of individual Schedules. These changes reflect the information provided by submitters and better describe the values and attributes of each area. The recommended amendments to the notified UCLS Schedules are considered to be more effective and efficient in achieving the objectives and policies of Chapter 3 and Chapter 6 of the PDP and the purpose of the RMA. The benefits of making these specific changes are that the UCLS Variation will be as accurate as possible and fit for purpose. I have not identified any costs of making the changes, which are supported by Ms Gilbert's expert evidence.

16.10 Overall, the recommended amendments introduce greater clarity for plan users and decision makers and achieve a more efficient and effective PDP framework. Compared to the notified UCLS Variation, the changes provide greater clarity on how to implement the Schedules, and in turn, provide more certainty that the Schedules achieve the objectives and policies in Chapter 3 and Chapter 6 of the PDP and the purpose of the RMA.

17. CONCLUSION

17.1 Based on the analysis set out in this report, I recommend that the changes to the variation as set out in **Appendix 1 and 4** be accepted by the Hearings Panel, and that submission points are accepted, accepted in part, or rejected by the Hearings Panel as set out in **Appendix 2**, and in this report.

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17.2 The s42A Recommended Version will better give effect to the strategic objectives and policies in Chapter 3 of the PDP and are considered the most appropriate to achieve the purpose of the RMA.

Emily Frew

Dated: 29 May 2026

Appendix 1: Recommended Variation

- **Appendix 1A – Policy Change – Chapter 3 (no change from Notified version)**
- **Appendix 1B – Recommended Preamble 21.23**
- **Appendix 1C – Recommended Landscape Schedules**

Appendix 2: Submissions Recommendation Table

Appendix 3: Documents relied upon and referred to

1. The Section 32 report for the Upper Clutha Landscape Schedules Variation, October 2024;
2. Submissions and further submissions received on the Upper Clutha Landscape Schedules Variation;
3. The Queenstown Lakes Proposed District Plan (PDP) and in particular, Chapter 3 *Strategic Direction*, Chapter 6 *Landscape – Rural Character* and Chapter 21 *Rural Zone*;
4. The Resource Management Act, 1991, version as at 19 May 2026.
5. The Statement of Evidence in Chief prepared by Ms Bridget Gilbert for the notified variation, dated 29 May 2026 (on the PA Schedules)
6. The s42A Report of Ruth Evans on behalf of Queenstown Lakes District Council; 11 August 2023The Proposed Otago Regional Policy Statement, Appeals Version, May 2026 (**pORPS**) and the relevant parts of the Otago Regional Policy Statement 2019 (January 2026 version)
7. The following National Policy Statements:
 - a. National Policy Statement on Renewable Energy Generation 2011 (December 2025 amendments) (**NPS REG**),
 - b. National Policy Statement for Electricity Networks December 2025 (**NES EN**) (replacing the NPS Electricity Transmission 2008)
8. The following National Environmental Standards:
 - a. National Environmental Standards for Commercial Forestry 2023 (**NES CF**),
 - b. National Environmental Standards for Electricity Transmission Activities 2009 (**NES ETA**),
9. The following Environment Court decisions (on Stage 1, Topic 2 appeals)

- a. *Hawthenden Ltd v Queenstown Lakes District Council* [2019] NZEnvC 160 (**Decision 2.1**);
- b. *Supper Clutha Environmental Society Inc v Queenstown Lakes District Council* [2019] NZEnvC 205 (**Decision 2.2**);
- c. *Lakes McKay Station Ltd v Queenstown Lakes District Council* [2019] NZEnvC 206 (**Decision 2.3**);
- d. *Upper Clutha Environmental Society Inc v Queenstown Lakes District Council* [2020], NZEnC 158 (**Decision 2.5**);
- e. *Upper Clutha Environmental Society Inc v Queenstown Lakes District Council* [2021] NZEnvC 60 (**Decision 2.7**);
- f. *Upper Clutha Environmental Society Inc v Queenstown Lakes District Council* [2021] NZEnvC 61 (**Decision 2.8**);
- g. *Upper Clutha Environmental Society Inc v Queenstown Lakes District Council* [2021] NZEnvC 124 (**Decision 2.9**);
- h. *Upper Clutha Environmental Society Inc v Queenstown Lakes District Council* [2021] NZEnvC 155 (**Decision 2.12**);
- i. *Upper Clutha Environmental Society Inc v Queenstown Lakes District Council*. [2021] NZEnvC 198 (**Decision 2.14**);
- j. *Upper Clutha Environmental Society Inc v Queenstown Lakes District Council* [2022] NZEnvC 244 (**Decision 2.15**);

10. Report and Recommendation of the Hearing Commissioners for the Priority Area Landscape Schedules Variation; May 2024;

11. The Environment Court Consent Determinations and Orders in relation to the Existing PALS appeals, including:

- a. *Treespace No1 Ltd Partnership v Queenstown Lakes District Council* [2025] NZEnvC 53;
- b. *UCT Properties Ltd v Queenstown Lakes District Council* [2025] NZEnvC 54;
- c. *Burdon v Queenstown Lakes District Council* [2026] NZEnvC 40 (**Topic 1 Consent Determination**);
- d. *Milstead Trust v Queenstown Lakes District Council* [2026] NZEnvC 41;
- e. *Burdon v Queenstown Lakes District Council* [2026] NZEnvC 42;

- f. *Cardrona Cattle Company v Queenstown Lakes District Council* [2026] NZEnvC 43;
- g. *Glencoe Land Development Company Ltd v Queenstown Lakes District Council* [2026] NZEnvC 44;
- h. *Glendu Bay Trustees Ltd v Queenstown Lakes District Council* [2026] NZEnvC 45;
- i. *Mee Holdings Ltd v Queenstown Lakes District Council* [2026] 46; and
- j. *Passion Development Ltd v Queenstown Lakes District Council* [2026] NZEnvC 47.

Appendix 4: Updated Maps to be inserted in the ePlan