

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

Decision No. [2021] NZEnvC 124

IN THE MATTER of the Resource Management Act 1991

AND of appeals pursuant to clause 14 of the
First Schedule of the Act

BETWEEN UPPER CLUTHA
ENVIRONMENTAL SOCIETY
INCORPORATED

(ENV-2018-CHC-056)

and all other appellants concerning
Topic 2 of Stage 1 of the Proposed
Queenstown Lakes District Plan (listed
on the attached Schedule)

Appellants

AND QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

Court: Environment Judge J J M Hassan
Environment Commissioner K A Edmonds
Environment Commissioner J T Baines

Hearing: In Chambers at Christchurch

Last case event: 12 August 2021

Date of Decision: 24 August 2021

Date of Issue: 24 August 2021



INTERIM DECISION OF THE ENVIRONMENT COURT**Topic 2: Rural Landscapes
Provisions for Chapters 3 and 6 and s293 directions
Decision 2.9**

- A: QLDC¹ is directed to update its 12 August 2021 version of the Chapter 3 and Chapter 6 provisions (a copy of which is in Annexure 1) to reflect the determinations in this decision and to file the updated provisions for the court's final approval for inclusion in the District Plan. Directions for their inclusion in the Plan will be made in due course, once appeals on some other provisions are determined.
- B: Under s293 RMA,² QLDC is directed to:
- (i) notify the proposed Clutha River/Mata Au ONF Corridor adjustments in accordance with Annexure 2 within ten (10) working days; and
 - (ii) include in the Plan the updated planning maps for the Mt Alpha ONL and Pisa/Criffel Range ONL boundaries as included in Annexure 3 and report to the court once this is completed.
- C: Costs are reserved. A timetable will be set in due course.

REASONS**Introduction**

[1] As is reflected in A – C, this decision largely brings to an end our substantive determinations on Topic 2. As we discuss later in this decision, that is subject to determining some related remaining provisions that were the subject of

¹ Queenstown Lakes District Council, respondent.

² Resource Management Act 1991.

settlements reached with various parties.

Statutory framework

[2] Our related Topic 2 decisions set out the statutory framework. Our determinations herein are in accordance with that framework. On any matters of minor error correction made on the recommendation of QLDC or other parties, we also rely on Sch 1 cl 16, through s290, RMA.

Confirmation of final wording of Ch 3 and Ch 6 provisions

[3] Decision 2.7³ confirmed the substantive content of a number of Ch 3 and Ch 6 provisions, subject to directions for QLDC to:⁴

- (a) provide clarification of some minor points;
- (b) draw to the court’s attention any apparent anomalous drafting warranting refinement; and
- (c) provide an updated set of provisions for the court’s approval and final decision.

[4] On 16 June 2021, QLDC provided its initial response. Its memorandum advised of some drafting anomalies and offered a set of refined Ch 3 and Ch 6 provisions for the court’s final approval (‘16 June Version’). The court invited other parties to offer responses.⁵ The following parties took up that opportunity:

- (a) Remarkables Park Limited and Queenstown Park Limited (‘RPL & QPL’);⁶
- (b) Upper Clutha Environmental Society Incorporated (‘UCESI’);⁷
- (c) various parties represented by Ms Baker-Galloway (‘Anderson Lloyd

³ [2021] NZEnvC 60.

⁴ [2021] NZEnvC 60 at [226], [228], [239], [240].

⁵ Directions dated 18 June 2021.

⁶ RPL and QPL memorandum dated 23 June 2021.

⁷ UCESI memorandum dated 23 June 2021.

parties’).⁸

[5] In summary:

- (a) RPL & QPL generally support QLDC’s drafting recommendations but offer some minor further refinements for the court’s consideration;
- (b) UCESI go somewhat further than QLDC and other parties. They seek some substantive changes to SP 3.3.36 and SP 3.3.39 and record their opposition to QLDC’s signalled plan change date for SPs 3.3.36, 3.3.37, 3.3.39 and 3.3.40; and
- (c) the Anderson Lloyd parties generally support QLDC’s drafting recommendations but oppose some aspects and make some drafting recommendations.⁹

[6] Our discussion below addresses QLDC’s and the other parties’ responses in the order of provisions.

Chapter 3 provisions

Interpretation guidance 3.1B.5 – 3.1B.7

[7] QLDC seeks that these provisions be consolidated (with the consequential deletion of 3.1B.7).¹⁰ RPL & QPL recommend a minor related drafting refinement such that the combined result is:¹¹

3.1B.5 In this Chapter:

- a. ~~In 3.1B.6 and SO 3.2.5.4,~~ ‘Exception Zone’ means any of the following, to the extent that the Zone (or Sub-Zone) is depicted on the planning maps:

⁸ Various Anderson Lloyd parties’ memorandum dated 23 June 2021.

⁹ Various Anderson Lloyd parties’ memorandum dated 23 June 2021 at [2].

¹⁰ QLDC memorandum dated 16 June 2021 at [10(a)]-[10(d)].

¹¹ RPL/QPL recommend capitalising ‘zone’ to read ‘Zone’.

- i.~~a.~~ The Ski Area Sub-Zone;
 - ii.~~b.~~ The Rural Residential Zone and Rural Lifestyle Zone (Chapter 22);
 - iii.~~c.~~ The Gibbston Character Zone (Chapter 23);
 - iv.~~d.~~ The Jacks Point Zone (Chapter 41).
- b. ‘Landscape Capacity’:
- i. in relation to an Outstanding Natural Feature or Outstanding Natural Landscape, means the capacity of a landscape or feature to accommodate subdivision and development without compromising its identified values;
 - ii. in relation to a landscape character area in a Rural Character Landscape, means the capacity of the landscape character area to accommodate subdivision and development without compromising its identified landscape character and while maintaining its identified visual amenity values;
- c. ‘Landscape values’ in relation to any Outstanding Natural Feature, Outstanding Natural Landscape or Rural Character Landscape includes biophysical, sensory and associative attributes (and ‘values’ has a corresponding meaning);
- d. ‘Rural Living’ means residential-type development in a Rural Character Landscape or in an Outstanding Natural Landscape, including of the nature anticipated in a Rural Residential or Rural Lifestyle Zone but excluding residential development for farming or other rural production activities;
- e. ‘Priority Area’:
- i. in relation to an Outstanding Natural Feature or Outstanding Natural Landscape, means an area listed in SP 3.3.36 and shown on the maps [held on [QLDC reference file]];
 - ii. in relation to the Upper Clutha Rural Character Landscape, means an area listed in SP 3.3.39 and shown on the maps [held on [QLDC reference file]].
- f. ‘Best practice landscape methodology’ in relation to the identification of landscape values or related landscape capacity or their assessment includes a methodology produced or

recommended by a reputable professional body for landscape architects.

3.1B.6 The following Strategic Objectives and Strategic Policies (or specified parts thereof) do not apply to the consideration or determination of any applications for any subdivision, use or development within any of the Exception Zones except insofar as the receiving environment includes an Outstanding Natural Feature or Outstanding Natural Landscape (or part thereof) that is outside the Exception Zone:

- a. SO 3.2.1.7.a, SO 3.2.1.8.a, SO 3.2.5.1, SO 3.2.5.2; and
- b. SP 3.2.5.4, SP 3.3.21.a, SP 3.3.23a, SP 3.3.29, SP 3.3.30, SP 3.3.31.

For avoidance of doubt, the above identified Strategic Objectives and Strategic Policies apply to plan development, including Plan Changes.

Outcome

[8] We agree with this consolidation and refinement and direct that the provisions be amended accordingly.

SO 3.2.5.5

[9] SO 3.2.5.5¹² was provisionally amended by Decision 2.2¹³ and the drafting was confirmed by Decision 2.7.¹⁴ QLDC points to a minor inconsistency between SO 3.2.5.5 and SO 3.2.5.6 in that the former does not reference “use” but the latter does. It recommends this inconsistency be corrected by the following amendment to SO 3.2.5.5:¹⁵

3.2.5.5 Within Rural Character Landscapes, adverse effects on landscape character and visual amenity values from subdivision, use or development are anticipated and effectively managed, through

¹² Formerly SO 3.2.5.2.

¹³ [2019] NZEnvC 205.

¹⁴ [2021] NZEnvC 60.

¹⁵ QLDC memorandum dated 16 June 2021 at [10(e)]-[10(h)].

policies and rules, so that: ...

Outcome

[10] We accept QLDC's recommended refinements and direct these be made accordingly.

SP 3.3.34

[11] QLDC proposes the following refinement:¹⁶

3.3.34 ~~For~~ ~~in~~ any Priority Area of any Rural Character Landscape ~~whose~~ where landscape character and visual amenity values and related landscape capacity are identified in Schedule 21.23, ensure that new subdivision and development for the purposes of Rural Living: ...

Outcome

[12] We find QLDC's proposed refinement is appropriate and direct it be made accordingly as a minor drafting refinement better expressing the intention of the provision.

SP 3.3.35

[13] QLDC recommends that SP 3.3.35 be amended as follows for clarity:¹⁷

3.3.35 In any Rural Character Landscape that is not a Priority Area, or is a Priority Area that has not achieved ~~all of~~ the requirements of SP 3.3.33, do not allow new subdivision or development for the purposes of Rural Living except where: ...

[14] Ms Baker-Galloway, for the Anderson Lloyd parties, supports this

¹⁶ QLDC memorandum dated 16 June 2021 at [10(i)]-[10(k)].

¹⁷ QLDC memorandum dated 16 June 2021 at [10(l)]-[10(o)].

recommendation in principle but seeks the following further change:¹⁸

- 3.3.35 In any Rural Character Landscape that is not a Priority Area, or is a Priority Area that has not achieved the requirements of SP 3.3.33(a), do not allow new subdivision or development for the purposes of Rural Living except where: ...

Discussion

[15] We are satisfied that QLDC's recommendation makes the intention of SP 3.3.35 clearer. We find it would not be appropriate to make the further change recommended by Ms Baker-Galloway. In particular, this recommendation would appear to have the substantive consequence of excluding consideration of SP 3.3.33 as follows (which we find unjustified):

- 3.3.33 For Rural Character Landscapes, identify landscape character to be maintained, and visual amenity values to be maintained or enhanced and related landscape capacity:

...

- c. through associated District Plan rules setting measurable spatial or other limits, and related assessment matters, as to cumulative subdivision and development including as to location, quantity, density and design.

Outcome

[16] Therefore, we direct SP 3.3.35 be amended as recommended by QLDC.

SPs 3.3.36, 3.3.39 and 3.3.42 including future plan change dates

[17] SP 3.3.42 relevantly reads:

The Council shall notify a proposed plan change to the District Plan by 31 March

¹⁸ Various Anderson Lloyd parties' memorandum dated 23 June 2021 at [4].

2022 to implement SPs 3.3.36, 3.3.37, 3.3.39 and 3.3.40.

[18] The 31 March 2022 date was inserted on the basis of the indication previously given by QLDC as to what it could achieve.¹⁹ QLDC now seeks that this date be changed to 30 June 2022.

[19] Counsel explains that, when the 31 March 2022 date was nominated, QLDC officers were factoring in a 12-month lead-in period for the necessary plan changes. Counsel reassures the court that QLDC remains intent on advancing the plan changes as soon as possible and the relevant steps have not changed. However, the date shift is sought because QLDC now also intends to publicly consult on the draft schedules prior to public notification. As such, the 30 June 2022 date is to provide for a clear 12 months from the date of the court's Decision 2.7.²⁰

[20] UCESI opposes this date shift. In addition, they seek changes to SPs 3.3.36 and 3.3.39 with a view to directing QLDC to continue to identify further Priority Areas such that further plan changes are brought forward to ensure proper identification in the PDP of values associated with all ONF/Ls and landscape character and values for all RCLs. UCESI's suggested drafting to those ends is as follows:²¹

- 3.3.36 Identify in Schedule 21.22 the following Rural Zone Priority Areas within the Outstanding Natural Features and Outstanding Natural Landscapes. The Priority Areas listed are those identified to date; additional Priority Areas will be identified during the lifetime of the plan. Priority Areas are shown on maps held on [QLDC reference file]:
- a. parts of the Outstanding Natural Features of Peninsula Hill, Ferry Hill, Shotover River, Morven Hill, Lake Hayes, Slope Hill, Feehly Hill, Arrow River, Kawarau River, Mt Barker, and

¹⁹ QLDC supplementary legal submissions dated 18 December 2020 at [6]-[8].

²⁰ QLDC memorandum dated 16 June 2021 at [10(p)]-[10(u)].

²¹ UCESI memorandum dated 23 June 2021 at [10].

Mt Iron.

- b. parts of the Outstanding Natural Landscapes of West Wakatipu Basin, Queenstown Bay and environs, Northern Remarkables, Central Wakatipu Basin Coronet Area, East Wakatipu Basin and Crown Terrace Area, Victoria Flats, Cardrona Valley, Mount Alpha, Roys Bay, West Wanaka, Dublin Bay, Hawea South and North Grandview, and Lake McKay Station and environs.

3.3.39 Identify in Schedule 21.23 the following Rural Zone Priority Areas within the Upper Clutha Rural Character Landscapes. The Priority Areas listed are those identified to date; additional Priority Areas will be identified during the lifetime of the plan. Priority Areas are shown on maps held on [QLDC reference file]:

- a. Cardrona River/Mt Barker Road RCL PA;
- b. Halliday Road/Corbridge RCL PA;
- c. West of Hāwea River RCL PA;
- d. Church Road/Shortcut Road RCL PA;
- e. Maungawera Valley RCL PA.

Discussion

[21] We accept QLDC's explanation for why the plan change date should be changed, including counsel's assurance that QLDC remains committed to following through. The nomination of an appropriate date is very much a matter for QLDC in its capacity as planning authority. In any case, it is a minor adjustment to its provisions and is recommended for good reasons. Therefore, we direct that the date be changed as QLDC has requested.

[22] We decline to make the amendments UCESI suggests to SPs 3.3.36 and 3.3.39. The choice of going further in these terms is more appropriate for QLDC, in its planning authority role, rather than for this court to direct. Furthermore, the wording proposed by UCESI suggests to us a misunderstanding of the concept of 'priority area'. The descriptor 'priority' is intended to reflect a consideration of timing, not of the relative significance of the areas chosen. Therefore, the priority

areas to be identified in Schedules 21.22 and 21.23 by June 2022 are those for which QLDC is committed to identifying by that date the associated attributes, values and capacity. Nevertheless, were QLDC to go further and apply the same exercise to all ONFs, ONLs and RCLs during the lifetime of the Plan, that would certainly be in keeping with our findings and QLDC's related planning authority responsibilities.

Outcome

[23] Therefore, we confirm the pre-existing wording of SP 3.3.36 and 3.3.39 and direct QLDC to amend SP 3.3.42 to replace 31 March 2022 with 30 June 2022.

SP 3.3.43

[24] SP 3.3.43 sets out the attributes that inform the values identification framework process and all other landscape assessments.

[25] QLDC seeks two sets of changes to this Strategic Policy:

- (a) the following change be made to the preamble:

In applying the Strategic Objectives and Strategic Policies ~~on landscape values and related landscape capacity of~~ for Outstanding Natural Features, Outstanding Natural Landscapes and Rural Character Landscapes, including the values identification frameworks in SP 3.3.37 and SP 3.3.40 and the landscape assessment methodology in SP 3.3.45, have regard to the following attributes:

- (b) the following amendments to the attributes:²²

- a. Physical attributes:
 - i. geology, geomorphology and topography;
 - ii. ecology;
 - iii. vegetation cover (exotic and indigenous);

²² QLDC memorandum dated 16 June 2021 at [10(v)]-[10(y)].

- iv. the presence of waterbodies including lakes, rivers, streams, wetlands, and their hydrology;
 - v. land use (including settlements, buildings and structures; and
- b. Sensory (or experiential) attributes:
- i. legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;
 - ii. aesthetic values including memorability and naturalness;
 - iii. wild or scenic values;
 - iv. transient values including values at certain times of the day or year;
 - v. experiential attributes, including the sounds and smells associated with the landscape; and
- c. Associative attributes:
- i. whether the attributes identified in (a) and (b) are shared and recognised;
 - ii. cultural and spiritual values, including for Tangata Whenua;
 - iii. historical and heritage associations;
 - iv. recreational values; and
 - v. identity or ‘sense of place’.

[26] QLDC seeks the change to the preamble primarily for clarity and word efficiency. It points out that, if this change is not made, a consequential change should be made to the existing wording to ensure it is complete for RCLs, namely the addition of the words ‘landscape character and visual amenity values’.

[27] QLDC seeks the changes to the expression of attributes to achieve closer alignment with the recommendations of the landscape witnesses’ Joint Witness Statement dated 29 October 2020.

[28] For the Anderson Lloyd parties, Ms Baker-Galloway opposes QLDC’s recommendations for the preamble as effectively broadening the application of SP 3.3.43 beyond that intended by Decision 2.7 (at [66]). Counsel comments that QLDC’s recommended change would make it unclear which SOs and SPs ‘for

ONF, ONL and RCL' would then apply. She points out that a significant number of provisions in Ch 3 apply to these landscape categories, which are beyond landscape values and related landscape capacity, and which do not need to be assessed with regard to the listed attributes. To address her concerns, Ms Baker-Galloway recommends that the court either decline to make the change QLDC seeks or to incorporate into SP 3.3.43 a full list of applicable SOs and SPs (being those only related to informing the VIFs and landscape assessment methodologies).²³

Discussion

[29] As for the Preamble, we agree with QLDC's suggested refinements. We do not share the concern raised on behalf of the Anderson Lloyd parties. SP 3.3.43 is intended to apply to a range of Ch 3 Strategic Objectives and Strategic Policies, not simply SP 3.3.37, SP 3.3.40 and SP 3.3.45. Hence, the drafting in Decision 2.7 deliberately uses the word 'including' with reference to the application of those Strategic Policies. We find QLDC's recommendation helpfully simplifies and clarifies the drafting, without substantially changing its intent.

[30] With one exception, we find QLDC's recommendations for refinements to the listed attributes helpful in achieving better alignment with the JWS. That exception is the recommendation for the following change:

- ii. cultural and spiritual values, including for Tangata Whenua

[31] We find QLDC's recommendation on this matter would risk watering down the intended role of this sub-clause. That role is to flag for landscape assessment the particular relevance of tangata whenua cultural and spiritual values, in accordance with the directions under ss 6(e) and 8, RMA. In particular, we refer to the connection to and relationship with ancestral lands, water, sites, wāhi tapu, and other taonga. General values of this kind are already well-covered by the other

²³ Various Anderson Lloyd parties' memorandum dated 23 June 2021 at [5]-[8].

identified attributes.

Outcome

[32] Therefore, we direct that SP 3.3.43 be revised as recommended by QLDC subject to maintaining the existing wording of c.ii.

Other Ch 3 recommendations

[33] QLDC and some other parties recommend a range of technical drafting refinements in addition to those we have discussed.

Outcome

[34] In each case, we find the recommendations noted below appropriate and direct that they be made.

Provision	Recommended amendments that we direct be made
SP 3.3.31	RPL/QPL's recommendation that 'areas' be deleted to ensure consistent definition of town centres as defined by the extent of the Town Centre Zone in each case.
SP 3.3.32	QLDC's recommendation to re-express the word 'Rural' as lower case 'rural'. RPL/QPL's recommendation to re-express 'district's' as 'District's' consistent with the use of the word elsewhere in Ch 3.
SP 3.3.23	QLDC's recommendation, for drafting consistency with SP 3.3.21(b), to re-express this to consolidate para 'c.' into para 'b.' as follows: <i>Ensure that the effects of cumulative subdivision and development for the purposes of Rural Living does not compromise:</i> <i>a. the protection of the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes; and</i> <i>b. the maintenance of the landscape character and maintenance or enhancement of the visual amenity values of Rural Character Landscapes.</i>

SP 3.3.36.b	RPL/QPL's recommendation to add a macron: Hāwea
SP 3.3.37	QLDC's recommendation, for word efficiency, to amend the preamble as follows: <i>For the Priority Areas listed in SP 3.3.36 Outstanding Natural Features and Outstanding Natural Landscapes Priority Areas, according to ...</i>
SP 3.3.38.a	QLDC's recommendation to change 'feature or landscape' to read 'Feature or Landscape'.
SP 3.3.38.b and SP 3.3.41.c	QLDC's recommendation, mindful of the function of SP 3.3.43, to clarify the expression to ' <i>describe in accordance with SP 3.3.43, and <u>then</u> rate, those attributes ...</i>
SP 3.3.40	RPL/QPL's recommendation to add 'SP' and QLDC's recommendation, for word efficiency, to amend the preamble as follows: <i>For the Priority Areas listed in SP 3.3.39 Upper Clutha Basin Rural Zone Rural Character Landscape Priority Areas, according to SP 3.3.41 ...</i>
SP 3.3.44	QLDC's recommendations, for better clarity, to delete the words 'or an' preceding 'Outstanding Natural Landscape' and, in subclauses a.i. and a.ii., the words 'any or any part of'.
SP 3.3.45	RPL/QPL's recommendation, for better clarity, to amend the introductory wording of subclauses a. and b. as follows ' in the case of <u>for</u> ...'

[35] Regarding SP 3.3.44, we have not taken up Ms Baker-Galloway's further recommendation that this be amended to commence 'Where ~~any or~~ any part of an Outstanding Natural Feature ...'. The existing wording is not in error, in that SP 3.3.44 is intended to apply to cases where an entire ONF or ONL is in issue or just part of one.

Chapter 6 provisions

Policy 6.3.3.1

[36] QLDC seeks that the wording of this policy be amended as follows:²⁴

²⁴ QLDC memorandum dated 16 June 2021 at [10(z)]-[10(bb)].

- 6.3.3.1 Recognise that subdivision and development is inappropriate on Outstanding Natural Features ~~and~~ or in Outstanding Natural Landscapes unless:
- a. landscape values are protected; and
 - b. in the case of any ~~subsequent~~ subdivision or development, all buildings and other structures and all changes to landform or other physical changes to the appearance of land will be reasonably difficult to see from beyond the boundary of the site in question.

Discussion

[37] The word ‘subsequent’ was included by Decision 2.7. In Decision 2.2, the draft wording was relevantly:

- 6.3.3.1 Recognise that subdivision and development is inappropriate on Outstanding Natural Features and in Outstanding Natural Landscape unless:
- a. landscape values are protected; and
 - b. in the case of any subdivision or development, all buildings and other structures and all changes to landform or other physical changes to the appearance of the land will be reasonably difficult to see from beyond the boundary of the site in question.

[38] As QLDC properly points out, Decision 2.7 was concerned only with whether or not there was scope for inclusion of this policy in the PDP. The addition of the word ‘subsequent’ is not explained and, on the face of the decision, we agree it is a drafting error. The other refinements suggested are also appropriate in ensuring clarity.

Outcome

[39] Therefore, we direct that Pol 6.3.3.1 be amended according to QLDC’s recommendations.

Other Ch 6 recommendations

[40] QLDC and some other parties recommend some technical drafting refinements to other Ch 6 provisions in addition to those we have discussed.

Outcome

[41] In each case, we find the recommendations noted below appropriate and direct that they be made.

Provision	Recommended amendments that we direct be made
6.1 and 6.2	All QLDC, RPL & QPL's recommendations for refinements to 6.1 and 6.2
Various policies	All RPL & QPL recommendations for addition of reference to 'SO' and 'SP'
6.3.3.2	RPL & QPL's recommendation to capitalise 'whenua'.
6.3.4.8	QLDC recommendation to re-order references to Outstanding Natural Landscape and Outstanding Natural Feature.

Cross-referencing

[42] An important aspect of the drafting style of the PDP is the inclusion of cross-referencing, in italicised text below relevant provisions, to guide the plan reader to related provisions. Following our initial review of the 16 June Version, we issued a Minute identifying some potential discrepancies and directing QLDC to undertake a review and report back on any need for corrections.²⁵

[43] QLDC responded by memorandum dated 12 August 2021 which attached an updated version correcting some cross-referencing errors ('August Version', a copy of which is in Annexure 1 for reference).

[44] The August Version recommends some amendments to the cross-

²⁵ Minute dated 28 July 2021.

referencing in Ch 3 and substantially more in Ch 6.

[45] QLDC explains the rationale for these recommended amendments as follows:²⁶

- a. New cross-referencing text has been added where any SPs were lacking such text, to ensure that there is both consistency of cross-referencing across all SPs, and a complete record of the relationship between SPs and the SOs in Chapter 3 (as contemplated by 3.1B.4(b)).
- b. Council has included references to the applicable parent Strategic Objective (SO) in all cases, which responds to the Court's observation at [4](a) regarding Policy 6.3.1.1.
- c. The cross-referencing sitting under the parent SOs, which identifies the group of SOs (4-digits) that elaborate on the parent SO (3-digit), has been deleted (eg. the text following SO 3.2.2). The reason for this is that the deleted text is considered unnecessary, and amounts to unnecessary repetition of 3.1B.4.
- d. Council has removed any 'double' cross-referencing, so that the cross-referencing is to the SO elaborated on, in accordance with 3.1B.4.
- e. Finally, all cross-referencing, in both Chapters 3 and 6, has been re-formatted to ensure that the text is italicised, as required by 3.1B.4.

[46] In its Minute, the court offered examples of some apparent cross-referencing discrepancies. In addition to the above explanation, QLDC responds to some of the court's queries as follows:²⁷

The distinction between SP 3.3.28 and 3.3.32 derives from the subject matter of those policies. SP 3.3.28 relates to Outstanding Natural Features and Landscapes, whereas SP 3.3.32 relates to Rural Character Landscapes (RCL). As a result, Council has included cross-referencing that reflects the parent SOs that provide direction for the relevant landscape categories. Council has added reference to SO 3.2.5 in both SPs however, which recognises that SO 3.2.5 provides overarching

²⁶ QLDC memorandum dated 12 August 2021, at [8].

²⁷ QLDC memorandum dated 12 August 2021, at [9(a)].

direction for all landscapes.

[47] In regard to the court's query as to why SO 3.2.5.7 is cross-referenced in SP 3.3.32 and Ch 6's 6.3.1.1, QLDC responds:²⁸

In relation to SP 3.3.32, Council considers this policy to implement SO 3.2.5.5 and 3.2.5.7. SO 3.2.5.7 requires the Priority Areas of the RCLs of the Upper Clutha Basin to be identified, whereas SP 3.3.32 applies more broadly to RCLs generally. As a result, Council considers that cross-references to SO 3.2.5, 3.2.5.5 and 3.2.5.7 are appropriate, with SP 3.3.32 elaborating on those SOs by requiring the identification of all RCLs on the plan maps, as a method to achieve the relevant environmental limbs stated in SO 3.2.5.5 and 3.2.5.7 (i.e. through the use of policies and rules to achieve the maintenance of landscape character, and maintenance and enhancement of visual amenity values within RCLs). By way of comparison, SO 3.2.5.1 (for ONF/L) is not limited to Priority Areas only, and so SP 3.3.28 requires only one cross-reference.

In relation to Policy 6.3.1.1, Council initially proposed to include a cross-reference to SO 3.2.5.7 to provide SO direction for the classification of land within the Rural Zone as RCL. This approach was consistent with the Decisions Version (DV), which included a cross-reference to DV SO 3.2.5.2. However, as the SOs have now been amended, Council accepts that Policy 6.3.1.1 can refer to SO 3.2.5 and SPs 3.3.28 and 3.3.32 only (as shown in Appendix A).

Discussion

[48] We are satisfied that QLDC has now satisfactorily re-checked and clarified the cross-referencing according to our directions. We observe that, whilst cross-referencing is intended to assist the plain reading of the Plan, it brings with it a risk of interpretation uncertainty. For instance, that can arise insofar as there is any cross-referencing error, including any omission to properly update cross-referencing in response to future plan changes. However, we leave matters there as this is properly a matter for QLDC to manage as the planning authority.

²⁸ QLDC memorandum dated 12 August 2021, at [9(b)].

Section 293 directions

Mt Alpha and Pisa/Criffel Range ONL boundaries

[49] Decision 2.8²⁹ approved the applications for s293 directions to alter the mapping of both the Mt Alpha and Pisa/Criffel Range ONL boundaries.³⁰ QLDC reports that it complied with and, on 14 May 2021, completed the court's notification directions. These required public notification and written notice to affected landowners of the proposed mapping alterations for each of the ONL boundaries. QLDC confirms no written feedback on the proposed mapping alterations was received. Nor did any person seek to join the s293 process as a s274 party.³¹

[50] QLDC has provided updated PDP maps for the court's endorsement. We are satisfied that the maps accord with our directions and are properly fit for inclusion in the PDP. We make directions accordingly.

Clutha River/Mata Au ONF corridor

[51] On 21 May 2021, QLDC responded to the directions in Decision 2.8. These were to file a final version of the 'plan change' in the form intended to be notified, a final version of the directions sought and a proof copy of the related notices. We are satisfied that the documents filed by QLDC are in order and make directions accordingly.

Conclusion

[52] A final step will be for QLDC to file an update of its August Version to reflect our determinations in this decision and for the purposes of our final approval for inclusion of the updated Ch 3 and 6 provisions in the PDP. Our directions provide for QLDC to report back on the optimal timing for that final

²⁹ [2021] NZEnvC 61.

³⁰ [2021] NZEnvC 61, Annexures 2 and 3.

³¹ QLDC memorandum dated 13 July 2021 at [3] and [6].

approval process bearing in mind any need to align it with our final determinations on related provisions on which parties have reached settlements (particularly on regionally significant infrastructure provisions).

[53] Therefore, we direct QLDC to:

- (a) update its August Version to reflect the decisions and directions herein;
- (b) update the PDP planning maps for the Mt Alpha ONL and Pisa/Criffel Range ONL boundaries as confirmed by this decision;
- (c) notify the Clutha River/Mata Au ONF corridor s293 plan change provisions;
- (d) report to the court by memorandum on when directions (b) and (c) are complied with;
- (e) report to the court, within ten working days of the date of this decision, as to:
 - (i) QLDC's preference for when the updated Chs 3 and 6 provisions, as finally approved, are included in the PDP vis-à-vis provisions yet to be determined on regionally significant infrastructure and other matters; and
 - (ii) therefore, when it anticipates it would file the updated provisions for approval.

[54] Costs are reserved and a timetable will issue in due course. However, parties are reminded of what the Practice Note says on costs' orders in plan review processes.

For the court



J J M Hassan
Environment Judge

SCHEDULE

ENV-2018-CHC-053	Federated Farmers of NZ
ENV-2018-CHC-055	Hawthenden Farm Limited
ENV-2018-CHC-082	Kawarau Jet Services Holdings Limited
ENV-2018-CHC-083	Mt Cardrona Station Limited
ENV-2018-CHC-091	Burdon
ENV-2018-CHC-092	Trojan Helmet Limited
ENV-2018-CHC-093	Queenstown Airport Corporation Limited
ENV-2018-CHC-094	The Middleton Family Trust & others
ENV-2018-CHC-095	Seven Albert Town Property Owners
ENV-2018-CHC-099	Bill and Jan Walker Family Trust & others
ENV-2018-CHC-103	Mt Christina Limited
ENV-2018-CHC-104	Soho Ski Area / Blackmans Creek
ENV-2018-CHC-106	Te Anau Developments
ENV-2018-CHC-107	Treble Cone Investments
ENV-2018-CHC-108	Aurora Energy Ltd
ENV-2018-CHC-114	Transpower NZ Ltd
ENV-2018-CHC-115	Willowridge Developments Ltd
ENV-2018-CHC-119	Halfway Bay Lands Limited
ENV-2018-CHC-124	Waterfall Park Developments Limited
ENV-2018-CHC-126	Remarkables Park Limited
ENV-2018-CHC-127	Queenstown Park Limited
ENV-2018-CHC-129	Slopehill Properties Limited
ENV-2018-CHC-130	SYZ Investments Limited
ENV-2018-CHC-131	Real Journeys Limited
ENV-2018-CHC-134	Ngai Tahu Tourism Limited
ENV-2018-CHC-136	Burgess
ENV-2018-CHC-137	Coneburn Preserve Holdings Limited & Others
ENV-2018-CHC-138	Real Journeys (trading as Go Orange Limited)
ENV-2018-CHC-141	Glendhu Bay Trustees Limited
ENV-2018-CHC-142	Queenstown Wharves GP Limited
ENV-2018-CHC-144	James Wilson Cooper
ENV-2018-CHC-145	Glen Dene Limited
ENV-2018-CHC-146	Real Journeys Limited (trading as Canyon Food and Brew Company Limited)
ENV-2018-CHC-148	Allenby Farms Limited
ENV-2018-CHC-150	Darby Planning Limited
ENV-2018-CHC-151	NZ Tungsten Mining
ENV-2018-CHC-160	Lake McKay Station Limited

ANNEXURE 1

QLDC's August Version Ch 3 and Ch 6 Provisions.

3 Strategic Direction

3.1 Purpose

This chapter sets out the over-arching strategic direction for the management of growth, land use and development in a manner that ensures sustainable management of the Queenstown Lakes District's special qualities:

- a. distinctive lakes, rivers, alpine and high country landscapes free of inappropriate development;
- b. clean air and pristine water;
- c. vibrant and compact town centres;
- d. compact and connected settlements that encourage public transport, biking and walking;
- e. diverse, resilient, inclusive and connected communities;
- f. a district providing a variety of lifestyle choices;
- g. an innovative and diversifying economy based around a strong visitor industry;
- h. a unique and distinctive heritage;
- i. distinctive Ngāi Tahu values, rights and interests;
- j. indigenous biodiversity and ecosystems.

3.1A Strategic Issues

The following Strategic Issues are overarching. While not intended to be an exhaustive list or description of issues to be addressed in the District's pursuit of sustainable management, these Strategic Issues are identified as warranting to be addressed at the present time and during the lifetime of the Plan (and beyond) to enable the retention of the special qualities listed at a. - j. of 3.1 Purpose:

- a. Strategic Issue 1: Economic prosperity and equity, including strong and robust town centres, and the social and economic wellbeing and resilience of the District's communities may be challenged if the District's economic base lacks diversification.
- b. Strategic Issue 2: Growth pressure impacts on the functioning and sustainability of urban areas, and risks detracting from rural landscapes, particularly its outstanding natural features and outstanding natural landscapes.
- c. Strategic Issue 3: High growth rates can challenge the qualities that people value in their communities.
- d. Strategic Issue 4: Some resources of the District's natural environment, particularly its outstanding natural features and outstanding natural landscapes and their landscape values, require effective identification and protection in their own right as well as for their significant contribution to the District's economy.
- e. Strategic Issue 5: The design of developments and environments can either promote or weaken safety, health and social, economic and cultural wellbeing.
- f. Strategic Issue 6: Tangata Whenua status and values require recognition in the District Plan.

3.1B Interpretation and Application of this Chapter

- 3.1B.1 For the purpose of plan development, including plan changes, the Strategic Objectives and Strategic Policies in this Chapter provide direction for the development of the more detailed provisions contained elsewhere in the District Plan in relation to the Strategic Issues.

- 3.1B.2 For the purpose of plan implementation (including in the determination of resource consent applications and notices of requirement):
- a. the Strategic Objectives and Strategic Policies in this Chapter may provide guidance on what the related objectives and policies in other chapters of the Plan are seeking to achieve in relation to the Strategic Issues;
 - b. the relevant objectives and policies of the plan (including Strategic Objectives and Strategic Policies in this Chapter) are to be considered together and no fixed hierarchy exists between them.
- 3.1B.3 In this plan, the notation 'SO' means 'Strategic Objective'. The notation 'SP' means 'Strategic Policy'.
- 3.1B.4 The following relationships apply as between Strategic Objectives and Strategic Policies of this Chapter:
- a. Where it is intended that a Strategic Objective elaborates on another Strategic Objective, that is specified in italicised text in brackets immediately following the Strategic Objective that is elaborated on. Unless otherwise specified, where a Strategic Objective enumerated to three digits (e.g. 3.2.1) ('Three Digit Strategic Objective') is followed by one or more Strategic Objectives enumerated to four digits (e.g. 3.2.1.1. 3.2.1.2) ('Four Digit Strategic Objective'), those Four Digit Strategic Objectives elaborate on that Three Digit Strategic Objective;
 - b. Many Strategic Policies in Chapter 3 implement more than one Strategic Objective. This is reflected in how Strategic Policies are grouped. The relationship(s) intended between individual Strategic Policies and the relevant Strategic Objective(s) is specified in the italicised text in brackets following each such Strategic Policy.
- 3.1B.5 In 3.1B.6 and SO 3.2.5.4, 'Exception Zone' means any of the following, to the extent that the Zone (or Sub-Zone) is depicted on the planning maps:
- a. The Ski Area Sub-Zzone;
 - b. The Rural Residential Zone and Rural Lifestyle Zone (Chapter 22);
 - c. The Gibbston Character Zone (Chapter 23);
 - d. The Jacks Point Special Zone (Chapter 41).
- 3.1B.6 The following Strategic Objectives and Strategic Policies (or specified parts thereof) do not apply to the consideration or determination of any applications for any subdivision, use or development within any of the Exception Zones except insofar as the receiving environment includes an Outstanding Natural ~~Feature Landscape~~ or Outstanding Natural Landscape Feature (or part thereof) that is outside the Exception Zone:
- a. SO 3.2.1.7.a, SO 3.2.1.8.a, SO 3.2.5.1, SO 3.2.5.2; and
 - b. SP 3.2.5.4, SP 3.3.21.a, SP 3.3.23.a, SP 3.3.29, SP 3.3.30, SP 3.3.31.
- For avoidance of doubt, the above identified Strategic Objectives and Strategic Policies apply to plan development, including plan changes.
- 3.1B.7 In this Chapter:
- a. 'Landscape capacity':
 - i. in relation to an Outstanding Natural Feature or Outstanding Natural Landscape, means the capacity of a landscape or feature to accommodate subdivision and development without compromising its identified landscape values;

- ii. in relation to a landscape character area in a Rural Character Landscape, means the capacity of the landscape character area to accommodate subdivision and development without compromising its identified landscape character and ~~whilst~~ while maintaining its identified visual amenity values;
- b. 'Landscape values' in relation to any Outstanding Natural Feature, Outstanding Natural Landscape or Rural Character Landscape includes biophysical, sensory and associative attributes (and 'values' has a corresponding meaning);
- c. 'Rural Living' means residential-type development in a Rural Character Landscape or on an Outstanding Natural Feature or in an Outstanding Natural Landscape, including of the nature anticipated in a Rural Residential or Rural Lifestyle zone but excluding residential development for farming or other rural production activities;
- d. 'Priority Area':
 - i. in relation to an Outstanding Natural Feature or Outstanding Natural Landscape, means an area listed in SP 3.3.36 and shown on the maps in ~~Schedule 21~~ [held on [QLDC reference file]];
 - ii. in relation to the Upper Clutha Rural Character Landscape, means an area listed in SP 3.3.39 and shown on the maps in ~~Schedule 21~~ [held on [QLDC reference file]].
- e. 'Best practice landscape methodology' in relation to the identification of landscape values or related landscape capacity or their assessment includes a methodology produced or recommended by a reputable professional body for landscape architects.

3.2 Strategic Objectives

3.2.1 The development of a prosperous, resilient and equitable economy in the District. (*addresses Issue 1*)

- 3.2.1.1 The significant socioeconomic benefits of well designed and appropriately located visitor industry places, facilities and services are realised across the District.
- 3.2.1.2 The Queenstown and Wānaka town centres¹ are the hubs of New Zealand's premier alpine visitor resorts and the District's economy.
- 3.2.1.3 The Frankton urban area (including the Remarkables Park mixed use centre) functions primarily as a major commercial and industrial service centre, and provides community facilities, for the people of the Wakatipu Basin.
- 3.2.1.4 The key function of the commercial core of Three Parks is focused on large format retail development.

¹ Defined by the extent of the Town Centre Zone in each case

- 3.2.1.5 Local service and employment functions served by commercial centres and industrial areas outside of the Queenstown and Wānaka town centres², Frankton and Three Parks, are sustained.
- 3.2.1.6 Diversification of the District’s economic base and creation of employment opportunities through the development of innovative and sustainable enterprises.
- 3.2.1.7 Agricultural land uses are enabled provided those uses are consistent with:
- a. the protection of the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes;
 - b. the maintenance of the landscape character of Rural Character Landscapes and the maintenance or enhancement of their visual amenity values; and
 - c. the maintenance of significant nature conservation values.
- 3.2.1.8 Diversification of land use in rural areas beyond traditional activities, including farming, provided that:
- a. the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected;
 - b. the landscape character of Rural Character Landscapes is maintained and their visual amenity values are maintained or enhanced; and
 - c. significant nature conservation values and Ngāi Tahu values, interests and customary resources, are maintained.
- 3.2.1.9 Infrastructure in the District that is operated, maintained, developed and upgraded efficiently and effectively to meet community needs and to maintain the quality of the environment. *(also elaborates on S.O. 3.2.2 following)*

3.2.2 Urban growth is managed in a strategic and integrated manner. *(addresses Issue 2)*

~~(Strategic Objective 3.2.2.1 elaborates on Strategic Objective 3.2.2. SO 3.2.1.9 also elaborates on SO 3.2.2).~~

- 3.2.2.1 Urban development occurs in a logical manner so as to:
- a. promote a compact, well designed and integrated urban form;
 - b. build on historical urban settlement patterns;
 - c. achieve a built environment that provides desirable, healthy and safe places to live, work and play;
 - d. minimise the natural hazard risk, taking into account the predicted effects of climate change;
 - e. protect the District’s rural landscapes from sporadic and sprawling urban development;
 - f. ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;
 - g. contain a high quality network of open spaces and community facilities; and
 - h. be integrated with existing, and proposed infrastructure and appropriately manage effects on that infrastructure. *(also elaborates on S.O. 3.2.3, 3.2.5 and 3.2.6 following)*

² Defined by the extent of the Town Centre Zone in each case

3.2.3 A quality built environment taking into account the character of individual communities. (*addresses Issues 3 and 5*)

~~(Strategic Objective 3.2.3.1 elaborates on Strategic Objective 3.2.3. In addition, SO 3.2.2.1 also elaborates on SO 3.2.3).~~

3.2.3.1 The District's important historic heritage values are protected by ensuring development is sympathetic to those values.

3.2.3.2 Built form integrates well with its surrounding urban environment.

3.2.4 The distinctive natural environments and ecosystems of the District are protected. (*addresses Issue 4*)

~~(Strategic Objectives 3.2.4.1 – 3.2.4.7 inclusive elaborate on Strategic Objective 3.2.4. In addition, SO 3.2.1.7 and 3.2.1.8 also elaborate on SO 3.2.4).~~

3.2.4.1 Development and land uses that sustain or enhance the life-supporting capacity of air, water, soil and ecosystems, and maintain indigenous biodiversity.

3.2.4.2 The spread of wilding exotic vegetation is avoided.

3.2.4.3 The natural character of the beds and margins of the District's lakes, rivers and wetlands is preserved, or enhanced where possible, and protected from inappropriate subdivision, use and development.

3.2.4.4 The water quality and functions of the District's lakes, rivers and wetlands are maintained or enhanced.

3.2.4.5 Public access to the natural environment is maintained or enhanced.

3.2.4.6 The values of significant indigenous vegetation and significant habitats of indigenous fauna are protected.

3.2.4.7 The survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities are maintained or enhanced.

3.2.5 The retention of the District's distinctive landscapes. (*addresses Issues 2 and 4*)

~~(Strategic Objectives 3.2.5.1 – 3.2.5.7 inclusive elaborate on Strategic Objective 3.2.5. In addition, SO 3.2.1.7, SO 3.2.1.8 and 3.2.2.1 also elaborate on SO 3.2.5).~~

Outstanding Natural Features and Outstanding Natural Landscapes

3.2.5.1 The District's Outstanding Natural Features and Outstanding Natural Landscapes and their landscape values and related landscape capacity are identified.

3.2.5.2 Within the Rural Zone, new subdivision, use and development is inappropriate on Outstanding Natural Features or in Outstanding Natural Landscapes unless:

- a. where the landscape values of Priority Areas of Outstanding Natural Features and Outstanding Natural Landscapes are specified in Schedule 21.22, those values are protected; or
- b. where the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are not specified in Schedule 21.22, the values identified according to SP 3.3.45 are protected.

- 3.2.5.3 In locations other than in the Rural Zone, the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected from inappropriate subdivision, use and development.
- 3.2.5.4 In each Exception Zone located within or part within Outstanding Natural Features and Outstanding Natural Landscapes, any application for subdivision, use and development is provided for:
- a. to the extent anticipated by that Exception Zone; and
 - b. on the basis that any additional subdivision, use and development not provided for by that Exception Zone protects landscape values.

Rural Character Landscapes

- 3.2.5.5 Within Rural Character Landscapes, adverse effects on landscape character and visual amenity values from subdivision or development are anticipated and effectively managed, through policies and rules, so that:
- a. landscape character is maintained; and
 - b. visual amenity values are maintained or enhanced.
- 3.2.5.6 In Rural Character Landscapes, new subdivision, use and development in proximity to any Outstanding Natural Feature or Outstanding Natural Landscape does not compromise the landscape values of that Feature or Landscape.
- 3.2.5.7 In Rural Character Landscapes of the Upper Clutha Basin:
- a. Priority Areas of Rural Character Landscapes are identified; and
 - b. associated landscape character and visual amenity values and related landscape capacity are identified.

3.2.6 **The District's residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety. (addresses Issues 1 and 6)**

(SO 3.2.1.1 – 3.2.1.8, 3.2.2.1, 3.2.3.1, and 3.2.3.2 also elaborate on SO 3.2.6)

- 3.2.6.1 The accessibility needs of the District's residents and communities to places, services and facilities are met.
- 3.2.6.2 A diverse, resilient and well-functioning community where opportunities for arts, culture, recreation and events are integrated into the built and natural environment.
- 3.2.6.3 The contribution that community social, recreational and cultural facilities and activities make to identity and sense of place for residents of the District is recognised and provided for through appropriate location and sound design.

3.2.7 **The partnership between Council and Ngāi Tahu is nurtured. (addresses Issue 6).**

(Strategic Objectives 3.2.7.1 and 3.2.7.2 elaborate on Strategic Objective 3.2.7).

- 3.2.7.1 Ngāi Tahu values, interests and customary resources, including taonga species and habitats, and wāhi tūpuna, are protected.

- 3.2.7.2 The expression of kaitiakitanga is enabled by providing for meaningful collaboration with Ngāi Tahu in resource management decision making and implementation.

3.3 Strategic Policies

Visitor Industry

- 3.3.1 Make provision for the visitor industry to maintain and enhance attractions, facilities and services within the Queenstown and Wānaka town centre areas and elsewhere within the District's urban areas and settlements at locations where this is consistent with objectives and policies for the relevant zone. (*relevant to SO [3.2.1](#), [3.2.1.1](#) and [3.2.1.2](#)*)
- 3.3.2 In rural areas, provide for commercial recreation and tourism related activities that enable people to access and appreciate the district's landscapes provided that those activities are located and designed and are of a nature that:
- a. protects the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes; and
 - b. maintains the landscape character and maintains or enhances the visual amenity values of Rural Character Landscapes.
- (relevant to SO [3.2.1](#), [3.2.1.1](#), [3.2.1.8](#), [3.2.5](#), [3.2.5.2](#), [3.2.5.3](#), [3.2.5.4](#), [3.2.5.5](#), and [3.2.5.6](#))*

Town Centres and other Commercial and Industrial Areas

- 3.3.3 Provide a planning framework for the Queenstown and Wānaka town centres that enables quality development and enhancement of the centres as the key commercial, civic and cultural hubs of the District, building on their existing functions and strengths. (*relevant to SO [3.2.1](#), [3.2.1.2](#), [3.2.6](#), [3.2.6.2](#) and [3.2.6.3](#)*)
- 3.3.4 Avoid new commercial zoning of land that is likely to undermine the role of the Queenstown and Wānaka town centres as the primary focus for the District's economic activity. (*relevant to SO [3.2.1](#), [3.2.1.2](#)*)
- 3.3.5 Provide a planning framework for the Frankton urban area that facilitates the integration of the various development nodes. (*relevant to SO [3.2.1](#), [3.2.1.3](#)*)
- 3.3.6 Recognise that Queenstown Airport makes an important contribution to the prosperity and resilience of the District. (*relevant to SO [3.2.1](#), [3.2.1.3](#)*)
- 3.3.7 Avoid additional commercial zoning that is likely to undermine the function and viability of the Frankton commercial areas as the key service centre for the Wakatipu Basin, or which will undermine increasing integration between those areas and the industrial and residential areas of Frankton. (*relevant to SO [3.2.1](#), [3.2.1.3](#)*)
- 3.3.8 Provide a planning framework for the commercial core of Three Parks that enables large format retail development. (*relevant to SO [3.2.1](#), [3.2.1.4](#)*)
- 3.3.9 Avoid non-industrial activities not ancillary to industrial activities occurring within areas zoned for industrial activities. (*relevant to SO [3.2.1](#), [3.2.1.3](#) and [3.2.1.5](#)*)

- 3.3.10** Support the role settlement commercial precincts and local shopping centres fulfil in serving local needs by enabling commercial development that is appropriately sized for that purpose. (*relevant to SO [3.2.1](#), [3.2.1.5](#)*)
- 3.3.11** Avoid commercial rezoning that is likely to undermine the key local service and employment function role that the centres outside of the Queenstown and Wānaka town centres, Frankton and Three Parks fulfil. (*relevant to SO [3.2.1](#), [3.2.1.5](#)*)
- 3.3.12** Provide for a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification. (*relevant to SO [3.2.1](#), [3.2.1.1](#), [3.2.1.2](#), [3.2.1.3](#), [3.2.1.4](#), [3.2.1.5](#), [3.2.1.6](#) and [3.2.1.9](#)*)

Climate Change

- 3.3.13** Encourage economic activity to adapt to and recognise opportunities and risks associated with climate change. (*relevant to SO [3.2.2](#), [3.2.2.1](#) and [3.2.6](#), [3.2.6.2](#)*)

Urban Development

- 3.3.14** Apply Urban Growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Queenstown, Frankton, Jack's Point and Arrowtown), Wānaka and where required around other settlements. (*relevant to SO [3.2.2](#), [3.2.2.1](#)*)
- 3.3.15** Apply provisions that enable urban development within the UGBs and avoid urban development outside of the UGBs. (*relevant to SO [3.2.1](#), [3.2.1.8](#), [3.2.2](#), [3.2.2.1](#), [3.2.3.24](#), [3.2.5](#), [3.2.5.1](#) - [3.2.5.7](#)*)
- 3.3.16** Locate urban development of the settlements where no UGB is provided within the land zoned for that purpose. (*relevant to SO [3.2.1](#), [3.2.1.8](#), [3.2.2](#), [3.2.2.1](#), [3.2.3.24](#), [3.2.5](#), [3.2.5.1](#) - [3.2.5.7](#)*)

Heritage

- 3.3.17** Identify heritage items and ensure they are protected from inappropriate development. (*relevant to SO [3.2.2](#), [3.2.2.1](#), and [3.2.3.1](#)*)

Natural Environment

- 3.3.18** Identify areas of significant indigenous vegetation and significant habitats of indigenous fauna, referred to as Significant Natural Areas (SNAs). (*relevant to SO [3.2.1](#), [3.2.1.7](#), [3.2.1.8](#), [3.2.4](#), [3.2.4.1](#), [3.2.4.3](#), [3.2.4.4](#), [3.2.4.6](#) and [3.2.4.7](#)*)
- 3.3.19** Protect SNAs and encourage enhanced indigenous biodiversity outcomes. (*relevant to SO [3.2.1](#), [3.2.1.7](#), [3.2.1.8](#), [3.2.4](#), [3.2.4.1](#), [3.2.4.2](#), [3.2.4.3](#), [3.2.4.4](#), [3.2.4.6](#) and [3.2.4.7](#)*)
- 3.3.20** Manage subdivision and / or development that may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity is safeguarded; and natural character is maintained or enhanced as far as practicable. (*relevant to SO [3.2.1](#), [3.2.1.7](#), [3.2.1.8](#), [3.2.4](#), [3.2.4.1](#), [3.2.4.3](#), [3.2.4.4](#), [3.2.5.1](#) - [3.2.5.7](#)*)

Rural Activities

- 3.3.21** Enable continuation of existing farming activities and evolving forms of agricultural land use in rural areas except where those activities conflict with:
- protection of the landscape values of Outstanding Natural Features or Outstanding Natural Landscapes; or
 - maintenance of the landscape character and maintenance or enhancement of the visual amenity values of Rural Character Landscapes.
- (relevant to SO 3.2.1, 3.2.1.7, and 3.2.5, 3.2.5.1 - 3.2.5.7)*
- 3.3.22** Provide for rural living opportunities in areas identified on the District Plan web mapping application as appropriate for rural living developments. *(relevant to SO ~~3.2.5.4, S.O. 3.2.1, 3.2.1.87, 3.2.5,~~ 3.2.5.1 - 3.2.5.7)*
- 3.3.23** Ensure that the effect of cumulative subdivision and development for the purposes of Rural Living does not compromise:
- the protection of the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes; and
 - the maintenance of the landscape character and maintenance or enhancement of the visual amenity values of Rural Character Landscapes; ~~and~~
 - ~~the maintenance or enhancement of the visual amenity values of Rural Character Landscapes.~~
- (relevant to SO 3.2.1, 3.2.1.7, 3.2.5, 3.2.5.1 - 3.2.5.7)*
- 3.3.24** Provide for non-residential development with a functional need to locate in the rural environment, including regionally significant infrastructure where applicable, through a planning framework that recognises its locational constraints, while ensuring maintenance and enhancement of the rural environment. *(relevant to SO 3.2.1, 3.2.1.8, 3.2.1.9, 3.2.5, 3.2.5.1 - 3.2.5.7)*
- 3.3.25** That subdivision and / or development be designed in accordance with best practice land use management so as to avoid or minimise adverse effects on the water quality of lakes, rivers and wetlands in the District. *(relevant to SO 3.2.1, 3.2.1.7, 3.2.1.8, 3.2.4, 3.2.4.1 and 3.2.4.43)*
- 3.3.26** Avoid the planting of identified exotic vegetation with the potential to spread and naturalise unless spread can be acceptably managed for the life of the planting. *(relevant to SO 3.2.4, 3.2.4.2)*
- 3.3.27** Seek opportunities to provide public access to the natural environment at the time of plan change, subdivision or development. *(relevant to SO 3.2.4, 3.2.4.5)*

Outstanding Natural Features and Landscapes and Rural Character Landscape

- 3.3.28** Identify the District's Outstanding Natural Features and Outstanding Natural Landscapes on the District Plan web mapping application. *(relevant to SO 3.2.5, 3.2.5.1)*
- 3.3.29** For Outstanding Natural Features and Outstanding Natural Landscapes, identify landscape values and landscape capacity:
- for Priority Areas identified in Schedule 21.22, in accordance with the values identification framework in SP 3.3.36 - 3.3.38 and otherwise through the landscape

assessment methodology in SP 3.3.45 and through best practice landscape assessment methodology; and

- b. outside of identified Priority Areas, in accordance with the landscape assessment methodology in SP 3.3.45 and through best practice landscape assessment methodology.

(relevant to SO 3.2.5, 3.2.5.1)

- 3.3.30** Protect the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes. *(relevant to SO 3.2.1, 3.2.1.7, 3.2.1.8, 3.2.5, 3.2.5.2, 3.2.5.3, 3.2.5.4 and 3.2.5.6)*
- 3.3.31** Avoid adverse effects on the landscape values of the District's Outstanding Natural Features and Outstanding Natural Landscapes from residential subdivision, use and development where there is little capacity to absorb change. *(relevant to SO 3.2.2, 3.2.2.1, 3.2.5, 3.2.5.2 – 3.2.5.4)*
- 3.3.32** Identify the District's Rural Character Landscapes on the District Plan web mapping application. *(relevant to SO 3.2.5, 3.2.5.5, 3.2.5.7)*
- 3.3.33** For Rural Character Landscapes, identify landscape character to be maintained, and visual amenity values to be maintained or enhanced and related landscape capacity:
- a. for Priority Areas of the Upper Clutha Basin, in Schedule 21.23, in accordance with the values identification framework in SP 3.3.39 - 3.3.41 and otherwise through the landscape assessment methodology in SP 3.3.45 and through best practice landscape assessment methodology; and
 - b. outside of identified Priority Areas, in accordance with the landscape assessment methodology in SP 3.3.45, and through best practice landscape assessment methodology; and
 - c. through associated District Plan rules setting measurable spatial or other limits, and related assessment matters, as to cumulative subdivision and development including as to location, quantity, density and design.
- (relevant to SO 3.2.5, 3.2.5.5 – 3.2.5.7)*
- 3.3.34** In any Priority Area of any Rural Character Landscape whose landscape character and visual amenity values and related landscape capacity are identified in Schedule 21.23, ensure that new subdivision and development for the purposes of Rural Living:
- a. maintains that landscape character;
 - b. enhances any visual amenity value that Schedule 21.23 specifies to be enhanced; and
 - c. otherwise maintains those identified visual amenity values.
- (relevant to SO 3.2.1, 3.2.1.8, 3.2.5, 3.2.5.5)*
- 3.3.35** In any Rural Character Landscape that is not a Priority Area, or is a Priority Area that has not achieved all of the requirements of SP 3.3.33, do not allow new subdivision or development for the purposes of Rural Living except where:
- a. according to the methodology in SP 3.3.45 and having regard to the wider landscape context:
 - i. a landscape character area for assessment purposes is identified at an appropriate landscape scale including by mapping;
 - ii. the landscape character and visual amenity values of that landscape character area are identified; and
 - iii. the landscape capacity of that landscape character area is assessed so as to soundly inform a determination that the requirements of SP 3.3.23 are met; and

- b. the approval of new subdivision or development for the purposes of Rural Living maintains the landscape character and maintains or enhances the visual amenity values identified in relation to that landscape character area and the wider landscape context.

(relevant to SO 3.2.1, 3.2.1.8, 3.2.5, 3.2.5.5)

Values Identification Framework for Priority Areas for Outstanding Natural Features and Outstanding Natural Landscapes

3.3.36 Identify in Schedule 21.22 the following Rural Zone Priority Areas within the Outstanding Natural Features and Outstanding Natural Landscapes shown on maps held on [QLDC reference file]:

- a. parts of the Outstanding Natural Features of Peninsula Hill, Ferry Hill, Shotover River, Morven Hill, Lake Hayes, Slope Hill, Feehly Hill, Arrow River, Kawarau River, Mt Barker, and Mt Iron.
- b. parts of the Outstanding Natural Landscapes of West Wakatipu Basin, Queenstown Bay and environs, Northern Remarkables, Central Wakatipu Basin Coronet Area, East Wakatipu Basin and Crown Terrace Area, Victoria Flats, Cardrona Valley, Mount Alpha, Roys Bay, West Wanaka, Dublin Bay, Hawea South and North Grandview, and Lake McKay Station and environs.

(relevant to SO 3.2.5, 3.2.5.1)

3.3.37 For the Priority Areas listed in SP 3.3.36 ~~Outstanding Natural Features and Outstanding Natural Landscapes Priority Areas~~, according to SP 3.3.38, describe in Schedule 21.22 at an appropriate landscape scale:

- a. the landscape attributes (physical, sensory and associative);
- b. the landscape values; and
- c. the related landscape capacity.

(relevant to SO 3.2.5, 3.2.5.1)

3.3.38 To achieve SP 3.3.37 for each Priority Area:

- a. identify the key physical, sensory and associative attributes that contribute to the values of the ~~F~~feature or ~~L~~landscape that are to be protected;
- b. describe in accordance with SP 3.3.43, and then ~~rate~~ those attributes; and
- c. assess and record the related landscape capacity for subdivision, use and development activities including but not limited to:
 - i. commercial recreational activities;
 - ii. visitor accommodation and tourism related activities;
 - iii. urban expansions;
 - iv. intensive agriculture;
 - v. earthworks;
 - vi. farm buildings;
 - vii. mineral extraction;
 - viii. transport infrastructure;
 - ix. utilities and regionally significant infrastructure;
 - x. renewable energy generation;
 - xi. forestry;
 - xii. rural living.

(relevant to SO 3.2.5, 3.2.5.1)

Values Identification Framework for Priority Areas for Rural Character Landscapes

3.3.39 Identify in Schedule 21.23 the following Rural Zone Priority Areas within the Upper Clutha Rural Character Landscapes shown on maps held on [QLDC reference file]:

- a. Cardrona River/Mt Barker Road RCL PA;
- b. Halliday Road/Corbridge RCL PA;
- c. West of Hāwea River RCL PA;
- d. Church Road/Shortcut Road RCL PA;
- e. Maungawera Valley RCL PA.

(relevant to SO 3.2.5, 3.2.5.7)

3.3.40 For the ~~Priority Areas listed in 3.3.39~~ ~~Upper Clutha Basin Rural Zone Rural Character Landscape~~ ~~Priority Areas~~, according to SP 3.3.41, describe in Schedule 21.23 at an appropriate landscape scale:

- a. the landscape attributes (physical, sensory and associative);
- b. the landscape character and visual amenity values; and
- c. the related landscape capacity.

(relevant to SO 3.2.5, 3.2.5.7)

3.3.41 To achieve SP 3.3.40 for each Priority Area:

- a. identify and describe key public routes and viewpoints both within and in proximity to the Priority Areas (including waterbodies, roads, walkways and cycleways);
- b. identify the key physical, sensory and associative attributes that contribute to the landscape character and visual amenity values of the Priority Area;
- c. describe in accordance with SP 3.3.43, and then rate those attributes;
- d. assess and record the relationship between the Priority Area and the wider Rural Character Landscape context;
- e. assess and record the relationship between the Priority Area and the Outstanding Natural Features within the Upper Clutha Basin;
- f. assess and record the relationship between the Priority Area and the Outstanding Natural Landscapes that frame the Upper Clutha Basin; and
- g. assess and record the related landscape capacity for subdivision, use and development activities including but not limited to:
 - i. commercial recreational activities;
 - ii. visitor accommodation and tourism related activities;
 - iii. urban expansions;
 - iv. intensive agriculture;
 - v. earthworks;
 - vi. farm buildings;
 - vii. mineral extraction;
 - viii. transport infrastructure;
 - ix. utilities and regionally significant infrastructure;
 - x. renewable energy generation;
 - xi. forestry;
 - xii. rural living.

(relevant to SO 3.2.5, 3.2.5.7)

3.3.42 The Council shall notify a proposed plan change to the District Plan by *31 March 2022* to implement SPs 3.3.36, 3.3.37, 3.3.39 and 3.3.40. (relevant to SO 3.2.5, 3.2.5.1 and 3.2.5.7)

Outstanding Natural Features, Outstanding Natural Landscapes and Rural Character Landscapes

3.3.43 In applying the Strategic Objectives and Strategic Policies ~~on landscape values and related landscape capacity of for~~ Outstanding Natural Features, Outstanding Natural Landscapes and Rural Character Landscapes, including the values identification frameworks in SP 3.3.37, 3.3.38, and SP 3.3.40 and 3.3.41 and the landscape assessment methodology in SP 3.3.45, have regard to the following attributes:

- a. Physical attributes:
 - i. geology, geomorphology and topography;
 - ii. ecology;
 - iii. vegetation cover (exotic and indigenous);
 - iv. the presence of waterbodies including lakes, rivers, streams, wetlands, and their hydrology;
 - v. land use (including settlements, buildings and structures; and
- b. Sensory (or experiential) attributes:
 - i. legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;
 - ii. aesthetic values including memorability and naturalness;
 - iii. wild or scenic values;
 - iv. transient values including values at certain times of the day or year; and
- c. Associative attributes:
 - i. whether the attributes identified in (a) and (b) are shared and recognised;
 - ii. cultural and spiritual values for Tangata Whenua;
 - iii. historical and heritage associations;
 - iv. recreational values.

(relevant to SO 3.2.1, 3.2.1.7, 3.2.1.8, 3.2.2, 3.2.2.1, 3.2.5, 3.2.5.1 – 3.2.5.7)

3.3.44 Where any or any part of an Outstanding Natural Feature, ~~or an~~ 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:

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

(relevant to SO 3.2.1, 3.2.1.7, 3.2.1.8, 3.2.2, 3.2.2.1, 3.2.5, 3.2.5.1 – 3.2.5.7)

Landscape Assessment Methodology

3.3.45 Landscape assessments shall:

- a. ~~in the case of for~~ Outstanding Natural Features and Outstanding Natural Landscapes:
 - i. identify landscape attributes and values; and
 - ii. assess effects on those values and on related landscape capacity;
- b. ~~in the case of for~~ Rural Character Landscapes:
 - i. define a relevant landscape character area and its wider landscape context;
 - ii. identify the landscape character and visual amenity values of that landscape character area and within its wider landscape context; and

- iii. assess effects on that character and those values and on related landscape capacity;
- c. in each case apply a consistent rating scale for attributes, values and effects.

Note: QLDC may, from time to time, promulgate and update guidelines that provide assistance in the application of best practice landscape assessment methodologies by publication on the QLDC website. Access will be via this link [*URL link to be added*].

(relevant to SO 3.2.1, 3.2.1.7, 3.2.1.8, 3.2.2, 3.2.2.1, 3.2.5, 3.2.5.1 – 3.2.5.7)

3.3.46 The Landscape Assessment Methodology required by SP 3.3.45 is to be implemented when assessing:

- a. a proposed plan change affecting the rural environment;
- b. a resource consent application for the subdivision, use or development of land where:
 - i. the application is for a restricted discretionary, discretionary or non-complying activity; and
 - ii. the proposal is in relation to land within an Outstanding Natural Feature or Outstanding Natural Landscape or gives rise to landscape effects and is on land with Rural zoning; or
- c. a notice of requirement where the proposal is in relation to land within an Outstanding Natural Feature or Outstanding Natural Landscape or gives rise to landscape effects and is on land with Rural zoning; or
- d. a resource consent where the proposal (or part thereof) is in an Exception Zone in 3.1B.5 and gives rise to landscape effects on the receiving environment that includes an Outstanding Natural Feature or Outstanding Natural Landscape on land with Rural zoning outside that Exception Zone.

(relevant to SO 3.2.1, 3.2.1.7, 3.2.1.8, 3.2.2, 3.2.2.1, 3.2.5, 3.2.5.1 – 3.2.5.7)

Rural Zone Landscape Monitoring

3.3.47 The Council shall monitor the efficiency and effectiveness of the Rural Zone provisions and whether SO 3.2.5 is being achieved at intervals of not more than two and a half years, as follows:

- a. for those areas identified in Schedule 21.22 or 21.23, from [*insert date that any area is added to a schedule is made operative*]; and
- b. for those areas not identified in Schedule 21.22 or 21.23, from [*insert date determinative decision on Topic 2 issued*].

(relevant to SO 3.2.1, 3.2.1.7, 3.2.1.8, 3.2.2, 3.2.2.1, 3.2.5, 3.2.5.1 – 3.2.5.7)

3.3.48 Procedures for monitoring shall include:

- a. keeping records, including compiling photographs, gathering information and undertaking or commissioning research addressing resource consent decisions granted for restricted discretionary, discretionary and non-complying activities, including evaluation of the commentary in those decisions to assess the implementation of the relevant provisions of Chapters 3, 4, 6 and 21;
- b. for those areas identified in Schedule 21.22, whether subdivision, use and development has protected the identified landscape values, having regard to (d) below;
- c. for those areas identified in Schedule 21.23, whether subdivision, use and development has maintained the identified landscape character, and maintained or enhanced visual amenity values;

- d. where the following activities have been approved, evaluating whether SO 3.2.5 is being achieved and related landscape capacity has not been exceeded as it relates to the areas surrounding that development:
 - i. commercial recreational activities;
 - ii. visitor accommodation and tourism related activities;
 - iii. intensive agriculture;
 - iv. earthworks;
 - v. farm buildings;
 - vi. mineral extraction;
 - vii. transport infrastructure;
 - viii. utilities and regional significant infrastructure;
 - ix. renewable energy generation;
 - x. forestry;
 - xi. rural living;
- e. identification of areas that are subject to particular development pressure including field reports to evaluate the implementation of the relevant provisions of Chapters 3, 4, 6 and 21.

(relevant to SO 3.2.1, 3.2.1.7, 3.2.1.8, 3.2.2, 3.2.2.1, 3.2.5, 3.2.5.1 – 3.2.5.7)

Cultural Environment

- 3.3.49** Avoid significant adverse effects on wāhi tūpuna within the District. *(relevant to SO 3.2.7, 3.2.7.1)*
- 3.3.50** Avoid remedy or mitigate other adverse effects on wāhi tūpuna within the District. *(relevant to SO 3.2.7, 3.2.7.1)*
- 3.3.51** Manage wāhi tūpuna within the District, including taonga species and habitats, in a culturally appropriate manner through early consultation and involvement of relevant iwi or hapū. *(relevant to SO 3.2.7, 3.2.7.1 and 3.2.7.2)*

6 Landscapes and Rural Character

6.1 Purpose

The purpose of this chapter is to provide greater detail as to how the landscape, particularly outside urban settlements, will be managed in order to implement the strategic objectives and policies in Chapter 3. This chapter needs to be read with particular reference to the Chapter 3 strategic objectives and policies in Chapter 3, which identify the outcomes the policies in this chapter are seeking to achieve. The relevant Chapter 3 strategic objectives and policies are identified in brackets following each policy.

Landscapes have been categorised to provide greater certainty of their importance to the District, and to respond to regional policy and national legislation. Categorisations of landscapes will provide decision makers with a basis to consider the appropriateness of activities that have adverse effects on those landscapes.

6.1.1 Application of this Chapter

Chapter 1 (Introduction) provides an explanation of the structure of the District Plan including the application of the strategic chapters of the District Plan applying across the Queenstown Lakes District, and the two-volume approach consisting of Volume A and Volume B.

Chapter 3 provides overarching strategic direction for the Queenstown Lakes District. The Chapter 3 strategic objectives and policies are further elaborated on in Chapter 6, which provides more detailed policies for landscapes and rural character. Chapter 6 applies district wide over Volume A and Volume B land, with the application of location specific policies as set out in the chapter. The principal role of Chapters 3 to 6 collectively is to provide direction for the more detailed provisions related to zones and specific topics contained elsewhere in the District Plan.

6.2 Values

The District's landscapes are of significant value to the people who live in, work in or visit the District. The District relies in a large part for its social and economic wellbeing on the quality of the landscape, open spaces and the natural and built environment. Those landscapes also have inherent values, particularly to tangata whenua.

The landscapes consist of a variety of landforms created by uplift and glaciations, which include mountains, ice-sculpted rock, scree slopes, moraine, fans, a variety of confined and braided river systems, valley floors and lake basins. These distinct landforms remain easily legible and strong features of the present landscape.

Indigenous vegetation also contributes to the quality of the District's landscapes. While much of the original vegetation has been modified, the colour and texture of indigenous vegetation within these landforms contribute to the distinctive identity of the District's landscapes.

The open space or open character of rural land are key elements of the landscape character that can be vulnerable to degradation from subdivision, development and non-farming activities. The prevalence of large farms and landholdings contributes to the open space and rural working character of the landscape. The predominance of open space over housing and related domestic elements is a strong determinant of the character of the District's rural landscapes.

Some rural areas, particularly those closer to the Queenstown and Wānaka urban areas and within parts of the Wakatipu Basin and Upper Clutha Basin, have an established pattern of housing on smaller landholdings. The landscape character of these areas has been modified by vehicle accesses,

earthworks and vegetation planting for amenity, screening and shelter, which have reduced the open space exhibited by larger scale farming activities.

While acknowledging these rural areas have established rural living and development, and a substantial amount of further subdivision and development has already been approved in these areas, the landscape values of these areas are vulnerable to degradation from further subdivision and development. Areas where rural living development is at or is approaching the finite capacity of the landscape need to be identified if the District's distinctive rural landscape values are to be sustained. Areas where the landscape can accommodate sensitive and sympathetic rural living developments similarly need to be identified.

The lakes and rivers both on their own and, when viewed as part of the distinctive landscape, are a significant element of the national and international identity of the District and provide for a wide range of amenity and recreational opportunities. They are nationally and internationally recognised as part of the reason for the District's importance as a visitor destination, as well as one of the reasons for residents to belong to the area. Managing the landscape and recreational values on the surface of lakes and rivers is an important District Plan function.

Private, commercial and public operators rely on the use, occupation of and access to lakes and rivers for a wide range of activities including recreation, commercial recreation, tourism, transport services and infrastructure. These activities could also include both temporary and permanent structures on the surface, and on the margins, of lakes and rivers.

Activities on the surface of lakes and rivers and their supporting infrastructure can have adverse effects on nature conservation values, landscape values, and navigational and congestion safety (including on other commercial operators and recreational users). New activities also have the potential to adversely affect established activities for example by detracting from the experience enjoyed by the users of existing activities and generating adverse safety effects.

6.3 Policies

6.3.1 Rural Landscape Categorisation

6.3.1.1 Categorise the Rural Zoned landscapes in the District as:

- a. Outstanding Natural Feature (ONF);
- b. Outstanding Natural Landscape (ONL);
- c. Rural Character Landscape (RCL)
([SO 3.2.5](#) ~~3.2.5.4~~ ~~3.2.5.7~~ and [SP 3.3.28](#), 3.3.32).

6.3.1.2 Exclude identified Ski Area Sub-Zones and the area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan web mapping application from the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories applied to the balance of the Rural Zone and from the policies of this chapter related to those categories. ([3.1B.5](#) and [3.1B.6](#), ~~3.2.1.1~~).

6.3.1.3 Provide a separate regulatory regime for the Gibbston Valley (identified as the Gibbston Character Zone), Rural Residential Zone, Rural Lifestyle Zone and the Special Zones within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories and the policies of this chapter related to those categories do not apply unless otherwise stated. ([3.1B.5](#) and [3.1B.6](#), ~~3.2.1.1~~).

6.3.1.4 Provide a separate regulatory regime for the Wakatipu Basin Rural Amenity Zone, within which the Outstanding Natural Feature, Outstanding Natural Landscape and Rural

Character Landscape categories and the policies of this chapter related to those categories do not apply. (~~3.2.1.1~~, SO 3.2.1, 3.2.1.7, 3.2.1.8, 3.2.5, 3.2.5.3, 3.2.5.5, 3.2.5.6, and SP 3.3.21 – 3.3.27, 3.3.30, 3.3.31, 3.3.34).

- 6.3.1.5 Classify the Open Space and Recreation zoned land located outside the Urban Growth Boundary as Outstanding Natural Landscape, Outstanding Natural Feature or Rural Character Landscape, and provide a separate regulatory framework for the Open Space and Recreation Zones within which the remaining policies of this chapter do not apply. (SO 3.2.5, 3.2.5.1, 3.5.5.5, 3.2.5.7 and SP 3.3.28, 3.3.30, 3.3.32)
- 6.3.2 **Managing Activities in the Rural Zone, the Gibbston Character Zone, the Rural Residential Zone and the Rural Lifestyle Zone**
- 6.3.2.1 Avoid urban development and subdivision to urban densities in the rural zones. (SO 3.2.2, 3.2.2.1, 3.2.5, 3.2.5.2, 3.2.5.3, 3.2.5.4, 3.2.5.5, 3.2.5.6, and SP 3.3.15).
- 6.3.2.2 Ensure that the location and direction of lights does not cause excessive glare and avoids unnecessary degradation of views of the night sky and of landscape character, including of the sense of remoteness where it is an important part of that character. (SO 3.2.5, 3.2.5.2, 3.2.5.3, 3.2.5.4, 3.2.5.5, 3.2.5.6, and SP 3.3.20, 3.3.21, 3.3.23, 3.3.30, 3.3.31, 3.3.34, 3.3.35).
- 6.3.2.3 Ensure the District’s distinctive landscapes are not degraded by production forestry planting and harvesting activities. (SO 3.2.1, 3.2.1.7, 3.2.1.8, 3.2.5, 3.2.5.2, 3.2.5.3, 3.2.5.4, 3.2.5.5, 3.2.5.6, and SP 3.3.20, 3.3.21, 3.3.27, 3.3.30, 3.3.31, 3.3.34, 3.3.35).
- 6.3.2.4 Enable continuation of the contribution low-intensity pastoral farming in the Rural Zone and viticulture in the Gibbston Character Zone on large landholdings makes to the District’s landscape character. (SO 3.2.1, 3.2.1.7, 3.2.5, 3.2.5.2, 3.2.5.3, 3.2.5.4, 3.2.5.5, 3.2.5.6, and SP 3.3.21).
- 6.3.2.5 Avoid indigenous vegetation clearance where it would significantly degrade the visual character and qualities of the District’s distinctive landscapes. (SO 3.2.1, 3.2.1.8, 3.2.4, 3.2.5, 3.2.5.2, 3.2.5.3, 3.2.5.4, 3.2.5.5, 3.2.5.6, and SP 3.3.30, 3.3.31, 3.3.34, 3.3.35).
- 6.3.2.6 Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape values and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land. (SO 3.2.1, 3.2.1.7, 3.2.1.8, 3.2.4, 3.2.4.1 – 3.2.4.7, 3.2.5.2, 3.2.5.3, 3.2.5.4, 3.2.5.5, 3.2.5.6, and SP 3.3.20, 3.3.30, 3.3.31, 3.3.34, 3.3.35).
- 6.3.2.7 Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Character Landscapes in proximity to an Outstanding Natural Feature or Outstanding Natural Landscape does not compromise the landscape values of that Outstanding Natural Feature or Outstanding Natural Landscape. (SO 3.2.5, 3.2.5.2, 3.2.5.3, 3.2.5.4, 3.2.5.6, and SP 3.3.30, 3.3.31)
- 6.3.2.8 Encourage any landscaping to be ecologically viable and consistent with the established character of the area. (~~3.2.1.8~~, SO 3.2.5, 3.2.5.2, 3.2.5.3, 3.2.5.5, and SP 3.3.30, 3.3.34, 3.3.35).
- 6.3.3 **Managing Activities on Outstanding Natural Features and in Outstanding Natural Landscapes**

- 6.3.3.1 Recognise that subdivision and development is inappropriate on Outstanding Natural Features ~~and~~ or in Outstanding Natural Landscapes unless:
- landscape values are protected; and
 - in the case of any ~~subsequent~~ subdivision or development, all buildings and other structures and all changes to landform or other physical changes to the appearance of land will be reasonably difficult to see from beyond the boundary of the site in question.
([SO 3.2.1](#), [3.2.1.7](#), [3.2.1.8](#), [3.2.5](#), [3.2.5.2](#), [3.2.5.3](#), [3.2.5.4](#) and [SP 3.3.2](#), [3.3.23](#), [3.3.30](#), [3.3.31](#))
- 6.3.3.2 Ensure that the protection of Outstanding Natural Features and Outstanding Natural Landscapes includes recognition of any values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to tangata whenua, including tōpuni and wāhi tūpuna. ([SO 3.2.3](#), [3.2.3.1](#), [3.2.5.2](#), [3.2.5.3](#), [3.2.5.4](#), [3.2.7.1](#), and [SP 3.3.17](#), [3.3.23](#), [3.3.30](#), [3.3.31](#), [3.3.43](#), [3.3.49](#), [3.3.50](#), [Chapter 5](#)).
- 6.3.3.3 [subject to s293 process and excluded]
- 6.3.3.4 The landscape values of Outstanding Natural Landscapes are a significant intrinsic, economic and recreational resource, such that new large scale renewable electricity generation or new large scale mineral extraction development proposals are not likely to be compatible with them. ([SO 3.2.1](#), [3.2.1.8](#), [3.2.5](#), [3.2.5.2](#), [3.2.5.3](#), [3.2.5.4](#), and [SP 3.3.24](#), [3.3.30](#)).
- 6.3.3.5 Maintain the open landscape character of Outstanding Natural Features and Outstanding Natural Landscapes where it is open at present. ([SO 3.2.1](#), [3.2.1.7](#), [3.2.1.8](#), [3.2.5](#), [3.2.4.1](#), [3.2.5.2](#), [3.2.5.3](#), [3.2.5.4](#), and [SP 3.3.2](#), [3.3.21](#), [3.3.23](#), [3.3.30](#), [3.3.31](#)).
- 6.3.3.6 Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases. ([SO 3.2.1](#), [3.2.1.9](#), [3.2.5](#), [3.2.5.1-3.2.5.34](#), [3.3.24](#), [3.3.30](#)).
- 6.3.3.7 In cases where it is demonstrated that regionally significant infrastructure cannot avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, avoid significant adverse effects and minimise other adverse effects on those landscapes and features. ([SO 3.2.1](#), [3.2.1.9](#), [3.2.5](#), [3.2.5.1-3.2.5.34](#), [3.3.24](#), [3.3.30](#)).

6.3.4 Managing Activities in Rural Character Landscapes

- 6.3.4.1 Recognise that subdivision and development is unsuitable in many locations in Rural Character Landscapes and successful applications will need to be, on balance, consistent with the objectives and policies of the Plan. ([SO 3.2.1](#), [3.2.1.1](#), [3.2.1.8](#), [3.2.5](#), [3.2.5.5](#), [3.2.5.6](#), and [SP 3.3.2](#), [3.3.22](#), [3.3.23b](#), [3.3.34](#), [3.3.35](#)).
- 6.3.4.2 Encourage plan changes applying Rural Lifestyle and Rural Residential Zones to land as the appropriate planning mechanism to provide for any new rural lifestyle and rural residential developments in preference to ad-hoc subdivision and development and ensure these zones are located in areas where the landscape can accommodate the change. ([SO 3.2.1](#), [3.2.1.8](#), [3.2.5](#), [3.2.5.5](#), [3.2.5.6](#), and [SP 3.3.22](#), [3.3.34](#), [3.3.35](#)).

PART 2 LANDSCAPES & RURAL CHARACTER 6

- 6.3.4.3 Require that proposals for subdivision or development for rural living in the Rural Zone:
- take into account all subdivision and development that is in existence or is consented for all land within the relevant landscape character area as at 14 May 2021; and
 - assess the potential for adverse cumulative effects on the landscape character of that area and its wider landscape context.
([SO 3.2.1](#), [3.2.1.8](#), [3.2.5](#), [3.2.5.5](#), [3.2.5.6](#), [and SP 3.3.23](#), [3.3.34](#), [3.3.35](#)).
- 6.3.4.4 Have particular regard to the potential adverse effects on landscape character and visual amenity values where further subdivision and development would constitute sprawl along roads. ([SO 3.2.1](#), [3.2.1.8](#), [3.2.2](#), [3.2.42.1](#), [3.2.5](#), [3.2.5.5](#), [3.2.5.6](#), [and SP 3.3.23](#), [3.3.34](#), [3.3.35](#)).
- 6.3.4.5 Ensure incremental changes from subdivision and development do not degrade landscape character, or important views as a result of activities associated with mitigation of the visual effects of proposed development such as screen planting, mounding and earthworks. (~~3.2.1.1~~ [SO 3.2.1](#), [3.2.1.8](#), [3.2.5](#), [3.2.5.5](#), [3.2.5.6](#), [and SP 3.3.23](#), [3.3.34](#), [3.3.35](#)).
- 6.3.4.6 Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that location constraints and/or the nature of the infrastructure may mean that this is not possible in all cases. ([SO 3.2.1](#), [3.2.1.9](#), [3.2.5](#), [3.2.5.5-3.2.5.7](#), [3.3.24](#), ~~3.3.323~~ [3.3.34](#), [3.3.35](#)).
- 6.3.4.7 In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised. ([SO 3.2.1](#), [3.2.1.9](#), [3.2.5](#), [3.2.5.5-3.2.5.7](#), [3.3.24](#), ~~3.3.323~~ [3.3.34](#), [3.3.35](#)).
- 6.3.4.8 Avoid adverse effects on visual amenity from subdivision, use and development that:
- is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); or
 - forms the foreground for an Outstanding Natural Feature Landscape or Outstanding Natural Feature Landscape when viewed from public roads
(~~3.2.1.1~~, [SO 3.2.1](#), [3.2.1.8](#), [3.2.5](#), [3.2.5.5](#), [3.2.5.6](#), [and SP 3.3.23](#), [3.3.30](#), [3.3.31](#), [3.3.34](#), [3.3.35](#)).
- 6.3.4.9 In the Wakatipu Basin, avoid planting and screening, particularly along roads and boundaries that would degrade openness where such openness is an important part of its landscape character. (~~3.2.1.1~~, [SO 3.2.1](#), [3.2.1.7](#), [3.2.1.8](#), [3.2.5](#), [3.2.5.5](#), [3.2.5.6](#), [and SP 3.3.23](#), ~~3.3.30~~, ~~3.3.31~~, [3.3.34](#), [3.3.35](#)).
- 6.3.4.10 In the Upper Clutha Basin, subdivision and development maintains open landscape character where that is the existing character of the Rural Character Landscape. (~~3.2.1.1~~, [SO 3.2.1](#), [3.2.1.7](#), [3.2.1.8](#), [3.2.5](#), [3.2.5.5](#), [3.2.5.6](#), [and SP 3.3.23](#), [3.3.34](#), [3.3.35](#)).
- 6.3.4.11 Encourage development to utilise shared accesses and infrastructure, and to locate within the parts of the site where it will minimise disruption to natural landforms and to rural character. (~~3.2.1.1~~, [SO 3.2.1](#), [3.2.1.7](#), [3.2.1.8](#), [3.2.1.9](#), [3.2.5](#), [3.2.5.5](#), [3.2.5.6](#), [and SP 3.3.22](#), [3.3.23b](#), [3.3.34](#), [3.3.35](#)).

6.3.5 **Managing Activities on Lakes and Rivers**

6.3.5.1 Manage the location, intensity and scale of structures on the surface and margins of water bodies including jetties, moorings and infrastructure recognising the functional needs of these activities, and the importance of lakes and rivers, including as a commercial recreation, tourism, transport and recreational resource, and ensure these structures are at a scale or in a location that, as far as practicable:

- a. protects the values of Outstanding Natural Features and Outstanding Natural Landscapes; and
- b. maintains the landscape character of Rural Character Landscapes and maintains or enhances their visual amenity values.

(SO 3.2.1, 3.2.1.1, 3.2.1.8, 3.2.1.9, 3.2.4, 3.2.4.1, 3.2.4.3, 3.2.4.4, 3.2.5.5, 3.2.5.6, 3.2.5, 3.2.5.2, 3.2.5.3, 3.2.5.4, 3.2.5.5, 3.2.5.6, 3.2.4.7 and SP 3.3.2, 3.3.20, 3.3.24, 3.3.25, 3.3.30, ~~3.3.33~~3.3.34, 3.3.35).

6.3.5.2 Recognise the character of the Frankton Arm including the established jetties and wharves, and provide for their maintenance, upgrade or expansion. (SO 3.2.1, 3.2.1.9, 3.2.4, 3.2.1.4, 3.2.4.3, 3.2.4.4, 3.2.4.5, 3.2.4.6, 3.2.5, 3.2.5.2, 3.2.5.3, 3.2.5.4, 3.2.5.5, 3.2.5.6, 3.2.4.7 and SP 3.3.20, 3.3.24, 3.3.25, 3.3.30).

6.3.5.3 Recognise the urban character of Queenstown Bay and provide for structures and facilities on the surface and margins of Queenstown Bay within the Queenstown Town Centre Waterfront Subzone providing they protect the ability to appreciate the District's distinctive landscapes. (SO 3.2.1, 3.2.1.1, 3.2.1.2, 3.2.1.9, 3.2.4, 3.2.4.1, 3.2.4.3, 3.2.4.4, 3.2.5.5, 3.2.5.6, 3.2.4.7, and SP 3.3.1, 3.3.2, 3.3.3, 3.3.20, 3.3.25, 3.3.30).

6.3.5.4 Provide for appropriate commercial and recreational activities on the surface of water bodies that do not involve construction of new structures. (SO 3.2.1, 3.2.1.1, 3.2.4, 3.2.4.3, 3.2.4.4, 3.2.4.5, 3.2.4.6, 3.2.4.7, 3.2.5, 3.2.5.2, 3.2.5.5, 3.2.5.6, and SP 3.3.2, 3.3.30, 3.3.34, 3.3.35).

ANNEXURE 2

The proposed Clutha River/Mata Au ONF Corridor adjustments.

APPENDIX A

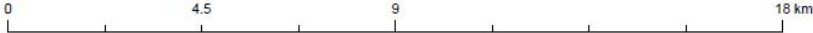
**CLUTHA RIVER/MATA AU CORRIDOR ONF – NOTIFIED VERSION OF MAP,
SUMMARY DOCUMENT AND FEEDBACK FORM**

NOTIFIED VERSION OF MAP

Link: <http://qldc.maps.arcgis.com/apps/webappviewer/index.html?id=09766231fa5a4eb096f1a019baa27b6e>



The information provided on this map is intended to be general information only. While considerable effort has been made to ensure that the information provided on this map is accurate, current and otherwise adequate in all respects, Queenstown Lakes District Council does not accept any responsibility for content and shall not be responsible for, and excludes all liability, with relation to any claims whatsoever arising from the use of this map and data held within.



Scale: 1:90,438

Map Date: 21/05/2021



SECTION 293 PROPOSAL
PROPOSED ALTERATION TO THE CLUTHA RIVER / MATA AU
OUTSTANDING NATURAL FEATURE CORRIDOR

1. The document provides a summary of the proposal to alter the landscape classification and mapping of parts of the Clutha River Corridor, and outlines the process for providing feedback on the proposed alterations. It also includes links to maps that show the extent of the amended Clutha River Corridor.

Background

2. During April and May 2019 the Environment Court (**Court**) heard a number of appeals concerning aspects of the Council's Proposed District Plan, namely those relating to the District's Outstanding Natural Features and Landscapes (**ONFs and ONLs**). Two of these appeals sought to change the mapped extent and / or landscape classification of parts of the Clutha River Corridor, as it relates to land in and around Albert Town, and near the confluence of the Hawea and Clutha Rivers. Council opposed those appeals.
3. ONFs and ONLs are features or landscapes that have national importance, and which are to be protected from inappropriate subdivision, use and development pursuant to section 6 of the Resource Management Act 1991 (**RMA**).
4. On 20 September 2019 the Environment Court released a decision⁷ refusing the appeals. In its decision, the Court held that the Clutha River Corridor should properly be categorised as an ONF, rather than an ONL (which was its classification within the PDP decisions version).
5. As a result of this determination, the Environment Court directed that the Council update the PDP maps so that the Clutha River Corridor is identified as an ONF, and also that the boundaries of the ONF reflect the enclosing escarpments on either side of the river.
6. Council has since completed the necessary mapping exercise, which has been endorsed by a group of landscape experts as part of the Court process. The proposed directions for the section 293 process were confirmed in the Court's decision dated 7 May 2021.⁸
7. A link to the updated PDP map showing the Clutha River Corridor reclassified as an ONF, and with amended boundaries, is as follows:

<http://qldc.maps.arcgis.com/apps/webappviewer/index.html?id=09766231fa5a4eb096f1a019baa27b6e>

Effect of alterations

⁷ *Hawthenden Limited v Queenstown Lakes District Council* [2019] NZEnvC 160.

⁸ *Upper Clutha Environmental Society Incorporated v Queenstown Lakes District Council* [2021] NZEnvC 61.

8. As shown on the enclosed maps, the proposed alteration to the landscape classification will not affect land that was already categorised as ONF (being the section of the Clutha River from the Lake Wanaka outflow to just west of Albert Town). It will, however, affect land to the east of that section, which was previously categorised as ONL or Rural Character Landscape (**RCL**). The regulatory impact of the proposed alterations is discussed below.
9. ONFs are characterised as distinctive landforms or areas, and considered to be more sensitive to effects from subdivision, use and development. As a result, land within ONFs is subject to more restrictive rules than land within ONLs or RCLs.
10. The following table identifies rules that have different requirements depending on whether land is within the ONL, ONF or RCL landscape classification.

Rule	Rural Zone ONF	Rural Zone ONL	Rural Zone RCL
Chapter 25 Earthworks permitted volume (cut and fill)	10m ³	1000m ³	1000m ³
Chapter 21 Rural Zone Farm Buildings	Farm buildings are not permitted and require a resource consent.	Farm buildings are permitted up to a height of 4m and ground floor area of 100m ² ⁹	Farm buildings are permitted up to a height of 5m and ground floor area of 300m ² .
Chapter 21 Rural Zone Mining	Mining on an ONF requires a non-complying activity resource consent.	Mining requires a discretionary activity resource consent.	Mining requires a discretionary activity resource consent.
Chapter 21 Rural Zone Forestry	A non-complying activity resource consent is required.	A non-complying activity resource consent is required.	A discretionary activity resource consent is required

⁹ Providing all the criteria in Rule 21.8.1 are met including achieving a minimum landholding of 100ha, and a density not more than one farm building per 50ha of area, and must protrude onto a skyline or above a terrace edge when viewed from adjoining sites, or formed roads within 2km of the location of the location of the proposed building.

Chapter 21 Rural Zone Assessment Matters	Landscape Assessment matters in part 21.21.1 apply.	Landscape Assessment matters in part 21.21.1 apply.	Landscape Assessment matters in part 21.21.2 apply. These are less restrictive than the landscape assessment matters for the ONL/F.
Chapter 30 Energy and Utilities Small and community Scale Distributed electricity generation and solar water heating (Rule 30.4.1.4)	A discretionary activity resource consent is required	A discretionary activity resource consent is required	Permitted subject to standards. A discretionary activity required if permitted standards are not met.
Chapter 30 Energy and Utilities Buildings (associated with a utility)	A discretionary activity resource consent is required	A discretionary activity resource consent is required	Permitted subject to standards. Controlled activity required if permitted standards are not met.

11. If you wish to discuss the operation of the relevant provisions with Council in more detail, please contact the Council's duty policy planner at PDPenquiries@qldc.govt.nz or at 03 441 0499.

Section 293 process / next steps

12. Section 293 of the RMA allows the Environment Court to direct appropriate procedural steps that provide for the consideration and determination of amendments to planning documents (ie. provisions and maps).
13. In this case, the Environment Court has directed that a section 293 process be used in relation to the proposed alterations to the Clutha River / Mata Au ONF Corridor.
14. This document has been prepared to accompany a public notice, which advises of the proposed alterations and the associated directions issued by the Court.
15. The directions allow for the making of written comments on the proposed alterations. After all written comments are received, the Council will file a report with the Court, and the Court will then consider the matter further. Please provide any written comments using the s293 form provided, by email to pdpsubmission@qldc.govt.nz.
16. The complete directions issued by the Court are set out below:

Under s293, to enable consideration of mapping alternations and a change to the landscape classification for the Clutha River / Mata Au ONF Corridor, it is directed:

Notification

- a. Within 10 working days of the date of this decision, QLDC must:
 - (i) send written notice to all affected landowners advising of the proposed mapping alteration, by way of letter to all registered ratepayers of the relevant street addresses; and
 - (ii) publicly notify the proposed mapping alteration, by way of written notice on Council's website, in order to provide other parties, with an interest in the mapping alteration, an opportunity to join the section 293 process.

Rights to make written comments

- b. by the date specified in the notice in (a)(i) and (ii) (not less than 15 working days after the date of written notice), any affected landowners or any other person with an interest in the proposed mapping alteration, may provide to Council:
 - (i) written comments on the proposed mapping alteration; and
 - (ii) any supporting affidavit evidence.

Council report

- c. within 15 working days after the date on which written comments are to be provided in accordance with (b), Council must file:
 - (i) a report which summarises the feedback received (if any), and which provides a link to all written comments received (should the Court wish to review that documentation);
 - (ii) affidavit evidence in response to any evidence filed (from a planning and/or landscape expert), which supports any

- modified recommendations for the proposed mapping alteration; and
- (iii) a link to the updated Clutha River/Mata Au Corridor ONF map, which reflects any modified recommendations (if any);

Court's determination

- d. on receipt of all of the information listed under (b) and (c), the Court will consider the material filed by the parties and issue further directions as to the next steps, including whether the Court wishes to hear further from any party, or whether a determination on the papers can be made.
- e. leave is reserved to any part to seek modifications to the directions, on application to the court.



S293 RESOURCE MANAGEMENT ACT 1991

FEEDBACK FORM



TO // QUEENSTOWN LAKES DISTRICT COUNCIL ATTENTION // PLANNING POLICY TEAM



SUBMITTER DETAILS – ADDRESS FOR SERVICE

Full name of submitter(s):

Organisation (if relevant):

Email:

Postal address:

Phone (inc. area code):

Mobile:

FEEDBACK ON THE CLUTHA s293 MUST BE RECEIVED NO LATER THAN 5.00PM ON FRIDAY XXXXX



PRIVACY ACT 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision-making process. Council is required to make this information available under the Resource Management Act 1991. Your contact details will only be used for the purpose of this S293 process. The information will be held by the Queenstown Lakes District Council. You have the right to access the information and request its correction.



MY SUBMISSION

The specific provisions of the proposal that my submission relates to are:



MY SUBMISSION

My submission is:

Clearly state whether you SUPPORT or OPPOSE specific parts of the proposal.

Decision sought:

Reasons for my submission:

SIGNATURE OF SUBMITTER

Signature of submitter:

Date:

Person making the submission, or authorised to sign on behalf of an organisation making the submission.



APPENDIX B

FINAL VERSION OF THE UPDATED SECTION 293 DIRECTIONS

Under s293, to enable consideration of mapping alternations and a change to the landscape classification for the Clutha River / Mata Au ONF Corridor, it is directed:

Notification

- b. Within 10 working days of the date of this decision, QLDC must:
 - (iii) send written notice to all affected landowners advising of the proposed mapping alteration, by way of letter to all registered ratepayers of the relevant street addresses; and
 - (iv) publicly notify the proposed mapping alteration, by way of written notice on Council's website, in order to provide other parties, with an interest in the mapping alteration, an opportunity to join the section 293 process.

Rights to make written comments

- b. by the date specified in the notice in (a)(i) and (ii) (not less than 15 working days after the date of written notice), any affected landowners or any other person with an interest in the proposed mapping alteration, may provide to Council:
 - (i) written comments on the proposed mapping alteration; and
 - (ii) any supporting affidavit evidence.

Council report

- c. within 15 working days after the date on which written comments are to be provided in accordance with (b), Council must file:
 - (i) a report which summarises the feedback received (if any), and which provides a link to all written comments received (should the Court wish to review that documentation);
 - (ii) affidavit evidence in response to any evidence filed (from a planning and/or landscape expert), which supports any modified recommendations for the proposed mapping alteration; and
 - (iii) a link to the updated Clutha River/Mata Au Corridor ONF map, which reflects any modified recommendations (if any);

Court's determination

- d. on receipt of all of the information listed under (b) and (c), the Court will consider the material filed by the parties and issue further directions as to the next steps, including whether the Court wishes to hear further from any party, or whether a determination on the papers can be made.
- e. leave is reserved to any part to seek modifications to the directions, on application to the court.

APPENDIX C

**PROOF COPY OF PUBLIC NOTICE (DATES TO BE UPDATED AFTER DECISION
RECEIVED FROM ENVIRONMENT COURT)**



PUBLIC NOTICE

Section 293 proposal: Proposed alterations to the mapping and landscape classification of the Clutha River / Mata Au Outstanding Natural Feature (ONF) Corridor

Queenstown Lakes District Council gives public notice as of **XXX 2021** of a section 293 process directed by the Environment Court in relation to proposed alterations to the planning maps determined through Stage 1 of the Proposed Queenstown Lakes District Plan.

The proposed alterations involve the mapping of the extent of the Clutha River / Mata Au Corridor within the Queenstown Lakes District, and a change to the landscape classification of the Clutha River / Mata Au Corridor from Outstanding Natural Landscape (ONL) to Outstanding Natural Feature (ONF).

Documentation

A summary document outlining the proposed alteration, a map that depicts the proposed alteration, a copy of the relevant procedural directions, and a s293 form to be used for written comments can be:

- viewed online at: <https://www.qldc.govt.nz/your-council/district-plan/proposed-district-plan/appeals>
- inspected at any of the following locations during business hours. (Council offices 8.30-5pm. Library opening hours vary, please check www.codc-qldc.govt.nz for details).

Council offices:

- 10 Gorge Road, Queenstown
- 74 Shotover Street, Queenstown
- Wanaka Service Centre, 47 Ardmore Street Wanaka

Public Libraries:

- Queenstown Library: 10 Gorge Road
- Wanaka Library: Dunmore Street
- Arrowtown Library: 58 Buckingham Street
- Makarora Library: Rata Road
- Glenorchy Library: 13 Islay Street
- Lake Hāwea Library: Myra Street
- Kingston Library: 48 Kent Street

- Copies of the documentation can also be requested by contacting Queenstown Lakes District Council:
 - Call: 03 441 1499 (Queenstown) or 03 443 0024 (Wanaka)
 - Email: PDPenquiries@qldc.govt.nz

Written feedback on the proposed alteration

Any affected landowner or any person who has an interest in the proposed alterations may provide to Queenstown Lakes District Council written comments on the proposed alteration (and any landscape evidence in support) by no later than **XXX 2021**.

Written comments (and any supporting evidence) using the s293 form, may be lodged with the Queenstown Lakes District Council by:

- Email to pdpsubmission@qldc.govt.nz (subject line: QLDC PDP Clutha River / Mata Au ONF s293 submission)
- Post: Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348, Attention: QLDC PDP Clutha River / Mata Au ONF s293 submission

What happens next?

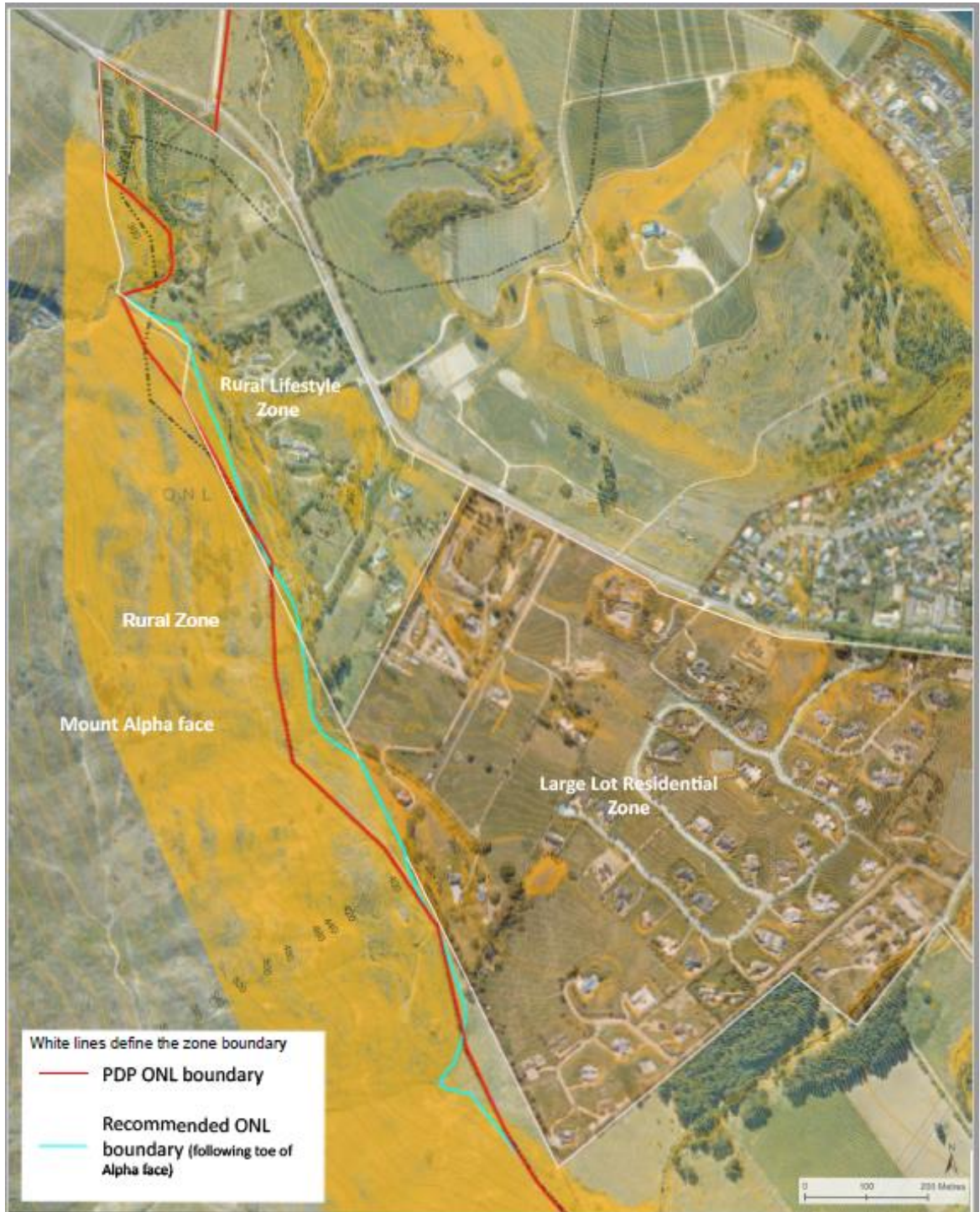
After all written comments have been received, Queenstown Lakes District Council is required to provide a report to the Environment Court that summarises all feedback received, which provides an affidavit (if amendments are considered appropriate in light of any feedback) and which updates the mapping (if required). After that, the Court will consider the material filed by the parties and decide whether it is in a position to determine the proposed alteration, or issue further directions (as required).

The procedural directions issued by the Court are set out in full in the summary document available online, or for inspection at the locations specified above.

ANNEXURE 3

The updated planning maps for the Mt Alpha ONL and Pisa/Criffel Range ONL boundary alterations.

Mt Alpha ONL alteration



Pisa/Criffel Range ONL alteration

