

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of submissions to the Variation to Chapter 21 (Rural Zone) of the Queenstown Lakes Proposed District Plan, to introduce Priority Area Landscape Schedules 21.22 and 21.23 by (Northlake Investments Limited, Bell Group Limited, Mt Cardrona Station Limited, Michael & Bridget Davies, Kawarau Jet Services Holdings Limited, Jeremy Burdon, Jo Batchelor & Andrew Donaldson, Gertrude's Saddlery Limited).

PLANNING EVIDENCE OF MORGAN KENDALL SHEPHERD

11 September 2023

**Counsel for Mount Cardrona Station
Limited & Gertrude's Saddlery Limited:**

Rosie Hill

Anderson Lloyd

rosie.hill@al.nz

**Counsel for Northlake Investments
Limited:**

Warwick Goldsmith

Barrister

warwickgoldsmith@gmail.com

1 Introduction

1.1 My name is Morgan Kendall Shepherd. I hold the qualifications of Bachelor of Applied Science from the University of Otago and am currently working towards a Postgraduate Diploma in Planning via distance learning at Massey University. I am an associate member of the New Zealand Planning Institute. I am also a member of the New Zealand Resource Management Law Association. I was employed by Queenstown Lakes District Council (**QLDC**) from 2016 – mid-2018, as a Monitoring & Enforcement Officer and later as a Planning Officer. Since mid-2018 I have been employed as a Resource Management Planner at Brown and Company Planning Group Ltd, a consultancy with offices in Auckland, Wanaka and Queenstown.

1.2 **Attachment A** contains a more detailed description of my work and experience.

1.3 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. This evidence has been prepared in accordance with it and I agree to comply with it. This evidence is within my area of expertise, except where I state that I am relying on another person, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

1.4 This evidence is on the QLDC's Plan Variation to introduce Priority Area (**PA**) Landscape Schedules 21.22 and 21.23 into the Proposed District Plan (**PDP**) (the **Variation**).

1.5 My evidence is on behalf of the following submitters:

- Northlake Investments Limited (NIL) – Schedule 21.22.22 Dublin Bay ONL PA
- Bell Group Limited (BGL) – Schedule 21.23.1 Cardrona River/Mount Barker Road RCL PA
- Mt Cardrona Station Limited (MCSL) – Schedule 21.22.18 Cardrona Valley ONL PA
- Michael & Bridget Davies (Davies) – Schedule 21.22.4 Morven Hill ONF PA
- Kawarau Jet Services Holdings Limited (Kjet)– Schedule 21.22.9 Kawarau River ONF PA
- Jeremy Burdon, Jo Batchelor & Andrew Donaldson (Burdon) – Schedule 21.22.23 Hawea South North Grandview ONL PA
- Gertrude's Saddlery Limited (GSL) – Schedule 21.22.3 Kimiākau (Shotover River) ONF PA

- 1.6 I assisted with the preparation of the submissions and/or further submission of the above mentioned with the exception of MCSL, Kjet, Burdon and GSL.
- 1.7 I have read the s42A report prepared by Ms Ruth Evans for the Council and the expert landscape evidence prepared by Ms Bridget Gilbert and Mr Jeremy Head.
- 1.8 In preparing this evidence I have referred to and relied on the evidence of the following expert landscape architects:
- (a) Mr Benjamin Espie; and
 - (b) Mr Stephen Skelton.
- 1.9 I have also reviewed the following documents:
- (a) Landscape Schedules Section 32 Report;
 - (b) Chapters 2, 3, 6 and 21 of the PDP;
 - (c) Joint Witness Statement Planning and Landscape, Topic 2: Rural Landscapes¹;
 - (d) Affidavit of Jeffrey Brown in Support of Notice for Application for Declarations²;
 - (e) Report and Recommendation s of Hearing Commissioners³.
- 1.10 My evidence addresses the following aspects of the Variation:
- Landscape Capacity ratings;
 - Activities;
 - How the landscape capacities in the schedules should be applied;
 - The Dublin Bay ONL PA
 - The Cardrona Valley ONL PA;

¹ 29 October 2020.

² 28 October 2022.

³ 8 June 2023.

- The Cardrona River / Mt Barker Road RCL PA;
- The Morven Ferry ONF PA;
- The Kawarau River ONF PA;
- The Hawea South North Grandview PA;
- The Kimiākau (Shotover River) ONF PA.

2 Landscape capacity rating

2.1 Ms Gilbert has amended the preamble to include descriptions to clarify the landscape capacity ratings. I defer to the landscape architects in respect of the appropriateness of the landscape capacity ratings, however I note that the ratings scale (no, very limited to no, very limited, limited, some) is inconsistent with the wording used in Chapter 3 provisions, such as SP 3.3.31 which states:

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”.*
[my emphasise added].

2.2 I understand that the wording of SP 3.3.31 predated the direction to prepare and include PA schedules in Chapter 21. As currently proposed, it is possible that the reference to ‘little capacity’ in SP 3.3.31 may have unintended plan implementation consequences because of the inconsistency in the wording between the policy and the landscape schedule capacity ratings.

2.3 If the landscape capacity ratings are not amended to include ‘little capacity’ then solving this problem would require a change to SP 3.3.31 which is out of scope, as per Council’s position.

3 Activities

3.1 A range of listed activities were derived from the lists in SP 3.3.38(c) and SP 3.3.41(g) and attributed landscape capacity ratings. A number of these activities are not defined in Chapter 2 and therefore Ms Evans has suggested amendments to the preamble to provide clarity around the listed activities. I address this in relation to ‘tourism related activities’, as follows.

3.2 Ms Evans has suggested '*Tourism related activity*' means the same as '*Resort*' as defined in Chapter 2:

Resort means an integrated and planned development involving low average density of residential development (as a proportion of the developed area) principally providing temporary visitor accommodation and forming part of an overall development focused on onsite visitor activities.

3.3 In my view, "tourism related activity" relates to a certain type of activity that is partaken in, for example jet boat rides, ziplining, bungy jumps, mountain bike and 4x4 tours⁴.

3.4 To be a *Resort* a development must meet the definition of *Resort*, and must be:

- integrated and planned; and
- involve a low average density of residential development (as a proportion of the developed area);
- principally provide for temporary visitor accommodation; and
- have an overall focus on on-site visitor activities.

3.5 I also note in formulating the following PDP *Resort* Zones, the Council and the Court have applied the definition rigorously to ensure that each component of the definition was given effect to by the zones:

- Chapter 45 – Gibbston Valley *Resort* Zone;
- Chapter 47 – The Hills *Resort* Zone; and
- Chapter 48 – Hogans Gully *Resort* Zone

3.6 *Tourism related activity* should not have the same meaning as *Resort* as the two do not align and this will conflate an 'activity' with a type of 'development' that is required to meet certain imperatives, as set out in the definition. I would be supportive of a description of *tourism related activity* along

⁴ This is not an exhaustive list, rather a number of examples of tourism related activities existing in the district.

that is more along the lines of Commercial Recreational Activities⁵ as defined in Chapter 2. This would be on the basis that such a description was set out in the preamble text of the schedule.

4 How the landscape capacities in the schedules are applied

4.1 SP 3.3.29 requires the identification of landscape values and landscape capacities for ONFs and ONLs.

4.2 SP 3.2.5.2 states:

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.*

4.3 SP 3.3.30 also requires the protection of landscape values of ONFs and ONLs.

4.4 SP 3.3.31 states:

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) [my emphasis]*

4.5 As discussed above in paragraph 2.2, this settled policy predated the schedules, and in any case if the landscape capacity ratings are not amended to include 'little capacity' it is unclear how one would assess this policy (in a future resource consent application) in the context of the identified landscape capacity ratings.

4.6 SP 3.3.33 states:

⁵ means the commercial guiding, training, instructing, transportation or provision of recreation facilities to clients for recreational purposes including the use of any building or land associated with the activity, excluding ski area activities.

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)

4.7 SP 3.3.34 states:

3.3.34 For any Priority Area of any Rural Character Landscape 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:

- 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)

4.8 There are no provisions in Chapter 3 that require a plan user to consider or further assess the identified “landscape capacities” once they have been identified in the schedule. Therefore, there appears to be no clear policy ‘hook’ to require consideration of the capacity attributed to the listed activities in each PA.

4.9 As previously stated, any amendment to Chapter 3 is out of scope, as per Council’s position.

5 Dublin Bay ONL Priority Area – Northlake Investment Limited (NIL) land

5.1 When Stage 1 of the PDP review was notified in 2015, Planning Map 18 showed a landscape category boundary (ONL) running through the Northlake Special Zone (NSZ) owned by NIL, despite the fact that this land was not included in the PDP review at that time (or at any time since). The ONL boundary location as notified in 2015 is shown in **Figure 1** below. The notified Stage 1 Planning Map 18 also included an Urban Growth Boundary (UGB) running along the northern boundary of the NSZ.

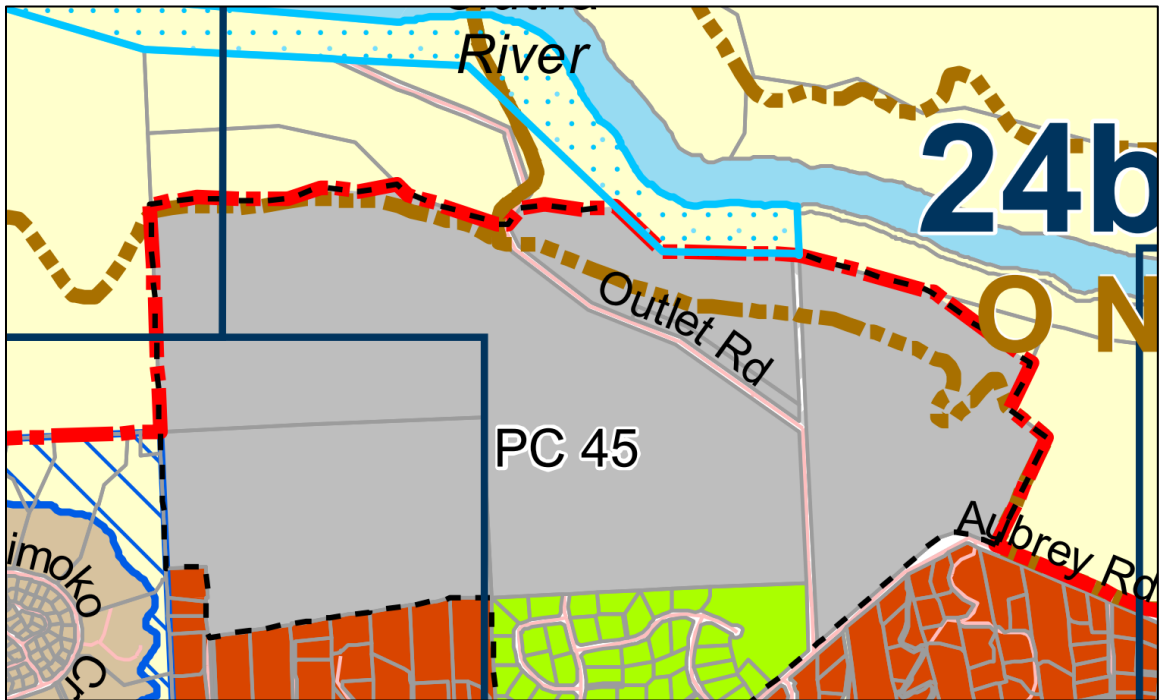


Figure 1. Extract from notified Stage 1 Planning Map 18 showing the ONL boundary (brown dashed line) running through NSZ land (grey, annotated as PC54).

5.2 The locating of an ONL boundary on land not yet reviewed was corrected through the hearings process, and following the release of Stage 1 decisions in 2018, the decision version of Planning Map 18 showed the ONL boundary in its original location running along the western part of the NSZ northern boundary (and the UGB in the same location) as shown in **Figure 2** below.

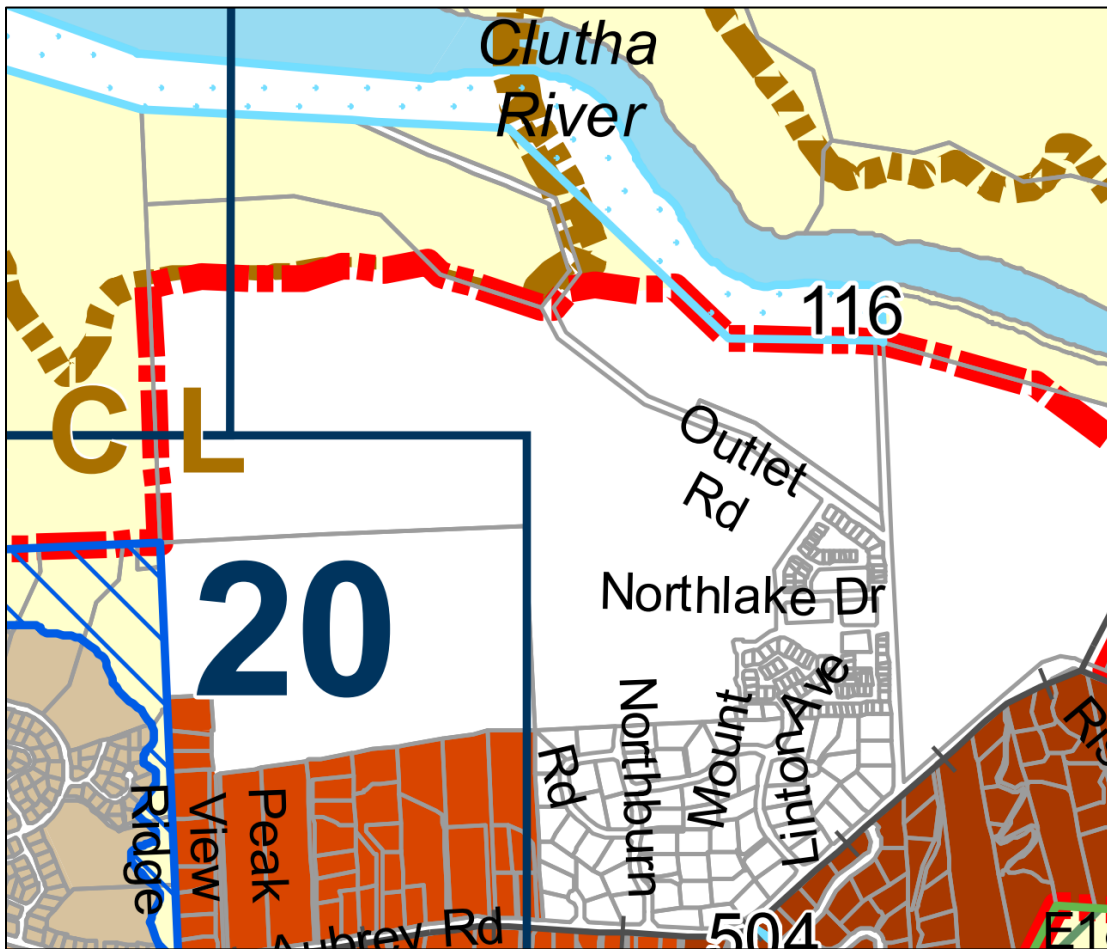


Figure 2. Extract from Decision Version Stage 1 Planning Map 18, showing NSZ land (white) with no ONL.

- 5.3 The “notified” version of the Landscape Schedules mapping (as included in the submission for NIL) included part of the NSZ within the Dublin Bay ONL PA.

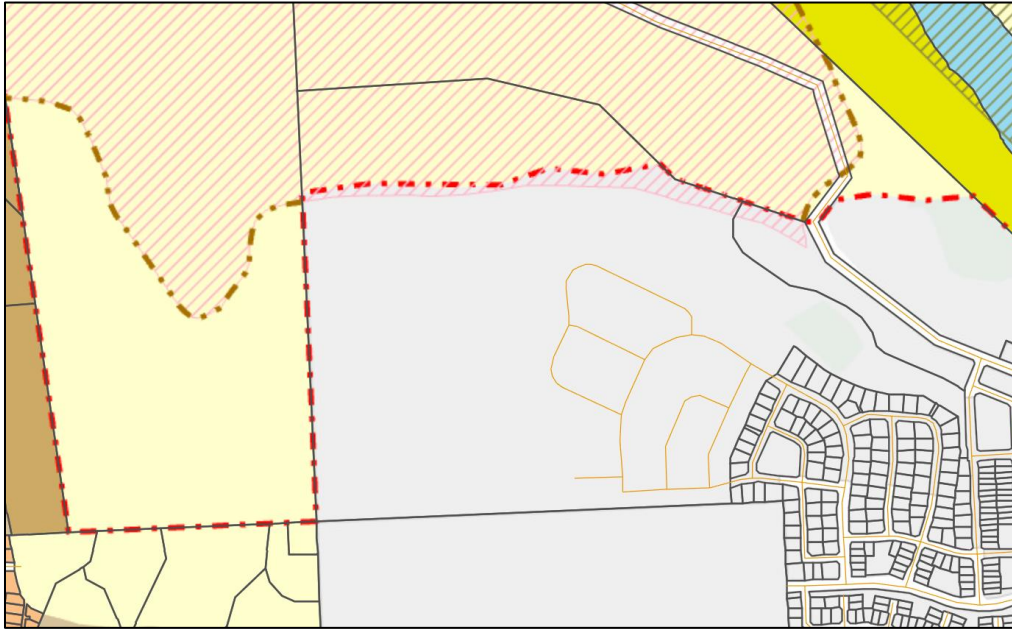


Figure 3. "Notified" Priority Area Mapping Pink diagonal hatching indicates the extent of the Dublin Bay ONL Priority Area

5.4 In preparing this evidence, I undertook a review of the Council GIS (Operative and Proposed District Plan) and it appears that the mapping has been amended to include what looks to be an ONL boundary running through the NSZ, as shown on **Figure 4** below. The jurisdictional basis for this amendment to the ONL boundary is not clear.

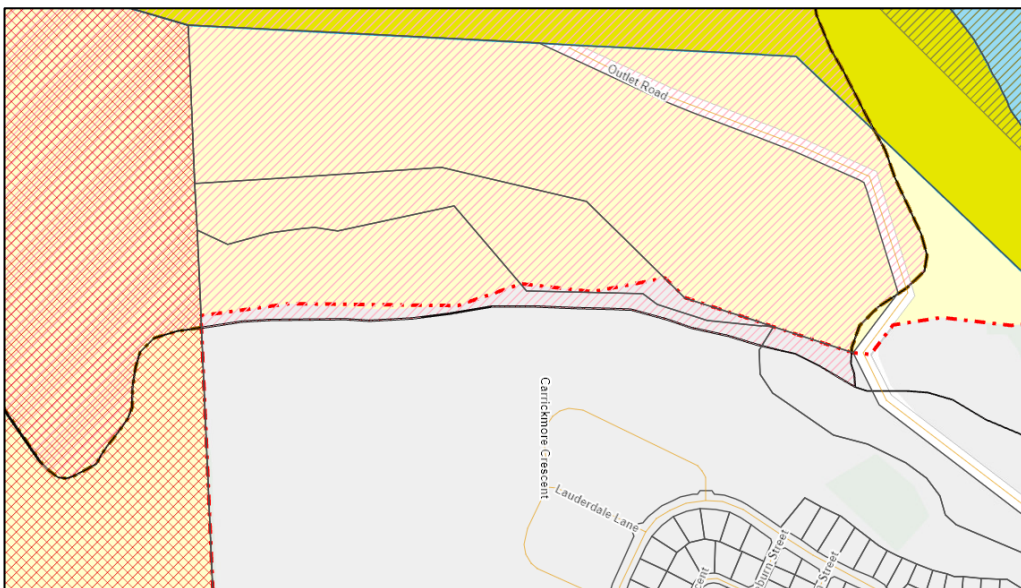


Figure 4. Current PDP mapping

5.5 The s42A report addresses mapping at paragraph 7.2 – 7.6 and 11.1 – 11.3, confirming that the PA boundaries were determined through the Topic 2 appeal process by the Environment Court and given the limited scope of the variation, any changes to the mapping are beyond scope. However, the jurisdictional issue raised in the previous paragraph may also be relevant here.

5.6 If the jurisdictional questions raised above result in the ONL boundary reverting to the Stage 1 decision location (**Figure 2** above) that will raise further questions about the legality and/or appropriateness of including non-ONL land within an ONL PA. I understand these questions will be addressed in legal submissions.

6 Cardrona Valley ONL Priority Area – MCSL land

6.1 Policy 3.1B.5 states:

In this Chapter:

- a. ‘Exception Zone’ means any of the following, to the extent that the Zone (or Sub-Zone) is depicted on the planning maps:**
 - i. The Ski Area Sub-Zone;**
 - ii. The Rural Residential Zone and Rural Lifestyle Zone (Chapter 22);**
 - iii. The Gibbston Character Zone (Chapter 23);**
 - iv. The Jacks Point Zone (Chapter 41).**

6.2 Topic 2.5 decision, paragraph [41] Ms Scott stated:

“... As a separate matter, QLDC submits that it would be appropriate for the MCSSZ to be one of the ‘Exception Zones’ to which new SPs 3.18.5 and 3.18.6 would apply.”

6.3 Policy 3.2.5.4 states:

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 the landscape values of the relevant Outstanding Natural Feature or Outstanding Natural Landscape.*

6.4 Policy 3.3.29 states:

3.3.29 *For Outstanding Natural Features and Outstanding Natural Landscapes, identify landscape values and landscape capacity:*

- a. *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)

6.5 The s42A report confirms that there is no direct policy link to the PA schedules for non-Rural Zones, however they could be referred to in order to inform the identification of relevant landscape values and associated capacity (as anticipated by SP 3.3.45).⁶ It is then suggested that this will include the PDP Exception Zones, where for any activities that are not provided by those zones, the PA schedules will be useful to inform the identification of landscape values that are to be protected⁷.

6.6 I acknowledge that SP 3.3.29 requires the identification of the landscape values and capacity (which the notified landscape schedules are seeking to do), however it remains unclear as to how these relate to the Exception Zones as the SPs and SOs don't subsequently provide a policy 'hook' to require assessment of the scheduled values for '*any activities that are not provided by those zones*', as suggested in the s42A report.

⁶ Paragraph 9.5

⁷ Paragraph 9.6

- 6.7 Given that solving this problem would likely require a change to the Chapter 3 provisions, which is Ms Evans states is out of scope⁸, there does not appear to be an easy remedy for this problem.
- 6.8 Mr Espie considers the mapping should be updated to clarify that the PA do not apply to non-Rural Zones⁹, this may be an appropriate alternative solution to changing the Chapter 3 provisions or alternatively, more explicit preamble text could be included to clarify that, while the schedules may include (by way of map or description) non-Rural Zone land within PAs, the subsequent application of those to future planning and consenting decision will be limited to only the Rural Zone, and exclude Exception Zones.

7 Cardrona River/Mount Barker Road RCL Priority Area – BGL land

- 7.1 The submission sought to provide flexibility for changes in farming practices and technologies. The amendment to the preamble clarifies the meaning of *Intensive agriculture* (aligning it with Factory Farming as defined in Chapter 2) and it is possible that this provides sufficient scope for future evolution of pastoral farming activities given Factory Farming relates to the use of land or building for the production of commercial livestock where the regular feed source does not involve grazing the site concerned.
- 7.2 The landscape evidence relating to the BGL submission is not available at the time of drafting this evidence.

8 Morven Hill ONF Priority Area – Davies land

- 8.1 The submission sought to amend the landscape capacity description for rural living, to acknowledge approved development and where exceptional circumstances and design were presented. Mr Head rejected this submission point on the basis that the preamble explains that capacity ratings are assessed at a PA level and that site specific landscape assessments would be required as part of future resource consent applications that may identify varying landscape (values and) capacities.
- 8.2 I defer to the landscape architects in relation to the appropriateness of the 'no capacity' rating.

9 Kawarau River ONF Priority Area – Kjet

⁸ Paragraph 7.7.

⁹ Paragraph 10 and 14.

- 9.1 The further submission supported the Queenstown Park Limited submission (171.8) to the extent that it sought the capacity rating for wharfs, jetties or bridges be increased from 'very limited' to 'some'.
- 9.2 Chapter 6 includes provisions¹⁰ that seek to manage the location, intensity and scale of structures (including jetties) on the surface and margins of water bodies to ensure they protect the values of the ONF and ONL as far as practicable.
- 9.3 Ms Gilbert recommends that with respect to jetties, boatshed, lake structure and moorings, a rating of 'no landscape capacity' is maintained in recognition of the high landscape sensitivity of lake and river margins to such development. The exception to this being the Queenstown Bay and Environs ONL PA and Roys Bay ONL PA which are attributed 'very limited landscape capacity' to reflect the important role that these parts of the PAs play in enabling people to access and experience Lake Wakatipu and Lake Wanaka ONLs¹¹.
- 9.4 With respect to the 'no capacity' rating, I defer to the landscape experts on the appropriateness of the terminology. In my opinion as a planner, I disagree with the universal 'no capacity' promoted by Ms Gilbert as there locations at the waterway margins which can absorb the visual effects of a jetty or other structure for example, the consented (RM181023) Kjet jetty south of Bridesdale. I also consider that these sorts of structures are anticipated within the margins of waterways.

10 Hawea South North Grandview Priority Area – Burdon land

- 10.1 The submission sought a number of amendments relating to recognition of existing land uses and values and to the landscape capacity ratings.
- 10.2 The s42A recommends accepting submission points relative to the QE II Covenant and acknowledging the damming of the lake, presence of rural and rural living related development and the associated human modification that exists within the vicinity of the Burdon Land.
- 10.3 Mr Espie addresses the Hawea South North Grandview ONL Priority Area at paragraphs 57 – 62 of his evidence and I concur and rely on Mr Espie's expert evidence.

¹⁰ Policy 6.3.5.1

¹¹ Paragraph 9.23(e)

11 Kimiākau (Shotover River) ONF Priority Area – Gertrude Saddlery Limited (GSL) land

- 11.1 The submission sought to align the boundary of the Shotover ONF and the PA around the Shotover Loop with the boundary that was determined in Council Decisions on Stage 1 of the PDP¹², or alternatively withdraw the GSL land from the schedule or that the entire Shotover River PA be withdrawn.
- 11.2 I understand, at a general level, the Council's evidence is that there is no scope for PA mapping amendments through this variation process, however I note there are other complexities associated with this particular submission and site, as a result of parallel planning processes underway. In particular paragraph 71 of the recent rezoning Independent Hearings Panel (IHP) decision noted that the location of the Shotover ONF line will be the subject of a separate decision making process as part of the Landscape Schedules Variation on hearings, we are not minded to make any findings in this regard.
- 11.3 Mr Espie addresses the Kimiākau (Shotover River) ONF PA at paragraph 31 of his evidence. I rely on Mr Espie and add the following additional comments in relation to the planning issues.
- 11.4 The boundary for the Kimiākau (Shotover River) ONF PA was defined by the JWS¹³ which identified specific PA boundaries to be the subject of Council's variation to introduce landscape schedules. The GSL land was not identified as part of the Shotover River ONF under the process for determining the PA boundaries within the JWS, as seen in **Figure 5** below.

¹² 2018

¹³ Landscape JWS dated 29 October 2020 (as directed in the Topic 2.5 decision).



Figure 5. PA map¹⁴ that was included in Council's public notice at the stage of informal feedback (as agreed in JWS mapping from Topic 2)

11.5 The Council's map that was included in the Council's Schedule 1 notification differed from the earlier version as it was changed using Clause 16¹⁵. The mapping link included in the Schedule 1 public notification documents¹⁶ of the Kimiākau (Shotover River) ONF PA boundary included all of the GSL Land as seen in **Figure 6** below. This includes a portion of operative Low Density Suburban Residential Zoned land.

¹⁴ Map dated 3 December 2021.

¹⁵ Clause 16 document dated 7 June 2022. This process is the subject of declaration proceedings, including affidavit evidence of Mr. Brown which I have read.

¹⁶ Dated 30 June 2022.



Figure 6. Schedule 1 mapping – notified version – (Kimiākau (Shotover River) ONF PA). The boundary of the PA runs immediately along the edge of the developed Low Density Suburban Residential Zone.

- 11.6 The Council lodged a late corporate submission, submitting that the Kimiākau (Shotover River) ONF PA boundary as notified was incorrect and that part of the GSL Land shown in Figure 1 of Appendix A (**Figure 7** below) should be excluded from the PA mapping so that it aligns with the extent of the Stage 1 notified Low Density Suburban Residential zoning over the GSL Land, also coinciding with the Arthurs Point UGB (as those are depicted from notification of the PDP, though I note the final determination of the zoning and UGB is subject to a current Environment Court appeal). The corporate submission also seeks that the final PA boundary should align with, and is dependent on, the decision made on the GSL rezoning appeal (although as I note above, no determination was made on the ONF boundary in the recent Council decision).

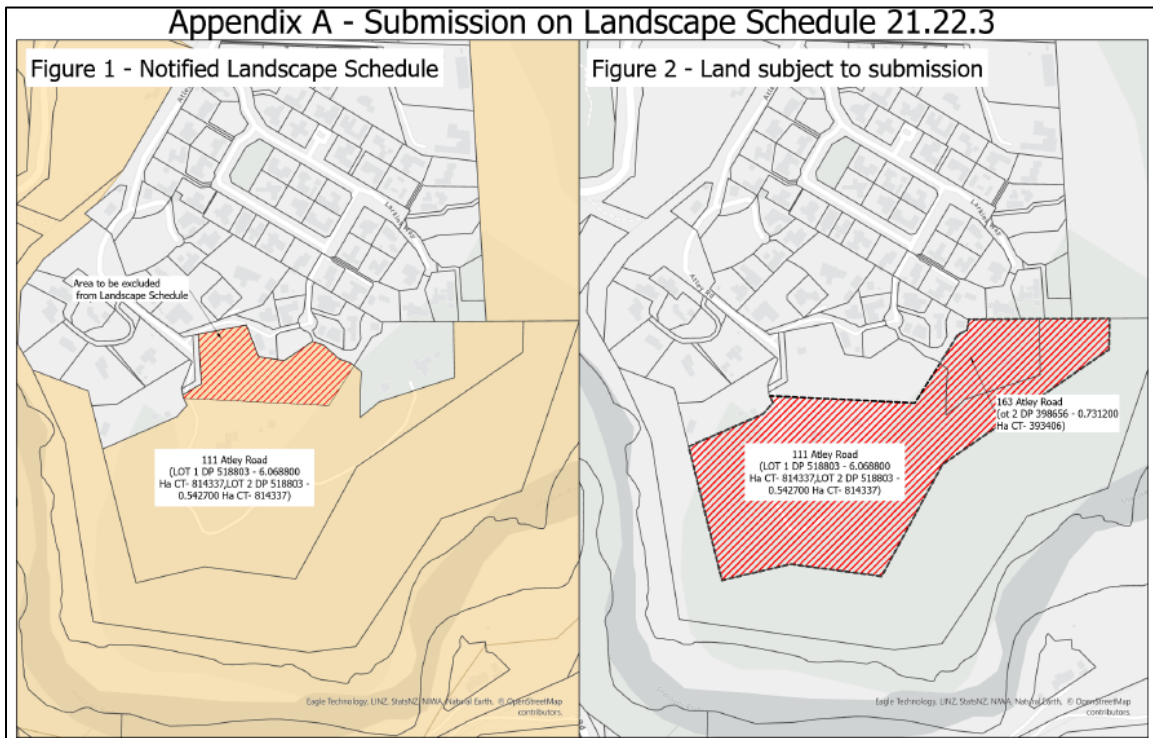


Figure 7. Appendix A to the Council's late corporate submission – on the left-hand plan the red shading denotes the area excluded from the Landscape Schedule

11.7 Ms Gilbert outlines the development of the notified PA mapping at paragraph 3.9 of her evidence, including the following at 3.9(e):

Notified PA Mapping (30 June 2022)

The PA mapping from the October 2020 VIP and PA ONF/L JWS and the October 2020 Upper Clutha PA Mapping JWS was confirmed by the Environment Court in the Topic 2.5 Decision (May 2021).¹⁷ This mapping formed the notified PA mapping (subject to minor refinement by the Council GIS team to align with PA mapping with the ONF/L boundaries that had been settled through the PDP process).

11.8 Ms Gilbert's suggestion that the PA mapping was notified is contrary to the statement at paragraph 7.2 of the s42A report. She also appends (Appendix 3) the pre-consultation version of priority area mapping to her evidence (**Figure 5** above):

"The ONL, ONF and RCL boundaries have not been notified as part of the Variation, nor have the PA boundaries."

¹⁷ See 2021 NZEnvC 60.

- 11.9 Despite this inconsistency, Ms Gilbert recommends a mapping amendment (at paragraph 5.4) to change the 21.22.3 Kimiākau (Shotover River) PA from 'PA ONF' to 'PA ONF/L' in the PA mapping and PA Schedule 21.22.3. She then goes on to acknowledge (in paragraph 5.5) that this terminology "ONF/L" is not currently used in the PDP.
- 11.10 At paragraph 11.1 of the s42A report, Ms Evans states that the submissions seeking changes to the landscape classification boundaries (for the ONF, ONL or RCL) and/or PA boundaries, are out of scope and rejected. She then goes on to consider (in paragraph 11.3) Ms Gilberts's recommended mapping amendment to the Kimiākau (Shotover River) ONF PA to be an 'efficient solution to reflect the Council's decision on the ONL in this area, particularly the interconnectedness of the ONL and ONF'.
- 11.11 It is difficult to understand how there is scope for Council to make a mapping amendment (in the form of renaming a PA) when it has previously stated any changes to the mapping are out of scope.
- 11.12 In addition, the proposed renaming of the 21.22.3 Kimiākau (Shotover River) PA from 'PA ONF' to 'PA ONF/L' if adopted, would introduce a new term into the PDP (as acknowledged by Ms Gilbert¹⁸). If adopted, this would create an anomaly for the following reasons:
- a) The SOs and SPs which list the PAs to be identified refer to "ONL" and "ONF" (including the Shotover River ONF); they do not list any "ONF/L";
 - b) Nowhere in the PDP is there reference to an "ONF/L", rather they are an "ONL" or an "ONF" and are distinctly identified, not conflated in provisions;
 - c) Although the policy framework is the same for both ONFs and ONLs, a number of rules apply differently to activities in the ONL or the ONF, such as earthworks, farm buildings and mining;
 - d) There are examples of where an ONF within an ONL is separately identified, for example the Clutha River ONF;
 - e) I concur with Mr Espie at his paragraph 41 where he considers that the PA ONF Boundary should not include the GSL land, because it does not exhibit the landscape attributes and values of the Shotover River ONF.

¹⁸ Paragraph 5.5.

- 11.13 In summary I consider that creating a “ONF/L” PA in the schedules and ultimately the PDP would be anomalous in the planning context (which does not recognise this conflated approach), would require potentially problematic changes to higher order strategic policies which list the ONF and ONL schedules for this process (and which are not within scope to amend according to Council's position).
- 11.14 Further, I rely on Mr Espie¹⁹ with respect to the Kimiākau (Shotover River) ONF PA and the Shotover River corridor attributes, values and related capacity which do not extend over the GSL land. The schedule was, as detailed by Mr Espie, always intended to be an ONF schedule as directed by the Environment Court. As noted in Mr Espie's evidence at paragraph 37 no landscape witness found that the GSL land is part of the ONF of the Shotover River corridor.
- 11.15 In any case, the landscape classification and zoning of the GSL land is subject to appeal, and in my view, the PA should (as directed by policies, objectives, and related Court decisions above) relate to the Kimiākau (Shotover River) ONF only and it is not appropriate for this PA schedule to be retrofitted into an “ONF/L” schedule, or for the process to identify the GSL Land as being within the Kimiākau (Shotover River) ONF PA or make any implicit determination on the matter.
- 11.16 In my view, it would make more planning sense for this process to be deferred until such time the GSL appeal is resolved (which will ultimately determine the zoning and landscape categorisation).

M Shepherd

11 September 2023

¹⁹ Paragraph 27 of his evidence.

Curriculum vitae – Morgan Shepherd

Professional Qualifications

2015: Bachelor of Applied Science (Environmental Management), University of Otago

2021: Postgraduate Diploma in Planning, Massey University (In progress)

Employment Profile

2018 – present: **Planner – Brown & Company Planning Group.** Consultants in resource management/statutory planning, strategic planning, environmental impact assessment, and public liaison and consultation. Involved in numerous resource consent, plan preparation, changes, variations and designations on behalf of property development companies, Councils and other authorities throughout New Zealand.

2017 – 2018: **Planning Officer – Queenstown Lake District Council**

2016 – 2017: **Monitoring & Enforcement Officer – Queenstown Lakes District Council**

Other

- Member of the Resource Management Law Association and committee member of the local Central Otago Branch
- Associate Member of the New Zealand Planning Institute
- Making Good Decisions Foundation Programme (March 2023)