

Before the Independent Hearings Panel

Under the

Resource Management Act 1991

In the matter

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

REPLY LEGAL SUBMISSIONS FOR QUEENSTOWN LAKES DISTRICT COUNCIL

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**SIMPSON
GRIERSON**

Kierra Parker / Shanae Richardson

T: +64 3 968 4021

kierra.parker@simpsongrierson.com

shanae.richardson@simpsongrierson.com

PO Box 874 Christchurch

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MAY IT PLEASE THE PANEL

1. INTRODUCTION

1.1 These reply legal submissions are on behalf of Queenstown Lakes District Council (**Council**) in relation to the Upper Clutha Landscape Schedules Variation (**Variation** or **UCLS**) to the Queenstown Lakes Proposed District Plan (**PDP**). The Variation proposes to introduce one priority area (**PA**) landscape schedule and 12 non-PA landscape Schedules into Chapter 21 *Rural Zone* of the PDP.

1.2 As explained in opening, the Variation does not propose to change any existing PDP objectives, policies (with the exception of Strategic Policy (**SP**) 3.3.36),¹ rules or standards, nor any underlying landscape classification or zoning.² Rather the Schedules insert descriptions of landscape values (including landscape capacity) of areas already identified in the PDP as either an outstanding natural feature (**ONF**) or Rural Character Landscape (**RCL**), together with maps of the Scheduled areas, and changes to Preamble 21.23 to integrate the non-PAs and explain how to use the Schedules.

Scope of reply

1.3 These reply submissions address the following matters raised by submitters (or the Panel) during the hearing on 1-3 September:³

- (a) the ‘fundamental issue’, being the manner by which the proposed non-PA RCLs are provided for within the current statutory framework of the PDP – with no Chapter 3 changes advanced through the Variation;

1 This change is not substantive, it is the introduction of the Mata-au Clutha River into the list of PAs in Strategic Policy 3.3.36.

2 The relevant Chapter 3 provisions and the underlying landscape classifications were confirmed through the Topic 2 Environment Court Decisions (refer to list of cases in Appendix A of Council’s opening legal submissions dated 19 August 2026 (**Opening Legal Submissions**)). More recently, the Court in *Burdon v Queenstown Lakes District Council* [2025] NZEnvC 122 also confirmed that underlying landscape classifications and zonings could not be amended through the PALS Variation.

3 This list includes the points the Panel invited the Council to comment on in Minute 14, with the exception of the Spatial Plan issue which is dealt with by Ms Frew as a planning matter, and was dealt with in Council’s legal submissions at [6.9]-[6.11] (prior to Mr Curley changing his opinion as recorded in the JWS).

- (b) The updated operative Regional Policy Statement (**RPS**) and Environment Court consent orders for the Priority Area Landscape Schedules (**PALS**) appeals which occurred after the s 32 Report;
- (c) the relevance of the National Policy Statement for Highly Productive Land 2022 (Amended 2025) (**NPS-HPL**);
- (d) the utility of the non-PA Schedules;
- (e) alternative options to the UCLS (as recommended by Council); and
- (f) the passing of the Planning and Natural Environment Acts.

1.4 Filed with these submissions is reply evidence from the Council's two expert witnesses:

- (a) Ms Bridget Gilbert on landscape, whose reply evidence addresses:⁴
 - (i) the term 'modestly scaled'; and
 - (ii) the UCLS alignment with Te Tangi a te Manu and the function of capacity sections.
- (b) Ms Emily Frew on planning, whose reply evidence addresses:
 - (i) The strategic support for the schedules in the PDP;
 - (ii) how the Queenstown Lakes Spatial Plan (**Spatial Plan**) might impact some of the Schedules;⁵
 - (iii) Changes since the s 32 Report - the RPS and PALS consent orders;
 - (iv) the NPS-HPL;
 - (v) Other matters raised at the hearing (NES-CF and PALS examples);
 - (vi) Section 32AA assessment of an alternative option of removing the capacity sections raised by submitters.

1.5 As the matters arising relate to the non-PA RCL schedules, that is the focus of Council's reply.

⁴ Being the topics she was invited to comment on in Minute 14.

⁵ Council's legal submissions at [6.9]-[6.11] set out the legal submissions relevant to this issue.

1.6 For completeness, Council’s position is that the Panel should recommend that the 21.22.25 Mata-au Clutha River Schedule be introduced to the PDP. As explained in opening:

- (a) Mata-au Clutha River has been the subject of a number of Environment Court decisions, which have confirmed its ONF classification, the ONF boundary, and its status as a PA.⁶
- (b) As a PA – the Environment Court has specifically directed that it be scheduled, as recorded in the strategic policies of the PDP.⁷
- (c) As an ONF its scheduling gives effect to the RPS which directs that the values of ONF should be identified;⁸
- (d) The insertion of the Mata-au Clutha River Schedule clearly satisfies the relevant statutory criteria in s 74 and achieves the purpose of the RMA (s 6(b));
- (e) All expert witnesses agree that Mata-au Clutha River merits a schedule;⁹
- (f) No legal submissions seek that the Mata-au Clutha River Schedule not be included in the PDP (rather the issues raised concern the merits of the content of the Schedule);¹⁰ and
- (g) Effects on ONF in the District will remain in scope under the Planning Act 2026 at the end of the ‘transition period’ - in approximately 4 years.¹¹

Most appropriate form of the Variation

1.7 Council submits that the Reply Version of the UCLS Variation attached as Appendix A to Ms Frew’s Reply evidence is the most appropriate form of the Variation. The reasons are set out in the evidence of Ms Frew and Ms Gilbert (as well as the s32 Report and JWS) and as explained by Ms Frew and Ms Gilbert during the hearing.¹²

⁶ Decision 2.1; 2.2; 2.5; 2.9; 2.14; 2.15.

⁷ SP 3.3.36 - SP 3.3.38; SP 3.3.42.

⁸ NFL-01 “The areas and values of Otago’s outstanding natural features and landscapes are identified”.

⁹ JWS, at [30].

¹⁰ See Julian Haworth, Maree Baker-Galloway - Anderson Lloyd (Dan Curley and Steve Skelton), Bridget Irving - Galloway Cook Allen (Ben Espie, Scott Edgar, Morgan Shepherd), Rosie Hill / Lucy King - Todd Walker, Federated Farmers, Maree Baker-Galloway – Anderson Lloyd for Eric Hopgood/Hawthenden.

¹¹ Planning Bill (awaiting Royal Assent), s 14.

¹² Ms Frew, s 42A Report dated 19 May 2026 (**Ms Frew, s42A Report**); Ms Frew, Rebuttal evidence dated 12 August 2026 (**Ms Frew, Rebuttal**) and Appendix 1 Rebuttal Version Provisions (see Ms Gilbert’s comment boxes in red text); Ms Frew Reply evidence dated 30 September 2026 (**Ms Frew, Reply**); Ms Gilbert, EiC dated 29 May 2026 (**Ms Gilbert, EiC**), and Ms Gilbert, Rebuttal evidence dated 12 August 2026 (**Ms Gilbert**,

- 1.8** The final Reply Version includes changes agreed post-rebuttal to schedules 21.22.25 Mata-au Clutha River, and 21.23.7 Studholme Road by Ms Gilbert during the hearing. Areas of expert disagreement previously shown in red have also been removed from the Reply Version of the Variation, so that the Reply Version only shows the text supported by the Council.

2. STRATEGIC SUPPORT FOR THE NON-PA RCL

- 2.1** The Panel's Minute 14 described the "fundamental issue" raised by submitters as "the manner by which the proposed RCL non-PAs, are provided for within the current statutory framework of the PDP, noting that no related amendments to Chapter 3 are being advanced as part of the Variation."
- 2.2** This topic was discussed in legal submissions and expert evidence filed on behalf of submitters. Council's position from a planning perspective was discussed at joint expert witness conferencing,¹³ in Ms Frew's Rebuttal,¹⁴ and most recently in Ms Frew's Reply.¹⁵ Counsel spoke to the issue at the Hearing,¹⁶ and these submissions seek to draw together Council's response to the issue raised by submitters.
- 2.3** The key issues for the non-PA RCL Schedules raised by submitters are the following:¹⁷
- (a) Do the Environment Court's Topic 2 Decisions provide support for the Scheduling of non-PAs – or point against that approach;

Rebuttal); and Ms Gilbert, Reply evidence dated 30 September 2026 (**Ms Gilbert, Reply**); Landscape and Planning Joint Witness Statement dated 9 July 2026 (**JWS**); Hearing Day 1 and documents tabled by the Council.

¹³ JWS, at [10]-[18].

¹⁴ Ms Frew, Rebuttal at section 5.

¹⁵ Ms Frew, Reply at [3.1]-[3.15].

¹⁶ Hearing Day 1; The related issue of scope to amend Chapter 3 being addressed in the legal submissions of Council at section 3.

¹⁷ Ms Irving for Sunnyheights Limited (OS37), Wanaka Station Trust (OS8), Montreal Trustees 2024 Limited (OS32 and FS59), Scott Aubrey Family Trust (OS43), Bell Group Limited (OS31), Ms Baker-Galloway for Eric Hopgood (OS50), Kathryn and Vaughn Woodfield (OS39), Dirk and Rebecca Venter (OS47), and NW & DJ Pittaway Family Trust (OS36), Ms Hill for Deborah and Stephen Brent (as trustees of the Hawthenden Trust) (OS22 and OS30), Devon Dairy (OS29 and FS60), Exclusive Developments Ltd (OS45), and Mata Au Investments Ltd (OS17), Grandview Grazing Limited (OS9), and Lake McKay 2024 Limited Partnership (OS16), Mr Haworth (OS1).

- (b) Do existing PDP Chapter 3, and 6 and 21 provide strategic support for the non-PAs.

2.4 We address these two themes in turn. As outlined at the hearing, Council maintains that there is not scope to amend Chapter 3 of the PDP through this Variation and so the strategic support topic is discussed without substantive changes to Chapter 3 being made (such as those sought by Mr Haworth).¹⁸ Council's position is that no other changes to the objectives or policies of the PDP are in scope of the Variation.

Issue 1: What do the Environment Court Decisions say about scheduling non-PAs?

They say that Council has a discretion to schedule non-PAs

2.5 The Environment Court's previous decisions did not *direct* the scheduling of non-PA RCLs.¹⁹ The Environment Court, in the Topic 2 decisions, directed schedules that would identify, at a high level, the landscape values and capacity of PA ONFL and RCL. The Environment Court found that this would plug the 'gap' between the PDP framework that required protection of values, but did not describe *what* those values were.²⁰ The 'gap' essentially is missing information about what is to be protected (for ONF/ONL), or maintained and enhanced (for RCL).²¹

2.6 What can be taken from the Environment Court decisions is that Scheduling of non-PAs is an option Council could decide to take. As recorded in *Upper Clutha Environmental Society Inc v Queenstown Lakes District Council* [2021] NZEnvC 124 (Decision 2.9) (our emphasis):

[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

¹⁸ Opening Legal Submissions, section 3, noting that all legal counsel and expert planners who have filed submissions/evidence on behalf of submitters agree (JWS [17]).

¹⁹ Opening Legal Submissions at Section 5 and in Appendix A.

²⁰ Opening Legal Submissions at Appendix A [4] – [8]. Decision 2.2, including at [127]. Decision 2.1 at [31].

²¹ Opening Legal Submissions at Appendix A [4]–[12]. *Upper Clutha Environmental Society Inc v Queenstown Lakes District Council* [2019] NZEnvC 205 (**Decision 2.2**), including at [127]. *Hawthenden Ltd v Queenstown Lakes District Council* [2019] NZEnvC 160 (**Decision 2.1**) at [31].

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.**

- 2.7** Ms Hill submitted during the hearing (Day 3)²² that Decision 2.9 at [22] (above) effectively says that if the Council schedules non-PAs, it would need to amend Chapter 3. Similarly, Mr Julian Haworth's lay submissions at [11] states that "The Court held that landscape schedules are high level tools and so must be specifically listed in Chapter 3."
- 2.8** The Council has not identified any finding from the Environment Court which says that if the Council decided to schedule non-PAs, it would need to create new strategic direction / list the non-PAs in Chapter 3. In fact, there would be no need to list the non-PAs within the Upper Clutha Basin at all, as once the Upper Clutha RCL was scheduled, there would be no Priority Areas at all (as effectively all areas would be scheduled).
- 2.9** Council's understanding is that the reason specific changes were made to Chapter 3²³ to support the PAs was so that there was a clear list of those areas that required prioritisation. This clarity was also needed given the requirement to complete the scheduling within a certain timeframe. In short, the Environment Court decided that this specificity was warranted only to support the timing aspect of the PAs.

22 Ms Hill for Deborah and Stephen Brent (as trustees of the Hawthenden Trust) (OS22 and OS30), Devon Dairy (OS29 and FS60), Exclusive Developments Ltd (OS45), and Mata Au Investments Ltd (OS17), Grandview Grazing Limited (OS9), and Lake McKay 2024 Limited Partnership (OS16).

23 PDP SP 3.3.36 – SP 3.3.42.

- 2.10** The PDP objectives and policies that apply to a resource consent application in non-PA RCL provide the same framework that applies to PA RCL's.²⁴ The PDP is clear that non-PA RCLs are not any more or less important than PA RCLs.²⁵
- 2.11** The Environment Court finding that requiring values to be maintained and enhanced without saying what those values are is problematic, is also relevant to non-PA RCL.²⁶ For non-PA RCL's, the PDP does not currently identify the values that are to be maintained or enhanced, or the related landscape capacity. This represents the "gap" that the non-PA Schedules will plug.²⁷ A *direction* in Chapter 3 is not required in order for Schedules to be introduced for non-PA areas, when considered in the context of the findings of the Topic 2 Environment Court decisions. That being, PAs must be Scheduled and non-PAs can be.²⁸

Council has exercised that discretion to Schedule the Upper Clutha non-PA RCLs

- 2.12** Following on from the issue of whether the Environment Court indicated that non-PA's *could* be Scheduled, a number of submitters have asked *why* they should be. The Galloway Cook Allen submissions²⁹ state that Council has not provided evidence that the non-PA RCLs are subject to development pressure - which was a key part of the Topic 2 Decisions determining the PAs. Otago Federated Farmers³⁰ and the Todd Walker submissions³¹ also question why 'selected' RCL's are being scheduled.

24 Including for example, PDP SP 3.3.2, SP 3.3.21, SP 3.3.23, SP 3.3.33, SP 3.3.34, SP 3.3.35, SP 3.3.43, SP 3.3.45, SP 3.3.46, SP 3.3.49, SP 3.3.50, SP 3.3.51, Policies 6.3.4.1, 6.3.4.3, 6.3.4.4, 6.3.4.5, 6.3.4.10, 21.2.1, 21.2.1.1, 21.2.1.2, 21.2.1.3, 21.2.1.7, 21.2.1.11, 21.2.1.16, 21.2.9, 21.2.9.1, 21.2.9.2 and 21.2.9.3.

25 PDP SP 3.3.44.

26 See Appendix A to Opening Legal Submissions for the full context and in particular Decision 2.2, at [127] and [139]-[141].

27 Refer to Opening Legal Submissions that step through the Topic 2 Decisions in more depth.

28 Decision 2.2 at [164]; Decision 2.5 at [46]-[49]. See Submissions of Ms Hill, Todd Walker, at [30]. Ms Frew, Reply evidence, [3.3]-[3.5].

29 at [33] – [34] - Ms Irving for Sunnyheights Limited (OS37), Wanaka Station Trust (OS8), Montreal Trustees 2024 Limited (OS32 and FS59), Scott Aubrey Family Trust (OS43), and Bell Group Limited (OS31).

30 OS41.

31 at [31] - Ms Hill for Deborah and Stephen Brent (as trustees of the Hawthenden Trust) (OS22 and OS30), Devon Dairy (OS29 and FS60), Exclusive Developments Ltd (OS45), and Mata Au Investments Ltd (OS17), Grandview Grazing Limited (OS9), and Lake McKay 2024 Limited Partnership (OS16).

2.13 The non-PA RCL in the Upper Clutha Basin sit within the broader landscape of already scheduled PAs:

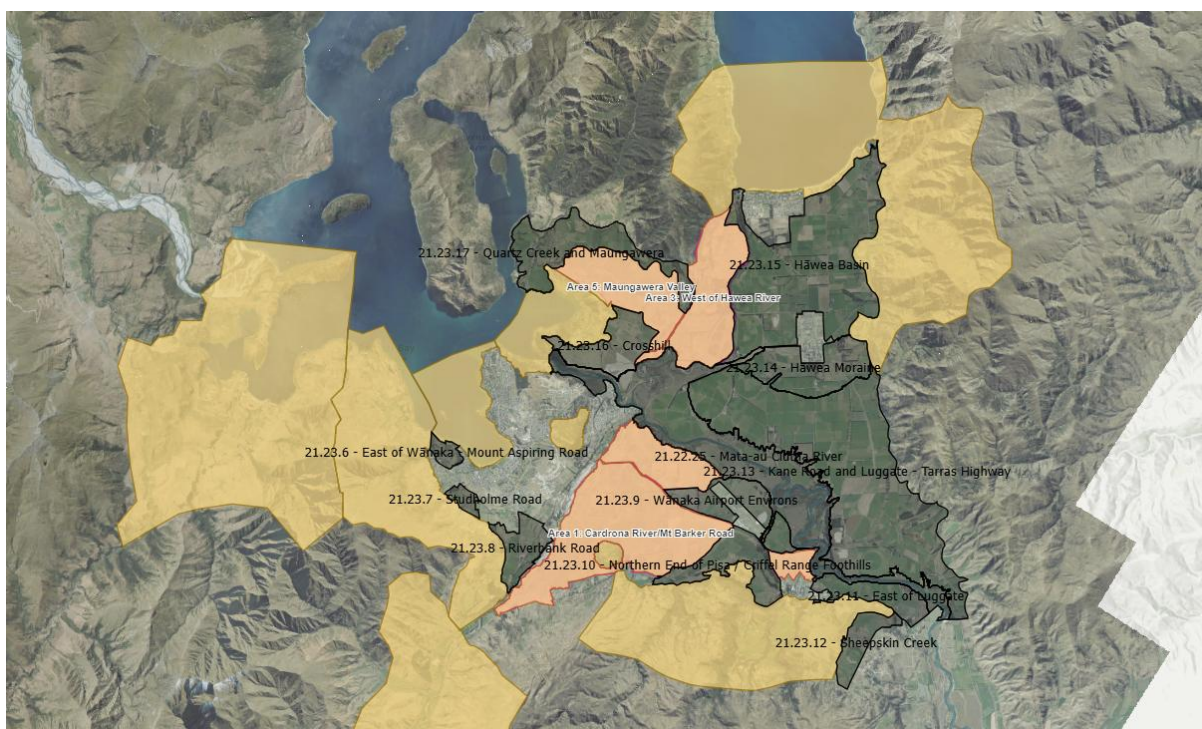


Figure 1: Map provided to the Panel during the hearing, showing the PAs (yellow and peach) and Mata-au Clutha River PA and non-PAs (green).

2.14 As can be seen from Figure 1, the non-PAs cover effectively all remaining RCL land within the Upper Clutha Basin.³² The decision to undertake this exercise was made by Council to inform and support resource consent decision-making, as opposed to being entirely reliant on development pressure.

2.15 The presence of development pressure informed the PA identification process, which (by necessity) needed to determine a rationale way to prioritise areas for Scheduling, and avoiding what would be a mammoth task in introducing schedules for all ONF/RCL in the District. Since the Topic 2 decisions, the Fast-track Approvals Act 2024 has come into force, and with it, development pressure can very quickly arise in areas where it may not have previously been anticipated (other than through plan change requests or orthodox consent applications).

³² As explained by Ms Gilbert, EiC at [4.16]-[4.17], and [6.16], there are some discrete pockets of RCL that have not been scheduled in the Upper Clutha Basin.

2.16 Following the PALS Variation, the Upper Clutha Basin RCL are essentially the only areas (other than largely out-of-reach ONF/L, or dispersed RCL)³³ in the District left to schedule. The Wakatipu Basin is already subject to its own form of landscape schedules in Schedule 24.8 (character units that describe, at a high level, the values and capacity of a unit). There is relatively limited value in scheduling some non-PA ONF/Ls (eg alpine areas or conservation land), given the lack of resource consent applications or significant pressure in those areas.³⁴ Once the Upper Clutha Basin RCL is scheduled, there are only very limited pockets of remaining RCL's not scheduled.³⁵

Issue 2: Strategic support in Chapters 3, 6, and 21 of the PDP

Express PDP direction is not the test

2.17 The legal 'test' that the Variation should be assessed against is discussed in Council's Opening Submissions at [2.1]-[2.3]. This should be the Panel's focus. As a matter of law, there does not need to be express statutory *direction* in the PDP that non-PA RCL be scheduled in order for that scheduling to meet the statutory tests for a Variation.

2.18 In other words – simply because Chapter 3 expressly requires PAs to be scheduled,³⁶ but not non-PAs, does not mean the non-PA Schedules should not be included.³⁷ Rather the Panel must consider whether the non-PA Schedules assist the Council to carry out its functions and achieve the purpose of the RMA (in the terms required by the RMA).

33 This generally relates to fragments of RCL near Jacks Point or around the edges of the Wakatipu Basin Rural Amenity Zone in the Wakatipu Basin. Ms Gilbert, EiC at [4.16]-[4.17], and [6.16] explains that there are some pockets that are not scheduled.

34 Ms Frew, s42A Report at [10.7].

35 As explained by Ms Gilbert, EiC at [4.16]-[4.17], and [6.16].

36 See Decision 2.2 at [262] for a discussion of why the PA SP's should apply only to PAs.

37 The Anderson Lloyd submissions acknowledge that the absence of a specific policy direction does not, as a matter of jurisdiction, prevent the Council from notifying a variation of this kind, at paragraph [25].

What is the existing policy support for the non-PA Schedules?

2.19 The concern of submitters is that there is a ‘policy gap’ or an inconsistency in the ‘plan architecture’ if the non-PA Schedules are included.³⁸ This was also referred to as the Variation taking a ‘bottom up’ approach, by inserting Schedules but not changing strategic objectives and policies - as submitted by Ms Hill³⁹ and Ms Irving⁴⁰ at the hearing.

2.20 The Council has explained the existing PDP policy support for the non-PA Schedules,⁴¹ which is set out in Ms Frew’s reply.⁴² It is important **not** to look only at Chapter 3 – Strategic Direction, when considering how the Schedules will fit into the architecture of the PDP.

2.21 The Environment Court in *Yaldhurst Quarries Joint Action Group v Christchurch City Council* [2017] NZEnvC 165 (when considering the Christchurch District Plan), observed that:

[30] The wording of the strategic directions is very general and their discrete application on a case-by-case basis is not intended. Rather, the strategic directions are given effect to by the objectives and policies in the balance of the District Plan and are to be interpreted and applied accordingly; per *Pickering v Christchurch City Council*.

2.22 Similar applies for the QLDC PDP. The Environment Court in *Darby Planning Ltd Partnership v Queenstown Lakes District Council* [2019] NZEnvC 133 (and the Topic 2 Decisions⁴³), highlighted that Chapter 3 sets out the overarching strategic

38 Anderson Lloyd submissions at [14], [17]; Galloway Cook Allen submissions, at [19]; Todd Walker submission, at [36]; Submissions made Day 3 of the Hearing.

39 Ms Hill for Deborah and Stephen Brent (as trustees of the Hawthenden Trust) (OS22 and OS30), Devon Dairy (OS29 and FS60), Exclusive Developments Ltd (OS45), and Mata Au Investments Ltd (OS17), Grandview Grazing Limited (OS9), and Lake McKay 2024 Limited Partnership (OS16).

40 Ms Irving for Sunnyheights Limited (OS37), Wanaka Station Trust (OS8), Montreal Trustees 2024 Limited (OS32 and FS59), Scott Aubrey Family Trust (OS43), and Bell Group Limited (OS31), at [27].

41 Council’s Opening Legal Submissions at Appendix A [13]; Ms Frew, 42A at, JWS [15], Ms Frew, Rebuttal at [5.2]; UCLS Report s32 Appendix D that sets out the PDP framework.

42 Ms Frew, Reply at section 3.

43 Decision 2.2 at [182].

direction, to be achieved via the more detailed provisions of the PDP.⁴⁴ This is also recognised in Chapter 3 itself.⁴⁵

2.23 Putting this another way, it is submitted that strategic planning policy can come in various forms – it can be prescriptive, or it can be expressed in a more abstract manner. Where expressed with an outcome in mind (ie, landscape outcomes), there can be more latitude to adopt methods that will support the achievement of that outcome. This is what we see in the PDP where it directs the maintenance or enhancement of landscape character and visual amenity values; with various methods adopted to ensure that this strategic outcome is achieved. Those methods – across Chapters 6, 21 and 24 (for example) – can involve policies, zones, overlays, rules, standards, assessment matters and landscape schedules. No method needs to be explicitly required by the strategic objectives or policies, instead the appropriate test is to ask whether they (as provisions) are the most appropriate way to achieve the objectives.

2.24 Turning to the relevant objectives and policies across Chapters 3, 6, and 21, they variously seek to maintain and enhance the values of RCL. For example:

- (a) Chapter 6, Policy 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.
- (b) Chapter 21, Objective 21.2.1
A range of land uses, including farming are enabled while: ...Maintaining the landscape character of Rural Character Landscapes and maintaining or enhancing their visual amenity values.

⁴⁴ At [7], [64]-[68].

⁴⁵ For example: 3.1 Purpose - This chapter sets out the over-arching strategic direction for [...]; 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....

2.25 To achieve the raft of existing objectives and policies applying to non-PA RCL,⁴⁶ identifying the values in a schedule assists by setting out what is to be maintained or enhanced. That is why the Schedules support the achievement of the objectives and policies of the PDP, as compared to the PDP not providing any indication of what values in the Upper Clutha non-PA RCLs is to be maintained or enhanced.

2.26 The Council understands that one of Mr Haworth's concerns is that the non-PA's are hidden away and will be overlooked if not mentioned in Chapter 3. This ignores the reality of how the PDP is applied in practice to a resource consent application:

- (a) The non-PA Schedules will be displayed on the e-Plan maps – which is generally the first place that a plan user / landscape architect / Council officer will look and will clearly identify that a non-PA Schedule applies to a piece of land.
- (b) Assessment matter 21.21.2.1 will require the Council to have regard to the values in the schedules,⁴⁷ and assessment matter 21.21.2.5 requires the Council to have regard to landscape capacity.

3. CHANGES SINCE THE SECTION 32 ANALYSIS – ORPS AND PALS CONSENT ORDERS

3.1 The Panel in Minute 14 at [8] has queried whether “the original Section 32 analysis and reporting which supported the Variation remains valid; particularly in the context of any subsequent relevant updates to the Regional Policy Statement (RPS) and as a result of the various consent orders for the Priority Area appeals which have occurred subsequent to the original Section 32 report”.

3.2 The s32 Report is not ‘invalidated’ if there are changes in higher order planning documents or the PDP since it was notified.⁴⁸ Rather, subsequent analysis can take those changes into account – which is exactly what has occurred in the case of this Variation. We address the two specific matters raised by submitters in turn below.

⁴⁶ Including for example, PDP SP 3.3.2, SP 3.3.21, SP 3.3.23, SP 3.3.33, SP 3.3.34, SP 3.3.35, SP 3.3.43, SP 3.3.45, SP 3.3.46, SP 3.3.49, SP 3.3.50, SP 3.3.51, Policies 6.3.4.1, 6.3.4.3, 6.3.4.4, 6.3.4.5, 6.3.4.10, 21.2.1, 21.2.1.1, 21.2.1.2, 21.2.1.3, 21.2.1.7, 21.2.1.11, 21.2.1.16, 21.2.9, 21.2.9.1, 21.2.9.2 and 21.2.9.3.

⁴⁷ 21.21.2.1.a. the landscape character and visual amenity values identified in Schedule 21.23, where relevant.

⁴⁸ Noting that pursuant to s 32A – a s 32 report cannot invalidate a provision in a plan.

Operative Otago RPS

- 3.3** Because a district plan must give effect to a regional policy statement,⁴⁹ a change in higher order direction warrants consideration.
- 3.4** The s32 Report (in October 2024) considered the then operative 2019 RPS and the 2021 RPS-DV (notified decisions version, dated March 2024).⁵⁰ All appeals on the 2021 RPS were resolved in March 2026 and the 2021 RPS became operative in July 2026 (and fully replaced the RPS 2019 from that date).⁵¹
- 3.5** Ms Irving, counsel for a number submitters, identified that the 2021 RPS, unlike the 2019 RPS, does not *require* Council to identify HVL/L, under NFL-M1(1).⁵² That is correct. Ms Frew's Rebuttal evidence had undertaken further evaluation against the now operative RPS.⁵³
- 3.6** Ms Frew's Reply⁵⁴ has explained that the now operative RPS provides that:
- (a) Council *may* identify highly valued natural landscapes (which RCL are)⁵⁵, and, if it does, it *must* collaborate with Kāi Tahu to identify values and capacity of natural features and landscapes of significance for Kāi Tahu;⁵⁶ and
 - (b) Identification of values of HVLs *must* occur in accordance with APP11 and MW-M1(5),⁵⁷ and those values *must* be maintained or enhanced.⁵⁸
- 3.7** In summary, the RPS gives Council the discretion to identify HVL, directs how they are identified, and then that the identified values are to be maintained and

49 RMA, s75(3).

50 s 32 Report, [6.10]-[6.24].

51 Ms Frew, Reply, [5.2].

52 For example, Bridget Irving (OS37, OS08, OS32 and FS59, OS43, OS31), Submissions of Counsel, 26 August 2026, paragraph 36, and, Rosie Hill (OS22 and OS30, OS29 and FS 60, OS45, OS17, Opening Synopsis of Legal Submissions, 26 August 2026, paragraphs 42 – 47.

53 Ms Frew, s42A Report at [7.12]-[7.14], Rebuttal at footnote 10 (updated at the hearing), and Reply at [5.7]-[5.3].

54 Ms Frew, Reply at [5.7].

55 Ms Frew, Reply at [5.2]-[5.4].

56 RPS 2021, NFL-M1(1)(g).

57 RPS 2021, NFL-P1.

58 RPS 2021, NFL-O2.

enhanced. The Variation gives effect to the ORPS direction by scheduling the values of identified non-PA RCL (albeit that it is an option, not a requirement).⁵⁹ While the content of the RPS has moved on since the s 32 Report for this Variation, the subsequent analysis provides a basis for assessment of the Variation against the statutory criteria.

PALS Consent Orders

- 3.8** Following the s 32 Report, Ms Frew's s 42A Report has assessed the more recent changes endorsed by Environment Court in its Topic 1 Consent Determination. Ms Frew explains⁶⁰ that she and Ms Gilbert recommended a number of changes to the Variation to align with the PALS Topic 1 Consent Determination. During the hearing, and in Ms Frew's Reply,⁶¹ the Council confirmed that that the more recent Topic 2 Environment Court consent orders are site specific and do not impact the UCLS Variation.

4. CONSISTENCY OF NON-PA SCHEDULES WITH NPS-HPL

- 4.1** The Panel's Minute 14 at [8] has asked the Council to address the relevance of the NPS-HPL. The NPS-HPL was raised in the joint lay statement for Otago Federated Farmers, who say that the NPS-HPL is relevant and that the Variation could constrain activities that the NPS-HPL recognises as supporting land-based primary production.⁶² The test for determining the merits of the Variation includes whether the Variation gives effect to any national policy statement – the NPS-HPL is relevant.⁶³

- 4.2** The s 32 Report considered the NPS-HPL, and it stated:

6.5. This Variation does not include any provisions that would compromise the purpose of the NPS HPL. Further, the Variation does not introduce any new rules or standards that would change the policy approach to rural

59 Ms Frew, Reply at [5.12]-[5.13].

60 Ms Frew, s42A Report at [3.10]-[3.12].

61 Ms Frew, Reply at [5.14]-[5.17].

62 Joint lay statement for Otago Federated Farmers (OS41) at [24]-[28]; Presented on Day 2 of the Hearing.

63 Also refer to sections 31, 32, and 72 – 76 of the RMA.

landscapes. Therefore, the landscape schedules do not create any inconsistencies with the NPS-HPL.

4.3 The NPS-HPL has one objective - to protect highly productive land for use in land-based primary production, both now and for future generations. The NPS-HPL 'implementation' provisions (Part 3) do not apply directly to this Variation - they are engaged for example where a plan change seeks urban rezoning of land, and where a resource consent is sought.⁶⁴ More broadly, the NPS-HPL objectives and policies (Part 2) could apply to the Variation, including Policies 4 and 8 that provide for protection of HPL.

4.4 Ms Frew's s42A Report explained that the Variation is not rezoning any land nor creating any new rules, objectives, or policies – including specifically in relation to farming activities.⁶⁵ In Reply, Ms Frew further explains that the Rural Zone (that the Schedules are being inserted into) already enables farming and other appropriate rural activities, and avoids urban development or rural lifestyle, while providing for the maintenance and/or enhancement of landscape values and rural amenity.⁶⁶ Ms Frew considers that the Variation gives effect to the NPS-HPL, consistent with the s 32 Report.⁶⁷

5. UTILITY OF THE NON-PA RCL SCHEDULES

5.1 Key points arising from the hearing in relation to utility of the non-PA Schedules were:

- (a) Whether the non-PAs are efficient, effective, and reduce costs of consenting;
- (b) Whether the utility of the non-PAs will decline over time; and
- (c) Whether the non-PAs assist with monitoring.

⁶⁴ Ms Frew, Reply at [6.3]-[6.6].

⁶⁵ Ms Frew, s42A Report at [9.19].

⁶⁶ Ms Frew, Reply at [6.5]-[6.6].

⁶⁷ Ms Frew, Reply at [6.7].

- 5.2** These topics have been addressed in Ms Gilbert and Ms Frew’s evidence, the JWS, Council’s oral opening submission and written submissions,⁶⁸ but remain a point of contention raised by submitters.

Efficiency and effectiveness, and reduction in costs of consenting

- 5.3** From hearing the submitters, Council understands that the key concerns are that the Schedules could make activities more difficult⁶⁹ and that the schedules could be ambiguous and increase costs of consenting to be borne by landowners at the consenting stage.⁷⁰
- 5.4** Otago Federated Farmers submitted that the Schedules will make routine farming more difficult. They simply do not. The Rural Zone encourages routine farming and Ms Frew’s evidence makes it clear that the Schedules do not change that framework. In a similar vein the Anderson Lloyd submissions⁷¹ seek amendments to the capacity rating for earthworks to avoid the need for an earthworks consent. This confuses the role of the Schedules with the role of rules – given that the Schedules are only triggered by an already existing rule that requires a resource consent. If no rule requires resource consent (for RDA, or more restrictive), then the Schedules will not need to be considered at all.
- 5.5** The existence of the Schedules does not change the fact that the land is still RCL, and that related objectives, policies and rules apply. The existence of the Schedules also does not change the capacity of a site to absorb change through development. Rather, the Schedules provide an early, high level ‘indication’ of the matters that may warrant assessment, so as to assist landowners and landscape architects.
- 5.6** In terms of Otago Federated Farmers concerns as to ambiguity,⁷² when a consent is necessary in the Rural Zone, the existing PDP already requires that a landscape

68 Opening Legal Submission for Council, at [6.7]-[6.21].

69 For example, Otago Federated Farmers raise concerns as to making routine farming more difficult.

70 For example, the Anderson Lloyd submissions at [31]-[39] express concern that landowners bear the burden of challenging text at the consenting stage due to the schedules being unfair and not recognising existing uses and modifications. Otago Federated Farmers evidence at [54]-[55] also assert that the Schedules could increase costs of a landscape assessment for a resource consent application.

71 On Day 3 (recording 3) of the hearing, Ms Baker-Galloway for Eric Hopgood (OS50), Kathryn and Vaughn Woodfield (OS39), Dirk and Rebecca Venter (OS47), and NW & DJ Pittaway Family Trust (OS36).

72 At [48]-[52].

assessment accompanies a consent application. Therefore, a landscape architect will primarily be the person that will be reviewing and interpreting the Schedules – and is likely to understand the terminology used in the Schedules. This review may uncover aspects that are not relevant for particular sites, or information that has become out-of-date. That should not be a problem, as Council recognises (as stated in the Preambles) that the Schedules are relevant as at a specific point in time, and may need to be updated. That does not mean that they are ineffective, or uncertain in any blanket sense.

5.7 Although a site-specific assessment is still likely required, Council does not accept Otago Federated Farmer’s lay statement⁷³ that this means that the Schedules are not effective. Further to the above, the Schedules provide a consistent starting point for landscape assessments, assisting to reduce the amount of work and costs associated with a site-specific assessment, as well as reducing inconsistencies and costs of reaching agreement or a decision on those inconsistencies.

5.8 While there are differences in opinion between the experts that attended conferencing on the degree of utility the Schedules, the JWS records the experts' agreement that the non-PA UCLS Schedules will be useful:⁷⁴

We agree that the non-PA landscape schedules have a degree of utility for both the general public and landscape experts. For the general public, especially via the mapping tool, the schedules may inform them of the identified landscape values and capacity of parts of the RCL they are interested in. For the landscape experts working on a specific proposal, the schedule will provide a potential common starting point with respect to the existing landscape values and high-level landscape capacity.

5.9 Ms Frew’s s 42A Report also highlighted that in the absence of a schedule, the values and capacity are determined by a first principles landscape assessment, that comes with a cost to the applicant.⁷⁵ Ms Frew’s opinion is that, by providing a starting point, the Schedules could reduce the inconsistencies and costs associated with landscape experts starting from two different first principles assessments.⁷⁶

73 At [20(c)].

74 JWS, at [19].

75 Ms Frew, Rebuttal at [14.3].

76 Ms Frew, Rebuttal at [14.4]-[14.5].

Ms Gilbert similarly considers that the schedules will have high utility to landscape assessments of future resource consents.⁷⁷

5.10 Additionally, as the s 32 Report puts it, ‘not identifying the values to be protected, or landscape character to be maintained or enhanced may result in less certainty that the landscape outcomes of the PDP would be achieved.’⁷⁸ This echoes the finding in Environment Court Decision 2.2 that a risk of not acting is that there is a present lack of information on the relevant landscape character and visual amenity values of the RCLs that the PDP seeks to maintain or enhance, for the purposes of s7(c) RMA.⁷⁹ When the PDP does not give direction on landscape character and values, and capacity that leaves those matters to discretionary judgment, case-by-case.⁸⁰

5.11 In terms of the risk of the Schedules increasing costs of consent applications, the Environment Court in Decision 2.2 has specifically stated its view that this is not the case:

[138] ... the DV would transfer the costs of identifying landscape values to resource consent applicants. QLDC raise concerns about the potentially significant costs that would be imposed on participants in the current proceedings, were the court to direct scheduling in determination of these appeals. However, as we have noted, district plans have a statutory purpose of fleshing out and contextualising pt 2 RMA (including ss 6(b) and 7(c)). While there would be transactional costs for ratepayers in Sch 1 plan changes, those are as a consequence of the proper exercise of QLDC's planning authority responsibility.

5.12 If there is legitimate concern from submitters about the accuracy or fairness, including for example recognition of existing land uses, of Schedule text, the concern can, and should, be addressed now, through this Schedule 1 process.⁸¹

⁷⁷ JWS at [22].

⁷⁸ s32 Report's Assessment of the Costs, Benefits and Efficiency and Effectiveness – Table 4, right hand column.

⁷⁹ Decision 2.2 at [267].

⁸⁰ Decision 2.2 at [309].

⁸¹ Noting, that Preamble 21.23 and the overarching context and structure of the schedules, particularly the Mata-au Clutha River, have largely been determined through the Topic 2 and PALS process.

Council's evidence demonstrates that it has carefully considered submissions and accepted amendments where submitters' concerns are well founded.

Utility over time

- 5.13** During the hearing (Day 3), and in the Anderson Lloyd submissions, Ms Baker-Galloway submitted that rural landscapes are dynamic, and that overtime the schedules utility will decline and create a burden to review them.⁸²
- 5.14** The JWS records agreement that the degree of utility may decline over time as the landscape changes, if the schedules are not periodically reviewed and updated.⁸³ And that this would equally apply to the PALS Variation (that was directed be included into the PDP by the Environment Court).
- 5.15** The concern about planning provisions losing their relevance overtime is applicable to any other planning provisions that are impacted as the environment changes.⁸⁴ While Council understands the basis for the concern, the solution is not a matter for this Variation. All policy processes need to start from a certain position, if they did not (with an entirely flexible, loose framework adopted) then various matters could not be meaningfully managed at all (ie, landscape outcomes, capacity, cumulative effects).
- 5.16** We also note that this point is undermined by the RMA reform. The Planning Bill means the RCL Schedules will be relevant to consideration of resource consents on RCL Rural Zoned land for an approximately 4-year period. If they became out of date by the end of the 4-year period, it would be a non-issue by that time.
- 5.17** If the broader PDP objectives, policies and rules, are being applied and adhered to, the values of the District's landscapes should be maintained and enhanced and the

82 Anderson Lloyd submissions at [32]-[33] "This is a material efficiency concern which is particularly relevant for the non-PA schedules. Rural landscapes are dynamic."

83 JWS, at [20] also records that this applies equally to the PA schedules and Schedule 24.8 (Wakatipu Basin Landscape Character Units). Section 79 of the RMA requires period review of district plans (in the usual course absent RMA Reform). This ensures that district plans do not become outdated, that they maintain alignment with higher order documents, and that they continue to address current resource management issues.

84 Noting that monitoring is required by SP 3.3.47 and SP 3.3.48 PDP, and Council has established a methodology for monitoring landscapes under the PDP.

capacity ratings should not be exceeded – meaning that the schedules should remain valid over time.

5.18 However, change is recognised expressly in the Preamble (our emphasis):

[6.4] **Landscape capacity is not a fixed concept and it may change over time as development occurs or landscape characteristics change.** In addition, within each Rural Zone Priority Area or Rural Zone Schedule Area there is likely to be variation in landscape capacity, that will require detailed consideration and assessment through future resource consent applications. **As development, landscape or policy change occurs**, there may be a need to review the **spatial extent** of the Rural Zone Priority Area or Rural Zone Schedule Area, or the content of the PA Schedules (including landscape capacity ratings).

5.19 If a Schedule was to become out of date in that 4-year period,⁸⁵ that can be accommodated by a site specific assessment.

Utility demonstrated in monitoring evidence

5.20 During the heading (Day 3), and in the Todd Walker submissions⁸⁶ Ms Hill criticised the absence of monitoring evidence demonstrating that the PALS Schedules have delivered efficiency gains in practice.

5.21 Monitoring the efficiency and effectiveness of district plan provisions is something required by both the RMA⁸⁷ (s 35) and by SP 3.3.47 and SP 3.3.48 of the PDP, which require the Council to monitor the efficiency and effectiveness of the Rural Zone provisions and whether SO 3.2.5 (the retention of the District’s landscapes) is being achieved.

5.22 The Council has not yet undertaken monitoring of the Rural Zone (including the PALS). However, Ms Frew’s evidence is that the non-PA Schedules will assist with

⁸⁵ For example, due to the approval of a Project under the Fast-Track Approvals Act 2024 including development in RCL in the Rural Zone.

⁸⁶ At [14].

⁸⁷ RMA, s 35(2).

monitoring by providing a baseline to compare change against.⁸⁸ The Reply evidence of Ms Frew also explains that the PALS are only a recent construct – some appeals are still live, and Topic 1 was only resolved in March this year (before the s32 report for this Variation).⁸⁹

5.23 The Environment Court in Decision 2.2 also, in relation to the PA RCLs, observed that:

[176] In the case of the Upper Clutha RCL Values' Identification Framework, the evidence demonstrates the importance of establishing a proper benchmark for the measurement of additive cumulative degradation of identified character and amenity values through land use change arising through subdivisions and developments over time.

5.24 In Council's submission, in the time available a lack of concrete monitoring evidence of the effectiveness of the PALS (a recent addition to the PDP) should not mean that the Variation should not proceed.

6. ALTERNATIVE – REMOVE THE CAPACITY SECTION FOR NON-PA RCL SCHEDULES

6.1 Submitters have suggested a number of alternative approaches for the non-PA RCL Schedules:

- (a) not including the non-PA Schedules in the PDP;
- (b) deleting the capacity section of the non-PA Schedules; or
- (c) deleting only the capacity ratings for farming activities.⁹⁰

6.2 While Council remains supportive of the inclusion of the non-PA RCL Schedules as per this reply, it considers the most practical of the alternatives suggested by submitters to be the removal of the capacity ratings from the non-PA RCL Schedules (and retaining the rest of the Schedules).⁹¹ This approach would:

⁸⁸ Ms Frew, Rebuttal at [7.6].

⁸⁹ Ms Frew, Reply at [5.14]-[5.17].

⁹⁰ Evidence on behalf of Federated Farmers at the Hearing on Day 2, and in lay witness statement.

⁹¹ This would not apply to the Mata-au Clutha River Schedule, as capacity must be included in that Schedule as a PA.

- (a) Provide the values of the non-PA RCL in a Schedule to the PDP, in order to assist with implementing the objectives and policies of the PDP that seek that the values of RCL be maintained and enhanced (by providing a high-level starting point as to what those values are);
- (b) Remove the most contentious part of the non-PA Schedules (and in the words of submitters, most subjective).⁹²

6.3 While the *values* that are to be identified for non-PA RCL are clearly set out in SP 3.3.43, the same policy direction about the *capacity* of listed activities does not exist (ie, there is no equivalent of 3.3.41 for non-PAs). In light of the transition to the Planning Act in four years' time and the submitter concerns about the capacity ratings / sections, the removal of the capacity sections would likely reduce the risk of continued disagreements on this aspect of the non-PA RCL Schedules as part of consent processing during the remaining life of the PDP under the RMA.

6.4 Ms Frew's Reply provides a section 32AA evaluation of this alternative.⁹³ In summary, she finds that removing the capacity sections may reduce the risk of the capacity sections becoming outdated, and may reduce dispute over the accuracy of the capacity sections. It may however increase the burden on the consent applicant by no longer providing a high-level starting point / guidance of the capacity for an area.⁹⁴

6.5 The key issue is that removing the capacity section from the non-PA RCL Schedules, does not remove the existing requirement in the PDP that site-specific landscape assessments under 3.3.45.b.iii for non-PA RCL must 'assess effects on that character and those values and on related landscape capacity'.⁹⁵ This means that

⁹² There is very limited expert outstanding disagreement on the text of the schedules, but much of the disagreement is targeted to the capacity sections.

⁹³ This alternative is in addition to the three options in the s 32 Report: Option 1: status quo (no change to PDP), Option 2: List the Mata-au Clutha River PA in the PDP, but do not list any RCLs into Schedule 21.23 (including amendment to SP 3.3.36 of Chapter 3, Option 3: the Variation as proposed.

⁹⁴ Ms Frew, Reply at pages 20-21.

⁹⁵ PDP 3.1B.5.b.ii. 'landscape capacity' 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. As explained by Ms Gilbert, Reply at [4.13], Te Tangi a Te Manu does not provide guidance for area-based capacity assessments.

when a resource consent applicant carries out a landscape assessment on non-PA RCL in the Upper Clutha Basin, the PDP will not contain any guidance about the landscape capacity for the area that could help inform the cumulative effects assessment (21.21.2.5). The issue of capacity and cumulative effects will remain a matter that must be assessed, and on which expert opinions might differ.⁹⁶

6.6 Council's primary position (consistent with its expert evidence) remains that identifying landscape capacity in the non-PA RCL Schedules is the most efficient and effective way to achieve the objective - the relevant purpose of the Variation being to introduce additional landscape schedules for RCLs in the Upper Clutha Basin to better identify the values that need to be maintained or enhanced.⁹⁷

6.7 If the Panel considers that removing the capacity ratings from the non-PA Schedules would be more appropriate, and better respond to the submissions made on the Variation, then it is submitted that the consequential amendments to Preamble 21.23 identified in Ms Frew's Attachment 3 would be required to implement it. This would be important as the alternative approach would create a clear inconsistency as between the PA and non-PA RCL schedules. Some explanation would assist plan users in navigating that in light of the strategic direction that non-PAs are not less important than PAs.⁹⁸

6.8 In Council's submission, while this alternative option comes with a greater cost than including capacity ratings in the non-PA RCL Schedules, or the various alternatives it is considered the preferable approach. This is because:

- (a) Not including any of the non-PA RCL Schedules would mean that there is no guidance offered by the PDP as to what values are required to be maintained and enhanced; and
- (b) Deciding not to include only some capacity ratings – such as those for rural/farming activities – would send a confusing signal, create

⁹⁶ Ms Gilbert's Reply, at [4.17]: "Put another way, removing the landscape capacity portion of the Schedules will not eliminate or necessarily reduce expert disagreement on a site-specific assessment. Nor does it eliminate that fact that some sites will have more or less capacity to absorb development than others, regardless of whether it is recorded in a high level schedule, or assessed later through a site-specific assessment."

⁹⁷ S32 Report, at [8.4].

⁹⁸ SP 3.3.44.

inconsistency, and will not assist plan users when dealing with only one set of activities where those require resource consent under the PDP.

7. UPDATE ON THE PLANNING AND NATURAL ENVIRONMENT ACTS

7.1 The reform of the RMA was addressed in section 4 of Council's Opening Legal Submissions, and orally at the hearing on 1 September.

7.2 The third reading versions (post the Committee of the Whole House stage) of the Natural Environment Bill⁹⁹ and the Planning Bill¹⁰⁰ became available online on Tuesday 1 September (while Council presented its case at the hearing). All submitters were able to present to the Panel about that same version of the Bills at the hearing.

7.3 On 22 September the Natural Environment Act and Planning Act passed their third reading. The Acts await Royal Assent. There were no further changes made to the Acts after the Committee of the Whole House stage which was completed on 28 August prior to the hearing on 1 September.

7.4 The content of the Planning and Natural Environment Acts has therefore not changed since 1 September, other than the version of the Bills which were discussed have progressed through the legislative process.

7.5 As discussed at the hearing, the key elements of the Planning and Natural Environment Acts for this Variation are:

- (a) The transition period will be in place for four years after Royal Assent. After this date the RMA is repealed.¹⁰¹
- (b) During the transition period effects on landscape and amenity remain in scope for decisions on resource consents, they are not excluded effects.¹⁰²

99 Available online at <https://www.legislation.govt.nz/bill/government/2025/234/en/latest/#d3245317e9>.

100 Available online at <https://www.legislation.govt.nz/bill/government/2025/235/en/latest/#d3004146e9>.

101 Planning Act, s 2(3) and (2C)), and Schedule 1. As recorded in Council's opening submissions, the transition period in the second reading version was approximately 4.25 years and has now reduced slightly.

102 Planning Act Schedule 11, amendments to s 104(1A) of the RMA.

- (c) During the transition period the existing PDP direction and framework – including the fact that land is RCL (a section 7 RMA matter) will continue to apply.
- (d) After the RMA is repealed (at the end of the transition period), effects on amenity landscapes – such as RCL are excluded, but effects on ONF/Ls remain within scope (such as the Mata-au Clutha River).¹⁰³

7.6 In reply to submitter concerns about the effect of the Planning and Natural Environment Acts,¹⁰⁴ Council's submission remains that the Panel's recommendation should reflect reality under the RMA as it continues to apply in the transition period (for the next four years).¹⁰⁵

8. CONCLUSION

8.1 Council submits that the Reply Version of the UCLS Variation attached to Ms Frew's Reply evidence as Attachment 1 are the most appropriate version of the Variation.

DATED this 30th day of September 2026



Kierra Parker / Shanae Richardson
Counsel for Queenstown Lakes District Council

¹⁰³ Planning Act, s 14. We note that some changes were made in the third reading version related to ONFs that are more than 3 nautical miles out to sea, which is not relevant to this Variation.

¹⁰⁴ Ms Baker-Galloway, the Anderson Lloyd Submissions, at [40]-[54]. Ms Hill at [22]-[28]. Ms Baker-Galloway and Ms Hill each submit that the UCLS non-PA RCL's do not reflect reality.

¹⁰⁵ The Todd Walker legal submissions at [28] asserts that it would "not reflect reality" for the Panel to ignore the direction of travel under the Planning Bill, albeit there is an election on 7 November.