

Before the Hearing Panel

Under	the Resource Management Act 1991
In the matter of	submissions on variation to introduce landscape schedules 21.22 and 21.23 into Chapter 21 Rural Zone of the Proposed District Plan.

**Synopsis of legal submissions on behalf of various submitters
represented by Anderson Lloyd**

26 August 2026

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May it please the Panel

- 1 This synopsis of legal submissions is provided on behalf of the following submitters and further submitters represented by Anderson Lloyd in relation to the variation to introduce landscape schedules 21.22 and 21.23 (**Schedules**) into Chapter 21 Rural Zone of the Queenstown Lakes Proposed District Plan (**PDP**) (**Variation**):
 - (a) Mr. V H & Mrs. K M Woodfield (**Woodfields**);
 - (b) Dirk and Becky Venter (**Venters**); and
 - (c) N W & D J Pittaway Family Trust (**Pittaways**).
- 2 These submitters have an interest in the following schedules:
 - (a) The Woodfields and Venters: Schedule 21.22.25 Mata-au Clutha River; and
 - (b) The Pittaways: Schedule 21.22.25 Mata-au Clutha River and Schedule 21.23.9 Wānaka Airport Environs.
- 3 Given Counsel represent a range of submitters in this process, this synopsis has been split into a 'general' section, addressing broad and generic issues across all Schedules, followed by Submitter-specific sections, addressing schedule and site-specific issues.
- 4 Submissions on the 'general' issues cover the following:
 - (a) The schedules are inefficient and not needed;
 - (b) The schedules are unfair;
 - (c) Lack of relevance under the new regime; and
 - (d) Updated position on schedules following joint witness conferencing and Queenstown Lakes District Council's (**QLDC**) rebuttal evidence;

The schedules are inefficient and not needed

- 5 Counsel submits that the non-Priority Area (**PA**) Schedules are not the most appropriate, efficient or effective method for achieving the objectives of the PDP. The issue is not whether the Upper Clutha contains important rural character landscapes, as it plainly does. The issue is whether the PDP requires, or is improved by, the addition of detailed schedules for non-PA areas.

- 6 In summary, Counsel submits that the non-PA Schedules are inefficient and unnecessary because:
- (a) There is no strategic direction for non-PA schedules;
 - (b) The existing PDP methodology already does the work;
 - (c) The schedules add a layer of limited utility rather than replacing assessment;
 - (d) Their utility declines over time and creates an ongoing plan maintenance/review burden; and
 - (e) They risk being applied as de facto policy.

There is no strategic direction for non-PA schedules

- 7 In setting out the background to this variation, Council described the Environment Court's identified gap in the PDP's Stage 1 decision version because the relevant landscape values and capacity were not specified.¹ While the Court directed schedules to be prepared for Priority Areas to 'plug the gap', scheduling beyond the PAs was left to:²

QLDC's discretionary judgement as the planning authority.

- 8 This point was expressly recognised in expert conferencing. The experts agreed that:³

[10] unlike the PA schedules, there is no direction in the strategic objectives and policies to schedule non-PA areas in the PDP, and similarly, there is no direction in the objectives and policies to use such schedules for the purpose of undertaking a proposal-specific assessment.

- 9 That is a significant distinction. While the PA Schedules were prepared in response to express strategic policy direction, non-PA Schedules were not. While Council may consider them useful, utility is not the same as necessity, nor does it establish that they are the most appropriate, efficient or effective method under the PDP.

¹ Opening Legal Submission for Queenstown Lakes District Council, dated 19 August 2026, Appendix A, at [4 – 5].

² *Burdon v Queenstown Lakes District Council* [2026] NZEnvC 40. At [164].

³ Outcome of Expert Landscape Architects and Planners Conference Held 6,8 & 9 July 2026.

- 10 The same point was reinforced by the planning experts in conferencing. All planning experts, other than Ms Frew, agreed that:⁴

[14] if the non-PA schedules were intended to be included in the Plan, further amendments to the strategic objectives and policies would have been required to provide consistent and clear direction and to ensure that the non-PA schedules are effective.

- 11 We acknowledge that the Mata-au Clutha River is recognised as an ONF, as recognised in the Topic 2 decisions and therefore merits a schedule.⁵ This is supported by the PDP's strategic policy direction 3.3.44 which states that the non-PAs are not more or less important than the PAs in terms of the importance of their landscape character and visual amenity values, and vulnerability to subdivision use and development.
- 12 Counsel emphasizes that these submissions do not rely on non-PA status as indicating lesser landscape importance or vulnerability.⁶ The distinction relied on is that while scheduling has been expressly directed for Priority Areas, what remains and is appropriate for non-PA areas is a proposal-specific methodology.
- 13 Ms Gilbert's evidence explains that, for methodological consistency and transparency, the Upper Clutha Landscape Schedules were structured and prepared in the same way as the existing PALS.⁷ Consistency of format may be administratively convenient, but it does not answer the threshold question of whether non-PA schedules are required or efficient. Counsel submits that consistency with the PA Schedule format is not, of itself, a sufficient reason to schedule these non-PA landscapes and the need for them has not been sufficiently demonstrated by Council.
- 14 This Variation seeks to insert a detailed additional layer of landscape material into Chapter 21, but without the corresponding strategic policy architecture that would ordinarily explain why those schedules are required, how they are to be used, and what weight they are to be given. The experts also agreed that there is no scope within this Variation to alter the objectives and policies to provide that connection.⁸ That leaves the non-PA Schedules as a significant planning instrument without any strategic support.

⁴ Ibid.

⁵ As also agreed by all experts at the Joint Witness Conferencing. Outcome of Expert Landscape Architects and Planners Conference Held 6,8 & 9 July 2026 at [30].

⁶ As is identified by strategic policy 3.3.44, QLDC, PDP.

⁷ Evidence in Chief of Bridget Gilbert on behalf of QLDC, dated 29 May 2026, at [4.14].

⁸ Outcome of Expert Landscape Architects and Planners Conference Held 6,8 & 9 July 2026, at [17].

The existing PDP methodology already does the work

- 15 Counsel acknowledges 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. However, Counsel submits that the non-PA schedules are unnecessary, inefficient and inappropriate. The PDP does not leave these non-PA landscapes unregulated or unassessed, rather it contains a methodology for assessing them on a proposal-specific basis.⁹
- 16 That methodology provides for the relevant assessment to occur when a resource consent is applied for, using current site and proposal-specific information. In Counsel's submission, that is a more direct, accurate and efficient mechanism than relying on schedules that record values at a particular point in time and at a broad landscape scale.
- 17 Ms Frew's position is that assessment matter 21.21.2.1.a provides a pathway for Council to have regard to the values identified in Schedule 21.23 when undertaking a landscape assessment under SP 3.3.45.¹⁰ That may be so if the schedules are included. But it does not answer the anterior question: whether the schedules are required at all when the PDP already contains a methodology for undertaking that assessment on a site specific, case by case basis when it is required. Further, the inability of this variation to amend chapter 3 to enable the PDPs higher order objectives and policies risks poor plan architecture as a result of this process. Counsel submits that the existing PDP framework is the more efficient method for non-PA landscapes because it requires assessment of the actual landscape values and capacity relevant to the site and proposal.
- 18 This is consistent with the concerns expressed by the Woodfields, Venters, their neighbouring landowners, and the Pittaways, who all raise concerns that the relevant schedules do not accurately describe the character, values, modification and capacity of their land. Their examples demonstrate the difficulty of applying broad schedule descriptions to specific rural properties. In each case, the submitters' position is that the relevant land has a more modified rural character, different landform context, different existing use pattern, and different capacity profile than the schedule text suggests. Those are precisely the matters that are more appropriately assessed at the time of a resource consent, with current site-specific evidence, as the PDP currently provides for.

⁹ This being the application of the Landscape Assessment Methodology in SP 3.3.45 and SP 3.3.46.

¹⁰ Rebuttal evidence of Emily Clare Frew on behalf of QLDC, dated 12 August 2026, at [5.3].

The schedules add a layer rather than replacing assessment

- 19 Ms Gilbert confirms that she did not visit private properties specifically in relation to this variation given that the schedules relate to geographically defined areas rather than specific sites.¹¹ She also explains that the non-PA Schedule areas are not landscapes in their own right and typically form part of broader landscapes.¹² The Preambles are therefore intended to make clear that a finer grained site-specific assessment will usually be required and may identify different attributes, values and capacity from those recorded in the schedules.
- 20 The inefficiency is therefore structural. The schedules do not replace the need for expert landscape assessment; they add a further layer to it. Applicants will still need to produce site-specific landscape evidence. Council will still need to assess proposals against the PDP objectives, policies, rules and assessment matters. Decision-makers will still need to determine the actual values and effects relevant to the site and proposal. The schedules will sit in the middle of that process as an additional reference point, but not one that is site-specific, determinative, or necessarily current.
- 21 While landscape schedules generally may provide efficiencies in some consent applications, Counsel submits that Council has not demonstrated that such benefits will apply to the non-PA Schedules and outweigh the countervailing costs. While Council's position is that these non-PA schedules will improve certainty for plan users, and reduce resource application consent costs,¹³ we emphasize that this will only be true if the schedules are sufficiently accurate and relevant to particular sites. In their current state, they are not.

Their utility declines over time and creates an ongoing plan maintenance/review burden

- 22 The experts agreed that:¹⁴

[20] ... the degree of utility may decline over time as the landscape changes, if the schedules are not periodically reviewed and updated. This observation equally applies to the PA Schedules and Schedule 24.8 (Wakatipu Basin Landscape Character Units).

¹¹ Ibid, at [1.15].

¹² Evidence in Chief of Bridget Gilbert on behalf of QLDC, dated 29 May 2026, at [4.13].

¹³ Opening Legal Submission for Queenstown Lakes District Council, dated 19 August 2026, at [6.2].

¹⁴ Outcome of Expert Landscape Architects and Planners Conference Held 6,8 & 9 July 2026.

- 23 This is a material efficiency concern which is particularly relevant for the non-PA schedules. Rural landscapes are dynamic; farming practices, shelterbelt patterns, irrigation, rural infrastructure, ecological restoration, pest management, recreational access and surrounding development may all change over time. If the schedules are not updated, they risk becoming increasingly inaccurate. If they are updated, that will require further plan variations, demanding Council resources, landowner participation, expert evidence and likely further litigation.
- 24 That concern was expressly identified in conferencing. The JWS records that Dan Curley, Scott Edgar and Morgan Shepherd considered that the possible requirement for further or rolling plan change processes, associated costs, and likely ongoing litigation to update the schedules may render their inclusion within the PDP less efficient than the existing framework for non-PA areas.¹⁵ Counsel submits that this is a compelling reason to prefer the existing PDP approach. A proposal-specific assessment under SP 3.3.45 and SP 3.3.46 responds to the landscape as it exists at the time of the proposal. A static schedule does not.
- 25 The experts ultimately did not agree that the schedules would be efficient or effective:
- [29] Although there was agreement that the schedules would assist in administration of the PDP, there was no agreement as to how effective and efficient this would be.
- 26 Counsel does not dispute that the schedules may have some administrative utility. However, a potential administrative benefit is not sufficient to justify an additional district plan layer which has no supporting strategic direction, no reduction in the need for site-specific assessment, and a real prospect of future maintenance costs and dispute.

They risk being applied as de facto policy

- 27 This concern was also identified in conferencing. Mr Skelton recorded, based on his experience with the existing PA Schedules, that:¹⁶
- [24] ... they are often afforded greater weight than intended by the Preamble, and are frequently relied upon as policy or assessment criteria rather than as a high-level assessment tool to inform site-specific landscape assessment. He also considers that subjective terms such as "low key", "modestly

¹⁵ Ibid, at [25].

¹⁶ Ibid.

scaled" and the capacity ratings can, in practice, disproportionately influence consent outcomes.

- 28 Ms Frew considers that the Preamble is sufficiently clear that capacity ratings and descriptions are not policies and are not a replacement for the PDP provisions.¹⁷ Counsel submits that this does not fully answer the practical concern. The issue is not only what the Preamble says, but how the schedules are likely to be used. Once included in the PDP, the schedules will inevitably be cited in consent processes, and landowners will need to respond to them, council planners will report against them, submitters may treat them as benchmarks, and decision-makers may afford them weight even where site-specific evidence supports a different conclusion.
- 29 For these reasons, Counsel submits that the non-PA RCL Schedules are unnecessary, inefficient and not the most appropriate method for achieving the PDP objectives. Counsel seeks a recommendation from the Panel that they be deleted in their entirety.
- 30 In the alternative, if the Panel is minded to retain them, they should be substantially amended so that they;
- (a) operate only as contextual, high-level information that accurately reflects the range of landscape values and features within the given landscape;
 - (b) do not operate as de facto policy or assessment criteria;
 - (c) do not constrain ordinary rural production, farming activities, rural infrastructure and reasonable future land use in the Rural Zone.

The schedules are unfair

- 31 Counsel submits that the non-PA Schedules are unfair because:
- (a) They do not appropriately recognise existing productive rural use and modification; and
 - (b) Landowners bear the practical burden of correcting high-level schedule wording.

¹⁷ Section 42A report of Emily Clare Frew on behalf of QLDC, dated 29 May 2026, at [12.6].

They do not appropriately recognise existing productive rural use and modification

- 32 Counsel accepts that the role of past and present farming practices is acknowledged to some degree in the Schedules. However, Counsel raises concern that this recognition is not carried through in a way that fairly reflects the working rural character of the Submitters' land, or the extent to which productive rural use, farm infrastructure and rural modification form part of the existing landscape.
- 33 Productive rural use should not be treated solely as an adverse modification to landscape character. In the Rural Zone, farming, rural infrastructure, shelterbelts, farm tracks, irrigation, farm buildings and other productive land use features are part of the existing environment and, in many cases, part of the landscape character that has developed over time. The Woodfields, Venters and Pittaways all seek better recognition of those existing rural uses and the capacity for farming-related activities, earthworks, rural infrastructure and related land use change.
- 34 The issue is not that farming activities should be exempt from landscape assessment where consent is required. Rather, the issue is that landowners should not be required to respond to schedule descriptions that do not fairly reflect the current productive rural baseline of their land. A fair assessment should start from the actual existing character of the land, not from broad landscape descriptions that may obscure important site-specific differences.
- 35 Counsel also submits that the Schedules tend to emphasise "natural" landscape values, which gives insufficient recognition to the extent to which human modification, productive rural use and rural activities form part of the existing landscape character. In Counsel's submission, it is unfair to identify and elevate selected natural or scenic values without giving equivalent recognition to the working rural context in which those values sit. That risks "cherry picking" the values to be recorded in the PDP, with the practical consequence that future land use and development may be assessed against an incomplete description of the landscape. This is particularly problematic in the Rural Zone, where farming, rural infrastructure, earthworks, productive land use and associated change are ordinarily anticipated, subject to the relevant PDP provisions.
- 36 For example, the landholdings of the Venter's, Woodfield's, their neighbouring landowners' and the Pittaway's are materially different from the Clutha Mata-Au River corridor, due to their modified pastoral use, existing dwellings, consented residential building platforms, farm sheds and

other rural activity. The same argument can be made for the Wānaka Airport Environs Schedule, in that it overemphasizes landscape values given the significant modifications and development from the airport and its associated development.¹⁸ In their current form, the Schedules overstate naturalness or landscape sensitivity while under-recognising existing productive use, modification, farm infrastructure and the capacity for ordinary rural activities.

Landowners bear the practical burden of correcting high-level schedule wording

- 37 A further unfairness is that landowners may bear the practical and evidential burden of correcting, qualifying or distinguishing high-level schedule wording in later consent or plan processes. If a Schedule does not accurately describe a property, the landowner will likely need to obtain expert evidence to explain why the Schedule should not be applied literally to their land.
- 38 That burden is not displaced by the fact that the Schedules may be capable of being corrected through site-specific evidence. Counsel submits that this is itself part of the unfairness. Landowners should not have to incur additional cost and evidential burden to correct broad PDP wording that does not fairly reflect their land in the first place. That concern is heightened by Mr Skelton's evidence that schedules are often given greater weight than intended and relied on as policy or assessment criteria.¹⁹
- 39 The submitters represented by Counsel are not seeking to avoid landscape assessment, nor do they suggest that landscape values should be disregarded where they are genuinely present. Their concern is that landscape assessment should be fair, current and site-specific. Landowners should not be required to disprove or qualify broad Schedule descriptions that emphasise selected natural values, while insufficiently recognising activities that form part of the existing landscape. The existing PDP framework already allows the actual values, character, modification, productive use and capacity of land to be assessed when a proposal is advanced. It is unfair to insert broad, static Schedule descriptions into the PDP in a way that may require individual landowners to correct, contextualise or distinguish them in future consenting or plan processes.

Lack of relevance under the new regime

- 40 The Planning Bill and Natural Environment Bill (collectively, the Bills) were reported back to the House by the Environment Select Committee on 20

¹⁸ Statement of Evidence of Steve Skelton dated 26 June 2026, at [22].

¹⁹ Outcome of Expert Landscape Architects and Planners Conference Held 6,8 & 9 July 2026, at [24].

July 2026. The Committee has recommended, by majority, that the Bills be passed, subject to amendments. The Bills passed their second reading on 4 August 2026 and currently remain at Committee of the whole House stage. While the Bills remain proposed legislation and are not yet enacted, they are relevant to the Panel's consideration of the Variation because they identify the direction of travel for the replacement resource management system.

- 41 Of particular relevance to this Variation is the proposed treatment of landscape effects under the Planning Bill. Clause 14(1) of the Planning Bill, as recommended by the Select Committee, identifies effects of activities that would be "out of scope" and therefore not able to be considered under the Planning Bill framework. In respect of clause 14(1)(h), the Committee records that "the effect on landscape" would be an effect that must not be considered and recommends clarification that effects on landscapes and natural character must be disregarded where the landscape is not outstanding or the area is not of high natural character.
- 42 High natural character is not a term that is defined anywhere in the Planning Bill, although reference to this term is in relation to areas within the coastal environment, wetlands, lakes, rivers and their margins.²⁰ The submitters and neighbours land does not fall into this category. Although the sites are located near to the Clutha-mata-au, they are separate from the river corridor itself and do not form part of the river margin which is held in a separate parcel by the Crown.
- 43 Further, schedule 21.22.25 does not define any of the land at the lower terrace of Poplar Beach as having high natural character. This area is one of established working rural character and the amendments sought to the Schedule are reflective of this (as set out further below).
- 44 In particular, the Wānaka Airport Environs Schedule and map is based on an artificial and contrived boundaries.²¹ Whereas there is more merit in these boundaries following landscape and geomorphological features.²² As recognised by Mr Skelton, the areas of land owned by the Pittaway's that are located in the Wānaka Airport Environs Schedule do not significantly contribute to the mapped landscape.²³ This land is not outstanding or of high natural character, and based on the direction of the RMA reforms to

²⁰ Listed as a 'specified topic' subparagraph (d), interpretation section. Section 11(1)(g). Section 14(2). Section 184(2)(b). Select Committee Report, dated 20 July 2026.

²¹ Submissions on Upper Clutha Landscape Schedules – Pittaway Family Trust, at [12].

²² Statement of Evidence of Steve Skelton dated 26 June 2026, at [20].

²³ Ibid, at [21].

date, these are exactly the types of landscapes that would fall 'out of scope' of consideration for consenting purposes.

- 45 The Select Committee's recommended wording of clause 14 reinforces that the proposed Planning Bill framework is intended to materially narrow the range of visual, amenity and landscape effects capable of being considered in land use planning. This is also reflected in the proposed transitional consenting framework, which seeks to amend s 104 of the RMA and provide for a number of 'out of scope' matters which will apply to consenting during the transitional phase.²⁴ These will commence 1 month after the Bills receive royal assent and include:
- (a) Internal and external building layouts; and
 - (b) Views from private properties.
- 46 This proposed treatment of non-outstanding landscapes reinforces the concern already identified in these submissions that the non-PA RCL Schedules have limited ongoing utility.
- 47 That concern is strengthened by the fact that the existing PDP methodology already provides a more flexible bridge into the transitional period. As submitted above, SP 3.3.45 and SP 3.3.46 already provide a proposal-specific methodology for identifying and assessing landscape values and capacity in non-PA landscapes. That framework allows current site and proposal-specific evidence to be considered when a proposal is advanced. In a period of legislative transition, that flexibility is preferable to inserting detailed, static non-PA Schedules that are likely to require reconsideration or substantial amendment when the proposed regime takes full legal effect.
- 48 The additional layer created by the Schedules also sits uneasily with the direction of reform. The reform package is described as moving toward fewer effects being managed, fewer consents, fewer plans, more standardised planning instruments, and more proportionate conditions. This further reinforces the concern that it would be inefficient to insert a new and detailed non-PA landscape layer into the PDP
- 49 Although the proposed reform package does not yet have legal effect, and the Panel must determine the Variation under the current RMA framework, Counsel questions the merit of incorporating detailed and restrictive non-ONL landscape schedules into the PDP. The Select Committee's recommendations are a material contextual consideration when assessing the efficiency, fairness, and appropriateness of continuing to progress

²⁴ Section 104(1A), part 2, Schedule 11, Ibid.

schedules that may become redundant, have limited practical planning utility, or require substantial reconsideration under the replacement regime.

- 50 Continuing this process risks requiring Council and submitters to incur significant time, cost and resources on schedules that may have limited or no future utility. That concern is particularly acute for rural landowners whose participation in this process has been necessary to protect ordinary productive rural use, farming activities, rural infrastructure, and future land use flexibility.
- 51 The proposed regulatory relief framework under the replacement regime is also relevant. That framework would provide relief for landowners whose reasonable use of land is likely to be significantly impacted by specified rules in a plan.
- 52 It is acknowledged that the final form of the legislation remains uncertain and, accordingly, the regulatory relief framework should not be overstated. However, the framework still reinforces the need for caution before imposing restrictive landscape controls over private rural land. The proposed framework recognises, at least in principle, that where planning controls significantly affect the reasonable use of private land, landowners may be entitled to relief. That policy direction sits uneasily with the imposition of detailed non-ONL / RCL landscape schedules that constrain productive rural land use, while also potentially having limited ongoing function under the new planning framework.
- 53 For these reasons, Counsel seeks the withdrawal of the Upper Clutha schedules in their entirety.
- 54 In the alternative, the Panel should proceed with considerable caution before recommending their inclusion in the PDP. If the Panel is not prepared to recommend withdrawal, any retained schedules should be substantially amended so that they do not unnecessarily constrain ordinary rural production, farming activities, rural infrastructure, and future land use flexibility. This approach would better reflect the likely direction of the replacement planning framework and avoid further inefficient use of Council and submitter resources.

Updated position on schedules following joint witness conferencing and QLDC's rebuttal evidence

Schedule 21.22.25 Mata-au Clutha River

- 55 The following amendments to Schedule 21.22.25 Mata-au Clutha River that resulted from expert witness conferencing are supported by the submitters

with regards to the changes they seek (text additions underlined and ~~striketrough~~).

- 56 These changes are supported to the extent that they specifically identify the Poplar Beach Terrace as being distinct from the wider landscape within the Schedule. They also recognise the presence of horticulture, vegetation types and rural activities on the Poplar Beach Terrace. These changes align with the submissions of the Venter's, Woodfield's and Pittaway's.

- 57 Specific recognition of Poplar Breach Terrace within the General Description of the Area:

Mata-au Clutha River PA includes the Mata-au Clutha River corridor from the outlet at Lake Wānaka to the boundary with Central Otago District, up to the crest of the enclosing escarpments of the corridor. It also includes the meandering section of the Hāwea River, north of its confluence with the Mata-au, and associated fluvial landforms. ~~DTwo~~ distinctive escarpments and terraces formed by the rivers are ~~also included~~ within the ONF: including the Poplar Beach terrace, and western Hāwea terminal moraine scarp; and the scarp east of Wānaka airport. The ONF also includes the horseshoe bends of the Clutha River north and east of Luggate, and on the Hāwea River, north of the confluence with the Clutha River, which creates a series of distinct peninsulas of land.

- 58 Recognition of the following distinctive vegetation types:

[8.d] At Poplar Beach, specimen, amenity, horticulture and productive tree plantings form a distinctive element.

- 59 Recognition of approximate lot size within the low-density rural living and small farming lots:

[11] Low density rural living and small farming on lots of approximately 20-40ha is present on the intermediate terrace at Poplar Beach on the southern side of the Mata-au Clutha River below Wānaka airport.

- 60 Recognition of gold mining associations on the Poplar Beach terrace as follows:

[13] Various inter-related complexes of 19th and early 20th century alluvial gold mining and dredging scattered along the Mata-au Clutha River, including at Rekos Point ~~and~~ downstream of the Red Bridge and on the Poplar Beach terrace. These include

water races, sluice box channels, herringbone tailings, hut sites, water wheels and stamper batteries.

And

[22] Strong historic associations with gold mining in and alongside the Mata-au Clutha River, and on the Poplar Beach terrace and associated physical remnants, including evidence of sluicing and dredging.

61 Recognition of the following additional natural attributes and values:

~~[36] Although R~~rural living, campgrounds, modified landforms, pine plantations, tracks, ~~and~~ intensive productive farming (including pivot irrigation), horticulture, and associated infrastructure are present with the PA. ~~I~~this domestication and modification ~~is dwarfed by~~ sits comfortably within the scale of the ~~soaring~~ river terrace escarpments, ~~and~~ the areas of indigenous vegetation, and the wider surrounding mountain landscape. ~~T~~here is a high perception of naturalness overall.

62 Recognition of the following remoteness and wildness attributes and values:

[40] People on the surface of the Mata-au downstream of Albert Town are often enclosed within the river corridor and fringing vegetation and experience ~~a strong~~ an appreciable sense of remoteness and wildness. This is also true for people using those parts of the trails that are separated from urban, rural living or intensive agriculture land uses.

63 Recognition of the following aesthetic attributes and values:

[42.f]: The ability to travel along the rivers on walking and cycling trails or on the water itself and to be ~~immersed in the~~ within the more natural, wild and scenic qualities of the river corridors.

64 Recognition of the following changes to landscape capacity ratings and descriptions:

[ii] Visitor accommodation and tourism related activities - limited landscape capacity to absorb visitor accommodation that is within existing buildings or building platforms, or where existing landform vegetation patterns can ensure development remains recessive and does not compromise the identified values of the PA.

...

[v] Earthworks – limited landscape capacity for earthworks and additional trails that protect naturalness and expressiveness attributes and values and are sympathetically designed to integrate with existing natural landform patterns. **Some** landscape capacity for additional earthworks to manage erosion hazards in the vicinity of Albert Town that are sympathetically designed to integrate with existing natural landform patterns. Some landscape capacity for Lot 6 DP 325795 held in Record of Title 104103 as identified in Rule 25.5.2 of the PDP.

...

[vi] Farm buildings – in those areas of the PA with more intensive pastoral land uses, **limited** landscape capacity for ~~modestly-scaled~~ buildings that reinforce existing rural character and are sited to optimise the integrating effects of existing landscape and vegetation features.

- 65 The above amendments provide a starting point in more accurately setting out the landscape values, modifications and capacity to absorb various activities at the lower terrace of Poplar Beach. However, Counsel submits that they do not go far enough in discerning the rural productive capacity of these lots from the nearby river corridor.
- 66 Therefore, further amendments are sought to ensure that the Schedule records the Poplar Beach Terrace as a working rural terrace, rather than treating it as an undifferentiated part of the wider river corridor (these are attached as **Appendix 1**, with amendments inserted in green underline text). The additional amendments to the Schedule are sought by the Submitters and Landowners shown as mapped in figure 1 below and Appendix 1 (attached). These amendments are based on the lived experiences and understanding of the land by owners who are intimately familiar with the site and surrounding context. Counsel submits that these amendments should be preferred over those of Miss Bridget Gilbert who has not even visited the site in the context of this variation. The Submitters and Landowners have made significant investments of their time and money into the preservation of this rural land but also understand the importance of balancing this with being able to utilise its productive capacity.
- 67 The lower terrace at Poplar Beach has its own distinct physical and land use characteristics, including established productive activities, rural infrastructure, horticultural and amenity plantings, and shelterbelts. These

features form part of the existing landscape character of the terrace and are relevant to any assessment of its values and capacity.

- 68 In particular, more accurate recognition of the established pattern of productive use across the Poplar Beach Terrace is sought. That includes pastoral farming, horticultural activity, farm buildings, tracks, irrigation, associated rural infrastructure and shelterbelt planting. The presence and importance of these activities have been well demonstrated by the submitters. Therefore, Counsel submits that the Schedule should expressly and accurately recognise these features and values.
- 69 That distinction is important because the lower terrace of Poplar Beach is not experienced in the same way as the Mata-au Clutha River corridor. The relief sought does not deny the landscape values associated with the river, escarpments or wider ONF. Rather, it seeks to ensure that the Schedule does not overstate the naturalness of the terrace or understate the extent to which it is already modified, productive and rural in character.²⁵ The amendments are therefore necessary to avoid the Schedule being applied in a way that assumes the same level of sensitivity or capacity across materially different parts of the mapped area.
- 70 The Submitters do not seek to remove recognition of landscape values from the Schedule, but to ensure that the Schedule fairly reflects the full landscape context of the Poplar Beach Terrace, including its productive rural use, shelterbelt plantings, capacity to absorb ordinary rural activities, and associated rural development. Without those further amendments, the Schedule risks presenting an incomplete picture of the lower terrace at Poplar Beach and the Clutha-mata-au Schedule generally and may unduly influence the future assessment of activities that are otherwise anticipated within the Rural Zone.

Schedule 21.23.9 Wānaka Airport Environs

- 71 The following amendments to Schedule 21.23.9 that resulted from expert witness conferencing are supported by the Pittaways with regards to the changes they seek (text additions underlined and ~~striketrough~~).
- 72 These changes are supported to the extent that they specifically identify the strong influence of the airport and associated development on the Wānaka Airport Environs Rural Character Landscape Area. These changes align with the submission of the Pittaways.

²⁵ Statement of Evidence of Steve Skelton dated 26 June 2026, at [94].

- 73 Recognition of the impact of aircraft movement and airport activities on the perceptions of naturalness:

[42A] Aircraft movements and associated airport activity periodically reduce perceptions of naturalness within the PA.

- 74 Recognition of the impact of aircraft movement and noise on the character of the area:

[46A] Aircraft movements, intermittent aircraft noise and associated airport activity, which periodically influence the character of the area.

- 75 Specific recognition of flight activity disturbing the rural tranquillity of the area:

[47] Rural tranquillity and quietness are currently experienced in those parts of the area away from Wānaka Luggate Highway, where there are low traffic volumes and the levels of activity are consistent with 'working farmland', hobby farming, and low-density rural living. Flight activity at Wānaka airport, temporarily disturbs this impression.

- 76 During expert conferencing, Mr Skelton sought the following addition to the general description of Schedule 21.23.9 which were not supported by Ms Gilbert:

The Wānaka Airport Environs area is rural land corresponding to the series of outwash terraces near Wānaka airport. To the west is Halliday Road/Corbridge PA (RCL) and to the east is Church Road Shortcut Road PA (RCL). The northern boundary of the area adjoins the series of steep scarps defining Mata-au (Clutha River) PA (ONF). The distinctive terrace riser east of the airport is classified as ONF and severs the (lower) eastern terrace of the area from the (higher) western portion of the RCL area. The Wānaka – Luggate Highway (SH6) runs along the southwestern side of the area. Shortcut Road (SH8A) borders the southern edge of the area. The Wānaka Airport Zone effectively forms a cut out within the area. The area is also strongly influenced by the presence of Wānaka Airport, including intermittent aircraft noise and activity, the rural-industrial character of airport's associated buildings and infrastructure, and the associated aviation, commercial, servicing and utility activities that occur within and around the Airport Zone.

- 77 Mr Skelton, in seeking this addition to the schedule, supports the exclusion of the Pittaway land in its entirety from the Schedule. Mr Skelton also considers that the influence of the airport needs to be accurately set out in the Schedule as the PA is adjacent to and surrounds the airport zone which directly effects the character and experience of the surrounding Rural land through the following types of activities and development:
- (a) Aircraft noise and activity;
 - (b) Large-scale airport buildings and infrastructure; and
 - (c) Associated aviation, servicing, commercial and rural-industrial activities.
- 78 Counsel supports the addition sought by Mr Skelton during joint witness conferencing.
- 79 Counsel also seeks that the portion of Pittaway land included in Schedule 21.23.9 be explicitly excluded by way of wording in the Schedule,²⁶ for the reason that this portion of land is of limited significance to the wider landscape area and there is little to no merit in its inclusion.²⁷ Counsel acknowledges that the scope of this variation does not allow for the Pittaway land to be excluded from the maps.

Submitter specific matters

- 80 The landholdings of the submitters represented by Counsel in this variation are set out in Appendix 2. The key themes discussed below further demonstrate why the Appendix 1 amendments sought to Schedule 21.22.25 are both accurate and appropriate.

Key themes from the Woodfield's and Venter's original submissions

- 81 Due to the similar nature of what the Woodfield's and Venter's submissions (referred to collectively as, **the Submitters** and **the Submissions**) seek to achieve, and the close vicinity of their sites within the same landscape schedule, the key themes from the parties' submissions are discussed and set out collectively below. The Submissions relate to the Clutha Mata-Au River Priority Area Landscape Schedule 21.22.25 and raise materially similar concerns about the way the Schedule describes and assesses their respective landholdings.

²⁶ Being Lot 1 DP 25276.

²⁷ Statement of Evidence of Steve Skelton dated 26 June 2026, at [21].

82 A number of surrounding landowners (**the neighbours**) have also become involved in these proceedings in support of the changes sought by the Venters and Woodfields. The locations of these parties' landholdings are illustrated in figure 3 below. Collectively these landowners seek for the lower terrace to be recognised as topographically separate within the schedule and distinct from the Mata-au Clutha River ONF with regard to the landscape values and capacity they possess.

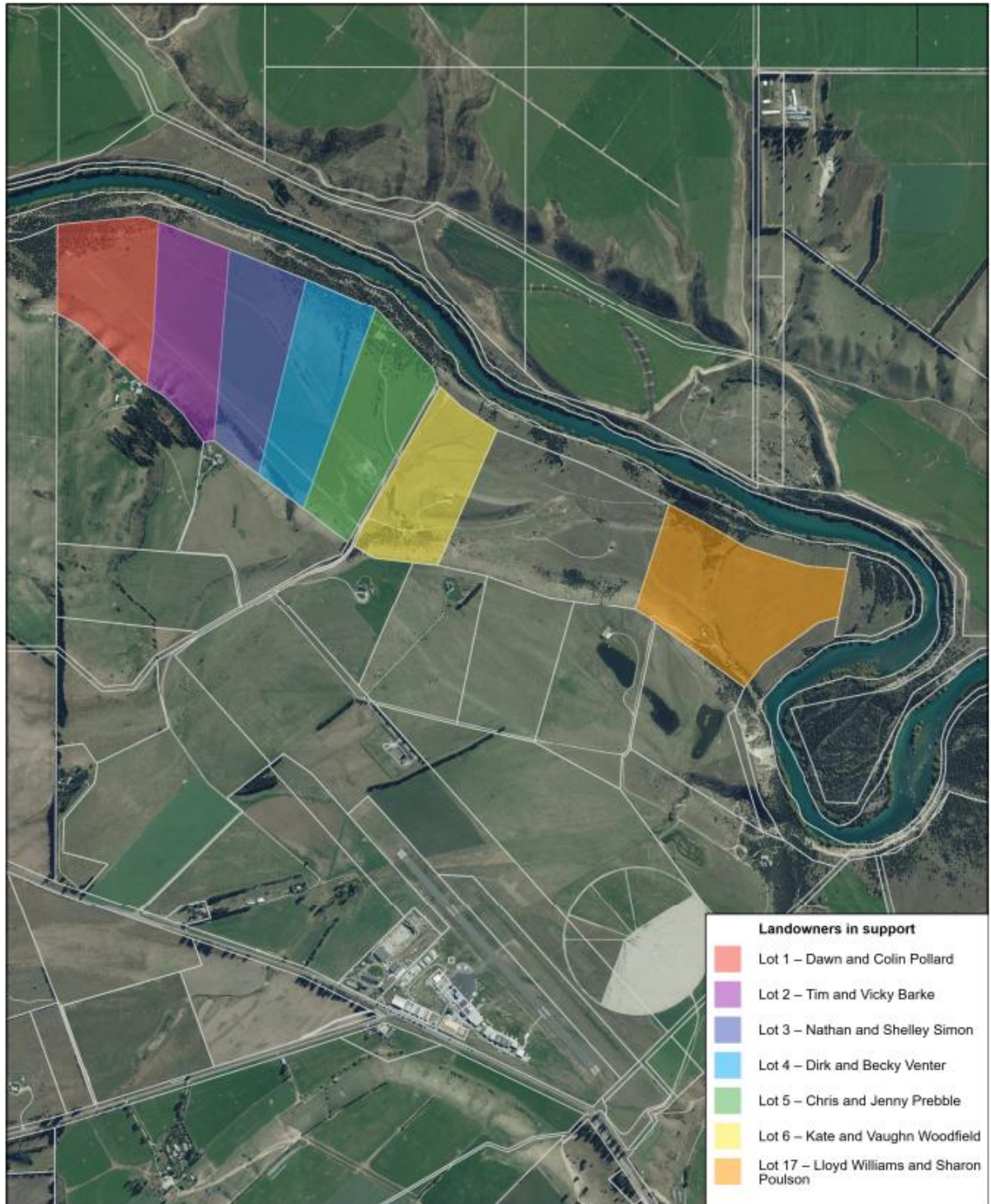


Figure 1 – Map of Venter's, Woodfield's, and supporting landowners' sites

- 83 **The Schedule should more accurately reflect the modified rural character of the Sites:** The Submitters should not be described as untouched or highly natural parts of the Clutha Mata-Au River corridor, but as modified rural land containing dwellings, consented residential building platforms, farm sheds and other modifications. Land use comprises mainly of pastoral farming alongside areas of regenerating kānuka and dryland cushionfield. On this basis, it is sought that the Schedule be amended to more accurately describe the level of naturalness and character of the sites and their surrounds.
- 84 **The Sites are materially different from the Clutha Mata-Au River corridor:** The land is geographically and topographically dissimilar to the Clutha Mata-Au River and is less natural and outstanding due to its modified pastoral use, existing activities and proximity to Wānaka Airport. Counsel also disputes that the Sites are highly legible or that the working farmland itself is “memorable” in the way the river corridor may be.
- 85 **Recognition of earthworks capacity for the respective Sites:** Amendments are sought to the landscape capacity wording for earthworks so that the Schedule recognises “some” landscape capacity for additional earthworks on the respective landholdings. This relies specifically on the Woodfield's site-specific earthworks rule as approved by the Environment Court, which allows a maximum permitted earthworks volume of 1,000m³ per site within any consecutive 12-month period.²⁸ The Woodfields seek express recognition of that capacity in the Schedule. The Venters also seek an amendment to recognise “some” landscape capacity for additional earthworks for Lot 4 DP 325795.
- 86 **Landscape capacity wording should not operate as policy direction:** Counsel submits that the landscape capacity section should not include policy-type statements about mitigation, appropriate outcomes, or what should be protected or enhanced, as that is not the purpose of the capacity assessment. On this basis, it is sought to delete qualifying language from the schedule that goes beyond identifying landscape capacity and risks operating as additional policy direction.
- 87 **The Schedule should better recognise farming and rural land use:** The proposed capacity rankings do not recognise the full spectrum of land uses that should be anticipated as appropriate on the Sites. While farming is identified in the Schedule as a land use pattern and feature, including associated infrastructure such as hay sheds, milking sheds, silos, farm

²⁸ As recognised by rule 25.5.2 of the Queenstown Lakes District Council, Proposed District Plan, granted by the decision in *Upper Clutha Environmental Society Incorporated v Queenstown Lakes District Council* [2022] NZEnvC 244.

tracks and effluent ponds, the Schedule should provide appropriate capacity ratings so that farming-related changes and enhancements are not discouraged and can be appropriately provided for.

- 88 **The Schedule overstates constraints on rural living and development capacity:** Counsel rejects Council's assertion that there is very limited capacity for rural living. The Poplar Beach Terrace landscape area has lower associative, physical and perceptual values than that of the river corridor and this differing character should be recognised in the Schedule.²⁹ Counsel submits that a more pragmatic approach for farm-related buildings and infrastructure is approach in this instance, such as the ability to locate these buildings in practical and operationally efficient locations, rather than being constrained to restrictive building platforms that may not take account of efficient farming workflow. Counsel acknowledges that such development should reinforce the existing rural character and be appropriately located to effectively integrate with existing landscape and vegetation features. Key themes from the Pittaways original submission
- 89 **The Submitter Land should be excluded from the Schedules, or the Schedules deleted or materially amended:** Counsel submits that the Pittaways land be excluded from the Schedules. In the alternative, Counsel seeks that the Schedules be materially amended to address the deficiencies identified in the Pittaways submission. If there is no change to the maps, it is sought that the text of the Schedules explicitly excludes the Pittaways land from both the Clutha Mata-Au Schedule and the Wānaka Airport Environs Schedule.
- 90 **The mapping process and incorporation by reference are disputed:** Counsel raises a process concern that maps are excluded from the type of written material that may be incorporated by reference in a plan or proposed plan under clause 30 of Schedule 1 of the RMA. On this basis, they should be deleted and re-notified as part of the PDP itself. This concern is directed primarily to the Wānaka Airport Environs map, while acknowledging that the Environment Court has previously determined the Clutha Mata-Au River ONF.
- 91 **The Wānaka Airport Environs boundary is artificial and should exclude the Pittaways Land:** In respect of the Wānaka Airport Environs Schedule, the mapped boundary is contrived, and artificial, a position that is supported by Mr Skelton.³⁰ It is sought to amend the boundary to exclude the Submitter Land, noting that only a small section of Lot 1 DP 25276 is

²⁹ Statement of Evidence of Steve Skelton dated 26 June 2026, at [40].

³⁰ Ibid, at [20].

proposed to be included and that exclusion would have little to no material impact on the overarching Schedule, while avoiding future consenting uncertainty and unnecessary restrictions for the Pittaways.

- 92 **The Clutha Mata-Au Schedule does not accurately describe the Pittaways Land:** The Pittaway's land, similarly to the Woodfield's and Venter's, is geographically and topographically dissimilar to the Clutha Mata-Au River, and is less natural and outstanding due to its modified pastoral use, range of existing activities and proximity to Wānaka Airport. Counsel also disputes that the Sites are highly legible or that the working farmland itself is "memorable" in the way the river corridor may be.
- 93 **The Wānaka Airport Environs Schedule overstates landscape values:** The Wānaka Airport Environs Schedule should be amended to recognise that the area has low physical, associative and perceptual values, including due to the airport and the range of existing and consented activities in the wider area. Counsel also disputes reference to the area being valued as part of the scenic rural approach to Wānaka, a gateway or greenbelt, or as having rural tranquillity, quietness or remoteness, given the dominance of airport activities, surrounding roads and other existing modification.
- 94 **Landscape capacity wording should not operate as policy direction:** The landscape capacity sections should not include policy-type statements about mitigation, appropriate outcomes, or what should be protected or enhanced, as that is not the purpose of the capacity assessment. On this basis, Counsel seeks deletion of qualifying language that goes beyond identifying landscape capacity and risks operating as additional policy direction.
- 95 **The Schedules should better recognise farming, quarrying and other land use capacity:** The proposed capacity rankings do not recognise the full spectrum of land uses that should be anticipated as appropriate. In relation to both Schedules, greater recognition of capacity for farming-related activities and enhancements, visitor accommodation and tourism activities, earthworks, rural living, transport infrastructure, urban expansions and mineral extraction, including farm-scale quarries and expansion of existing quarries is sought.

- 96 **The Schedules overstate constraints on rural living and development capacity:** Counsel rejects Council's assertion that there is very limited capacity for rural living. The relevant landscape area has low associative, physical and perceptual values which do not warrant protection from subdivision and development to the extent reflected in the Schedules.

Dated this 26th day of August 2026



Maree Baker-Galloway / Hannah Zydenbos

Counsel for the Woodfields, Venters and Pittaways

Appendix 1 – Amendments sought to the Mata-au Clutha River Schedule

21.22.25 Mata-au Clutha River: Schedule of Landscape Values

Key:

Normal text – notified version of Schedules

Black underline and ~~strike through~~ text – recommended amendments based on submissions (May 2026)

Blue underline and ~~strike through~~ text – amendments that have been agreed in EWC (6-9 July 2026)

Red underline text – amendments recommended in EWC that have not been agreed (6-9 July 2026)

Green underline text – amendments proposed by submitters (Venter, Woodfield)

Application

Preamble 21.22, particularly clauses 3.1 – 3.3, explains that the application of the Priority Area Schedules is to the Rural Zone Priority Area only. The Priority Area Assessment Extent for this Schedule includes areas of land that are zoned Rural, Community Purposes, Informal Recreation and Nature Conservation.

Commented [BG1]: Text amendment made to align with PALS text approach and improve clarity, in accordance with submission requests. For example, see OS29.4, OS30.9 and OS27.3

General Description of the Area

Mata-au Clutha River PA includes the Mata-au Clutha River corridor from the outlet at Lake Wānaka to the boundary with Central Otago District, up to the crest of the enclosing escarpments of the corridor. It also includes the meandering section of the Hāwea River, north of its confluence with the Mata-au, and associated fluvial landforms. Two distinctive escarpments and terraces formed by the rivers are also included within the ONF: including the Poplar Beach terrace, and western Hāwea terminal moraine scarp; and the scarp east of Wānaka airport. The ONF also includes the horseshoe bends of the Clutha River north and east of Luggate, and on the Hāwea River, north of the confluence with the Clutha River, which creates a series of distinct peninsulas of land.

The identification of landscape values within this schedule is not intended to prevent or unduly constrain ongoing productive rural land use, farming diversification, horticulture, vegetation management, shelter planting, orcharding, agroforestry, regenerative planting, irrigation, or the establishment and upgrading of associated rural production infrastructure on existing rural properties.

Physical Attributes and Values

Geology and Geomorphology • Topography and Landforms • Climate and Soils • Hydrology • Vegetation • Ecology • Settlement • Development and Land Use • Archaeology and Heritage • Mana whenua

Landforms and land types

1. A distinctive deep corridor of escarpments and terraces carved by the Mata-au Clutha River through the glacial outwash gravels of the Upper Clutha Basin. The immediate escarpments of the river vary in height between about 5 metres east of the Albert Town bridge to over 100 metres at Halliday Bluff. Where there are older secondary escarpments enclosing the corridor, these vary between 10 and 50 metres in height.
2. The series of alluvial terraces and scarps surrounding the confluence of the Mata-au and Hāwea rivers with the lower Poplar Beach terrace being of distinct character area as a result of its human modification and farming.
3. The distinctive 40-metre-high escarpment east of Wānaka airport, formed by the fluvial action of the Mata-au reworking the largely alluvial sediments in this area.

4. The 60-metre-high eroded scarp on the western half of the Lake Hāwea penultimate glacial terminal moraine ridge. The entire ridge is identified as a Geopreservation Site of national significance and noted as an excellent example of a terminal moraine. The ridge dammed a glacial lake after the Hāwea glacier retreated resulting in the deposition of several hundred metres of lake sediment under Hāwea Hāwea Flat.

[4A The horseshoe bends of the Mata-au Clutha River north and east of Luggate, and on the Hāwea River north of the confluence, which create a series of distinct peninsulas of land.](#)

Commented [BG2]: OS10.13 Michael Bathgate, Kai Tahu Ki Otago

Hydrological features

5. The Mata-au Clutha River, in particular the following features and attributes:
- Highest volume river in New Zealand, and one of the most swiftly flowing rivers in the world.
 - Clarity and distinctive turquoise colour of the waters.
 - Swift water oxbow features, including the 'S'-shaped meander (The Snake) at Rekos Point and Devils Nook near Luggate. At Devils Nook the entire force of the river flows directly against a rock bluff as the river changes direction, forming powerful whirlpools. This rare hydrological feature is thought to be the most extreme high-volume switchback in the world.
 - Habitat for trout, salmon, eel and threatened indigenous fish (galaxids) and supports a significant range of indigenous waterfowl.
6. The lower Hāwea River, in particular the complex river meanders between Newcastle Road and the Mata-au Clutha confluence, the rapids and gravel shoals, and the delta islands at the confluence.

Ecological features and vegetation types

7. Particularly noteworthy indigenous vegetation features include:
- Significant areas of regenerating kānuka woodland present on river terraces at Hikuwai Reserve, on the terraces surrounding the lower Hāwea River, and at the Rekos Point Conservation Area.
 - Regenerating kānuka woodland in places along the river banks.
 - Indigenous grey shrubland species and kānuka in many places on the escarpments of the river corridor.
 - Some dryland cushionfield communities and short tussock grasslands where the glacial outwash gravels of the river terraces do not have irrigated or improved pasture. These include the threatened pillow native daphne (*Pimelia sericeovillosa* subsp. *pulvinaris*), desert broom (*Carmichaelia petriei*), cushions (*Raoulia* spp.) and heaths (e.g. *Leucopogon muscosus*). Significant Natural Areas on the Poplar Beach intermediate terrace protect cushionfield communities and kānuka woodland in this location
8. Other distinctive vegetation types include:
- Crack willow, poplar, elderberry, hawthorn, lupin and other exotic weeds are predominant along the riverbanks of the Mata-au Clutha and Hāwea.
 - Mature and semi-mature radiata pine stands and plantations at The Outlet, approximately midway between The Outlet and the Albert Town Campground (adjacent the Hikuwai Reserve), the Albert Town Campground and further downstream, with some wilding spread.
 - Stands of Lombardy poplar at The Outlet, Albert Town and further downstream near Poplar Beach.
 - Predominantly low intensity grassland and scattered kānuka regeneration on intermediate terraces. However between Albert Town and Rekos Point, the northern intermediate terraces have

Commented [BG3]: OS45.2 and OS 45.9 Scott Edgar, Exclusive Developments Limited

improved pasture under pivot irrigation. A small area of pivot irrigation is also present on the river terrace near The Snake horseshoe bend. At Poplar Beach, specimen, amenity, horticulture, shelterbelt and productive tree plantings form a distinctive element.

- e. The ongoing establishment, replacement, management and evolution of productive and shelter vegetation, including exotic and indigenous species, is a normal and anticipated component of rural land use on the intermediate terraces and contributes to the functioning and resilience of farming systems in this environment
 - f. Exotic woodlots and rural character trees associated with rural living areas.
9. The kākūka woodland, grey shrubland and expansive areas of exotic grassland and the varied landforms (terraces and escarpments) provide suitable feeding habitat for New Zealand falcon and Australasian harrier and nesting and feeding habitat for New Zealand pipit and the smaller native insectivorous birds, such as grey warbler and fantail.

Land use patterns and features

10. Much of the river corridor is Council-owned or Crown-owned land used for informal recreation, camping or historic/scientific reserve. Apart from the bridges and numerous tracks (including on private land), there is little human modification on the immediate banks of the river however the priority area immediately adjoins the Urban Growth Boundary and existing or zoned urban development to the south of the river at Northlake/Hikuwai and Albert Town. The bank and river escarpment on the true right immediately upstream of the Albert Town bridge have been modified to reduce hazards associated with river erosion and there are shelters, toilets and a rodeo arena within the Albert Town campground across the river.
11. Low density rural living productive farming, horticulture, agroforestry and ongoing land-based primary production activities and small farming on lots of approximately 20-40ha is present on the intermediate terrace at Poplar Beach on the southern side of the Mata-au Clutha River below Wānaka airport. Existing and evolving productive land uses, including shelter planting, orcharding, truffières, regenerative planting, beekeeping, animal husbandry, irrigation, managed grazing, vegetable gardens, viticulture, noxious weed eradication, farm tracks, fencing and associated rural infrastructure form an established component of the landscape character of these terraces.

11A Across the river to the north, dairy farming under pivot irrigation is present on the intermediate terrace, as far west as between the Hāwea confluence to Reko's Point on the southern side. Farming infrastructure, including haysheds, milking sheds, silos, farm tracks and effluent ponds are also evident throughout the wider rural landscape and contribute to the working rural character of the area.

11B Aurora electricity sub-transmission infrastructure is located in the ONF at the eastern end of Northlake. Pine plantations extend into the priority area at The Outlet, adjacent to the Hikuwai Reserve, the Albert Town Campground and further downstream.

- a. In the Hikuwai subdivision, the Outstanding Natural Feature and Urban Growth boundaries follow the operative zoning edge and are yet to have been examined in this location based upon landscape attributes and values.

Archaeological and heritage features and their locations

12. Rekos Point Conservation Area, spanning a large area of 'The Snake' meander of the Clutha Mata-au north of Luggate. The point is named after Reko, a rangatira rākitira who, together with Kaikōura, guided Nathaniel Chalmers from the Upper Clutha down the river by mōkohi (reed raft) in 1851.
13. Various inter-related complexes of 19th and early 20th century alluvial gold mining and dredging scattered along the Mata-au Clutha River, including at Rekos Point and downstream of the Red Bridge and on the Poplar Beach terrace. These include water races, sluice box channels, herringbone tailings, hut sites, water wheels and stamper batteries.

Commented [BG4]: OS17.3 Dan Curley, Mata-Au Investments Limited

Commented [BG5]: OS45.4 and OS45.10 Scott Edgar, Exclusive Developments Limited

Commented [BG6]: OS15.6 Simon Pierce, Aurora Energy Limited

Commented [BG7]: OS 45.12 and OS45.14 Scott Edgar, Exclusive Developments Limited

Commented [BG8]: OS10.13 Michael Bathgate, Kai Tahu Ki Otago

14. Various sites of punts and ferries crossing the Mata-au Clutha, including the site of the Luggate Punt Ferry, access track and ferryman's house immediately downstream of the Red Bridge.
15. Grandview Bridge (Red Bridge) at Church Road near Luggate, a steel truss road bridge opened on October 28, 1915 (QLDC Ref 515).
16. James Horn plaque at the Albert Town Bridge, commemorating opening of the first bridge in 1930 (QLDC Ref. 509).
17. Pioneer graveyard at Graveyard Bend opposite Albert Town (QLDC Ref. 508).

Mana whenua features and their locations

18. The Mata-au was an important trail for Māori accessing the Upper Clutha and Lakes Wānaka, Hāwea, and Whakatipu Waimāori from coastal Otago, and was used by people trading pounamu (greenstone) from the West Coast. A kāika mahika kai (food-gathering settlement) and permanent fortified pā, known as Te Rua Tupāpaku, was located alongside the river near Luggate.

The entire area is ancestral land to Kai Tahu whanui and, as such, all landscape is significant, given that whakapapa, whenua and wai are all intertwined in te ao Māori.

18A The ONF includes the mapped wahi tupuna Mata-au (Clutha River), Hāwea River, Albert Town nohoaka and Te Rua Tupapaku.

18 B The Mata-au (Clutha River) is a Statutory Acknowledgement under the Ngāi Tahu Claims Settlement Act 1998.

19. A contemporary nohoaka (camping site to support traditional mahika kai activities) is located at the Albert Town campground on the true right of the Hāwea, provided as redress under the Ngāi Tahu Claims Settlements Act 1998.

Associative Attributes and Values

Mana whenua creation and origin traditions • Mana whenua associations and experience • Mana whenua metaphysical aspects such as mauri and wairua • Historic values • Shared and recognised values • Recreation and scenic values

Mana whenua associations and experience

20. Mata-au, Hāwea River and Te Rua Tupāpaku (Clutha River near Luggate) have been identified as Wāhi Tupuna by Ngāi Tahu.

Kai Tahu whakapapa connections to whenua and wai generate a kaitiaki duty to uphold the mauri of all important landscape areas.

20A The Mata-au (Clutha River) takes its name from a Kai Tahu whakapapa that traces the genealogy of water. On that basis, the Mata-au is seen as a descendant of the creation traditions.

20B The Mata-au and the Hāwea River were part of inland mahika kai trails, with the Mata-au also a key transportation route for pounamu from inland areas to settlements on the coast.

20C Te Rua Tupapaku is a kaika mahika kai located on the Mata-au where weka, tuna (eels) and kauru (cabbage tree root) were gathered. It is also recorded as a fortified permanent pa.

20D The mana whenua values associated with this ONF include, but may not be limited to, wahi taoka, ara tawhito, mahika kai, nohoaka, urupa, pa and wahi tapu.

Commented [BG9]: OS10.14 Michael Bathgate, Kai Tahu Ki Otago

Commented [BG10]: OS10.15 Michael Bathgate, Kai Tahu Ki Otago

Commented [BG11]: OS10.16 Michael Bathgate, Kai Tahu Ki Otago

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Commented [BG19]: OS10.24 Michael Bathgate, Kai Tahu Ki Otago

Historic attributes and values

21. Strong historic associations with access into the Upper Clutha for early European and Chinese settlers and gold miners and early transport infrastructure (including evidence of historic ferries and punts around Albert Town and the Red Bridge.
22. Strong historic associations with gold mining in and alongside the Mata-au Clutha River, [and on the Poplar Beach terrace](#) and associated physical remnants, including evidence of sluicing and dredging.
23. Strong historic associations with early European development and pastoralism in the area, including the pioneer graveyard at Albert Town.

Shared and recognised values

24. Nationally recognised values of the Mata-au Clutha River as the highest volume and flow river in New Zealand.
25. Locally shared and recognised values for the contribution of the PA to the Upper Clutha Basin sense of place and distinctiveness and its recreational attributes.

Recreation attributes and values

26. Highly valued destination for kayaking, rafting, and fishing (particularly fly fishing) on the Mata-au and Hāwea River. Jetboating is popular on the Mata-au Clutha River [and the river is identified as a nationally significant fishery](#).
27. Camping at Albert Town campground, and swimming and picnicking at easily accessible spots along the rivers; Freedom camping for self-contained vehicles in accessible spots along the rivers, outside of prohibited zones.
28. Very popular destination for walking and mountain biking on the network of trails that run along both sides of the Mata-au Clutha River between The Outlet and Luggate, and on the Hāwea River Track.
29. Events associated with kayaking national events, including national freestyle, national secondary schools and open nationals involving Hāwea Standing Wave structure (outside the PA) and reaches of the lower Hāwea.

Commented [BG20]: OS44.1 Ian Hadland, Fish and Game

Perceptual (Sensory) Attributes and Values

Legibility and Expressiveness • Coherence • Views to the area • Views from the area • Naturalness • Memorability • Transient values • Remoteness / Wildness • Aesthetic qualities and values

Legibility and expressiveness attributes and values

30. The course of the Mata-au Clutha River and the fluvial escarpments and terraces within the river corridor are highly visible and expressive and provide clear evidence of the eroding action of the river on the surrounding glacial outwash plains.
31. The eroded scarp on the western part of the penultimate Hāwea terminal moraine is a striking and expressive landform that is clearly related to the erosive action of the Hāwea River. It is visually prominent from the Hāwea Flats and the Hāwea River Track.

Coherence

32. Coherent pattern formed by the river course, escarpment and fluvial terrace landforms, with linking vegetation patterns of willows along the river edges and kānuka on escarpments and some terraces.

Particularly important views to and from the area

33. Enclosed highly attractive views from the surface of the rivers are dominated by the waterbody, its vegetated margins and the immediate riverbanks or escarpments.
34. High amenity views from the walking and cycling tracks that take in the dynamic river waters and the series of imposing escarpments and terraces that step up from the rivers. The scale, clarity and impact of these landforms is greater in the Mata-au Clutha corridor than in the lower Hāwea River. There is a varied level of enclosure experienced along the tracks, with long-range views to the mountain ranges available from some areas, and restricted mid-range views of the river corridor from others. The river course, escarpment and fluvial terrace landforms, with linking vegetation patterns of willows along the river edges and kākara on escarpments and some terraces form a coherent pattern as people move through the ONF.

Naturalness attributes and values

35. The Mata-au Clutha River has unmodified flow characteristics and generally unmodified and dynamic geomorphology, with ongoing processes of fluvial erosion and deposition. The exception is the true right bank upstream of the Albert Town bridge, where erosion hazards are being managed by rock revetments and bank reshaping. Natural processes of vegetation spread are occurring and the scarps and terraces (in places) support significant indigenous vegetation communities.
36. ~~Although~~ Rural living, campgrounds, modified landforms, ~~pine plantations~~, tracks, ~~and~~ intensive productive farming (including pivot irrigation), horticulture, vegetation management, modified landforms and associated infrastructure are present with the PA. ~~This domestication and modification is dwarfed by sits comfortably within~~ the scale of the ~~searing~~ river terrace escarpments, ~~and~~ the areas of indigenous vegetation, and ~~the wider surrounding mountain landscape~~. ~~There~~ is a high perception of naturalness overall.
37. Flow characteristics on the Hāwea River are managed by control gates at the Lake Hāwea outlet, but the lower stretch of the river is otherwise relatively unmodified. There is a perception of ~~significant~~ naturalness, despite the presence of crack willows, ~~and~~ the built interventions at Albert Town campground ~~the presence of Rural living at Poplar Beach and the trails~~.

Commented [BG21]: OS45.6 and OS45.11 Scott Edgar, Exclusive Developments Limited

Memorability attributes and values

38. The dramatic scale of the river corridor, the powerful flow and clear turquoise waters of the Mata-au Clutha River, the contrasts between the scarp and terrace landforms, and the sense of enclosure experienced by people accessing the rivers and adjacent public tracks create a highly memorable landscape.

Transient attributes and values

39. Transient attributes include fluctuations in the Hāwea River flow, the presence of wildlife, and the seasonal changes in the vegetation lining the river, particularly the gold of willows and poplars in autumn and their intense fresh green in spring.

Remoteness and wildness attributes and values

40. People on the surface of the Mata-au downstream of Albert Town are ~~often~~ enclosed within the river corridor and fringing vegetation and experience ~~a strong an appreciable~~ sense of remoteness and wildness. This is also true for people using those ~~parts of the~~ trails that are separated from urban, rural living or intensive agriculture land uses.

Aesthetic attributes and values

41. The experience of all of the values identified above from a wide range of public viewpoints.

42. More specifically, this includes:
- a. The volume, scale and fast-moving flow of the Mata-au Clutha River.
 - b. The distinctive swift water horseshoe bends and meanders in the rivers.
 - c. The dramatic and expressive sequence of contrasting terrace and scarp fluvial landforms stepping up from the river courses.
 - d. The autumn and spring colours of riverside willows and poplars [specimen trees](#) and the contrasting turquoise colour of the Mata-au Clutha [and the changing colour of the grasslands](#).
 - e. The spread of indigenous vegetation, particularly kākūka woodland, along the rivers and escarpments and on some terraces.
 - f. The ability to travel along the rivers on walking and cycling trails or on the water itself and to be [immersed in the within the more](#) natural, wild and scenic qualities of the river corridors [than of the Basin's adjacent flatlands](#).

Summary of Landscape Values

Physical • Associative • Perceptual (Sensory)

Rating scale: seven-point scale ranging from **Very Low** to **Very High**.

very low	low	low-mod	moderate	mod-high	high	very high
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The various physical, associative and perceptual attributes and values described above for the Mata-au Clutha River PA can be summarised as follows:

- 43. **Very high** physical values relating to the exceptional unmodified volume, flow and clarity of the Mata-au Clutha River waters, the distinctive horseshoe bends and high flow switchback, the clarity and scale of the fluvial landforms, the areas of indigenous vegetation and threatened plant communities, and the habitat values for native and introduced fauna.
- 44. **High** associative values relating to the Kāi Tahu associations with the river, the history of gold mining and early European settlement, the **very** significant recreational attributes, and the strong shared and recognised values.
- 45. **Very high** perceptual values relating to the scale, legibility and expressiveness of the rivers and their associated fluvial landforms, the high level of naturalness, the coherence and memorability of the corridor, and the strong aesthetic qualities.

Landscape Capacity

The landscape capacity [rating of the Rural Zone Mata-au Clutha River PA for a range of activities is set out below. This provides high level guidance as to potential characteristics or locational matters that may assist with identifying appropriate development within the PA.](#)

- i. **Commercial recreational activities – some** landscape capacity for activities that integrate with and complement/enhance existing recreation features; are located to optimise the screening and/or camouflaging benefit of existing natural landscape elements; designed to be of a sympathetic scale, appearance, and character; integrate landscape restoration and enhancement; and enhance public access.

Commented [BG22]: Text amendment made to align with PALS text approach and improve clarity, in accordance with submission requests. For example, see OS29.4, OS30.9 and OS27.3

- ii. **Visitor accommodation and tourism related activities - limited** landscape capacity to absorb visitor accommodation that is within areas of established rural living character, within existing buildings or building platforms, or where existing landform and vegetation, patterns can ensure development remains recessive and does not compromise the identified values of the PA. **Extremely limited or no** landscape capacity for tourism-related activities.
- iii. **Urban expansions – extremely limited or no landscape capacity.**
- iv. **Productive farming, horticulture, agroforestry and associated rural production activities – some** landscape capacity on the intermediate terraces, particularly where such activities maintain the overall open rural character of the terraces and are integrated with existing vegetation, shelter planting, landform patterns and farming activities.
- v. **Urban expansions – extremely limited or no** landscape capacity, with any capacity likely to be in locations that immediately adjoin existing urban growth boundaries and/or existing or zoned urban development where there is scope for environmental enhancement and where future development can be absorbed by existing landform and/or vegetation such that the values of the wider ONF are protected.
- vi. **Intensive agriculture – limited** landscape capacity on intermediate terraces only.
- vii. **Earthworks – limited** landscape capacity for earthworks and additional trails that protect naturalness and expressiveness attributes and values and are sympathetically designed to integrate with existing natural landform patterns. **Some** landscape capacity for additional earthworks that contribute to productive activities, and to manage erosion hazards in the vicinity of Albert Town that are sympathetically designed to integrate with existing natural landform patterns. Some landscape capacity for Lot 6 DP 325795 held in Record of Title 104103 as identified in Rule 25.5.2 of the PDP. **Some** landscape capacity for earthworks associated with farming on the Intermediate Terrace of Poplar Beach.
- viii. **Farm buildings** – in those areas of the PA with more intensive pastoral land uses, **limited some** landscape capacity for modestly scaled buildings that reinforce existing rural character and are sited to optimise the integrating effects of existing landscape and vegetation features, farm buildings, storage facilities, processing buildings, irrigation infrastructure, workshops, implement sheds, produce handling facilities and associated rural structures and infrastructure where these support ongoing productive rural land use. Such structures should be enabled in practical and operationally efficient locations and may utilise planting, landform, setbacks or other design responses to integrate with the wider landscape.

The establishment, extension, replacement and upgrading of rural production infrastructure associated with productive land use should be anticipated as part of the ongoing evolution of the working rural landscape of the intermediate terraces.
- ix. **Mineral extraction – extremely limited or no** landscape capacity for extraction larger than farm-scale quarries. ~~Very~~ Limited capacity for farm scale quarries and expansion of existing quarries that protect the naturalness values and aesthetic values of the ONF.
- x. **Transport infrastructure – extremely limited or no** landscape capacity.
- xi. **Utilities and regionally significant infrastructure – very limited** landscape capacity for infrastructure that is that is buried or located such that they are screened from external view. In the case of utilities such as overhead lines or cell phone towers which cannot be screened, these should be designed and located so that they are not visually prominent and/or co-located with existing infrastructure.
- xii. **Renewable energy generation – very limited** landscape capacity for hydro-electric generation that is consistent with the PA's values.
- xiii. **Forestry – very limited** capacity for forestry that protects aesthetic and naturalness values.

Commented [BG23]: BG supports this version of the 'landscape capacity comments for urban expansion' text, noting that this applies to resource consents.

In her view, applying the three-step test set out in *Rosehip*, urban development will typically undermine the identification/qualification of the part of the feature where urban development is proposed, as a natural landscape element, thereby compromising its fundamental classification as a RMA s6(b) feature.

Further, it is often the case that ONF (or ONL) land directly adjacent an urban area is more sensitive to development change from a landscape perspective due to factors such as: the important associative and perceptual values it affords the neighbouring urban area; the absence of a defensible landscape boundary to the ONF/L edge which means that even very small incursions make the broader area vulnerable to urban development sprawl.

BG notes that this issue was extensively traversed in the expert conferencing for the PALS workstream, where the experts agreed that within ONF/Ls, the appropriate landscape capacity rating for urban development is 'extremely limited or no' landscape capacity. This approach has been carried through to the PDP PALS.

Commented [BG24]: Scott Edgar and Ben Espie support this version of the 'landscape capacity comments for urban expansion' text.

In their view the capacity for urban expansion in the ONF is most likely to be adjacent to existing urban areas. This is however still subject to the definition of urban expansion.

- xiv. Shelter planting, orcharding, truffières and other productive tree-based land uses – some landscape capacity where integrated with existing rural land use patterns and where they contribute to rural productivity, landscape diversity, shelter, biodiversity or erosion management.
- xv. **Rural living – very-limited** landscape capacity on intermediate terraces within established rural living environments, and within discrete locations where there is existing rural living development and/or where existing landform and vegetation features, landscape context and existing patterns of modification enable development to be integrated without materially compromising the identified values of the Priority Area, mean that new development is reasonably difficult to see from outside the site. **Extremely limited or no** landscape capacity in other locations.

Plant and Animal Pests

- A. Animal pest species include rabbits, stoats, possums, rats and mice.
- B. Plant pest species include oxygen weed, crack willow, hawthorn, elderberry, broom, lupin, and wilding conifers.

Appendix 2 – Landholdings of the various Submitters

Mr. V H & Mrs. K M Woodfield (Woodfield)

- 1 The Woodfields have an interest in land at 216 Stevenson Road RD 2 Wānaka 9382, legally described as Lot 6 DP 325795 held in Certificate of Title 104103 (**Woodfield's Land**). The Woodfield's submission relates to the Clutha Mata-Au River Priority Area Landscape Schedule 21.22.25 as shown in figure 1, below.

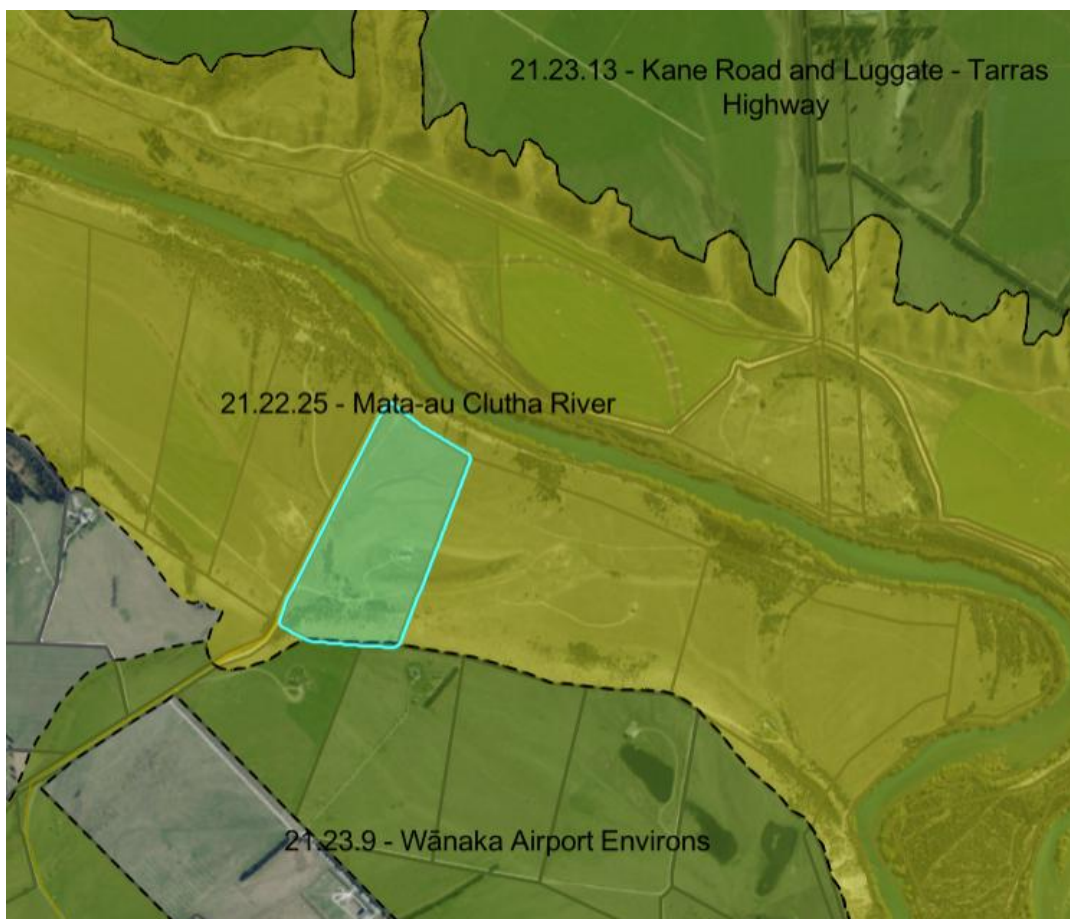


Figure 1 – Woodfield's Land within Schedule 21.22.25 mapped area

Dirk and Becky Venter (Venter)

- 2 The Venters have an interest in land at 213 Stevenson Road RD 2 Wānaka 9382, legally described as LOT 4 DP 325795 held in Certificate of Title 104101 (**Venter's Land**). The Venter's submission relates to the Clutha Mata-Au River Priority Area Landscape Schedule 21.22.25 as shown in figure 2, below.

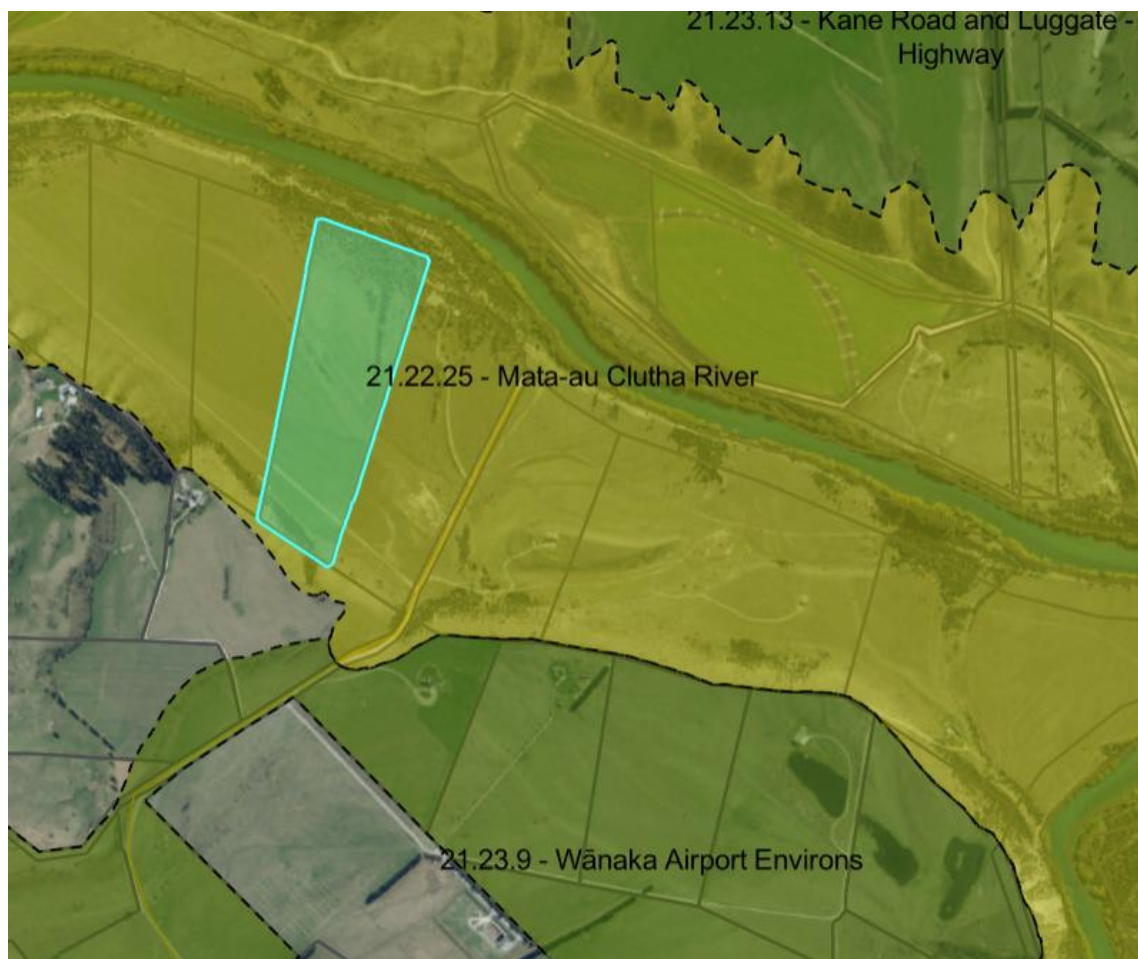


Figure 2 – Venters Land within Schedule 21.22.25 mapped area

N W & D J Pittaway Family Trust (Pittaway)

- 3 The Pittaways have an interest in in the following land:
 - (a) Lot 2 DP 26911, Lot 5 DP 22247 and part of Lot 3 DP 26911 proposed to be included in the Clutha River / Mata Au Outstanding Natural Feature Priority Area; and
 - (b) Lot 3 DP 26911 and part of Lot 1 DP 25276 proposed to be included in the Wānaka Airport Environs Rural Character Landscape Area.
- 4 The Pittaway's submission relates to these schedules as shown in figure 3, below.

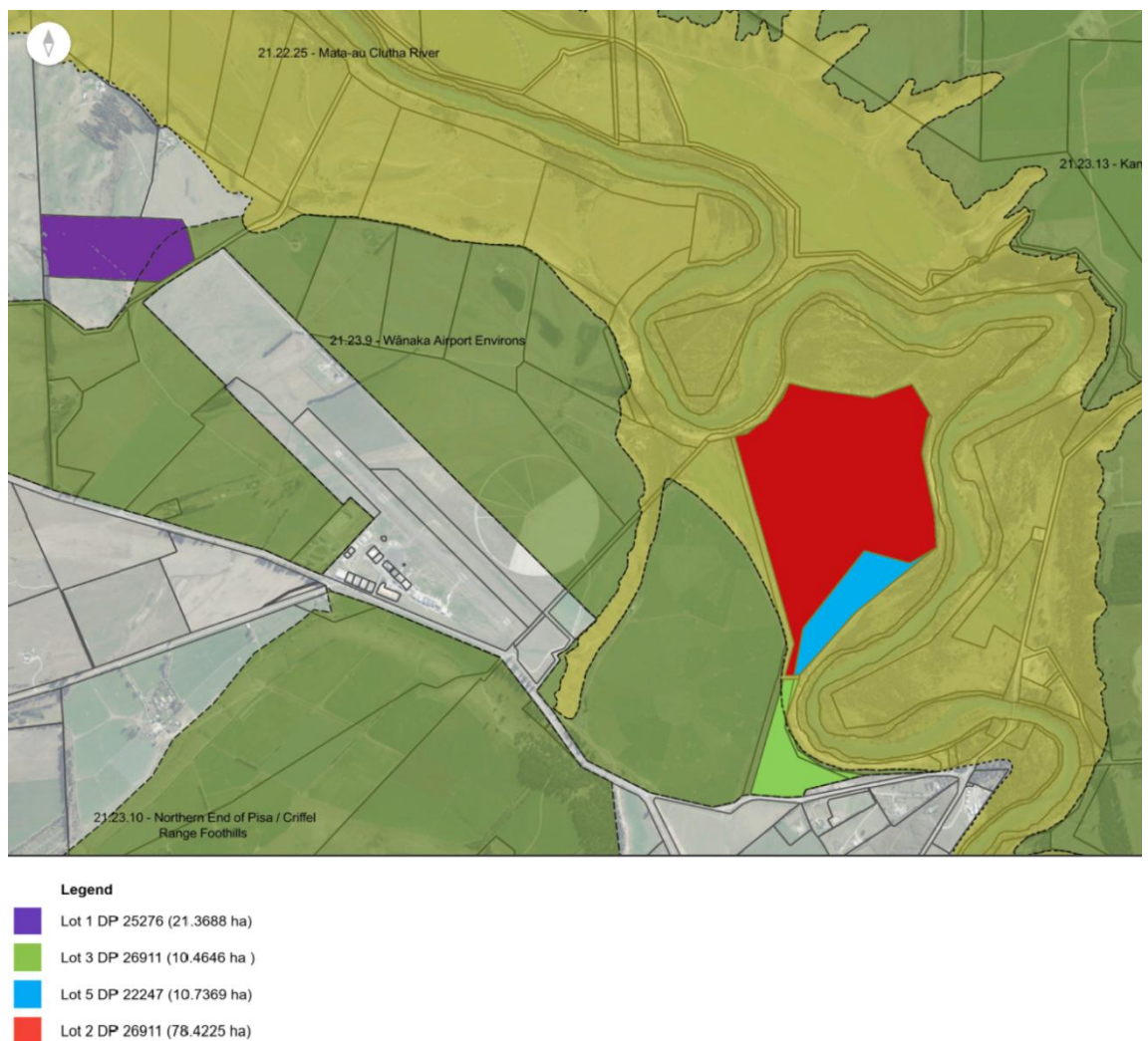


Figure 3 – Pittaway's Land within Schedule 21.22.25 and 21.23.9 mapped area