



S293 RESOURCE MANAGEMENT ACT 1991

FEEDBACK FORM



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



SUBMITTER DETAILS – ADDRESS FOR SERVICE

Full name of submitter(s):

Organisation (if relevant):

Email:

Postal address:

Phone (inc. area code):

Mobile:

**FEEDBACK ON THE CLUTHA s293 MUST BE RECEIVED NO LATER THAN 5.00PM ON
TUESDAY 12 OCTOBER 2021**



PRIVACY ACT 1993

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



MY SUBMISSION

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



MY SUBMISSION

My submission is:

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

Decision sought:

Reasons for my submission:

SIGNATURE OF SUBMITTER

Signature of submitter: 

Date:

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



Submission on Queenstown Lakes District Council's 293 proposal relating to the Landscape Classification of the Clutha River/Mata Au Corridor

To: Queenstown Lakes District Council

NAME OF THE SUBMITTER:

1. Julie Umbers and Tarbert Trustees (2017) Limited as trustees of the NW & DJ Pittaway Family Trust (**Trust**).

SUBMISSION SUBJECT MATTER:

2. The Trust has been notified by the Queenstown Lakes District Council (**Council**) of a Section 293 Proposal to alter the mapping and landscape classification of the Clutha River/Mata Au Corridor (**Section 293 Proposal**) to an Outstanding Natural Feature (**ONF**).
3. The Trust owns properties between the Clutha River/Mata Au and the Wanaka Airport which are affected by the Council's Section 293 Proposal. The Trust's land that is proposed to be reclassified to ONF is shown in the plans attached as **Appendix 1** to this letter and is held in the following titles (together, the **Trust Land**):
 - (a) Lot 1 DP 25265;
 - (b) Lot 2 DP 26911;
 - (c) Lot 3 DP 26911;
 - (d) Lot 2 DP 22247;
 - (e) Lot 3 DP 22247;
 - (f) Lot 4 DP 22247;
 - (g) Lot 5 DP 22247;
 - (h) Lot 6 DP 22247;
 - (i) Lot 7 DP 22247; and
 - (j) Lot 8 DP 22247.

SUBMISSION OF THE TRUST

4. The Trust opposes the reclassification of the Trust Land to ONF.

Reasons for the Submission

5. As part of the Council's District Plan review relating to the Queenstown Lakes District's (**District**) Outstanding Natural Landscapes (**ONL**) and ONFs it became clear that expert landscape witnesses before the Court considered the Clutha River/Mata Au and its immediate

enclosing banks to be an ONF.¹ The Court agreed with the landscape experts that the Clutha River/Mata Au is appropriately classified as an ONF.²

6. There has been debate as to the extent of the ONF boundaries of the Clutha River corridor. This debate has focused on a block of land owned by James Cooper on the opposite side of the Clutha River to the Trust Land (**Cooper Block**).³
7. Council's landscape architect Ms Mellsop considered that the wider Clutha River/Mata Au corridor should be classified as an ONL.⁴ The Court however held that the scarps and lower terraces of the Cooper Block are to be included in the ONF as they are intrinsically linked to the Clutha River/Mata Au ONF.⁵
8. Ms Mellsop's evidence also supported the Proposed District Plan Decisions Mapping ONL boundaries over the Trust Land.⁶ However, there does not appear to have been a determination of the Court in relation to the classification of the Trust Land. The Trust considers that this wider environment is different in character to the enclosing banks of the Clutha River/Mata Au.
9. The Court's decision on the Cooper Block is focused on the scarps and terraces present on the Cooper Block. These were considered to be highly legible and expressive of their historical relationship to the Clutha River by the Court.⁷ The Trust Land does not display the same characteristics as the Cooper Block and does not accommodate scarps or terraces of the same size. In most instances the Trust Land is located further from the river corridor than the Cooper Block and is not within the enclosing banks of the Clutha River/Mata Au.
10. The Trust considers that an independent landscape architect is likely to reach the same conclusion as Ms Mellsop and consider that that some or all of the Trust Land should not be included in the ONF.
11. As it appears that there has been no specific Court determination as to the classification of the Trust Land, it is unclear as to how the exact ONF boundaries over the Trust Land were arrived at by the Council in preparing the Section 293 application. The Council has not provided the Trust with this analysis.

¹ ENV-2018-CHC-095 Joint Witness Statement, 22 March 2019 at [7], [10] and [11] and ENV-2018-CHC-144 Joint Witness Statement, 30 January 2019 at page 3.

² *Hawthenden Limited v Queenstown Lakes District Council* [2019] NZEnvC 160 at [161].

³ *James Wilson Cooper v Queenstown Lakes District Council* (ENV-2021-CHC-144).

⁴ Second Statement of Evidence of Helen Juliet Mellsop on behalf of QLDC, Subtopic 1: Outstanding Natural Landscapes and Outstanding Natural Feature Boundaries, 2 November 2018, at [12.16].

⁵ *Hawthenden Limited v Queenstown Lakes District Council* Above n2, at [158].

⁶ Second Statement of Evidence of Helen Juliet Mellsop on behalf of QLDC, Subtopic 1: Outstanding Natural Landscapes and Outstanding Natural Feature Boundaries, Above, at [12.22].

⁷ *Hawthenden Limited v Queenstown Lakes District Council* Above, at [157].

12. The ONF classification over the Trust Land will impact the Trust's ability to develop and utilise the land as a working farm due to ONFs being subject to more restrictive policies and rules than ONLs.
13. For the reasons set out above the Trust considers that its land is more appropriately classified ONL rather than ONF.

Preparation of Landscape Evidence

14. The notification letter the Trust received from Council on 21 September suggests landscape evidence and/or an affidavit could be provided by the Trust to the Court. The Trust had no prior knowledge of the Section 293 Proposal before receiving the above-mentioned letter on 21 September.
15. The Trust has therefore been unable to obtain and provide an affidavit from a landscape expert within the very short timeframe specified by Council. The Trust submits that as a matter of procedural fairness it should be given further time to analyse the evidence leading to the ONF classification, peer review that, obtain advice from an independent landscape architect, if necessary join the proceedings as a section 274 party and call evidence on the location of the ONF boundaries that impact the Trust Land.

DECISION SOUGHT

16. The Trust seeks the following decision:
 - (a) that the Section 293 Proposal is rejected and that the Proposed District Plan Decisions Version mapping is retained over Trust Land.

Dated this 12th day of October 2021



Joshua Leckie / Mia Turner
Counsel for NW & DJ Pittaway Family Trust

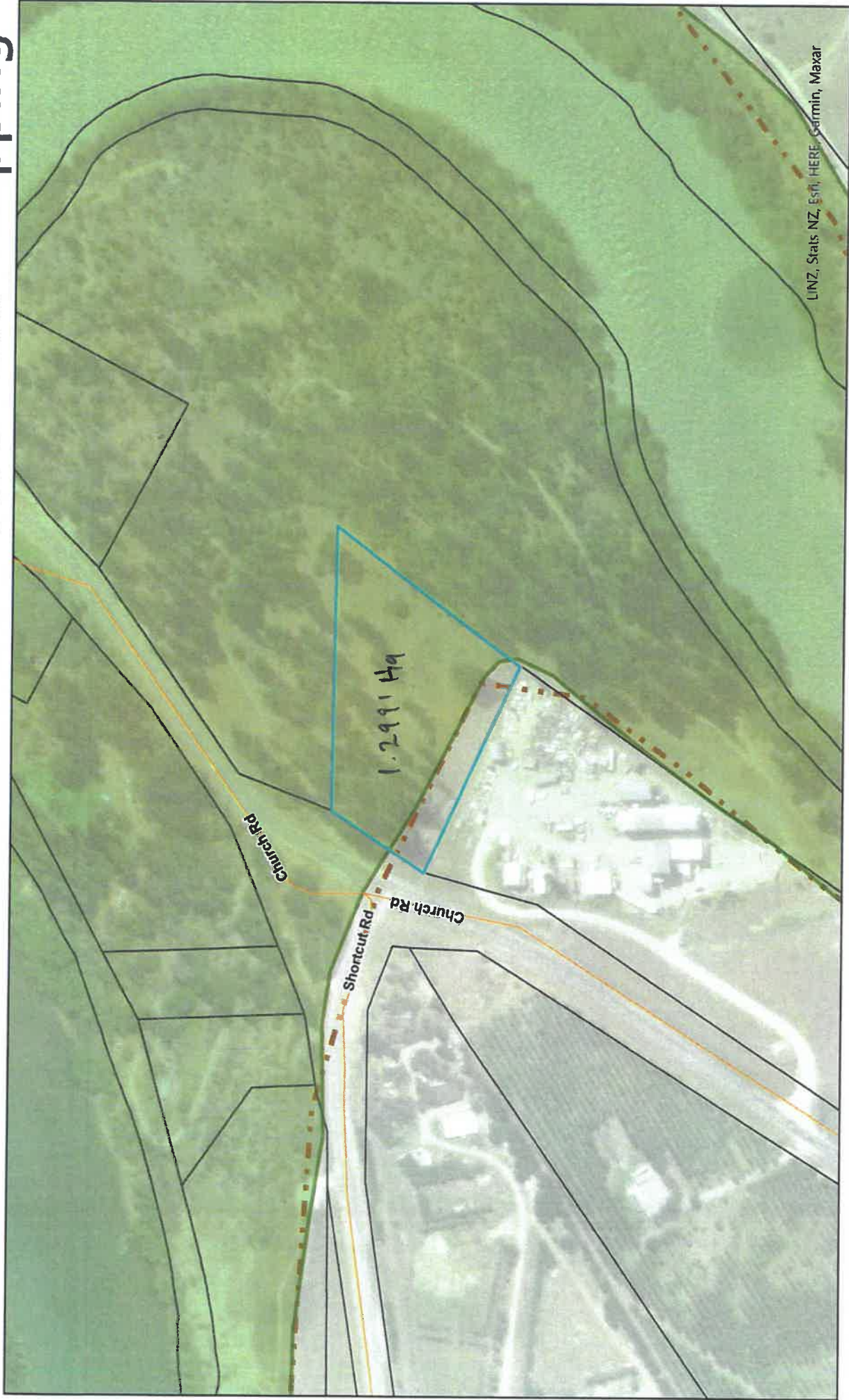
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Appendix 1

Lot 1 DP 25265 - Revised Clutha River ONF mapping



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



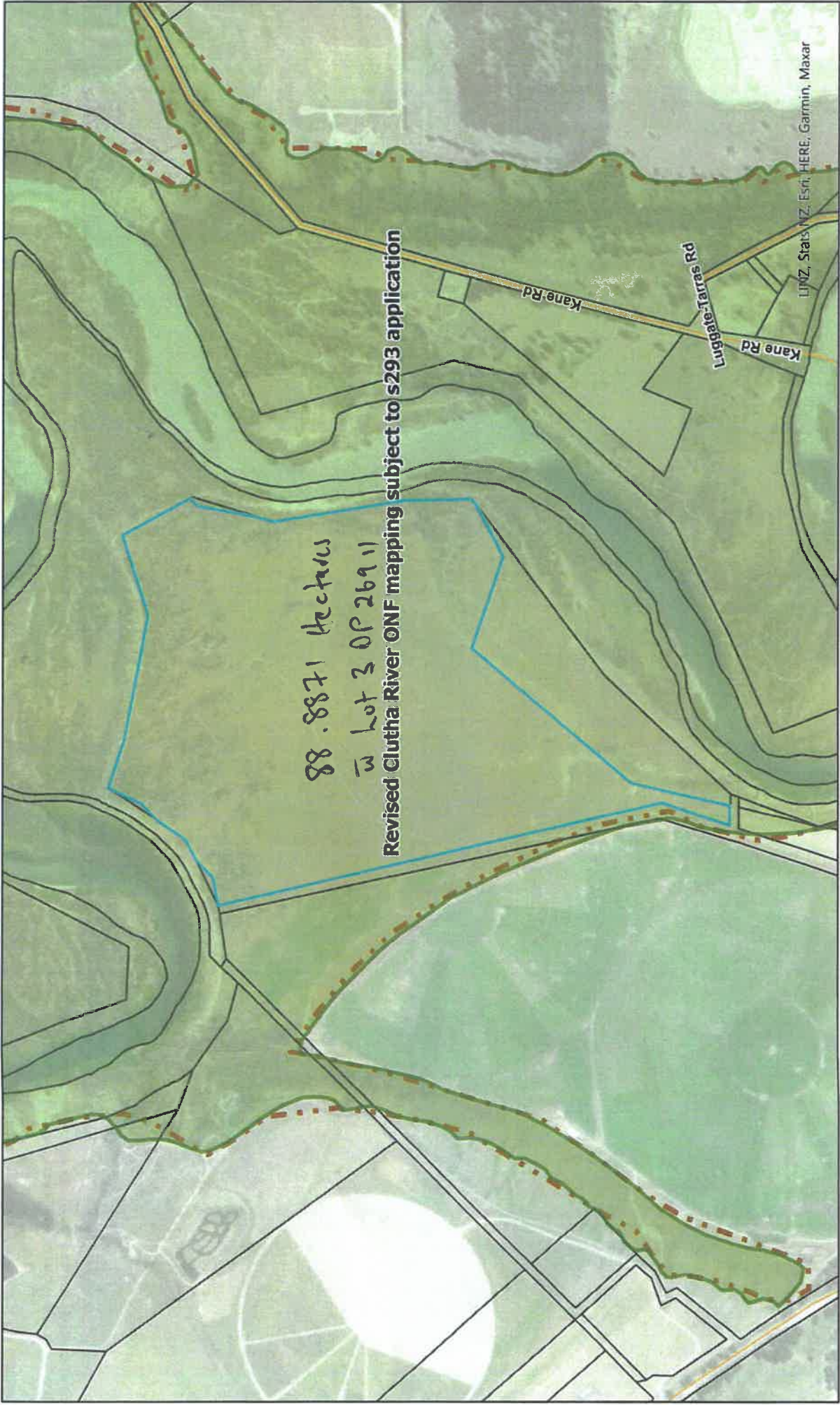
Scale: 1:4,116



Map Date:
5/07/2021



Lot 2 DP 26911 - Revised Clutha River ONF mapping



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Scale: 1:16,462

Map Date:
5/07/2021



Lot 3 DP 26911 - Revised Clutha River ONF mapping



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Map Date:
5/07/2021



Scale: 1:8,231



QUEENSTOWN
LAKES DISTRICT
COUNCIL

Lot 2 DP 22247 - Revised Clutha River ONF mapping



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Map Date:
5/07/2021



Scale: 1:4,116



Lot 3 DP 22247 - Revised Clutha River ONF mapping



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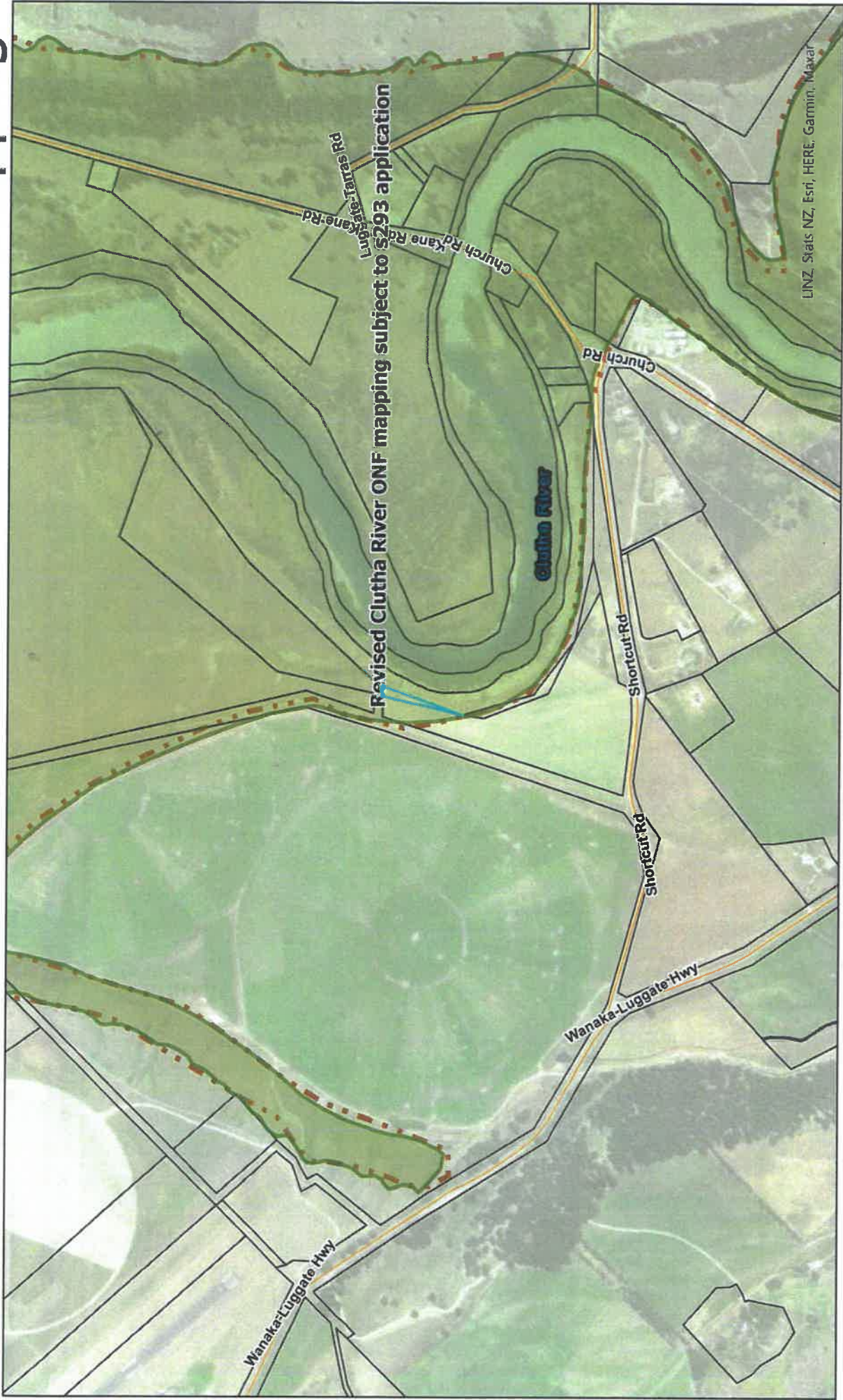
**QUEENSTOWN
LAKES DISTRICT
COUNCIL**

0 0.28 0.55 1.1 km
Scale: 1:8,231



Map Date:
5/07/2021

Lot 4 DP 22247 - Revised Clutha River ONF mapping



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Scale: 1:16,462



Map Date:
5/07/2021

LINZ, Stats NZ, Esri, HERE, Garmin, Maxar

Lot 5 DP 22247 - Revised Clutha River ONF mapping



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Scale: 1:8,231

1.1 km

Map Date:
5/07/2021



Lot 6 DP 22247 - Revised Clutha River ONF mapping



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Scale: 1:16,462



Map Date:
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Lot 7 DP 22247 - Revised Clutha River ONF mapping



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Scale: 1:8,231

1.1 km

0.55

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Map Date:
5/07/2021



Lot 8 DP 22247 - Revised Clutha River ONF mapping



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Scale: 1:8,231

1.1 km

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Map Date:
5/07/2021

