

Before the Hearings Panel

For the Proposed Queenstown Lakes District Plan

Under the

Resource Management Act 1991

In the matter

of a variation to Chapter 21 Rural Zone of the Proposed Queenstown Lakes District Plan, to introduce Priority Area Landscape Schedules 21.22 and 21.23

REPLY LEGAL SUBMISSIONS FOR QUEENSTOWN LAKES DISTRICT COUNCIL

15 December 2023

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MAY IT PLEASE THE PANEL

1. INTRODUCTION

1.1 These reply legal submissions are presented on behalf of Queenstown Lakes District Council (**Council**) in relation to the Variation to Chapter 21 - Rural Zone of the Proposed Queenstown Lakes District Plan (**PDP**). As described in Council's opening legal submissions, the Variation proposes to introduce 29 Priority Area (**PA**) landscape schedules (**Schedules**) into Chapter 21, in order to satisfy the policy direction set out in Chapter 3 – Strategic Directions of the PDP (the **Variation**).

1.2 These submissions respond to several legal issues that arose during the hearing of the Variation, as well as specific issues identified by the Panel and provided to the Council on 15 November 2023, following the close of the hearing.¹ For completeness, the list of issues identified by the Panel is attached as **Appendix 1**, with those issues having been responded to by way of these reply legal submissions and the Council's reply evidence, as appropriate.

1.3 The Council's reply comprises these legal submissions, as well as reply evidence filed by:

- (a) Ms Bridget Gilbert – Landscape;
- (b) Ms Ruth Evans – Planning; and
- (c) Mr Jeremy Head – Landscape.

1.4 In addition, the Council's reply includes:

- (a) Reply versions of the PA Schedules, both the Preambles and for each PA (track changed), which are attached as **Appendix 2** to these submissions; and
- (b) A table responding to the various mapping issues identified by the Council and submitters, which is attached as **Appendix 3** to these submissions.

1 Counsel notes that the list of issues provided omits the number 11, therefore, the Panel Issue numbering used within these submissions also omits number 11.

1.5 As per the Panel’s Minute dated 29 November 2023, the Council will be filing an updated Accept/Reject recommendations spreadsheet by 12pm on 31 January 2024. The Council will also file a clean (not tracked) version of the Preambles and PA Schedules at that time.

1.6 For completeness, the fact that these reply submissions and Council’s reply evidence have not responded to all matters of disagreement raised in submissions, evidence or during the hearing should not be taken to mean that Council accepts those matters. The Council’s reply has sought to focus on key matters in contention and matters where additional clarity will be of benefit to the Panel when making its recommendations to the Council.

1.7 At a high level, the following matters are addressed in these submissions:

- (a) The background to the Variation, and the intended role of the PA schedules;
- (b) The Panel’s role;
- (c) The matter of scope;
- (d) Response to mapping issues;
- (e) The proposed Preamble schedules – purpose, structure content and clarity;
- (f) Section 8 of the RMA;
- (g) The Clutha River ONF;
- (h) Specific matters relating to the content of the PA schedules;
- (i) The Otago RPS; and
- (j) The relevance of the NPS-UD.

2. THE BACKGROUND TO THE VARIATION, AND THE INTENDED ROLE OF THE PA SCHEDULES

2.1 The Council considers it important to provide a brief overview of the reasons why this Variation was initiated, as it contextualises the Panel’s consideration of the submissions and evidence it has been presented with.

- 2.2** As set out in Council’s opening submissions, the Variation is the result of the implementation of a policy framework that was confirmed by the Environment Court through a *de novo* Stage 1 appeal process (Topic 2 – Rural Landscapes). As discussed during Council’s opening, Topic 2 considered a broad array of appeals against the Council’s decisions on Stage 1 of the PDP, but specifically those concerned with the mapping of, and policy framework for, the rural landscapes of the District (being the provisions in Chapters 3 and 6, and associated mapping of the ONF, ONL and RCL landscape categories).
- 2.3** Appeals relating to Chapter 21 – Rural Zone, which provides the land use rules (and associated policies) that regulate that zone, were dealt with separately, through a separate appeal topic (Topic 18).
- 2.4** As a brief recap, the Decisions Version of the PDP (following Stage 1) did not include any landscape schedules or other text that described the values and attributes of the mapped ONF/Ls, or the RCL. The Decisions Version regime instead relied on other processes (ie. consent applications) to provide for the identification of the relevant values that were to be protected for ONF/L. There was significant opposition to this regime through Stage 1, and on appeal, with relief sought that challenged both the location of the mapped ONF/L boundaries, and the absence of landscape values schedules.
- 2.5** As explained in the Council’s section 32 report for this Variation, the Environment Court held that the Decisions Version regime (due to the absence of schedules or other descriptions of values) did not provide enough certainty to ensure the intended policy direction was achieved.² For example, in Decision 2.1 the Court held that mapping only assists in identifying the geographic extent of what is sought to be protected, and that listing landscape values – that inform why a feature or landscape is an ONF/L - is an important element of setting out what is sought to be protected.³ The Court therefore found that there was a need to ‘plug the gap’, and

2 Section 32 report dated 30 June 2022, at paragraph 4.2.

3 Decision 2.1, at [30].

directed that scheduling occur of specific Priority Areas (**PA**) in order to assist the PDP to fulfil its protective purposes.⁴

2.6 The process for the scheduling of the specific PAs was confirmed through a number of Topic 2 interim decisions, starting with Decision 2.2, which directed that joint witness conferencing⁵ be convened in order to produce (by joint witness statement):

- (a) draft ‘Values Identification Framework’ Strategic Policies; and
- (b) associated maps depicting the geographic extent, at proper landscape scale of PAs, to which those Strategic Policies would apply to.⁶

2.7 Decision 2.2 also held (relevantly) that the Values Identification Framework should be targeted to PAs,⁷ and that scheduling should not extend beyond specified PAs, nor provide an avenue to revisit ONF/L or RCL overlays on the planning maps.⁸

2.8 An initial list of proposed PAs were considered through expert conferencing and eventually put to the Court (by JWS), and ultimately endorsed in Decision 2.5 as appropriate (subject to some mapping adjustments, and reservation of determination of the proposed Clutha River ONF PA, which we return to below in these submissions).⁹

2.9 Decision 2.9 subsequently confirmed, by way of Strategic Policy 3.3.42, that a plan change (in this case, Variation) be notified by 30 June 2022 to implement the relevant policies that provide for PA Schedules.¹⁰ This Variation is the end result, and is focussed on confirming the content of the PA Schedules, for inclusion in Chapter 21.

4 Decision 2.1, at [31].

5 Counsel refers to Ms Gilbert’s evidence in chief dated 11 August 2023, paragraphs 3.1 - 3.9, which set this out in further detail.

6 Decision 2.2, at [525].

7 Decision 2.2, at [162].

8 Decision 2.2, at [164], also noting the this was on the basis that the Court directions would allow parties to inform the Court’s ultimate findings on the PAs to be specified in the relevant new Strategic Policies.

9 Decision 2.5, at [67] – [70] and [83].

10 Decision 2.9, at [23].

The intended purpose and role of the PA Schedules

- 2.10** In her section 42A Report, Ms Evans¹¹ refers to paragraph 3.10 of the s32 report, which states “... the schedules will assist with the assessment of land use and subdivision resource consent applications in the rural zones”. In addition, they will also be relevant to future plan changes that engage with the mapped PAs (ie. for plan development purposes).
- 2.11** In terms of how they will assist, the Council’s s32 report notes that “They will clearly identify the values to be protected, maintained and/or enhanced by a proposed development that falls within the Priority Areas”.¹²
- 2.12** This is not entirely accurate. As outlined in her evidence in chief, Ms Gilbert notes that the intention of the PA Schedules was to provide high level guidance with respect to landscape attributes, values and landscape capacity for each PA, at a PA scale.¹³ However, a proposal specific assessment, as part of a resource consent or plan change application, would be expected to provide a more granular level of detail to inform the assessment of landscape effects. This intention is discussed in Council’s reply evidence, and has led to further amendments to the Preambles, for reasons of clarity.
- 2.13** Counsel also refers to paragraphs 9.42 to 9.58 of Ms Evans Section 42A Report, in which she sets out how the Schedules may be used in consent situations, and the reply evidence filed by Ms Gilbert¹⁴ and Ms Evans¹⁵, including their evidence that discusses modifications to the Preambles.
- 2.14** In their reply evidence, Council’s witnesses have highlighted that in most cases where consent is required in the Rural Zone, and in the ONF/L or RCL, a landscape assessment will be required that will engage the PA Schedules. This is because the PA Schedules will be engaged for any activity that has an activity status of restricted

11 Dated 11 August 2023, at paragraph 9.13.

12 At 3.10.

13 At 3.11, and 7.11 – 7.13 .

14 At 3.1.

15 At 3.9 – 3.17.

discretionary, discretionary or non-complying.¹⁶ In such instances, the Landscape Assessment Methodology will be triggered, which requires an assessment that satisfies SP 3.3.45 (and identifies landscape attributes and values, and associated effects).

- 2.15** More often than not, it is submitted that these assessments will involve a landscape expert who will follow the methodology set out in Te Tangi a te Manu (Aotearoa New Zealand Landscape Assessment Guidelines), and be familiar with the concept of scheduling and the terminology used in the PA Schedules. That is not to say that a landscape expert will be required in all cases, but that in order to satisfy the requirements of section 88 and Schedule 4 of the RMA, this could be required.¹⁷

The Preambles

- 2.16** In order to better explain the purpose and role of the PA Schedules, the Council prepared and notified Preambles – which describe the role, purpose and general approach of the PA Schedules.

- 2.17** These Preambles were subject to expert conferencing, and generally agreed to be appropriate. Several further amendments have been made to the Preambles, to further clarify how the PA Schedules will be used, and how they apply. These amendments are discussed later in these submissions, and in the reply evidence of Ms Evans and Ms Gilbert.

- 2.18** As they are intended to provide guidance for the PA Schedules, the key concern should be ensuring that they are as certain and easily understood as possible. At a high level, the amendments recommended by Council's witnesses are proposed in order to:

- (a) Clarify that, given the PA scale of the landscape assessment underpinning the Schedules, a finer grain location-specific assessment of landscape attributes and values will typically be required for plan development or

16 SP 3.3.46.

17 Counsel also refers to paragraphs 3.9 – 3.17 of Ms Evans' reply evidence, where she discusses when and why landscape assessments may be required.

plan implementation purposes (including through plan changes or resource consent applications);

- (b) Explain that the PA Schedules represent a point in time, and are not intended to provide a complete, or fixed, description of values or landscape capacity;
- (c) Clarify that through finer grained assessments, other proposal or location specific landscape values may be identified that do not exist, or have not been identified, at a PA scale;
- (d) Explain that the capacity ratings, and associated descriptions, are based on an assessment of each PA as a whole, and are not intended to describe the relevant capacity of specific sites within a PA; and
- (e) Capture that the PA Schedules are relatively 'high level', and that they focus on describing potential (future) outcomes that would likely be appropriate within each PA (in their entirety), from a capacity perspective. It is noted, and accepted by the Council, that these descriptions are not a replacement for any policies, rules or standards in the PDP, and that they are intended to provide guidance only.

3. THE PANEL'S ROLE

3.1 It is submitted that the Panel will need to make recommendations on:

- (a) The content of the 24 schedules for the Priority Areas within Outstanding Natural Features (**ONF**) and Outstanding Natural Landscapes (**ONL**), being those identified in Strategic Policy 3.3.36;
- (b) The content of the 5 schedules for the Priority Areas within the Upper Clutha Rural Character Landscapes (**RCL**), being those identified in Strategic Policy 3.3.39; and
- (c) The Preambles, for both the ONF/L and RCL PA Schedules.

3.2 The issue of jurisdiction (scope) has been a point of contention. The reason for this is that Council's position has been that mapping amendments (to both the PAs and the separate PDP ONF/L and RCL landscape classification lines) are outside of scope, whereas some submitters are contending the opposite. Some submitters

have, in fact, sought rezoning relief through the Variation, but it is not clear that this is being seriously pursued.

3.3 The Panel, as with the Council in its decision-making role (and Environment Court on appeal) can only operate within jurisdiction (scope). This is an important procedural fairness measure that must be carefully observed.

3.4 While, in its list of issues, the Panel requested “expert evidence on scope”, it is submitted that the determination of what is or is not in scope is not a matter for evidence. Instead, it is a matter of interpretation and legal submission, based on the approach adopted, and proposal notified, by the Council.

3.5 To that extent, the following section of these submissions addresses the matter of scope in more detail, and responds to several of the submissions made by submitters.

4. SCOPE

4.1 A number of submitters consider that it is within scope for the Panel to recommend that amendments are made to either the boundaries of the PAs, the separately mapped ONF/L boundaries, or both. The Council disagrees.

4.2 Counsel who have filed legal submissions are agreed that the leading authority (on scope) is *Clearwater Resort Limited v Christchurch City Council*.¹⁸ As discussed in Council’s opening submissions, the High Court in *Clearwater* adopted a two-step approach to the assessment of whether something is “on” a plan change or not.¹⁹

4.3 The *Clearwater* approach was followed by the High Court in *Motor Machinists Limited v Palmerston North City Council*.²⁰ In *Motor Machinists* the Court held that for a submission to be “on” a plan change:²¹

18 HC Christchurch AP34/02, 14 March 2003.

19 Refer to section 3 of the Council’s opening submissions.

20 [2013] NZHC 1290.

21 *Palmerston North City Council v Motor Machinists Ltd* [2014] NZRMA 519 at [80] to [82]; citing *Clearwater Resort Limited v Christchurch City Council* HC Christchurch AP34/02, 14 March 2003.

- (a) it must address the proposed plan change itself. That is, to the alteration of the status quo brought about by that plan change; and
- (b) there must be no real risk that people directly affected by additional changes proposed in the submission have been denied an effective response to those additional changes on the plan change process; *“To override the reasonable interests of people and communities by a submissional side-wind would not be robust, sustainable management of natural resources.”*

4.4 The first limb can be expressed another way, in that the submission must reasonably be said to fall within the ambit of the plan change; there must be a connection between the submission and the degree of notified change proposed.²² The Court in *Motor Machinists* said:²³

One way of analysing this is to ask whether the submission raises matters that should have been addressed in the s 32 evaluation and Report? If so, the submission is unlikely to fall within the ambit of the plan change. Another is to ask whether the management regime in a district plan for a particular resource (such as a particular lot) is altered by the plan change. If it is not then a submission seeking a new management regime for that resource is unlikely to be "on" the plan change.

4.5 If a submission raises matters, or seeks relief, that is beyond the ambit of the plan change, then the risk outlined in 5.3(b) arises. In terms of that second limb, the underlying principle is that procedural fairness ensures that adequate notice is given to those who may wish to take part in a proceeding,²⁴ with the Court having no jurisdiction to make amendments if they could impact on those that have not had, or have been deprived of, the opportunity to participate.²⁵ In effect, the concept of scope (and the tests set out above) operate to ensure that decision-makers exercise appropriate restraint when making decisions.²⁶

23 *Palmerston North City Council v Motor Machinists Ltd* [2014] NZRMA 519 at [81].

24 *Westfield (New Zealand) Ltd v Hamilton City Council* (2004) 10 ELRNZ 254.

25 *Clearwater*, at [66].

26 With this in mind, it is submitted that Anderson Lloyd (2nd submissions) incorrectly casts this second limb as “only about due public process to participate in submissions”, as there needs to be a way of first putting potential participants on notice that they may want to participate in a process.

4.6 It is submitted that the discussion from *Motor Machinists* is applicable in this instance, as where submitters have sought mapping changes (to the PAs, ONF/L, RCL or both) there is an argument that:

- (a) Those changes (or the potential for them to be made) should have been addressed in the section 32 evaluation and report, but were not;²⁷
- (b) Those changes (or the potential for them) should have been addressed in the public notice, but again they were not. The public notice expressly references the introduction of PA schedules but makes no mention of mapping amendments at all. Furthermore, although the “Landscape Schedules Variation” website includes a link to the mapping of the Priority Areas, this link was appropriately provided to ensure that submitters were aware of the spatial area that the proposed PA Schedules would apply to; and
- (c) The Variation is not seeking to change the management regime for any ONF/L or RCL, or the Rural Zone, other than by introducing PA Schedules to guide the operation and implementation of the relevant policy regime for ONF/L and RCL (as the Court determined to be appropriate through Topic 2).

4.7 In the circumstances, it is submitted that mapping amendments are not “on” the Variation and could not have been reasonably contemplated to have been within the scope of the Variation.

4.8 Were the Panel to make recommendations in favour of amendments to any PA mapping and/or ONF/L / RCL boundaries, then it is submitted that this would raise clear procedural fairness concerns. For example, there would be the real potential that parties that would have, if they had known, taken part in the process (by way of further submission), could be prejudiced by the making of those recommendations.²⁸

²⁷ As per *Motor Machinists*, at [81], a section 32 report is intended to be read and relied on by the public, to inform of the comparative merits of the proposed change(s).

²⁸ On this point, we note that Anderson Lloyd, in paragraph 23 of their first submissions, have not sought to explain how anyone specifically interested in the ONL boundary or PA mapping for the Passion

The notified documentation

- 4.9** Various submitters, a number of whom are represented by Anderson Lloyd,²⁹ have filed evidence and submissions on the issue of mapping. These submissions say that notification of the Variation was confusing as to whether the PA mapping was notified and in scope, and therefore that it is capable of being the subject of submissions.³⁰ Anderson Lloyd state that “at least 20 submitters consider that the PA mapping was notified as part of the Variation”.³¹
- 4.10** In response, it is submitted that scope is not a numbers game. Instead, it is a matter of interpretation in light of the tests arising from case law. Further, it should be of no surprise that the submitters pursuing mapping amendments have an interest in the subject land that would benefit from any change to the landscape classification, or removal of the PA mapping off their land.
- 4.11** The Council also highlights that a number of other submitters³² have stated that the PA mapping is not within the scope of the Variation, or otherwise do not submit on the PA mapping, which indicates that there was also an understanding that the Variation was intended to be limited to the content of the PA Schedules.
- 4.12** Overall, the Council considers that the determination of what is, and what is not, ‘on’ the Variation, is a matter guided by the relevant documents that explain the proposed change to the status quo (as per the first of the tests set out in 4.3 above).
- 4.13** On this point, it is submitted that there is no way to interpret the public notice, section 32 report, or proposed Variation in a way that supports the view that there

Developments Limited site would have been made aware of the need to check for their clients submission.

29 See Anderson Lloyd legal submissions on behalf of Richard Kemp / Passion Developments Limited, dated 17 October 2023, synopsis of legal submissions on behalf of various submitters and further submitters represented by Anderson Lloyd, dated 24 October 2023, and Anderson Lloyd consortium on behalf of various submitters, dated 8 November 2023.

30 Synopsis of legal submissions on behalf of various submitters and further submitters represented by Anderson Lloyd, 24 October 2023 at [23].

31 Council notes that it appears that approximately 10 of those submitters are represented by Anderson Lloyd.

32 Such as Julian Pedley (submitter #68) and Upper Clutha Environmental Society (submitter #67).

is scope for mapping amendments, or at least not without creating material unfairness for potentially affected persons:

- (a) The **Public Notice**, dated 30 June 2022, did not reference mapping at all, stating:

VARIATION TO QUEENSTOWN LAKES PROPOSED DISTRICT PLAN

Landscape Schedule 21.22 and Landscape Schedule 21.23

Queenstown Lakes District Council has prepared changes to the Queenstown Lakes Proposed District Plan (PDP) under Schedule 1 of the Resource Management Act 1991 (RMA). **This proposal is a variation to Chapter 21 Rural Zone of the PDP, to introduce proposed landscape schedules 21.22 and 21.23.**

[our **emphasis**]

- (b) The Public Notice³³ did not contain a link to the PA maps. Rather, the Council included a link to the PA maps on the 'Landscape Schedules' webpage,³⁴ which was provided in order to show the spatial extent of the PAs listed in Chapter 3 (and for which proposed PA Schedules were prepared).³⁵
- (c) The additional information available on the dedicated webpage for the Variation also makes it clear that mapping was not part of the Variation. This includes the Info Sheet,³⁶ and importantly the section 32 Report,³⁷ which states:

33 Public Notice, accessibly online at <https://www.qldc.govt.nz/media/ehfoo15g/public-notice-landscape-schedules-june-2022.pdf>.

34 Landscape Schedules webpage, accessible online at <https://www.qldc.govt.nz/your-council/district-plan/landscape-schedules/>.

35 It is also noted that the inclusion of the PA maps in the pre-notification Let's Talk survey, was necessary to provide a spatially identifiable landscape of discussion, but that the survey questions were focussed on the relevant values only.

36 QLDC Landscape Schedules Info Sheet, accessible online at <https://www.qldc.govt.nz/media/1eoo1g1e/landscape-schedules-info-sheet-jun22.pdf>. See reference to how "a separate process confirmed the areas that are referred to as 'Priority Area' landscapes".

37 Section 32 Report, dated 30 June 2022, accessible online at <https://www.qldc.govt.nz/media/g1jlyz/s32-evaluation-report-landscape-schedules-final.pdf>.

[1.5] **The scope of this proposal is therefore limited to the content of the schedules**, including the way the schedules describe the landscape attributes, landscape values (ONFLs) or landscape character and visual amenity values (RCLs), and the related landscape capacity of each of the 29 Priority Area landscapes.

[1.6] This variation does not change any objectives or policies in the PDP or seek to introduce new objectives or policies. **It does not change any aspect of the identification or mapping of the Priority Areas themselves**, nor does it seek to introduce new Priority Areas or delete identified Priority Areas. **Identification and mapping of the Priority Areas has already occurred and is already set out in Chapter 3 of the PDP and the web mapping application.**

[Our emphasis]

4.14 It is submitted that this wording could not be clearer. Put simply, the change to the status quo proposed by the Variation was to introduce PA Schedules. The Variation was not about PA mapping, changes to the separate PDP landscape lines, zoning or any other provisions. This was a deliberate decision by the Council, bearing in mind that the Topic 2 appeal process had only recently resolved the ONF/L and RCL mapping disputes, and the mapping of the PAs themselves.

4.15 The summary statement from Ms Pull for Te Rūnanga o Ngāi Tahu captures the point well, noting that the Variation “is not relevant to changing any provisions” of the PDP.

Comment on matters raised in submissions / representations

4.16 A number of submissions have been made on the scope for mapping changes. These submissions do not seek to respond to all submissions and/or representations made, other than comment on the below points.

4.17 In their first set of legal submissions, dated 17 October 2023, Anderson Lloyd note that the PA mapping was changed, which could be seen from the different coloured

spatial layer.³⁸ This was explained by the Council in an earlier memorandum dated 20 October 2023, with those changes arising the correction of minor errors.

4.18 In terms of the submission by Anderson Lloyd that this is the “first time” that the values, attributes, etc of the ONF/L are being considered in detail,³⁹ Council disagrees. Stage 1 of the PDP, while not proposing to include schedules of values in the PDP, provided a direct opportunity to make submissions on the proposed landscape classifications of land across the District, and provide evidence of the values that might have informed different landscape boundaries. Many submitters took up that opportunity, and then challenged the Council’s decisions on appeal through Topic 2.

4.19 Anderson Lloyd also refer⁴⁰ to the Court’s decision to decline to exercise its powers under section 293 and notify the PA mapping and schedules through the Topic 2 process, because of the potential for affected parties to be able to participate at a later date. The Council does not agree with this characterisation.

4.20 The Topic 2 process endorsed the PA mapping as being appropriate, and it submitted that the PA mapping does not now need to be notified through a new Schedule 1 process. The submissions made by Anderson Lloyd on this point do not acknowledge paragraph [164] of Decision 2.2, where the Court noted:

We disagree with Mr Ferguson that the Values’ Identification Frameworks should extend to giving direction to QLDC to undertake a District-wide landscape assessment or to progress ONF/L values scheduling beyond specified Priority Areas or to re-visit the ONF/L or RCL overlays on the planning maps. Rather on all these matters, **we find in favour of leaving these matters to QLDC’s discretionary judgment as the planning authority.**

4.21 It is submitted that this paragraph appropriately defers to the Council’s discretion, when determining how it was to initiate this Variation.

38 Anderson Lloyd first submissions, at paragraph 13.

39 Anderson Lloyd first submissions, at paragraph 21.

40 Anderson Lloyd first submissions, at paragraph 29.

4.22 In relation to the incorporation by reference of the PA mapping, and while the Milstead Trust representations⁴¹ (and for that matter Anderson Lloyd) consider the RMA as restrictive in terms of how material is to be incorporated by reference, in this context the approach to the PA mapping was determined through appeals, where the Court had the same jurisdiction as the Council (and broad jurisdiction on appeal).

4.23 In any case, it was for the Council as the planning authority to decide how it would progress the inclusion of PA Schedules, and it decided to proceed on the basis of the PA mapping that had been endorsed for incorporation in the PDP by the Court.

4.24 The Anderson Lloyd submissions raise several other points, including:

- (a) That the Council's witnesses, in their evidence in chief, referred to "notified PA mapping"; and
- (b) That the PA mapping was shown as an overlay on the PDP maps, which confers scope for changes to mapping.

4.25 It is submitted that nothing turns on either of these points:

- (a) Any reference in the Council's evidence in chief to "notified PA mapping" or other such terminology, was made after the submission period had closed, and cannot inform the assessment of what is, or is not, in scope. Scope cannot be extended by statements made in evidence, as that would be fundamentally at odds with the need to maintain procedural fairness.
- (b) In addition, any reference to notified PA mapping must be read in context, and there can be no suggestion that the Council's experts used this terminology intentionally to recognise that the PA mapping was (a) notified for submissions, and (b) open for relief seeking amendment. At no point does the Council's evidence for the Variation state that the mapping could be amended by way of submission.

41 Representations dated 18 October 2023, at paragraph 11.

- (c) In effect, any reference to “notified PA mapping” in the Council’s evidence was merely to link the proposed PA Schedules to the relevant PA mapping, as the content of the PA Schedules was drawn from the spatial extent of the PAs.
- (d) Finally, the fact that the PA mapping was shown as an overlay on the PDP maps also does not create scope for amendment. As noted above, the public notice and section 32 report create a narrow scope for change to the status quo, and the location of the PA mapping does not influence that.

4.26 With respect to the various submissions made by Anderson Lloyd in relation to the scope of the Variation, it is submitted that they have adopted an overly technical approach, which is at odds with the express wording used in the section 32 and the public notice. Assessing what is and what is not in scope should be approached in a realistic workable fashion, rather than from the perspective of legal nicety,⁴² and it is submitted that there is a clear and readily understandable interpretation available.

The consequence of recommendations on mapping

4.27 For the reasons set out in these submissions, and the Council’s opening submissions, it is submitted that the Variation does not provide scope to amend the PA mapping, or other landscape classification mapping. Even if the Anderson Lloyd position that notification was “confusing” is accepted, that does not create jurisdiction.

4.28 If the Panel were to consider and make recommendations on PA mapping changes, or any of the separate PDP landscape boundaries, it is submitted that this would create significant procedural fairness issues that cannot be rectified through this process. Even if the Panel were to contemplate amendments to the PA mapping only (which Council says they should not), that would have to be completely separate from the PDP landscape classification lines, as any attempt to relocate the

42 *Albany North Landowners v Auckland Council* [2016] NZHC 138, at [115].

PDP landscape lines would amount to a re-litigation of matters progressed and determined through Topic 2, which was not what the Court anticipated.⁴³

4.29 Given the high degree of interest in landscape related matters in this District, there would be a very real potential for legal challenge by way of judicial review, or at least appeals, if any mapping changes were recommended by the Panel at this stage.

5. CONSULTATION

5.1 The Council is aware that submitters have raised concerns with the approach to consultation for this Variation. To the extent that consultation is a relevant matter in the lead up to notification, it is submitted that the Panel's task now is to make recommendations on the submissions that have been heard. Indeed, the Panel is not charged with making findings on procedural matters, those being beyond its jurisdiction.

5.2 For completeness, the Council notes that the Schedule 1 process provides full rights of participation for the public, which have been taken up by many through the making of submissions. In the event that submitters are dissatisfied with the eventual decisions made by the Council, these rights of participation extend to the ability to lodge appeals.

6. CONSIDERATION OF LAY SUBMITTERS AND LAY EVIDENCE

6.1 In relation to the concerns raised by certain submitters that the evidence of lay submitters was disregarded,⁴⁴ the Council disagrees, and notes that its experts have considered all evidence presented to the Panel. As per the response tables filed with Council's evidence-in-chief, and the various amendments to the PA Schedules recommended by the Council's experts, various submission points and evidence (both from expert and lay people) have been relied on. In addition, lay evidence

43 This is most clearly represented by the Hawthenden Limited submissions and evidence, which seek the same relief as was rejected on appeal through Decision 2.3.

44 See for example, the concerns raised by the Milstead Trust and Cardrona Cattle Company Limited.

has been responded to by the Council's experts, including at the outset of the hearing in their summary statements.⁴⁵

7. AMENDMENTS MADE TO THE PA MAPPING, AND REMOVAL OF PINK HATCHED OVERLAY

Amendments to PA mapping using clause 16

7.1 Following the confirmation of the PA boundaries through the Environment Court's Decision 2.5, and before notification of the Variation, the Council made several amendments to the PA mapping using its powers under clause 16 of Schedule 1 of the RMA.⁴⁶ This was addressed for the Panel in a memorandum dated 20 October 2023.

7.2 Anderson Lloyd, in their submissions, have raised an issue with these amendments and contend that either clause 16 was not available to the Council, or that the use of clause 16 means that the PA mapping does, in fact, form part of the PDP (which they rely on to provide scope for mapping amendments). Council disagrees on both fronts.

7.3 Clause 30(3) of Schedule 1 makes it clear that documents incorporated by reference are to be treated as being "part of the plan or proposed plan". As a result, there is no issue with a document incorporated by reference forming part of a proposed plan, for the purpose of clause 16.

7.4 In terms of amending documents incorporated by reference, clause 31 provides that a variation or change to the plan or proposed is required, at which point the amendment will have legal effect. Clause 31 provides:

⁴⁵ As confirmed in Ms Evans' reply evidence, and as demonstrated in Council's summary statements presented at the outset of the hearing.

⁴⁶ Refer: list of 'Landscape Priority Area Mapping Corrections (clause 16)', dated 6 June 2022, which was provided to the Panel during the hearing; accessible online at <https://www.qldc.govt.nz/media/zbtpi14z/arthurs-point-reply-submissions-appendices-cl-16-amendments.pdf>

An amendment to, or replacement of, material incorporated by reference in a plan or proposed plan has legal effect as part of the plan or proposed plan only if—

- (a) a variation that has merged in and become part of the proposed plan under Part 1, 4, or 5 states that the amendment or replacement has that effect; or
- (b) an approved change made to the plan under Part 1, 4, or 5 states that the amendment or replacement has that effect.

7.5 Clause 31 applies so that a reference, in a plan or proposed plan, to material incorporated by reference (for example, a New Zealand Standard or external Code of Practice) will not automatically update when a new version or update of the external document is released. As stated by the Environment Court in *Day v Manawatu-Wanganui Regional Council* [2012] NZEnvC 285:

A plan change or variation is required to amend the material incorporated by reference, such as to introduce a new version (Clause 31).

7.6 It is submitted that clause 31 anticipates substantive, or material, amendments – ie. replacing a document with a new version. This is understandable, as the variation or plan change to affect the alterations may need to consider the implications of the alterations, and matters of plan integrity, as with all substantive changes.

7.7 However, there is no indication in Schedule 1 at all that clause 16 does not apply to documents incorporated by reference. As this material is to be treated as part of a proposed plan, and if there are errors that fit within the clause 16 power, then it is submitted that this power can be used. For efficiency reasons this makes sense, as otherwise the only way to alter to correct a minor error would be to work through a clause 31 process (and the associated consultation required by clause 34).

7.8 In this instance, the Council used its clause 16 powers to make minor amendments to the PA mapping prior to notifying the Variation.

- 7.9** At that time, as per now, the PA mapping formed part of the PDP, but as a document incorporated by reference. It is submitted that there is nothing untoward with this approach and exercise of power, particularly as it was designed to correct minor errors with the PA mapping, to remove any uncertainty as to the extent of the PAs that were being scheduled through the Variation.
- 7.10** The Council is *functus officio* in relation to the amendments made in June 2022. The fact that changes were made does not impact or extend the scope of the Variation in any way, to include potential for broader amendments or alterations. With reference to the submissions above, the scope of the Variation is confined to the content of the PA Schedules.
- 7.11** Finally, and while not the subject of the Variation, a number of potential mapping issues were raised through the course of the hearing, and subsequent to the hearing.
- 7.12** As discussed with the Panel, the Council has compiled a list of these potential mapping issues, considered whether those issues may fit within the Council's clause 16 power, and will action several changes in early 2024. These are outlined in **Appendix 3**, with brief supporting discussion.

Council's removal of the pink hatching overlay from the PDP maps

- 7.13** While preparing for the hearing, the Council established that the PA mapping was incorrectly included as an overlay on the PDP maps (shown with light pink hatching).
- 7.14** This GIS layer had been included on the PDP maps in error, and as a result should never have been included.
- 7.15** As was discussed with the Panel at the hearing (and in Council's opening submissions), in Decision 2.7⁴⁷ the Environment Court provided for the Council to

47 *Upper Clutha Environmental Society Incorporated v Queenstown Lakes District Council* [2021] NZEnvC 60.

elect whether it wanted the PA mapping to be incorporated into the PDP maps, or be held on a separate file that would be incorporated by reference into the PDP. The Council elected to incorporate the PA mapping by reference, with the mapping of the priority areas to be accessible at all times on Council's webpage. The Council's memorandum that confirmed this election is attached as **Appendix 4**.

- 7.16** The PDP provisions that reference the PA mapping will, as part of the next round of updates to the PDP, be updated to refer to the PA mapping link (being: SP 3.3.36 and 3.3.39).
- 7.17** In the lead up to the hearing, and because there was no statutory basis for including the PA mapping on the PDP maps, the Council used clause 16 to remove the PA mapping from the PDP maps so that it would be available only on the GIS link (available on the landscape schedules hearing page). This was on the basis that:
- (a) The PA mapping was not intended to be on the PDP maps in the first place, due to Council's election in favour of incorporating by reference; and
 - (b) To avoid any potential confusion as to the location of the PA mapping for plan users, and submitters involved in the hearing.

8. THE PREAMBLES – PURPOSE, STRUCTURE AND AUDIENCE

- 8.1** Section 2 of these reply submissions provides an overview of the purpose and structure of the PA Schedules, and their intended role in the scheme of the PDP.
- 8.2** With reference to the reply evidence of Ms Evans, it is submitted that the purpose is appropriately described in the Preambles, and that the Preambles – when read together with the PA Schedules – will be an effective tool to guide landscape assessments.
- 8.3** As discussed in the reply evidence of Ms Gilbert and Ms Evans, the purpose of the PA Schedules is to assist with landscape assessments by providing a high level record of the relevant values and attributes that engage with the PDP policy

direction in Chapters 3, 6 and 21. The approach is, in large part, consistent with the approach taken in Chapter 24 for the Wakatipu Basin.

8.4 To the extent that the Panel has raised several issues associated with the Preambles, and matters of content and drafting, it is submitted that these issues have been appropriately addressed in the reply evidence of Ms Evans, Ms Gilbert and Mr Head. As Issue 2 is largely merits focussed, these submissions do not comment further on those issues.

Panel issue 12: Guidelines

8.5 There are two aspects to this issue:

- (a) Guidelines that might assist to aid in administration of the PA Schedules;
and
- (b) More general landscape methodology guidance, which is what was contemplated by SP 3.3.45.

8.6 Turning first to the PA Schedules, the Council does not have any current intention to develop guidelines for the PA schedules, and instead proposes to rely on the Preambles (once confirmed) as guiding how the PA Schedules should be used and referenced by plan users, and when.

8.7 The Preambles have been intentionally drafted to provide this guidance, and so there is no need for separate guidelines, particularly if they are only going to be duplicating content that is best located in Chapter 21.

8.8 It is further noted that if guidelines were to be developed, they would not be able to be incorporated into Chapter 21 without a further plan change or variation, and so using the Preambles for this purpose is preferable to ensure that the relevant guidance is located with the PA Schedules, and readily accessible for plan users.

- 8.9** For completeness, the Chapter 24 regime relies on the explanatory text in Schedule 24.8 only, without any need for separate guidance, and so the Council’s position on this matter is consistent with the Wakatipu Basin approach.
- 8.10** In terms of the reference in SP 3.3.45 to guidelines that “provide assistance in the application of best practice landscape assessment methodologies”, this note was a consequence of a Court direction through Topic 2 that required supplementary evidence from Ms Gilbert.
- 8.11** As discussed during the Council’s opening submissions, one of the focal points for the Court through the Topic 2 appeals was to achieve a more consistent approach to landscape assessments, including through a uniform assessment methodology. In order to assist with achieve this outcome, the Court requested that Ms Gilbert prepare a “draft guideline document for Landscape and Visual Effects Assessments”, which could potentially be adopted by Council as guidance material.
- 8.12** Ms Gilbert duly prepared and filed supplementary evidence dated 29 April 2019, which attached as Annexure 2, possible guidelines for the Court’s consideration. A copy of this supplementary evidence is attached as Annexure X.
- 8.13** Of note, since this supplementary evidence as filed, and the Court confirmed SP 3.3.45 (and the advice note), Ms Gilberts guideline document has been superseded by Te Tangi a te Manu, which provides an agreed set of guidelines for landscape best practice. As a result, it is submitted that there is no current need for any separate (general) guidelines to be prepared and made available by the Council.

9. SECTION 8 OF THE RMA

- 9.1** In her summary statement for Te Rūnanga o Ngāi Tahu, Ms Rachael Pull has raised the potential impacts that this Variation may have on the South Island Landless Natives Act (**SILNA**) land, known as Sticky Forest (which sits part within the 21.22.22 Dublin Bay ONL PA).

- 9.2** The question raised by the Panel in relation to Ms Pull’s presentation, and that of Te Arawhiti, was whether it was consistent with section 8 of the RMA to recognise that the utilisation of SILNA land may be appropriate, bearing in mind the purpose for which the land was returned to the beneficiaries.
- 9.3** As the Panel will be aware, there is an extant appeal currently before the Environment Court that is considering the appropriate planning framework for Sticky Forest, including the extent to which development will be enabled by rezoning. The proposal being advanced by the appellants (and supported by all parties to the appeal including the Attorney-General and the Council) retains Rural Zone over the ONL part of the site (which aligns with the Dublin Bay ONL PA). The Council acknowledges the significance of the SILNA status of the land, and considers that the recommended content of the 21.22.22 Dublin Bay ONL PA, as agreed between the Council and [the submitters], appropriately takes into account the principles of Te Tiriti o Waitangi.
- 9.4** On a related point, and in response to the Panel’s question (from Councillor Smith) regarding reference to SILNA land in the PORPS, the Council is aware that submitters have sought relief that would incorporate references to SILNA land in the PORPS, but is not aware of any current PORPS provision that refers to SILNA specifically.

10. THE CLUTHA RIVER ONF

Panel issue 4: Clutha River ONF - During the hearing it became evident that the Clutha River ONF was not a PA

- 10.1** The Panel is correct that the Clutha River ONF is not currently a PA. While this may seem inconsistent with the treatment of the other river ONFs, there is a good explanation for this, and it is only a matter of timing before the Clutha River ONF catches up with the other PAs.
- 10.2** The context is as follows:

- (a) Decision 2.1 considered, through two appeals, the landscape classification of two areas within or adjacent to the Clutha River / Mata Au corridor. Through those appeals, the Court determined that the Clutha River / Mata Au should be classified as an ONF, within an ONL.⁴⁸
- (b) In order to address the absence of any separate mapping for the Clutha River / Mata Au that identified it as an ONF, the Court exercised its discretion under section 293 of the RMA to initiate a process to confirm the mapping of the ONF boundaries.
- (c) In Decision 2.9, and following detailed mapping by relevant landscape experts, the Court directed the Council to notify the proposed ONF boundary, which occurred on 21 September 2021.
- (d) In Decision 2.14, the Court found that the Council's proposed mapping and classification of the Clutha River / Mata Au corridor ONF was appropriate, and directed Council to file a confirmed map for the Courts final approval.
- (e) Decision 2.15, issued 19 November 2022, subsequently confirmed the Council's mapping, and the ONF was then included in the PDP maps.

10.3 Given that the section 293 process to confirm the ONF mapping was being progressed in parallel to the landscape scheduling work, the Clutha River / Mata Au ONF was not included in the Court's list of PAs that were incorporated into the Variation.

10.4 Council is intending on initiating a further variation to introduce a further schedule into Chapter 21 for the Clutha River / Mata Au ONF, but cannot be definitive on timing for that process at this stage.

11. SPECIFIC ISSUES RELATING TO THE CONTENT OF THE PA SCHEDULES

Panel issue 5: Tracks and Trails

11.1 The Council acknowledges that there was a degree of inconsistency with the approach to these activities.

48 This was in response to appeals by Seven Albert Town Property Owners (ENC-2018-CHC-095) and James Wilson Cooper (ENV-2018-CHC-144) which disputed the mapping.

11.2 In order to provide clarity on this matter, Council’s landscape experts have recommended amendments to the PA schedules so that:

- (a) ‘Tracks and trails’ are referenced under the Earthworks capacity subheading only, and not Transport Infrastructure; and
- (b) The terminology used refers to “tracks and trails for recreational use” throughout all PA Schedules.

11.3 The reasoning for this change is addressed in the reply evidence filed by Ms Gilbert and Ms Evans.

11.4 From a legal standpoint, it is submitted that including this set of activities under the “Earthworks” subheading is appropriate, given that resource consent for tracks and trails will more often be required in the Rural Zone where earthworks standards are infringed. It is submitted that it makes sense for these activities to sit under the most relevant heading, to avoid any confusion relating to how the activity is regulated by the PDP.

11.5 For completeness, and as with other activities, the Council team considered whether a new definition could be developed, but was reluctant to do so to avoid adding to the current list of PDP definitions, and create a precedent for new definitions for the purpose of the PA Schedules. Given that the PA Schedules are intended to provide high-level guidance, it is submitted that this activity description is appropriate, and that it will not distract from the rules that will require consent in any given case.

Panel issue 6: Surface of lakes and rivers

11.6 As discussed in Ms Gilbert’s reply evidence, at paragraphs 3.23 to 3.25, the Council’s landscape witnesses focussed on identifying activities that have a degree of permanence. The reason for this is that it is those activities that will typically lead to adverse effects (or more than a temporary nature), require resource consent, and therefore engage with the PA schedules.

- 11.7** While it is correct that the surface of lakes and rivers can be used by a range of activities, both commercial and recreational, where those activities are permitted (ie. as in Table 12 of Chapter 21), or more generally by Chapter 21, they will not engage with the PA schedules. As a result, the Council’s proposed schedules has not sought to record the landscape capacity for those activities, as it is to be assumed that they are an anticipated, and non-regulated activity in the Rural Zone.
- 11.8** The fact of those activities occurring, however, is generally acknowledged in the body of the PA Schedules.

Panel issue 7: Hybrid PAs

- 11.9** Ms Evans has responded to this issue in her reply evidence, at paragraphs 7.1 to 7.4.
- 11.10** As noted by Ms Evans, the PA mapping is intended to show the spatial extent of the PAs, rather than act as any substitute for the PDP landscape classifications. It is submitted that the fact that some PAs comprise different landscape classifications is not, in all cases, an issue.
- 11.11** By way of example, the Anderson Lloyd second legal submissions draw attention to two ‘hybrid’ PAs,⁴⁹ being Ruby Island ONF (within Roys Bay PA ONL), and the Kawarau River PA ONF, within the Victoria Flats PA ONL.
- 11.12** In terms of the first example, Ruby Island ONF is not a separate PA. While Ruby Island sits within the Roys Bay ONL PA (as shown on the PA GIS viewer), it is not listed in SP 3.3.36, and was not proposed to be (due to the lack of any development pressure to warrant that).
- 11.13** In relation to the second example, it is noted that the Victoria Flats PA ONL schedule describes how the Kawarau River ONF passes through the Victoria Flats PA ONL. This is addresses in Mr Head’s evidence, which demonstrates an

49 Dated 7 November 2023.

awareness of the interplay between these two PAs. It is submitted that there is no issue in that situation with overlap.

11.14 Aside from the Kimiākau (Shotover River) ONF PA, which was recommended to have an ONF/L label in Ms Gilbert’s rebuttal but is now recommended to revert to ONF only, no other schedules have a hybrid ONF/L label. Rather, the labelling is in accordance with SPs 3.3.36 and 3.3.39.

11.15 For completeness, for the purpose of this Variation the Council has adopted the list of PAs in Chapter 3 and proposes to correct any labelling errors on the GIS Viewer in due course.

Panel issue 8: What is the best way to deal with open space zones?

11.16 In her reply evidence, Ms Evans has addressed these zones, and has confirmed that they are not an Exception Zone, and different from the Rural Zone. In effect, the same position applies to the Open Space Zones as for any other non-Rural Zone, where the PA Schedules may be referred to for guidance, but it is not mandatory to do so.

12. THE OTAGO RPS

Panel issue 9: What are the anticipated timeframes for confirmation of decisions on the RPS and what process might need to be undertaken should the decisions be released before we make our recommendations?

12.1 In her evidence, Ms Evans for the Council notes that The Partially Operative Otago Regional Policy Statement 2019 (POORPS) and Proposed Otago Regional Policy Statement 2021 (PORPS) are relevant.

12.2 To assist the Panel, at this stage, the PORPS is a matter to be had regard to under section 74(2)(a) of the RMA. The POORPS is the operative planning instrument for the purpose of section 75(3)(c) of the RMA, that must be given effect to.⁵⁰

50 The Court of Appeal in *Environmental Defence Society Incorporated v The New Zealand King Salmon Company Limited* [2014] NZSC 38, [2014] 1 NZLR 593 (King Salmon) found that: “Give effect to” simply means “implement”. On the face of it, it is a strong directive, creating a firm obligation on the part of

- 12.3** The Council understands that the Otago Regional Council (**ORC**) was granted an extension until 31 March 2024 for its decision on the PORPS.
- 12.4** In the event that the ORC notifies its decisions on the PORPS prior to the Panel issuing its recommendations, it would remain a proposed document until it is made operative under clause 20. There is no current public indication on when this may occur, but we observe that the PORPS would potentially be subject to an appeal period under clause 14 of Schedule 1 of the RMA (for those parts that are not a freshwater planning document).
- 12.5** In terms of the Panel’s suggestion that a further process may be required, it is submitted that this is speculative at present, and potentially not required at all.
- 12.6** Bearing in mind the task that has been set by the PDP, and relevant Chapter 3 provisions, it is difficult to see how decisions on the PORPS would materially impact the Panel’s consideration of the content of the PA Schedules. The only possible way in which the process may need to be revisited is if the PORPS makes a significant policy shift that needs to flow through into the PDP, and if that is the case, then the starting position would be with the relevant objectives and policies, more than the content of the PA schedules (which are limited to providing a record and description of landscape considerations, in a manner that is generally consistent with landscape best practice).

13. RELEVANCE OF THE NPS-UD

Panel Issue 13: Is the NPS-UD (as raised in evidence by Michael (sic) Kemp, specific to schedule 21.22.12 PA ONL Western Whakatipu Basin) relevant to our considerations?

- 13.1** In his evidence for Passion Developments Limited (OS186), Mr Richard Kemp states that he considers the National Policy Statement on Urban Development 2020 (**NPS-UD**) to be relevant for the Variation. He draws on section 1.3 of the NPS-UD, and

those subject to it, at [77], and that where policies are expressed in clearly directive terms, a decision-maker may have no option but to implement them, at [129].

its reference to “planning decisions... that affect an urban environment”, as providing the necessary link between the NPS-UD and the Variation.

13.2 In his evidence, Mr Kemp also identifies a number of objectives and policies of the NPS-UD that he considers are relevant to matters addressed by the Variation.⁵¹

13.3 Ms Evans responded to this issue in her rebuttal evidence, stating (relevantly):⁵²

... I have considered the relevance of the NPSUD. In my view the NPSUD direction is not material to the variation, even though the proposed schedules refer to capacity for urban expansion. This is because the focus of the variation is on section 6 and 7 landscapes (Part 2 of the RMA) and implementing the strategic direction set in Chapter 3 of the PDP.

... urban environment is described in the NPSUD as land that is or is intended to be predominantly urban in character. The Rural Zone (to which the PA schedules directly apply) is not part of the urban environment. In addition, the relevant landscapes are – other than limited exceptions – entirely outside the existing urban environment in the District, which is defined by the mapped Urban Growth Boundary. For these reasons, I consider that the NPSUD has very limited relevance to the proposed variation.

13.4 It is submitted that Ms Evan’s evidence is correct, and succinctly addresses the relevance of the NPS-UD.

13.5 The NPS-UD is not a policy document that engages with the Rural Zone, or any non-urban environment, unless there is a relevant proposal to rezone land so that it comes within the urban environment (at which point there could be a case to make that the land “is intended to be” urban in character). However, there is no such proposal at hand, as this Variation is addressing the content of new schedules for inclusion in Chapter 21 – Rural Zone of the PDP.

51 Statement of evidence of Richard Kemp, dated 11 September 2023, at paragraphs 5.1 - 5.6.
52 At paragraphs 4.5 - 4.6.

13.6 In terms of the objectives and policies of the NPS-UD, Mr Kemp has not provided any explanation at all for why his list of objectives and policies are “relevant to consider” for the Variation, or how they will assist the Panel in making their recommendations.

13.7 Without wanting to address each of Mr Kemp’s identified provisions, it is submitted that Objective 7 (for example) has no bearing whatsoever on the Variation, as the development of the PA schedules is concerned with confirming the landscape values and capacity of certain PAs, rather than providing information about housing or business capacity, etc, which would engage with the NPS-UD and its expectations re providing sufficient demand for housing and business land over certain temporal periods. Additionally, and in terms of Policy 8, there is no plan change that “would add significantly to development capacity” and therefore no basis to suggest that the Council needs to be responsive in any way.

DATED this 15th day of December 2023

M G Wakefield / S L Richardson
Counsel for Queenstown Lakes District Council

Appendix 1 – List of issues received from the Panel

Guidance as to High Level Issues to be addressed in Council’s Reply (non-exhaustive):

1. Response to submissions and expert evidence on scope, together with requested adjustments to the PA mapping. This will require Council’s expert landscape and/or planning evidence on the mapping submissions and evidence now before us. Where possible, we are comfortable for the Council’s reply evidence to comprise a peer review of previous evidence; such as evidence filed in court proceedings. Please also provide an explanation as to why the pink hatched overlay was included as part of the PDP online maps and then this was removed just before the hearing – as highlighted in the Anderson Lloyd 24 October 2023 legal submissions, at paragraph 23(b)(iv).
2. Preamble:
 - a) Does the Preamble sufficiently explain the purpose and structure of the landscape schedules (LS), in particular the landscape capacity section, including how the LSs ‘fit’ within the Plan structure (in relation to relevant objectives, policies and assessment criteria)? Is it clear that the capacity descriptions are not a series of rules, and that a specific site assessment will be required for applications for activities in the PAs? Is “landscape capacity” sufficiently defined, acknowledging that, as specified under section 3.3.37 of the Plan, capacity is to be identified; and assessed/recorded (section 3.3.38)? Comment on the evidence of Mr Kruger in this respect, where he suggests that landscape capacity can only be determined based on site specific proposals – i.e., the purpose of the landscape capacity section, how this is intended to fit within the overall structure of the Plan and how it should be interpreted in considering any application within the PA.
 - b) Are we clear who is the audience for the LS and are they then pitched at the right level of clarity?
 - c) What is the purpose of the summary of landscape values; for example, is this intended to be a summary of the positive values that are sought to be protected (as opposed to neutral or negative attributes/values)? Comment on the suggestion to reframe this summary as key landscape values (in response to the “exemplar” review by Espie/Smetham), which may imply that a threshold has been set? Comment on the suggestion to remove the word “Important” from the headings, as this appears to be confusing, especially for lay submitters trying to distinguish the values sought to be protected from those attributes and/or values that may be negative (noting that this word was removed for mana whenua features and their locations; and mana whenua associations and experience). Further, should the schedules be more proactive in directing positive landscape management (Di Lucas) and possibly identifying threats (Nikki Smetham) to achieving appropriate landscape change? e.g., management of wilding pines and other weed/pest vegetation (bracken fern) and encouragement of revegetation with native vegetation. On a related note, would permitted activities within the Rural Zone (such as indigenous vegetation

removal, as highlighted by Ms Lucas) impact negatively on existing landscape values?

- d) Is there a clear explanation with respect to application of the LS to the Exception Zones, Non-Rural Zones and Open Space Zone (see further below) and/or that activity in these areas has (or not) influenced overall PA capacity determinations? Is there a difference between these categories that needs further description? Do we need to list these categories somewhere (which may be in guidance)? Is the Preamble sufficiently clear as to the basis of assessment of the landscape capability; for example, gondolas, which may be located in the SASZ but also extend into the PA?
 - e) The appropriateness of including words that suggest a policy “test” or threshold in the LS, such as “reasonably difficult to see”, and the introduction of an arguably higher threshold than the relevant policies, such as “barely discernable” and “rare exception” – in particular, the alternative wording suggested by Queenstown Park Limited and the suggestion by Mr Kruger that “extremely difficult to see” is the generally accepted terminology. Is this internally consistent with the tests directed by the policies in Chapters 3 and 6?
 - f) Is there a danger the Court specified list of activities might have the effect of locking in present activities at a point in time? How do we future-proof the schedules to provide for activities that are not currently within contemplation but may be appropriate in the PAs at some scale? Is there a need to provide for other activities in some LS, such as a “distillery”?
 - g) How will (or should) the schedules be monitored over time, particularly to address potential cumulative effects, acknowledging that the schedules record capacity at a point in time and that subdivision, use and development within these areas is already very limited?
 - h) Related to (c) above, have we provided sufficient flexibility for changing land use activities associated with farming, renewable energy, indigenous forest cover (and relationship to the new NES-CF) and the supporting infrastructure that may be required for these activities? Related to this, is the term “rural living”, which is not defined in the Plan, too broad a brush?
 - i) “Exotic forestry” (under productive forestry) and “intensive agriculture” terms in the various schedules – do these terms need further clarification, particularly to assist property owners making decisions over ongoing rural activities? Should “rural industrial activities” be added? What about “workers accommodation” associated with servicing rural land use activities? Noting that this exercise is “not limited to” the list at 3.3.38.c.(i.)-(xii.) of the Plan. Should there be consistency in reference within the schedules to “small and community scale renewable energy generation” (issue highlighted in Mr Freeman’s evidence for Treescape)?
3. Do the LSs take into account the requirements of section 8 of the RMA sufficiently?

4. Clutha River ONF - During the hearing it became evident that the Clutha River ONF was not a PA. This seemed inconsistent with the treatment of the River ONFs in the Whakatipu, such as Kawarau, Kimiākau Shotover and Arrow rivers.
5. Tracks and Trails. Trails, mountain bike tracks and walking tracks were inconsistently addressed in the PAs. Tracks or trails are sometimes located with earthworks and sometimes with transport infrastructure. These don't appear a natural fit. Can they be consistently addressed across the relevant PAs, possibly acknowledging the unique effects and capacity associated with these activities. QTMC, UCTT and Bike Wanaka have offered some suggestions, but these are not consistent in their treatment or wording. Would a "community recreation infrastructure" activity that includes, tracks, tracks signage, public toilets, picnic shelters, etc be more appropriate?
6. Surface of lakes and rivers. A number of PAs include the surface of lakes and rivers, but little if any regard has been made to the unique range of activities and associated capacity on these ONL and ONFs. Is this an issue? We would appreciate your views on this.
7. Hybrid PAs. In a number of cases submitters highlighted concerns about "hybrid" PAs being those that encompassed more than one landscape classification, being both ONL and ONF or being RCL and ONL or any combination of the above. The titles of the PAs seem to cause confusion for some submitters. Is it appropriate to change the titles of the PAs schedules to either acknowledge the landscape classification or to remove that from the title?
8. Open Space Zones. These zones are somewhat unique in that they are in some cases completely contiguous with rural zone land or entirely contained within it. What is the best way to deal with open space zones? [It would seem unusual that open space zones are exception zones.]
9. What are the anticipated timeframes for confirmation of decisions on the RPS and what process might need to be undertaken should the decisions be released before we make our recommendations?
10. Were the capacity assessments undertaken while being cognisant of any consented but unimplemented resource consents (e.g. film studios at Stevenson Road); and existing but unconsented features in the environment (e.g. moorings within lakes)?
12. Is it the intention of QLDC to prepare guidelines (with reference to the note under section 3.3.45 of the Plan) which aid in administration of the schedules, or should/will the Preamble text (which will be embedded in the Plan) provide enough guidance?
13. Is the NPS-UD (as raised in evidence by Michael Kemp, specific to schedule 21.22.12 PA ONL Western Whakatipu Basin) relevant to our considerations?
14. The Morven Hill "wedge" reference in schedule 21.22.4 PA ONF Morven Hill (paragraph 11) – is this referencing the area of development adjacent SH6 only, or Alec Robins Road, or both?
15. How did the capacity rating change (what submission point triggered the amendment) for the 21.22.9 PA ONF Kawarau River? As highlighted by Mr Farrell for the Tucker Beach Residents.
16. Confirm the location of the ONL within the 21.22.17 PA ONL Victoria Flats when considering the Gibbston Character Zone (in response to the opinions and mapping provided by Mr Smith).

Appendix 2 - Reply versions of the PA Schedules, both the Preambles and for each PA (track changed)

Appendix 3 – Council’s response to potential mapping issues

Location and description of potential mapping issue, and relief or change sought		Submitter (where relevant)	Council response
General			
1	Labelling of PA names on externally referenced GIS layer does not match the PA names in the schedules		<p>This potential issue was discussed with the Panel during the hearing, and Council accepted that the PA labels on the GIS layer need to be aligned with the list in Chapter 3.</p> <p>Council will be ensuring that these labels are corrected, where required.</p>
Location			
2	<p>Kimiākau (Shotover River) ONF PA</p> <ul style="list-style-type: none"> PA boundary at Shotover loop 	Various submitters	<p>This potential issue was addressed in the Council’s memorandum dated 20 October 2023. In that memorandum, it was acknowledged that Ms Gilbert’s view was that the PA boundary applying to the Shotover Loop Land does not align with the ONL boundary.</p> <p>Consistent with the changes made by the Council in June 2022, this is considered to be a minor error as the PA mapping does not align with the ONL boundary. Council will be correcting the PA mapping to match the ONL boundary.</p>
3, 4	<p>Ferry Hill ONF PA</p> <ul style="list-style-type: none"> Jon Waterson query whether the ONL mapping has been updated to reflect the direction by Judge Jackson Hansen seeking exclusion of lower slopes 	<p>Jon Waterston (OS 145)</p> <p>Hansen Family Partnership (OS 142)</p>	The PA boundary aligns with the PDP landscape classification line in this location. As there is no obvious minor error, no change is required.
5	<p>Central Whakatipu Basin ONL PA</p> <ul style="list-style-type: none"> Location of PA boundary near Coronet Peak Road 	Blair Devlin evidence for Sir Robert Stewart (OS 84)	The PA boundary aligns with the PDP landscape classification line in this location. As there is no obvious minor error, no change is required.

6, 7	<p>Western Whakatipu Basin ONL PA</p> <ul style="list-style-type: none"> • Passion Developments seeking amendment to ONL and PA boundary above Fern Hill • Hansen seeking exclusion of lower-lying land 	<p>Passion Developments, evidence of S Skelton and R Kemp (OS186)</p> <p>Hansen Family Partnership (OS142)</p>	<p>The PA boundaries align with the PDP landscape classification line in these locations. As there is no obvious minor error, no change is required. Relief sought is out of scope, and substantive in seeking to alter the PDP landscape classification line.</p>
8	<p>Kawarau River ONF PA</p> <ul style="list-style-type: none"> • PA boundary extends over the Gibbston Valley Resort Zone 	<p>Gibbston Vallley Station (OS93)</p>	<p>Consistent with the changes made by the Council in June 2022, this is considered to be a minor error. Council will be amending the PA mapping to follow the GVRZ boundary in this location, and notes that the PA Schedules will not apply to the GVRZ in any case.</p>
9	<p>Victoria Flats ONL PA</p> <ul style="list-style-type: none"> • Submission made that the Victoria Flats are not within the ONL / PA 	<p>Cardrona Cattle Company Limited (OS94 and FS233)</p>	<p>No obvious minor error, and therefore no change will be made. Council notes that the CCCL appeal before the Environment Court will address various matters, and is the appropriate forum for seeking changes to the landscape classification lines.</p>
10	<p>Dublin Bay ONL PA</p> <ul style="list-style-type: none"> • PA overlaps with part of Northlake Special Zone 	<p>Morgan Shepherd evidence for Northlake Investments Ltd (OS 128)</p>	<p>Consistent with the changes made by the Council in June 2022, this is considered to be a minor error, as the PA mapping should not extend over the Northlake Special Zone. Council will be amending the PA mapping to follow the zone boundary in this location, and notes that the PA Schedules will not apply to the Northlake Zone in any case.</p>

11	<p>Mount Iron ONF PA</p> <ul style="list-style-type: none"> PA extends over the ONF boundary 	<p>Noted by Anderson Lloyd during the hearing</p>	<p>Consistent with the changes made by the Council in June 2022, this is considered to be a minor error, as the PA mapping should be aligned with the PDP (ONF) landscape classification line in this location.</p>
12, 13	<p>Mount Alpha ONL PA</p> <ul style="list-style-type: none"> Hawthenden seeking exclusion of land Request to include Studholme Road 	<p>Hawthenden Farm (OS 3)</p> <p>Florence Micoud (OS 7)</p>	<p>No obvious minor error, and therefore no change will be made.</p> <p>No obvious minor error, and therefore no change will be made</p>
14	<p>Hawea South and North Grandview ONL PA</p> <ul style="list-style-type: none"> Burdon seeks its land, and the Glen Dene land immediately to the north, be excluded from the PA. AL legal submissions dated 7 November 2023 at pages 28 - 30. 	<p>Jeremy Burdon, Jo Batchelor, Andrew Donaldson (OS 182)</p>	<p>No obvious minor error, and therefore no change will be made.</p>
15	<p>Slope Hill ONF PA</p> <ul style="list-style-type: none"> Seeking exclusion of lower slopes 	<p>Milstead Trust (OS 82)</p>	<p>No obvious minor error, and therefore no change will be made.</p>
16	<p>Land within non-Rural Zones (including Exception Zones, and Operative zones):</p> <ul style="list-style-type: none"> Cardrona Valley PA Peninsula Hill ONF PA Victoria Flats PA <p>Alternative relief sought by a number of submitters to 'carve out' the mapping of priority areas over non-Rural Zones (including exception zones and operative zones). The above list pertains to Anderson Lloyd clients only (references to evidence: Mr Espie, Ms Shepperd, Mr Farrell)</p>	<p>Mt Cardrona Station Limited; Coneburn Preserve Holdings Limited and Henley Downs Farm Holdings Limited; Soho Ski Area Limited and Blackmans Creek Holdings 1 LP RealNZ Limited;</p>	<p>While the PA Schedules will not apply to non-Rural Zones, there is no requirement to "carve out" the mapping. This mapping issue is addressed in evidence.</p>

	summary statements). AL legal submissions, dated 7 November 2023 at paras 12 – 14.	Rock Supplies NZ Limited; and The Station at Waitiri Limited.	
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Appendix 4 - Council's memorandum that confirmed election for PA mapping to be incorporated by reference



Amendment to the Proposed District Plan

Pursuant to Clause 16 of the First Schedule of the Resource Management Act 1991

Planner: Geoffrey Everitt, GIS Policy Lead

Date: 07.06.2022

Amendment Title: Landscape Priority Area Mapping Corrections

Reasons why the amendment is required:

- | | | | |
|-------------------------------------|--|--------------------------|--|
| <input checked="" type="checkbox"/> | To correct a typographical error | <input type="checkbox"/> | To correct text formatting/
appearance or similar |
| <input checked="" type="checkbox"/> | To correct a minor mapping error | <input type="checkbox"/> | To correct a cross reference
mismatch |
| <input type="checkbox"/> | To update numbering of provision /
page | | |

To give effect to a Direction:

- In a national environmental standard
- In a national policy statement
- Of the Environment Court
- Made under s55 RMA
- Other

Amendment(s) to be made:

This Clause 16 relates to mapping corrections for the Landscape Priority Areas, the maps of the Priority Areas should clearly reflect the Chapter 3 Strategic Policy 3.3.36, and are currently confusing:

1. The maps include two Priority Areas which are not included within Policy 3.3.36:

- Homestead Bay,
- Western Remarkables.

The inclusion of these areas is an error and is not what the Court expected or determined; these two Priority Areas are to be removed.

2. The Policy refers to two Priority Areas with separate schedules, the maps have not differentiated the spatial extent of each Priority Area.

- Lake Hayes,
- Slope Hill.

The mapping of these two separate Priority Areas as one object within the maps is confusing, inconsistent with Policy 3.3.36, and not what the court expected or determined; these two Priority Areas are to be separated into two distinct objects within the maps.

3. The Policy refers to one Priority Area (Ferry Hill) and the map has mapped and identified two distinct areas as one:

- Queenstown Hill and Ferry Hill.

The inclusion of Queenstown Hill within the Ferry Hill Priority Area is an error and is not what the Court expected or determined.

The Queenstown Hill will be separated from the Ferry Hill Priority Area and included within the West Wakatipu Basin Priority Area.



4. Several labels for the Priority Development have typos or incorrectly identify the Priority Area it relates to.

- Feehly Hill Priority Area has been incorrectly labelled as Ferry Hill,
- Hāwea North Grandview Priority Area is missing a macron,
- West of Hāwea River Priority Area is missing a macron, &
- West Wānaka is missing a macron.

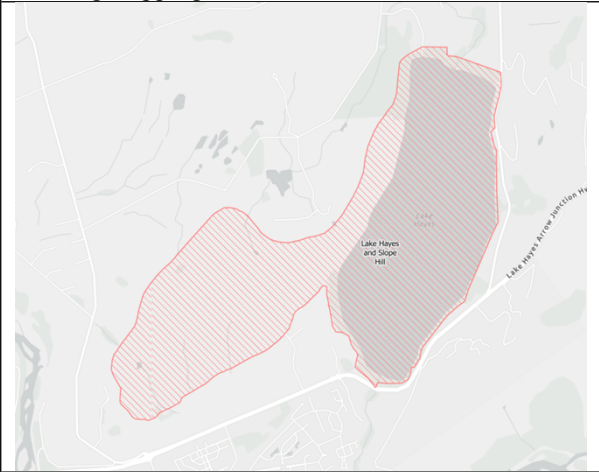
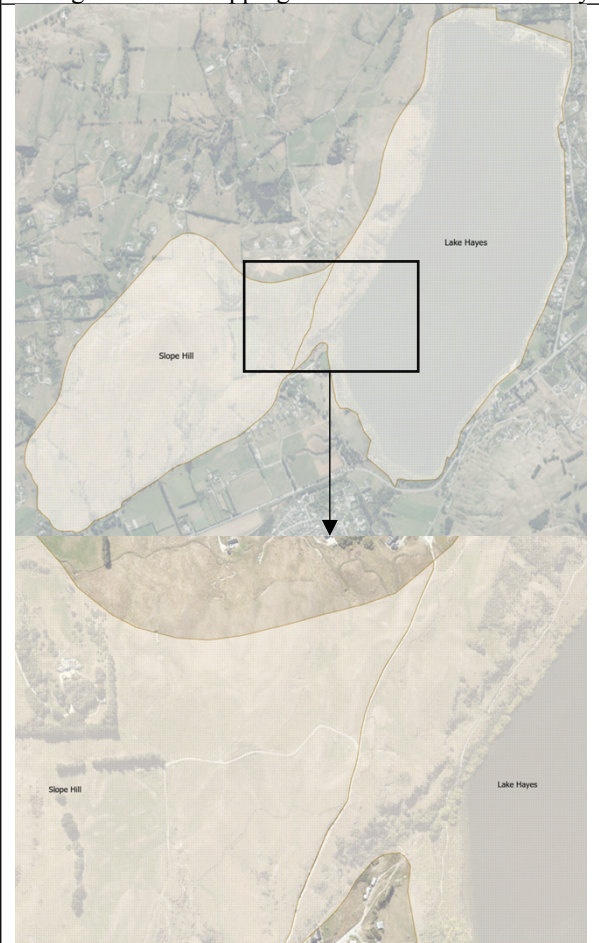
5. All the Priority Areas have incorrect spatial extents which require case by case corrections.

- The intention for some Priority Areas has been to share a spatial alignment with other features, such as, the ONL/F boundaries, cadastral boundaries, or natural features,
- Many Priority Areas have overlapping spatial extents which are confusing and do not identify which schedule applies to each area, &
- Many Priority Areas are intended to share a boundary; however, there are often 'strips' between the Priority Areas resulting in areas which currently no schedule applies.


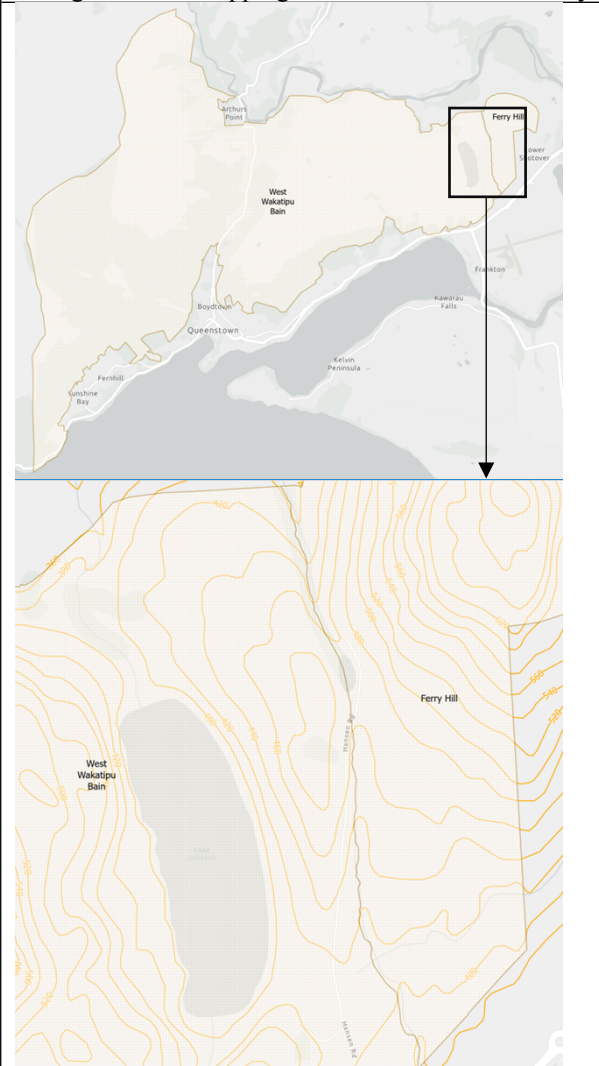
1. Landscape Priority Areas not included in Policy 3.3.36:

Snip from the PDP maps	Comment
 <p>A map snippet showing a coastal area with a red hatched boundary. The text "Homestead Bay" is visible within the hatched area.</p>	<p>Homestead Bay is not included in Policy 3.3.36, and is to be removed.</p>
 <p>A map snippet showing a large landmass with a red hatched boundary. The text "Western Remarkables" is visible within the hatched area, and "Double Cone" is labeled to the right.</p>	<p>Western Remarkables is not included in Policy 3.3.36, and is to be removed.</p>

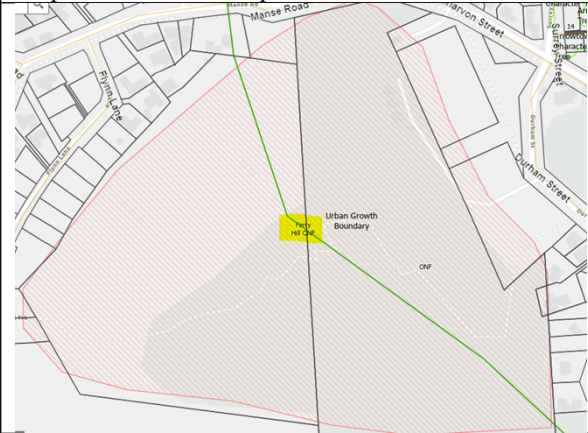
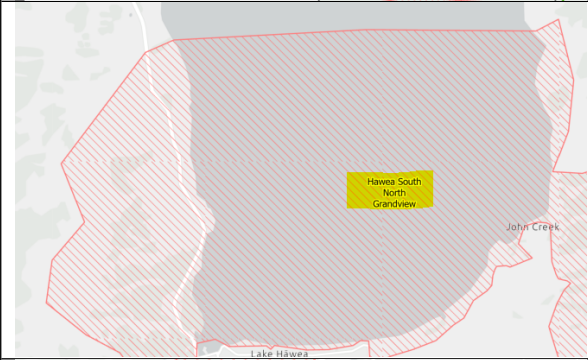
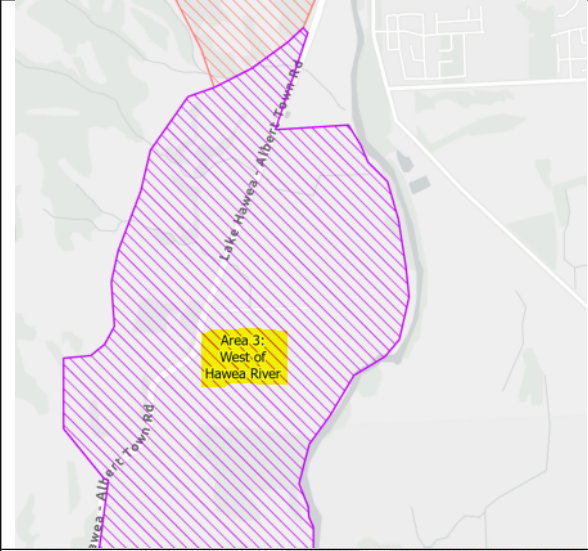

2. Two Landscape Priority Area schedules mapped as one:

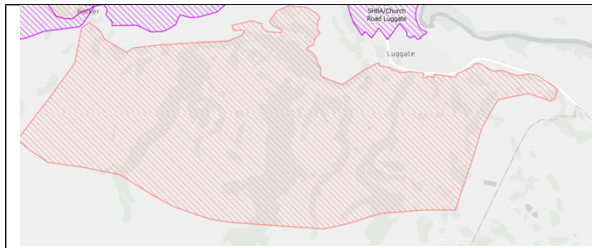
Snip from the PDP	Comment
<p>Existing mapping in the PDP</p> 	<p>Lake Hayes and Slope Hill has been mapped as one single Landscape Priority Areas; however, they are two separate objects with separate schedules.</p> <p>The mapping of the two Priority Areas as one object is inconsistent with Policy 3.3.36, the object is to be split into two.</p>
<p>Changes to PDP mapping to be consistent with Policy 3.3.36</p> 	<p>The Priority Area is to be split as shown in the snip to the left as per advice from the landscape architects.</p> <p>The split between the two Priority Areas is along the western edge of the formed track as shown on the latest QLDC aerial imagery.</p>

3. Incorrect mapping of Queenstown Hill

Snip from the PDP	Comment
<p data-bbox="204 286 520 320">Existing mapping in the PDP</p> 	<p data-bbox="810 320 1362 383">Queenstown Hill and Ferry Hill have been mapped as one landscape Priority Area.</p> <p data-bbox="810 412 1385 506">Policy 3.3.36 includes Ferry Hill but not Queenstown Hill, the current mapping is inconsistent with the policy.</p> <p data-bbox="810 535 1382 656">Queenstown Hill and Ferry Hill are to be split, Ferry Hill will be its own separate Priority Area and Queenstown Hill will be amalgamated with the West Wakatipu Basin Priority Area.</p>
<p data-bbox="204 768 858 801">Changes to PDP mapping to be consistent with Policy 3.3.36</p> 	<p data-bbox="810 801 1374 864">Queenstown Hill and Ferry Hill are to be split along the gully with naturally separates them.</p> <p data-bbox="810 893 1355 956">The latest contour data has been used to determine the position of the gully and split the two areas.</p> <p data-bbox="810 985 1382 1048">Queenstown Hill will be amalgamated with the West Wakatipu Basin Priority Area.</p>

4. Topographical errors within the Priority Area Labelling

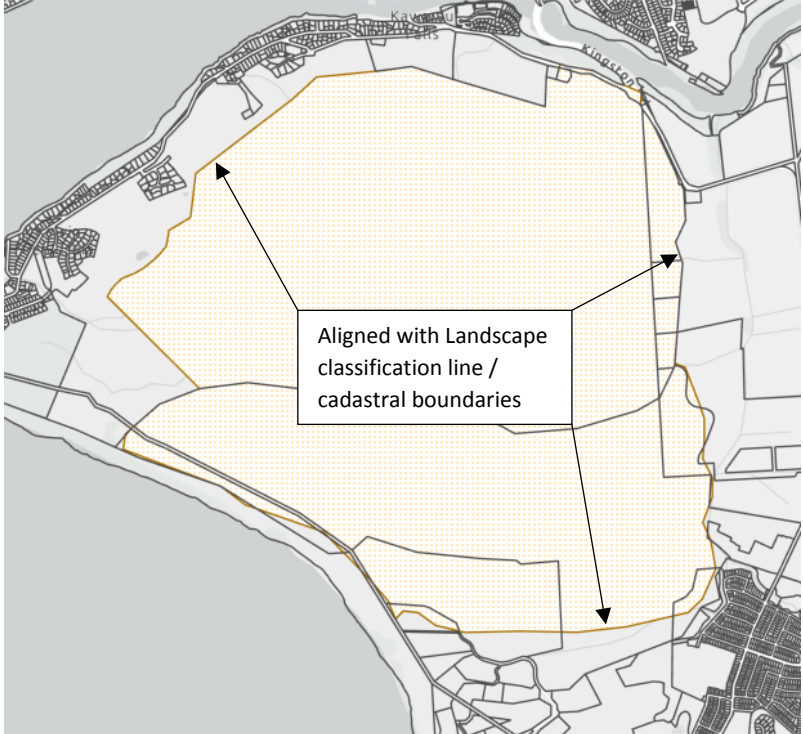
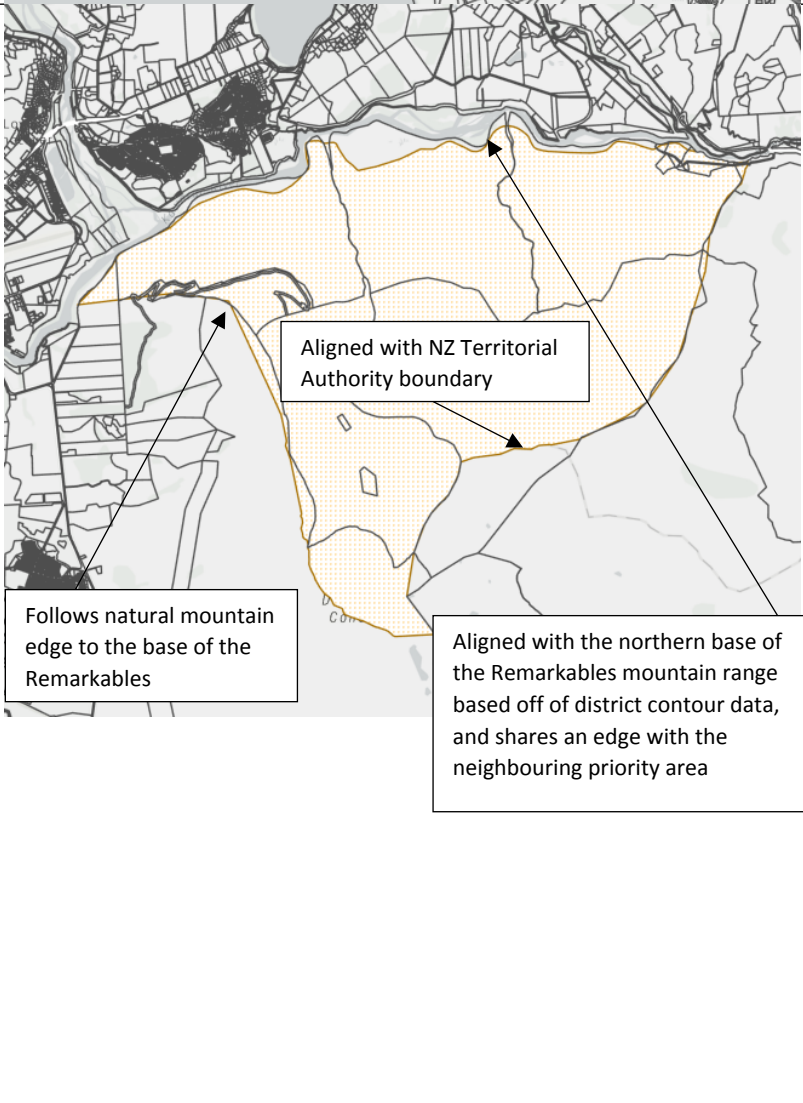
Snip from the PDP Maps	Comment
	<p>Feehly Hill located in Arrowtown has been incorrectly labelled as Ferry Hill.</p> <p>This Clause 16 seeks to correct the identification label to identify the hill as “<u>Feehly Hill</u>”.</p> <p>“Feehly Hill” is consistent with the list of ONF sites within Chapter 3 Policy 3.3.36(a)</p>
	<p>Add a macron to the Ha^āwea North Grandview Priority Area.</p>
	<p>Add a macron to the “Area 3: West of Ha^āwea River” Landscape Priority Area, and remove the text “Area 3:”.</p>
	<p>Add a macron to the “West Wa^ānaka”</p>

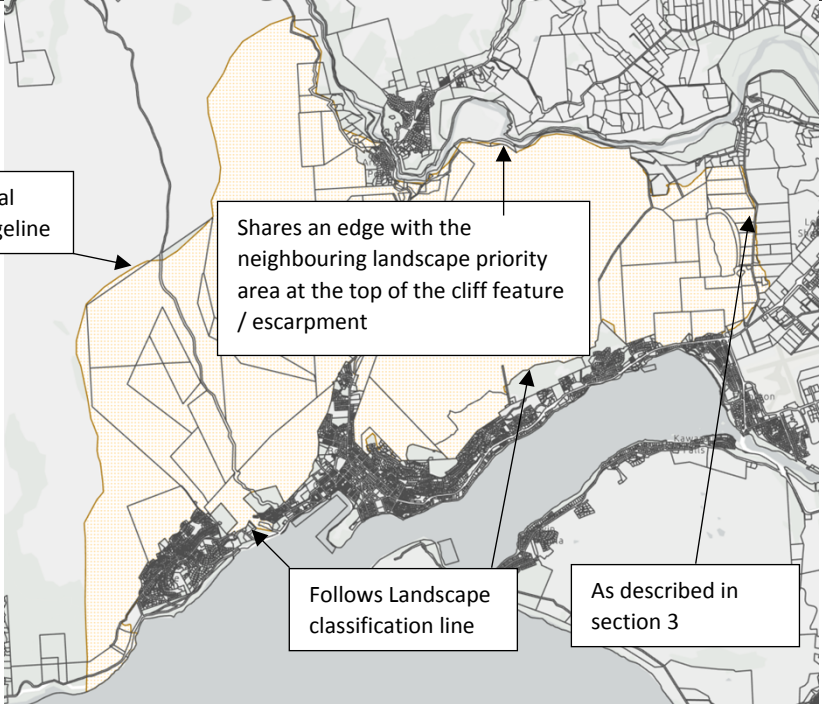


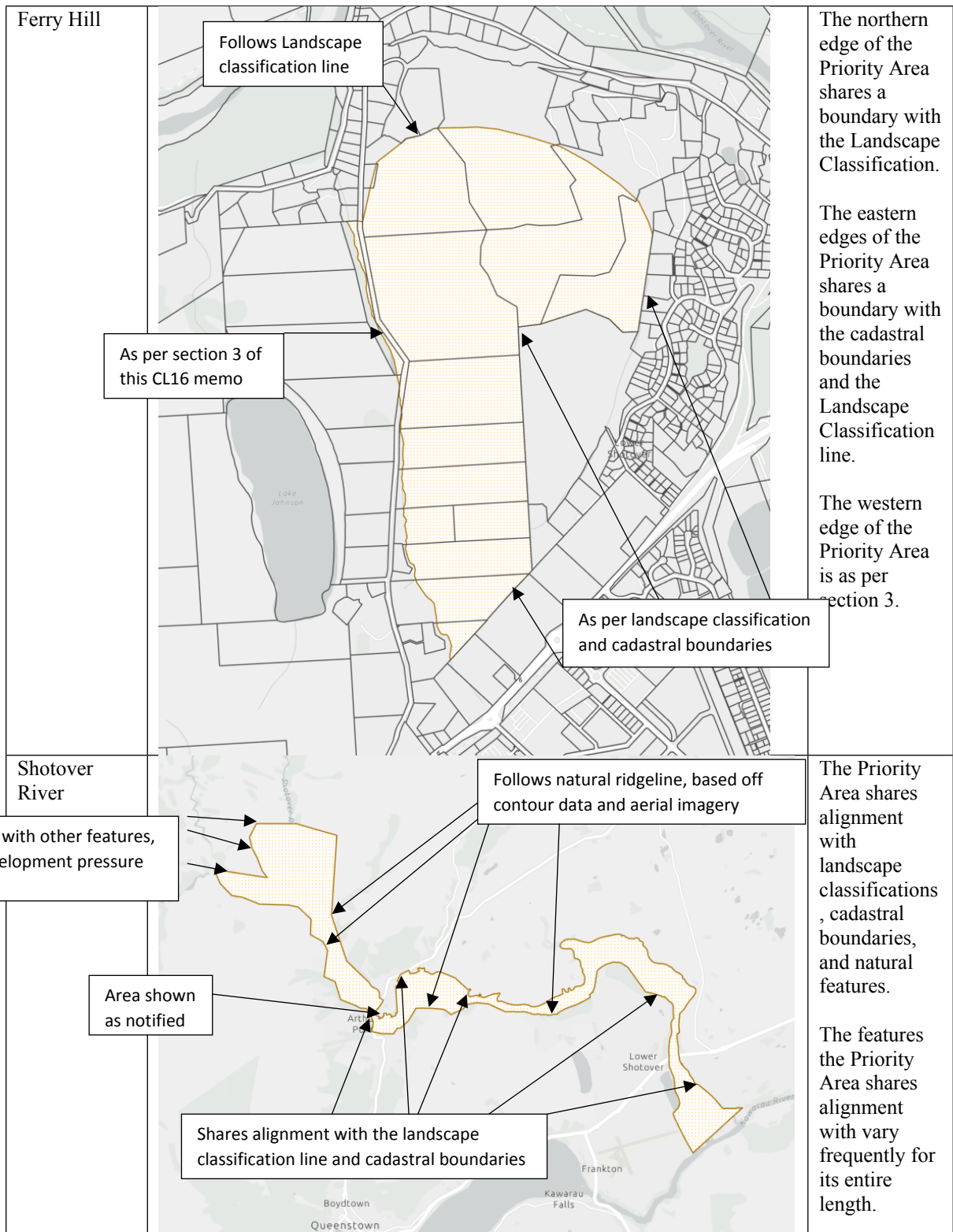
The Lake McKay Station and environs Landscape Priority Area currently does not have any label, this Clause 16 seeks to have the label added.

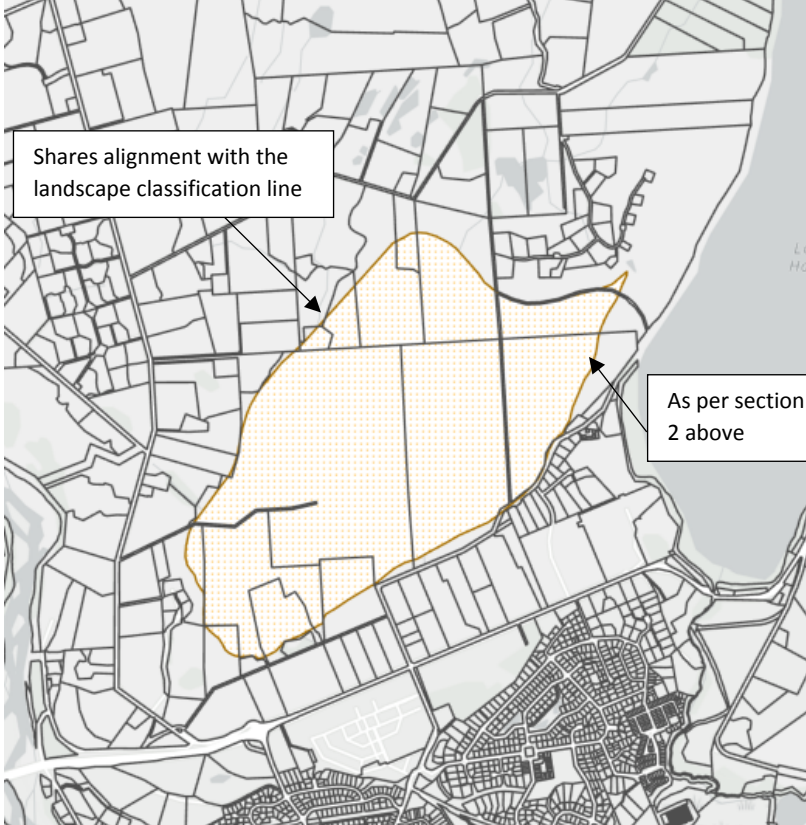
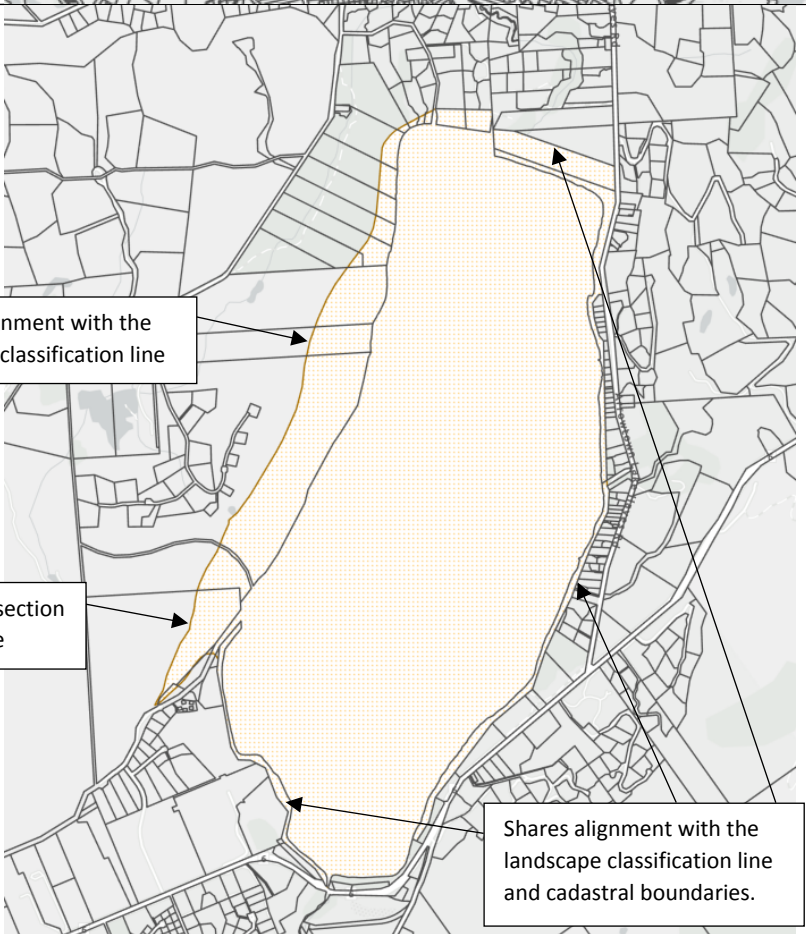
5. Correction of spatial extent

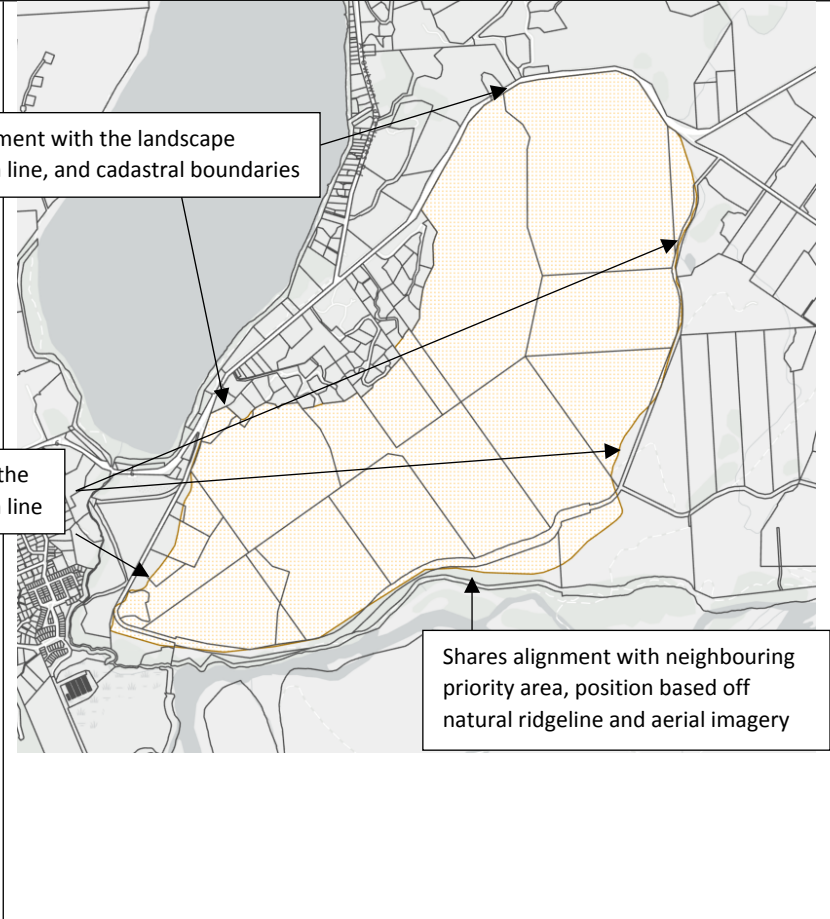
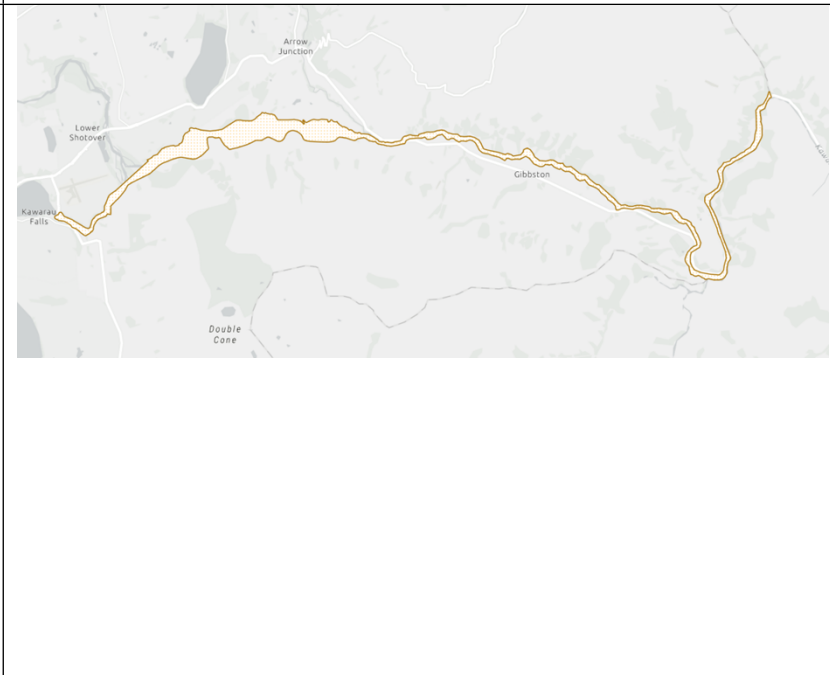
Priority Area	Priority Area map snip	Comment
Queenstown Bay environs		<p>The northern and north eastern and north western edges are to align with the landscape classification, or where the landscape classification line does not exist the cadastral boundaries.</p> <p>The southern and south east edge are to remain unchanged.</p>

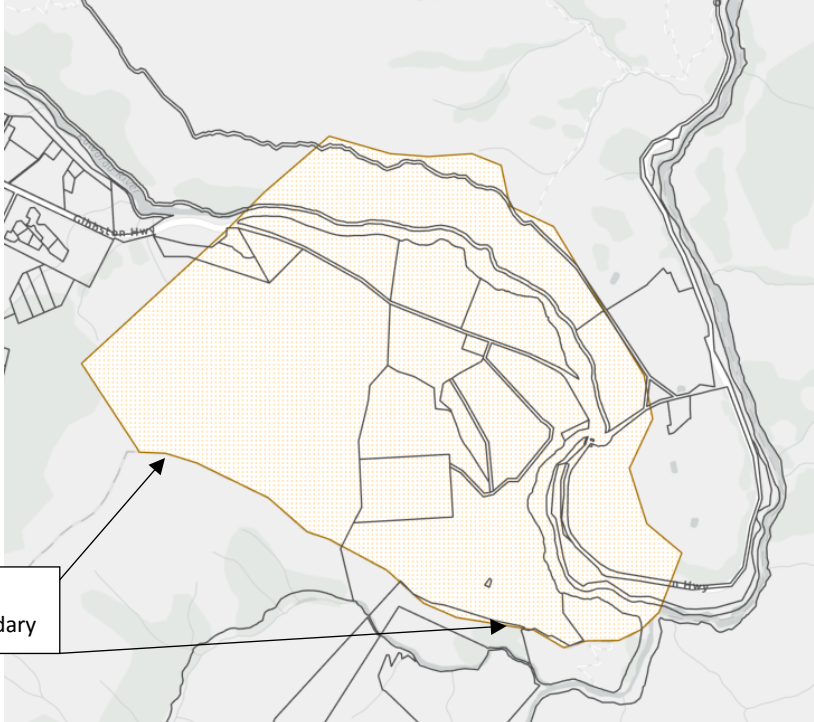
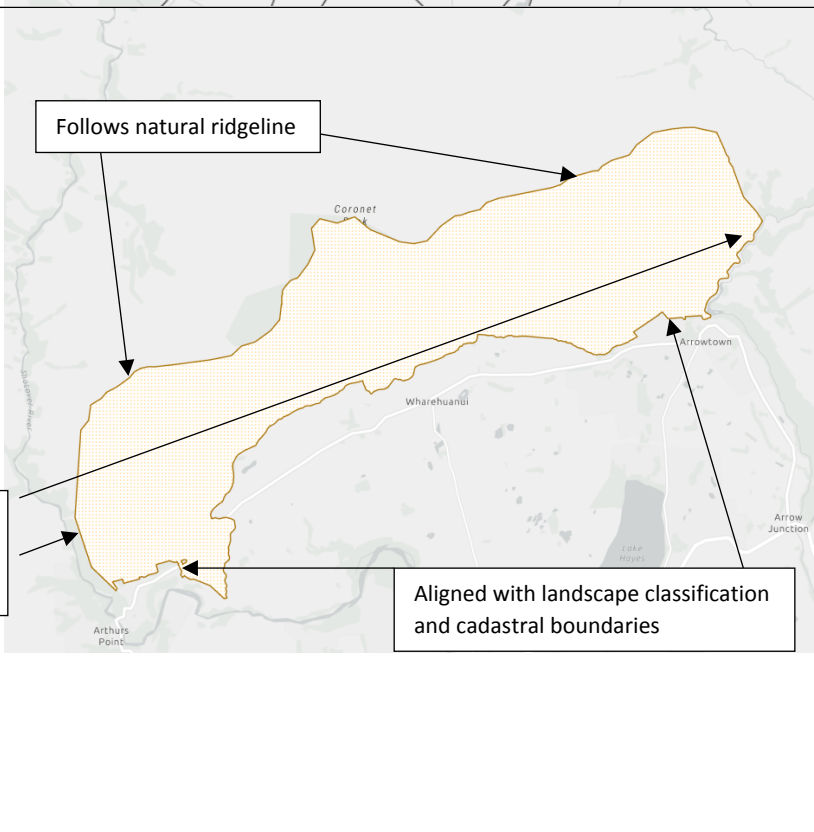
<p>Peninsula Hill</p>		<p>The south west edge of the Priority Area is to remain unchanged.</p> <p>All remaining edges with share alignment with the Landscape Classification</p>
<p>Northern Remarkables</p>		<p>The northern edge of the Priority Area is aligned with the natural base of the Remarkables mountain range, and is to share a boundary with the neighbouring Priority Area.</p> <p>The edge is based off of district contour data and the latest aerial.</p> <p>The eastern and western edges follow a natural edge to the base of the Remarkables.</p> <p>The south western edge shares a boundary with the NZ</p>

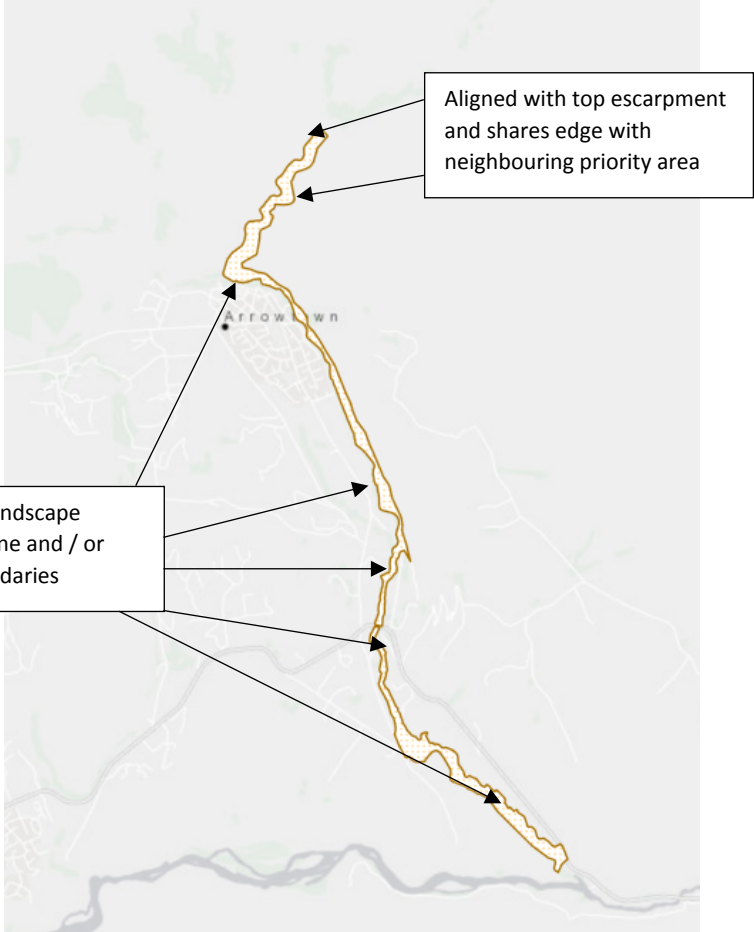
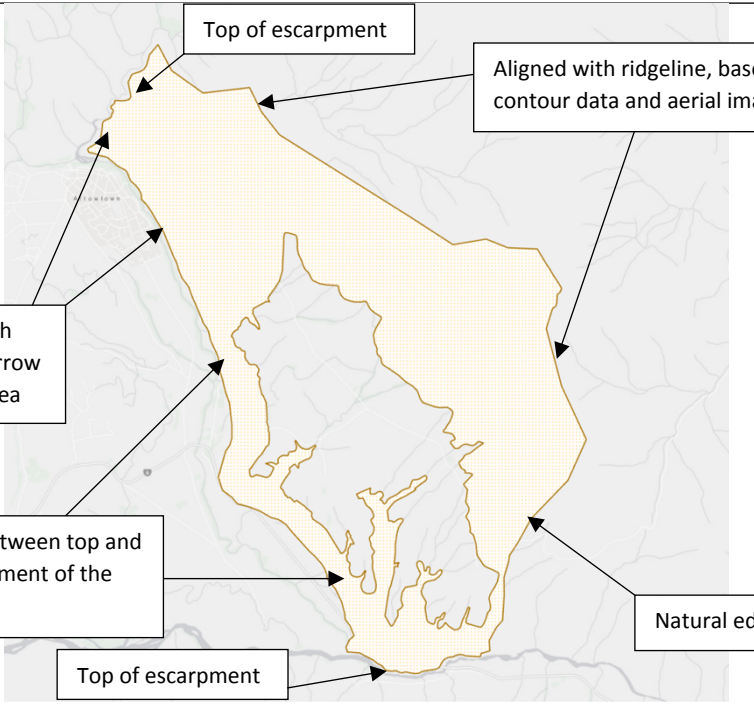
		Territorial Authority boundary.
West Wakatipu basin.	 <p>The map shows the West Wakatipu basin with a yellow-shaded area representing the territorial authority boundary. Several callout boxes provide details: 'Follows natural mountain ridgeline' points to the western edge; 'Shares an edge with the neighbouring landscape priority area at the top of the cliff feature / escarpment' points to the northern edge; 'Follows Landscape classification line' points to the southern edge; and 'As described in section 3' points to the eastern edge.</p>	<p>The northern edge of the Priority Area follows the top of the escarpment for the Shotover River and shares an edge with the neighbouring Priority Area.</p> <p>The eastern edge is as described in section 3.</p> <p>The southern edge shares an alignment with the landscape classification line.</p> <p>The western edge follows the ridgeline Ben Lomond.</p>

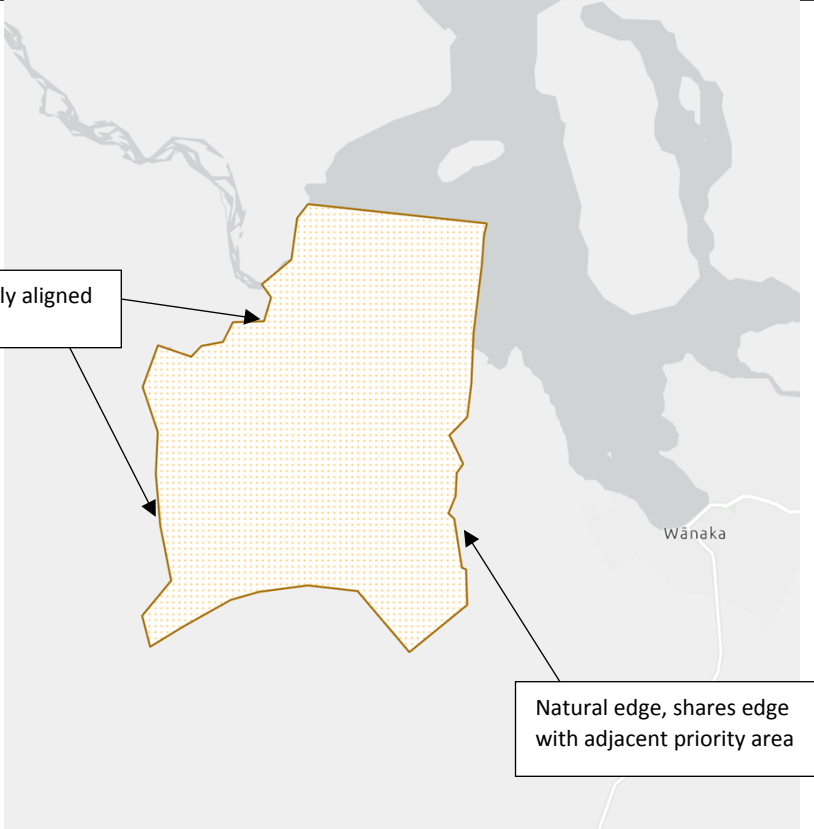
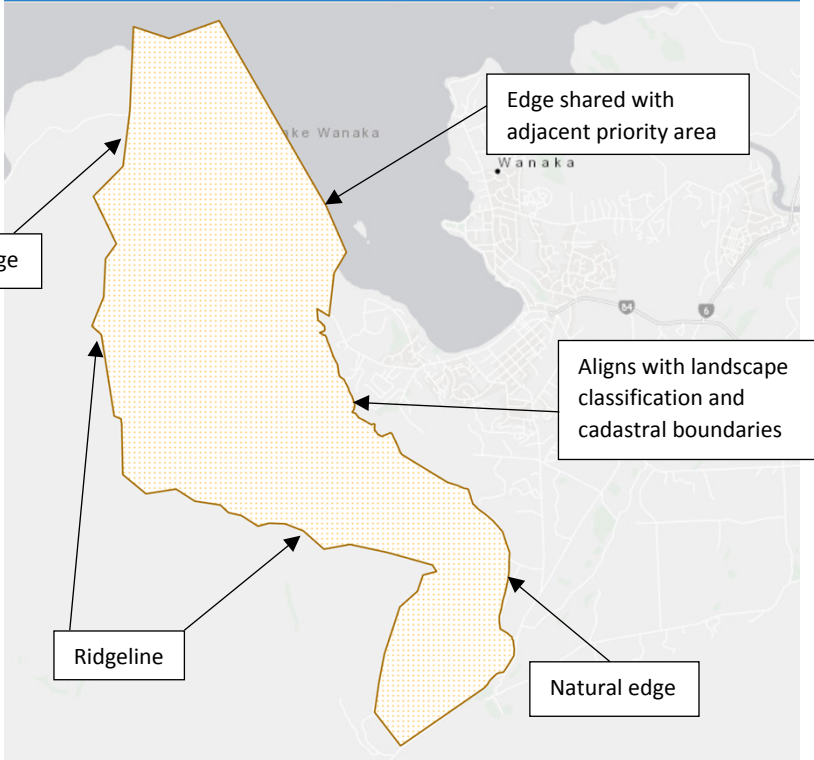


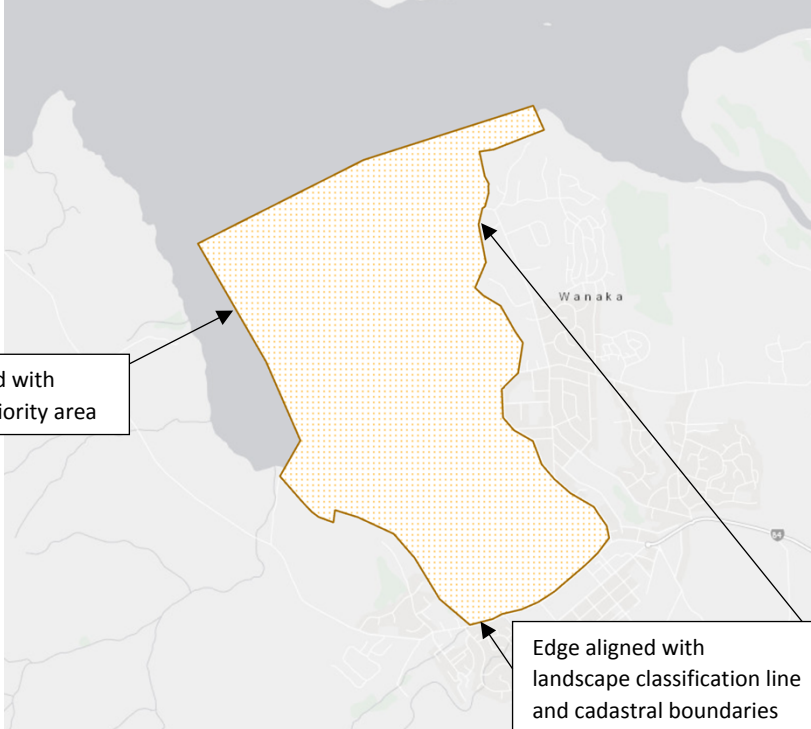
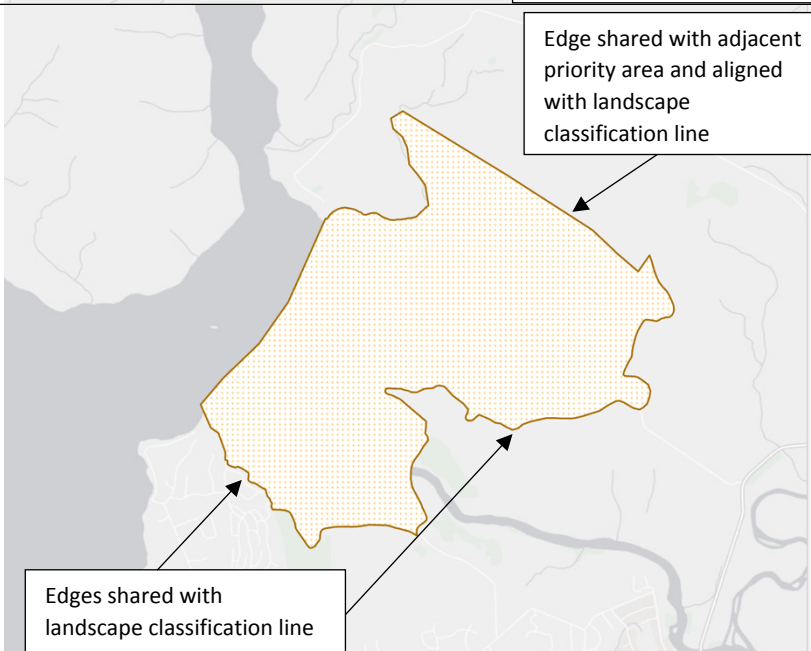
<p>Slope Hill</p>	 <p>Shares alignment with the landscape classification line</p> <p>As per section 2 above</p>	<p>The eastern edge of the Priority Area which shares a boundary with the neighbouring Lake Hayes Priority Area is as per section 2 above.</p> <p>The remainder of the Priority Area is as per the landscape classification line.</p>
<p>Lake Hayes</p>	 <p>Shares alignment with the landscape classification line</p> <p>As per section 2 above</p> <p>Shares alignment with the landscape classification line and cadastral boundaries.</p>	<p>The lower western edge of the Priority Area shares a boundary with the neighbouring Slope Hill Priority Area. The remainder of the western edge shares an alignment with the landscape classification line.</p> <p>The northern, eastern, and southern edges share alignment with the landscape classification line and cadastral boundaries.</p>

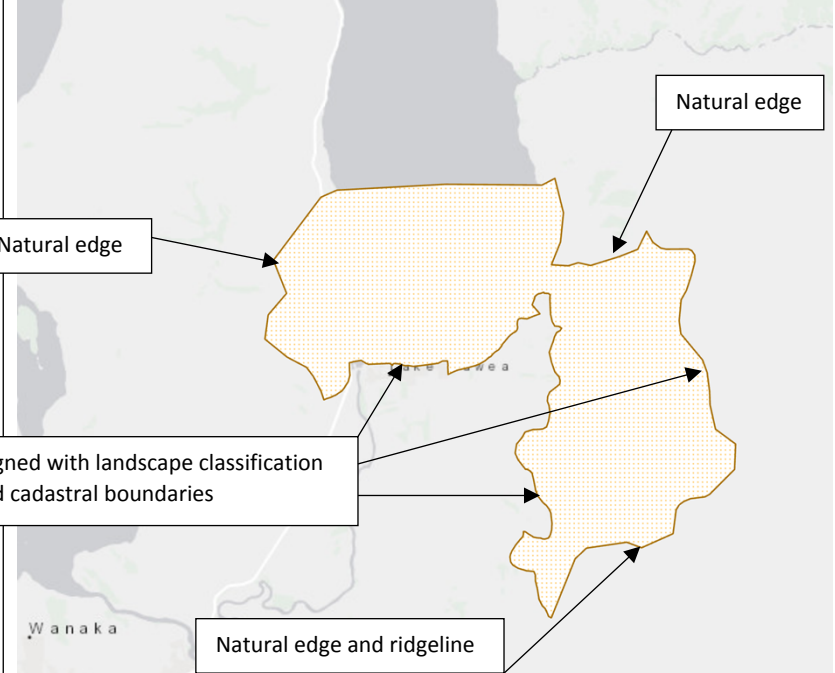
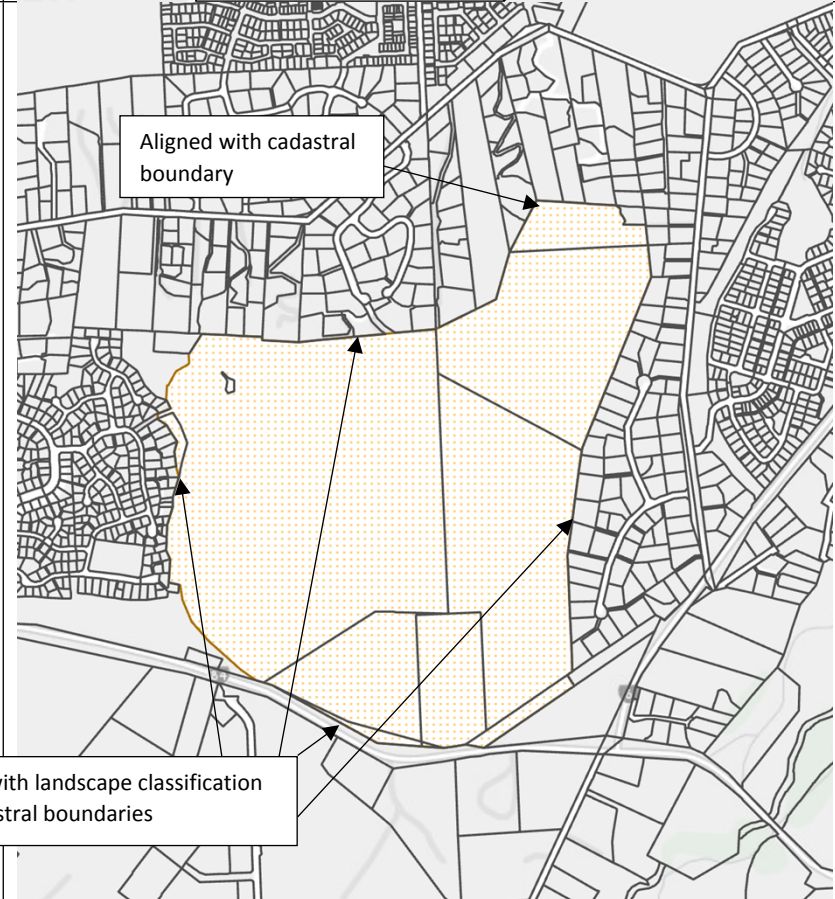
<p>Morven Hill</p>		<p>The northern edges of the Priority Area share alignment with the landscape classification line and cadastral boundaries.</p> <p>The eastern and western edges share alignment with the landscape classification line.</p> <p>The southern edges is based off of natural features and shares alignment with the neighbouring Priority Area.</p>
<p>Kawarau River</p>		<p>This Priority Area shares boundaries with the landscape classification line, cadastral boundaries, natural features, and the NZ territorial boundary.</p> <p>There are some areas where it also shares edges with adjacent Priority Areas.</p>


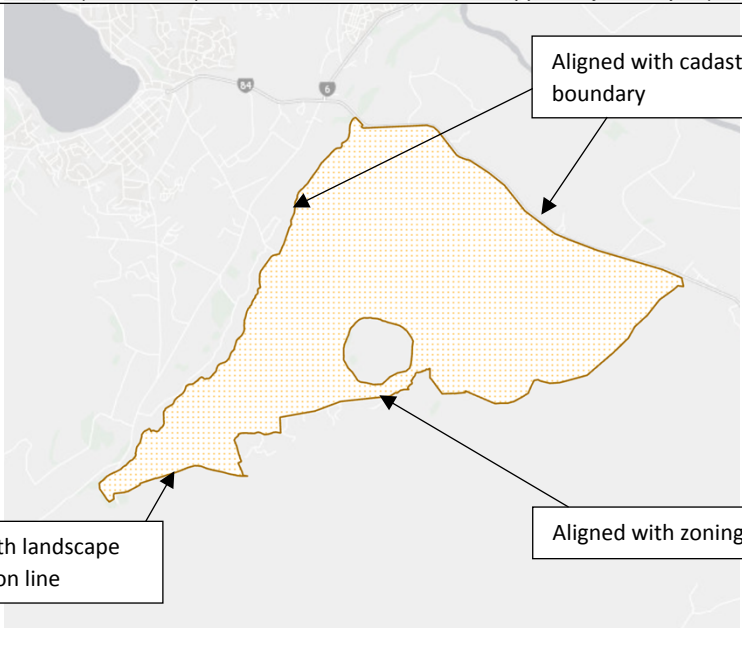
<p>Victoria flats</p>		<p>The southern edge of the Priority Area is aligned with the NZ territorial authority boundary.</p> <p>The Kawarau River Priority Area goes through the Priority Area.</p>
<p>Central Wakatipu Basin Coronet</p>	 <p>Follows natural ridgeline</p> <p>Aligned with landscape classification and cadastral boundaries</p> <p>Aligned with top escarpment and shares edge with neighbouring priority area</p>	<p>The northern edge of the Priority Area follows the natural ridge line.</p> <p>The eastern and western edges are both aligned with the top escarpments and share edges with the neighbouring Priority Areas.</p> <p>The southern edge is aligned with the landscape classification and / or cadastral boundaries.</p>

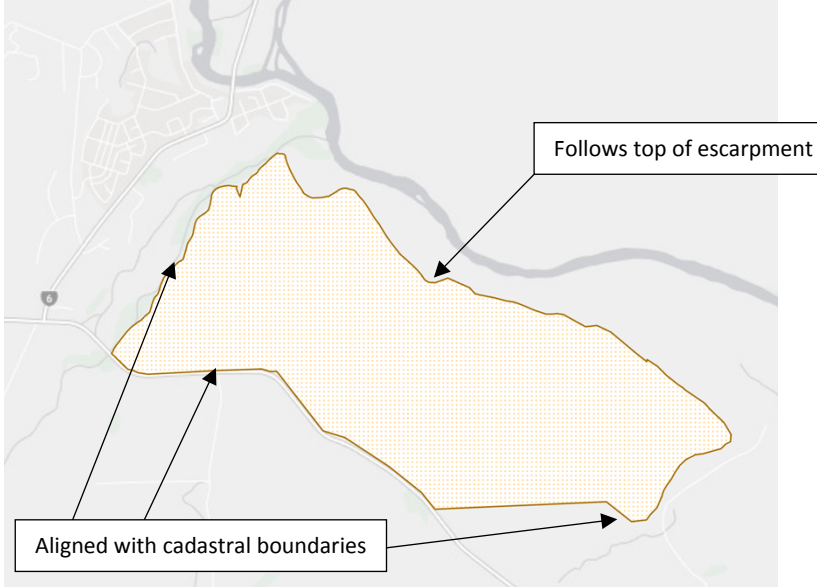
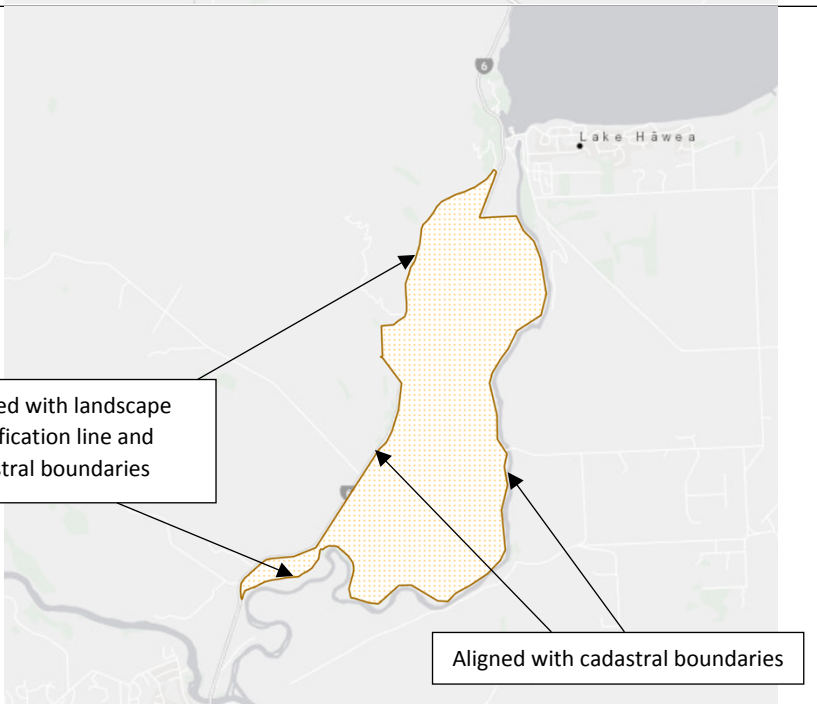
<p>Arrow River</p>		<p>The top southern edges of the Priority Area are aligned with the top escarpment and share edges with the neighbouring Priority Areas.</p> <p>The central section of the Priority Area is aligned with the landscape classification and cadastral boundaries on the western side. The eastern side shares an edge with the adjacent Priority Area.</p> <p>The lower southern section is between two landscape classification lines.</p>
<p>East Wakatipu and Crown Terrace.</p>		<p>The north eastern edge is aligned with the ridgeline.</p> <p>The south eastern edge is aligned with a natural edge down the escarpment of the Kawarau River.</p> <p>The southern edge is aligned with the top escarpment,</p> <p>The lower wester edges</p>

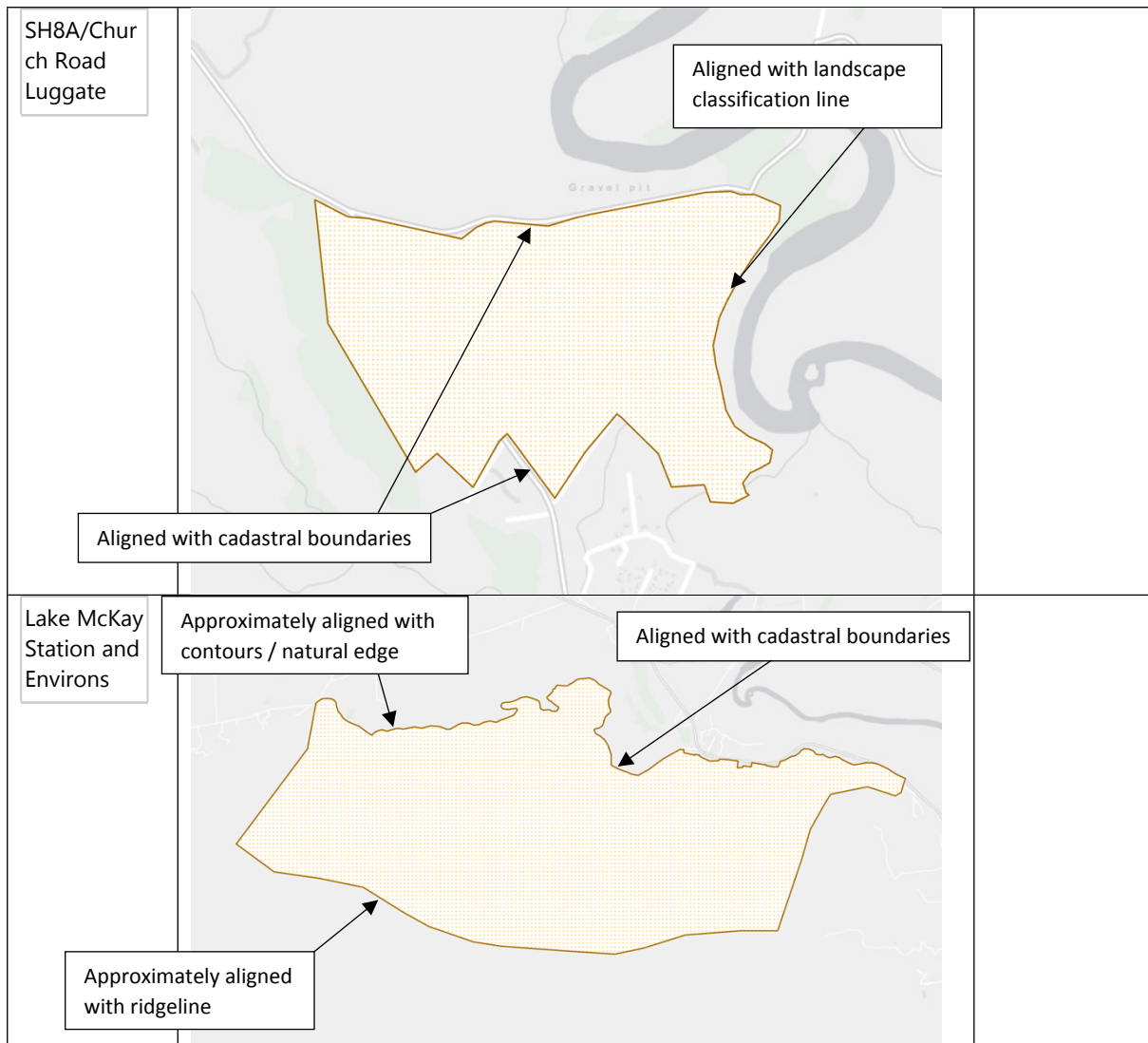
		cover the escarpment face.
West Wānaka		<p>The eastern edge of the Priority Area shares a boundary with the adjacent Priority Area.</p> <p>All other edges follow natural edges and are based off of contour data.</p>
Mount Alpha		<p>The eastern edge of the Priority Area is aligned with the landscape classification line and cadastral boundaries.</p> <p>The upper north eastern edge is shared with the adjacent Priority Area.</p> <p>All other edges are based off of natural edges.</p>

<p>Roys Bay</p>		<p>The western edge of the Priority Area is shared with the adjacent Priority Area.</p> <p>The remaining edges are based off of the landscape classification line and cadastral boundaries.</p>
<p>Dublin Bay</p>		<p>The north eastern edge is shared with the adjacent Priority Area.</p> <p>All edges are aligned with the landscape classification lines, except the north west edge.</p>

<p>Hāwea South and North Grandview</p>		<p>The priority edges are aligned with the landscape classification and cadastral boundaries.</p> <p>Where the edges do not follow the landscape classification / cadastral boundaries the Priority Area is following natural edges.</p>
<p>Mt Iron</p>		<p>The top northern edges of the Priority Area are aligned with the cadastral boundaries.</p> <p>The remainder of the Priority Areas edges are aligned with the landscape classification line and cadastral boundaries.</p>

<p>Mt Barker</p>		<p>All edges aligned with the Landscape classification line</p>
<p>Cardrona River / Mt Barker Road</p>		<p>The eastern and western edges are aligned with cadastral boundaries.</p> <p>The southern edge is aligned with the zoning and cadastral boundaries.</p> <p>Part of the southern edge is aligned with the landscape classification line.</p>

<p>Halliday Road</p>		<p>The western and southern edges are aligned with the cadastral boundaries.</p> <p>The northern edge follows the top escarpment and is based off of contour data and aerial imagery.</p>
<p>West of Hāwea River</p>		<p>All edges either follow the cadastral boundaries or the landscape classification line.</p>



Delegated Authority for Amendments to be made to the Proposed District Plan Pursuant to Clause 16

By Council resolution the Planning Policy Manager has been delegated authority to alter a proposed or operative policy statement or plan:

- a. To give effect to an amendment to its proposed plan that is required by section 55(2) or by a direction of the Environment Court under section 293 (Clause 16(1) RMA);
- b. To alter any information in its proposed plan, where such an alteration is of minor effect, or may correct any minor errors (Clause 16(2) RMA); and
- c. To correct minor errors in an operative policy statement or plan (Clause 20A RMA).

Authorised by Alyson Hutton, Planning Policy Manager

Authorisation will be made and recorded in the District Plan Amendment register managed within the QLDC CIAnywhere system.