

Ruth Evans for QLDC – Variation to Chapter 21 to introduce landscape schedules 21.22 and 21.23

Introduction

1. My evidence addresses planning matters associated with the variation to introduce landscape schedules into Chapter 21 – Rural Zone for the ONF, ONL and RCL priority areas (PA).
2. 208 submissions and 37 further submissions were received, with over 4,600 individual submission points. The submissions provide a mix of support and opposition to the variation, and raise general matters and relief requesting specific changes to the wording of a number of PA schedule(s).
3. The variation has been prepared to give effect to the strategic objectives and policies in Chapter 3 of the PDP, which were determined by the Environment Court as part of the Topic 2 – Rural Landscape appeals.
4. The scope of the variation is limited to the text of the PA schedules, with the variation not proposing any changes to objectives, policies, rules or other provisions in the PDP, or zoning and mapping (including of the PAs). Because of the confined scope of the variation, it is my view that submissions seeking changes to PDP text, PA mapping, and PDP landscape classification lines or zoning, are out of scope.

Application of the PA schedules

5. For certain PAs, the mapping extends across zones other than the Rural Zone (Chapter 21). The schedules have been prepared based on the spatial extent of the mapped PAs, with the identified landscape attributes and values reflecting the land within the PAs. However, the schedules only directly apply to land that is zoned Rural Zone – this has now been clarified in the amended preambles.
6. In my rebuttal statement I set out my view¹ based on the strategic policy direction in Chapter 3, that the schedules directly apply to proposals in the Rural Zone, including the Rural Industrial Sub Zone, but there is no policy requirement that they apply in any other zone, including the Ski Area Sub Zones and other exception zones. In my rebuttal I recommended amendments to the preamble for 21.22 to this effect, and indicated that I would be able to update the Hearings Panel on this matter following expert conferencing. I confirm the view expressed in my rebuttal statement, that is that the schedules do not directly apply to any zones except the Rural Zone and Rural Industrial Sub Zone. They may be referred to when assessing proposals within other zones in the PAs.
7. The planning and landscape joint witness statement (JWS) versions of both preambles includes this clarification under the heading ‘Application’. During expert conferencing it was also clarified that the RCL PAs extend beyond the Rural Zone (in limited locations, and contrary to what I understood was the case when I prepared my s42A report, at paragraph 9.10). As a result, this clarification is required in both preambles and has been added to the 21.23 preamble during expert conferencing.

The updated PA Schedules post expert conferencing

¹ My rebuttal statement paragraph 6.10

8. Ms Gilbert and Mr Head have recommended changes to the text of the PA schedules at various stages during the variation process. The PA schedules filed with Council’s legal submissions are their updated versions, and take into account the position reached at expert conferencing.
9. Overall, the schedules rely on technical landscape analysis and are, in my view, intended for use by landscape architects to assist plan users and decision-makers. In terms of the wording of the schedules, I have placed reliance on and accept Ms Gilbert and Mr Head’s recommendations.

Landscape capacity

10. Concerns with the landscape capacity scale, and the notified rating of ‘no landscape capacity’, have been raised in submissions and evidence. As set out in the JWS, the rating has been amended to ‘extremely limited or no landscape capacity’. Relying again on the careful review of the schedules by the landscape architects for the Council, both pre and during expert conferencing, I am comfortable that this category has been applied for activities where there is reasonable certainty that they are not appropriate from a landscape perspective, when considered at a PA scale.
11. Chapter 3, Strategic Policies 3.3.38 and 3.3.41, set out the activities for which landscape capacity must be included in the schedules. Clarity was sought regarding the interpretation of the listed activities, and so I have recommended including definitions within the preambles (where needed). I have worked with Ms Gilbert to ensure that these recommended definitions represent what the PA schedules authors understood each activity to be when preparing the notified versions of the schedules. During expert conferencing the preambles were amended to list all the activities for which landscape capacity is set out in the schedules, rather than just those which were not already defined in the PDP.
12. Since filing my rebuttal evidence, and as a result of expert conferencing, further amendments have been made to the preambles and the majority of the individual PA schedules. In my view the changes assist to improve clarity and certainty, including as to how the schedules apply. In terms of s32AA of the Resource Management Act 1991, I consider these additional changes improve effectiveness with respect to implementation of the schedules, efficiency in terms of how they apply within the wider PDP context, and overall ensure the PA schedules better achieve the strategic objectives and policies of Chapter 3 of the PDP.

Other matters

13. I am aware that that the National Environmental Standards (**NES**) for Plantation Forestry have recently (since preparing my s42A report and rebuttal statement) been updated, and are now the National Environmental Standards for Commercial Forestry. The scope of the NES has expanded to include carbon forests. These changes come into effect from 2 November 2023 and the Council will be in a position to update the Hearings Panel on any implications of the updated NES for this variation, in the Council reply.

Ruth Evans

Date: 16 October 2023