

## **Planning & Strategy Committee**

**22 October 2024**

### **Report for Agenda Item | Rīpoata moto e Rāraki take [2]**

**Department: Planning & Development**

**Title | Taitara: Renotification of the Upper Clutha Landscape Schedules Variation**

**Purpose of the Report | Te Take mō te Pūroko**

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The purpose of this report is to seek approval from the Planning & Strategy Committee to renotify the Upper Clutha Landscape Schedules Variation (**Variation**) to the Proposed District Plan (PDP).

This Variation proposes to introduce new landscape schedules into Chapter 21 - Rural Zone of the PDP, for areas in the Upper Clutha Basin. It also proposes amendments to the Preambles included in Chapter 21 (Schedule 21.23), which were decided by the Council's decisions on the Priority Area Landscape Variation, and to introduce the mapping for the new landscape schedule area as additional material incorporated by reference.

Approval is sought from the Planning & Strategy Committee to notify the Proposal as a Variation to the PDP.

In summary, the purpose of the Upper Clutha Landscape Schedules Variation is to:

- a. Implement the requirements of the PDP relating to Priority Areas by introducing a landscape schedule and associated mapping for the Mata-au Clutha River Outstanding Natural Feature (ONF) Priority Area; and
- b. Better achieve the objectives and policies of Chapter 3 *Strategic Direction* and Chapter 6 *Landscapes – Rural Character* of the PDP, and assist plan implementation for Chapter 21, by introducing landscape schedules for areas of the Upper Clutha Rural Character Landscapes (RCLs).

**Executive Summary | Whakarāpopototaka Matua**

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Landscapes are an important part of the Queenstown Lakes District. The PDP contains objectives, policies and rules for Outstanding Natural Features and Landscapes (ONF/Ls) and for Rural Character Landscapes (RCLs);

The Upper Clutha Landscape Schedules Variation proposes introducing landscape schedules for one ONF Priority Area and 12 RCLs.

These schedules describe the values of landscapes, their landscape capacity, and provide clarity on what needs to be protected, maintained or enhanced and make it easier to understand how a proposal for development might affect the identified values.

The Variation was previously notified on 18 July 2024. However, the Variation was withdrawn after mapping errors were discovered, and it was determined that further process steps needed to be completed first for the incorporation of the material by reference into the PDP (the mapping).

These matters have now been addressed and this report therefore seeks a solution to re-notify the Upper Clutha Landscape Schedules Variation to the Proposed District Plan.

### Recommendation | Kā Tūtohuka

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That the Planning & Strategy Committee:

1. **Note** the contents of this report;
2. **Authorise** the Manager of Planning Policy to make any minor edits and changes to the Proposal, section 32 report (and its appendices) prior notification to improve clarity and correct any errors.
3. **Approve** pursuant to clause 5 of the First Schedule of the Resource Management Act 1991, the re-notification of the Upper Clutha Landscape Schedules Variation to the Proposed District Plan.

**Prepared by:**



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**Title:** Senior Policy Planner

9 October 2024

**Reviewed and Authorised by:**



**Name:** David Wallace  
**Title:** General Manager, Planning and  
Development

9 October 2024

## Context | Horopaki

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### **Background**

1. The background to the Upper Clutha Landscape Schedules Variation (the Variation) to the PDP is set out in the [27 June 2024 Council report](#)<sup>1</sup>.
2. Council staff originally sought a notification request from Council at the 27 June Council meeting. However, following notification of the Variation, an error was discovered with the mapping of the Mata-au Clutha River ONF and Priority Area boundaries, and it was determined that a further process step was required to incorporate material by reference into the PDP.
3. Council withdrew the Variation on 25 July 2024 so that it could address those issues.
4. As the Planning & Strategy Committee have the delegation to notify a Variation, it is considered more expedient for this report to come to the Committee rather than to Council.

### ***Mapping of the Mata-au Clutha River***

5. The mapping for the Mata-au Clutha River ONF differed slightly from the mapping that had been determined by the Environment Court. This mapping also affected adjacent RCLs that formed part of this Variation. All mapping has now been corrected by the Council, including the mapping of adjacent RCLs.

### ***Process for Incorporating Material by Reference***

6. As with the Priority Area landscape schedules, this Variation is accompanied by mapping which is proposed to be incorporated by reference into the PDP. The process for incorporating material by reference is set out in Part 3 of Schedule 1 of the Resource Management Act 1991 (RMA).
7. One of the process steps, under Clause 34 of Schedule 1, requires the Council to seek initial feedback on a proposal to incorporate the material by reference (i.e., the mapping). This requires that Council allow a reasonable opportunity for persons to comment on the proposal to incorporate material by reference and then to consider any comments they make.
8. While this process had commenced before the Variation was initially notified, it had not finished. Given the need to address mapping issues described above, Council staff concluded that withdrawing the Variation was appropriate to allow the clause 34 process to also be completed.
9. Council has now received all of the Clause 34 feedback and has completed its review of that feedback. This feedback, and Council's response to this feedback, is set out in Appendix E of Attachment A of this report.

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<sup>1</sup> Upper Clutha Landscape Schedules Variation to the Proposed District Plan – Full Council 27 June 2024

### List of Changes since 18 July 2024 Notification

10. The Upper Clutha Landscape Schedules Variation includes:
  - a. Landscape schedules for 12x non-Priority Area Rural Character Landscapes (RCLs) and 1x Priority Area ONF (Mata au Clutha River);
  - b. An amendment to Strategic Policy SP 3.3.36 of Chapter 3 (Strategic Directions) to include reference to the Mata-au Clutha River;
  - c. Amendment to the pre-amble for Schedule 21.23 of Chapter 21 (Rural Zone) to remove reference to 'Priority Areas' and instead refer to Rural Character Landscapes generally;
  - d. Maps incorporated by reference (undertaken in accordance with the requirements of Clause 34 of Part 3 of the First Schedule of the Resource Management Act 1991).
11. The amendment to SP 3.3.36 of Chapter 3 is intended to make it clear that the Mata-au Clutha River ONF is an identified Priority Area (PA). The amendment to Schedule 21.23 of the PDP will ensure that the pre-amble is relevant to all RCLs, and not just those identified as Priority Areas.

### List of Changes since 18 July 2024 Notification

12. Council staff have made changes to the Proposal since it was notified in July 2024. These include:
  - a. Changes to the section 32 report to better reflect the process undertaken for incorporating material by reference into the Proposed District Plan (PDP)
  - b. Corrections to the mapping to align with the Environment Court's s293 process for the Mata-au Clutha River ONF, and consequential boundary changes to the adjacent or adjoining Rural Character Landscape boundaries;
  - c. Amendments to the mapping and schedule text in response to Clause 34 feedback (see Appendix E of Attachment A below)

### Analysis and Advice | Tatāritaka me kā Tohutohu

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14. In the context of this Variation, staff consider that two reasonably practicable options are available. These are: notifying the Proposal (Option 1), or deciding not to notify the Proposal (Option 2).
15. Option 1: Approve notification of the Variation with a minimum 20 working day submission period. It is proposed that the Variation would be notified later this year (in late 2024).

#### *Advantages*

- Notifying the Proposal would help to provide certainty that the objectives and policies relating to landscape in the PDP can be achieved. The landscape schedules are intended to assist in implementing the policies of the PDP that seek protection of ONL/Fs and the maintenance or enhancement of RCLs from inappropriate subdivision, use or development;
- The landscape schedules can assist with plan implementation and plan development for areas that do not currently have landscape schedules.

- Notifying the Proposal would result in consistency with the management of other landscapes in the Upper Clutha and the remainder of the District (i.e., it would be consistent with the management of Priority Areas, and to some extent the Wakatipu Basin (via Chapter 24, and Schedule 24));
- The Mata-au Clutha River was identified as a Priority Area and notifying the Proposal would meet the directions set out in Chapter 3 relating to PAs;
- Notifying the Proposal would allow submissions to be received that include opposing views on the content of the schedules. The submission process followed by further submissions and a hearing will allow a clear pathway for contrasting options to be fairly considered; and
- The methodology applied was confirmed by the IHP as part of this Priority Area Landscape Schedules Variation, and this has been applied consistently to this Proposal.

#### *Disadvantages*

- There are not considered to be any disadvantages with Option 1.

#### 16. Option 2: Do not approve the Proposal for notification

#### *Advantages*

- It is considered that there are no advantages with Option 2.

#### *Disadvantages*

- This would result in an inconsistency with the management of landscapes in the Upper Clutha with PAs having detailed schedules and the remaining areas in the Upper Clutha having no schedules. This would not provide certainty that the objectives and policies in the PDP relating to landscape would be achieved;
- The Mata-au Clutha River was identified as a Priority Area and not notifying the Variation would be inconsistent with the Priority Area Landscape Schedules Variation (i.e., the previous Variation). This would also not meet the requirements in Chapter 3 of the PDP relating to PAs.

17. This report recommends **Option 1** for addressing the matter because it will help achieve the landscape outcomes in the PDP, including meeting the direction in Chapter 3 of the PDP. It provides a reasonable notification period and will give interested parties an opportunity to be part of the process through submissions, further submissions and a hearing if one is required.

### Consultation Process | Hātepe Matapaki

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#### **Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka**

18. This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy 2021 because landscapes are an important part of the District's wellbeing and are of broad interest to the community.
19. The persons who are affected by or interested in this matter are broad given the prominence and importance of these landscapes within the District. The Proposal will impact residents and

ratepayers of the District, property owners within identified landscape areas (both PAs and non-PAs), members of the community seeking to protect these landscapes, and people (including visitors to the District) using these areas for recreation purposes.

20. The Council has undertaken public consultation in preparing the Proposal for notification. Feedback was sought from the community on the values held for each of the landscape areas. This consultation was undertaken via the Council's Let's Talk page from 22 June 2023 to 6 August 2023 and at a community drop in evening on 4 July 2023. Further detail on the consultation undertaken is set out in the attached Section 32 report. The feedback received has been considered in the development of the Proposal.
21. The Planning Policy Team presented a workshop to the Councillors on the Upper Clutha Landscapes Variation on 14 December 2023. The purpose of the workshop was to provide an overview of the Variation and explain how it worked with the Priority Area Landscape Schedules Variation, and what the next steps were. No decision-making or direction from Council was sought by staff.
22. Notification of the proposal will allow for a submissions process and allow the community to make submissions on the Proposal.

#### **Māori Consultation | Iwi Rūnaka**

23. The Council has undertaken consultation with Aukaha and Te Ao Marama throughout the process of developing the landscape schedules. The detail of consultation with mana whenua as part of this Proposal is outlined in the Section 32 report. The preparation of the Proposal has given regard to the views of iwi authorities throughout the process.
24. Iwi will also have the opportunity to submit on the Variation once notified.

#### **Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka**

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25. This matter relates to the Strategic/Political/Reputation risk category. It is associated with RISK10056 Ineffective provision for the future planning and development needs of the district within the QLDC Risk Register. This risk has been assessed as having a moderate residual risk rating.
26. The approval of the recommended option will allow Council to implement additional controls for this risk. This Variation will be subject to submissions which will allow for additional content to be included in the landscape schedules that can help ensure that the ONF and RCL values are protected from inappropriate subdivision, use or development and their values are protected, or maintained or enhanced.



### Financial Implications | Kā Riteka ā-Pūtea

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27. There are no budget or cost implications arising from the recommended option. The recommended option can be implemented through current funding under the Long Term Plan and the Annual Plan.

### Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

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28. The following Council policies, strategies and bylaws were considered:
- The Spatial Plan;
  - Significance and Engagement Policy
  - Proposed District Plan
29. The recommended option is consistent with the principles set out in the named policy/policies.
30. This matter is included in the Long Term Plan/Annual Plan as part of ongoing implementation and maintenance of the District Plan.

### Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

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31. Schedule 1 of the Resource Management Act 1991 (RMA) sets out the process for undertaking variations to the Proposed District Plan.
32. Section 74 of the RMA sets out the matters to be considered when preparing a plan change/variation. This includes preparation of a Section 32 evaluation report. The section 32 report has been attached to this report which sets out an evaluation in support of the Proposal.
33. The Proposal does not introduce any new rules to the PDP, and therefore consideration of whether notification of the proposal under section 86B(3) of the RMA would result in rules having immediate legal effect is not relevant.

### Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kīaka

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34. Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. As such the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.

Attachments | Kā Tāpirihaka

<p>Attachment A Provided separately from agenda</p>	<p>Section 32 report (updated October 2024), including the following attachments (with new material in <b>bold</b>):</p> <ul style="list-style-type: none"><li>• Appendix A – Proposed Policy Change</li><li>• Appendix B1: Proposed Pre-amble 21.23</li><li>• Appendix B2: Landscape schedules</li><li>• Appendix C1: Methodology report</li><li>• Appendix C2: Methodology report appendices</li><li>• Appendix D: Statutory content</li><li>• <b>Appendix E: Clause 34 Feedback on Material Proposed to be Incorporated by Reference</b></li><li>• <b>Appendix F: Maps (Incorporated by Reference)</b></li></ul>
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