

QLDC Council
2 June 2022**Report for Agenda Item | Rīpoata moto e Rāraki take [7]****Department: Planning & Development****Title | Taitara Proposed Landscape Schedules Notification****PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

The purpose of this report is to present the Landscape Schedules proposed as a variation to the Proposed District Plan (PDP). The proposal introduces Schedules 21.222 and 21.23 to Chapter 21 Rural Zone of the PDP. Council approval is sought to notify the proposal.

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

1. **Note** the contents of this report;
2. **Approve** for notification pursuant to section 79(1) and clause 5 of the First Schedule of the Resource Management Act 1991 the following proposed variation to the PDP, having regard to the s32 report:
 - a. Proposed Schedule 21.22
 - b. Proposed Schedule 21.23
3. **Authorise** the Manager of Planning Policy to make minor edits and changes to the proposal and section 32 report to improve clarity and correct errors prior to notification.
4. **Note** that consultation with Iwi authorities will occur prior to notifying this variation and advice received may prompt changes to be made to the proposals.

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12/05/2022

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CONTEXT | HOROPAKI

- 1 Chapter 3 Strategic Direction of the Proposed District Plan (PDP) includes directions to insert landscape schedules into Chapter 21 Rural zone of the PDP. The proposed Schedule 21.22 (Attachment A) and 21.23 (Attachment B) subject to this report are intended to implement this direction.
- 2 The direction set out in policy in Chapter 3 is as a result of decisions by the Environment Court on the appeals for Stage 1 of the PDP, subtopic 2 Rural Landscapes. The Court added policy to Chapter 3 requiring creation of landscape schedules, for 29 priority areas, and included a Values Identification Framework (VIF) – a methodology for creating the schedules. The intention is that the schedules will provide more detail as to the values of the landscapes that are sought to be protected or maintained. The proposal is a variation to Chapter 21 (Rural Zone) of the Proposed District Plan (PDP), to introduce schedules setting out landscape values for 29 Priority Area landscapes within the District. The priority areas were decided and confirmed by Environment Court as part of the Stage 1 appeal decisions.
- 3 The purpose of the variation is to implement Policy 3.3.42 of the PDP, which is as follows:

3.3.42 The Council shall notify a proposed plan change to the District Plan by 30 June 2022 to implement SPs 3.3.36, 3.3.37, 3.3.39 and 3.3.40.
- 4 The Chapter 3 policies identify 24 Priority Area landscapes within Outstanding Natural Features and Outstanding Natural Landscapes (ONLs and ONFs, or combined ONFLs), and the schedule are to describe:
 - a. The landscape attributes (physical, sensory and associative);
 - b. The landscape values; and
 - c. The related landscape capacity.
- 5 In addition five Priority Area landscapes within the Upper Clutha Rural Character Landscapes (RCLs) are identified and the schedules are to describe:
 - a. The landscape attributes (physical, sensory and associative);
 - b. The landscape character and visual amenity values; and
 - c. The related landscape capacity.
- 6 The proposal is limited to these 29 landscape schedules. No changes to any other provisions of the PDP are proposed as part of the variation (no changes to objectives, policies or rules).
- 7 By identifying landscape values, landscape character, and visual amenity values, the schedules provide clarity on what is being sought to be protected, maintained, or

- enhanced within each Priority Areas landscape, thus providing more detail to support the policy framework. The certainty the schedules provide means it is more likely that the landscape outcomes set by Chapter 3 of the PDP will be achieved.
- 8 The requirement for the schedules has come from the Environment Court decisions on Stage 1 Subtopic 2 where the Court considered that the existing policy suite for landscape lacked clarity on the values and character of the landscapes.
 - 9 The proposal has uses the Values Identification Framework (VIF) set out in Chapter 3 along with best practice landscape assessment methodology. A team of landscape architects have drafted the schedules, with the input from experts in Geomorphology, Ecology, Tourism and Recreation, Archaeology and Heritage. Aukaha provided input to Mana Whenua values within the schedules (further described below).
 - 10 Community consultation was carried out between 9 March and 3 April 2022. 196 responses were received through the QLDC 'Let's Talk' page survey or via email. A wide range of feedback on values for the Priority Areas were received; including but not limited to, comments on the scenic values, recreational values, family associations, effects on senses. This feedback was used by the landscape architects to inform the schedules.
 - 11 Prior to consultation it was considered whether consultation on the draft schedules should be undertaken. Consulting on the draft schedules would provide further opportunity for public comment on the detail of the schedules as drafted. This option would likely require some kind of non-statutory hearing process to hear the various views on the details of the schedules as it is anticipated that they would generate much interest. Following such a hearing, Council would then need to decide on any changes and then confirm the schedules.
 - 12 A formal hearing process would likely be needed to manage conflicting views given the technical nature of the topic and enable a transparent means for opposing views to be expressed. This would require further time and resources. It is not anticipated that such additional process would substantively contribute to furthering the drafting of the landscape schedules.
 - 13 The schedules have been informed by a robust methodology. This has included input from other experts and feedback on landscape values held by the community. The proposal has been evaluated as required under s32 of the RMA (see Attachment C). The proposal is considered to be appropriate to meet the purpose of the Act, being efficient and effective in meeting the objectives of the proposal. The schedules fulfil the directions set out in Chapter 3 and will provide for a better regime for managing these landscapes. On this basis, approval is sought to notify the Proposed Schedule 21.22 and Schedules 21.23.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 14 The option of status quo is not a reasonably practicable option given the clear Environment Court policy direction to notify the schedules, as set out in Chapter 3.

- 15 Two reasonably practicable options are set out below; to notify the plan change or not notify the plan change at this time. Not notifying the plan change would provide the option of further community consultation.
- 16 Option 1 Publicly notify the proposal with a 40 working day notification period. It is proposed to notify the proposal on 30 June 2022 and the submission period would close on 25 August 2022.
- 17 The RMA now includes multiple processes for plan changes. In addition to the standard Schedule 1 process additional processes include the Streamlined Planning Process (SPP). This has not been included as a reasonably practicable option for this proposal. Notwithstanding the need to meet specific criteria to use the SPP, the application to use this process would result in failure to meet the requirement to notify the plan change by June 30 2022. The standard Schedules 1 Clause 5 of the RMA notification is considered the only reasonably practicable option in terms of available plan change processes.
- 18 The priority areas are geographically contained; however, these landscapes are important throughout the district. Further, the protection of ONL and ONF from inappropriate subdivision, use or development are considered matters of national importance under s6(b) of the RMA. The landscape schedules are intended to assist in implementing the policies in the Plan that seek the protection of ONFs and ONLs, and the maintenance or enhancement of RCLs, from inappropriate subdivision, use or development. Public notification is the only reasonably practicable option in terms of the extent of notification of the proposal.
- 19 The minimum submission period from notification is 20 working days under s5A(6) of the RMA. For this proposal a 40 working day submission period is recommended given the volume of material associated with the plan change. There are 29 schedules for each of the Priority Areas and these are between 4-9 pages each.
- 20 A public notification under clause 5A of Schedule 1 of the RMA with a submission period of 40 working days is recommended.

Advantages:

- 21 Meets the timing requirement to notify a proposal by 30 June 2022 set out in Policy 3.3.42 of the PDP.
- 22 The proposal is expected to receive submissions that may include opposing views. The submission process, followed by further submissions and hearing will allow a clear pathway for contrasting opinions to be fairly considered.

Disadvantages:

- 23 The plan change process is likely to be litigious. However, the Environment Court has set a clear direction that the schedules are required to be completed and within a set timeframe.

24 **Option 2** Not proceed to approve the proposal for notification, and carry out further community consultation on the draft landscape schedules.

25 This option would allow for further community consultation on the draft schedules. The consultation completed focused on what values people held for these landscapes, with people being asked for their views about the identified landscapes. Consulting on the draft schedules would provide further opportunity for public comment on the detail of the schedules as drafted. Council would then need to decide on any changes and then confirm the schedules, which would then need to be publicly notified as per Option 1 of this report, with submissions and further submissions and a formal District Plan hearings still being required.

Advantages:

26 Provides the community an additional opportunity to contribute to the proposal prior to notification which may provide additional information for the schedules.

Disadvantages:

27 This would result in failure to meet the requirement to notify the landscape schedules by 30 June 2022.

28 A formal hearing process would likely be needed to manage conflicting views given the technical nature of the topic and enable a transparent means for opposing views to be expressed. This would require further time and resources.

29 The First Schedule process would still need to be completed after this additional step, whereby submissions, further submissions and a hearing are all required and decisions made by an Independent Hearing Panel.

30 Additional consultation and the likely complexity of this would result in additional project costs.

31 This report recommends **Option 1** for addressing the matter because it meets the directions set out in Chapter 3, provides a reasonable notification period given the volume of material associated with the proposal, and will provide stakeholders an opportunity to be part of the process through submissions and further submissions.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

32 This matter is of medium significance, as determined by reference to the Council’s Significance and Engagement Policy.

33 The landscapes are an important part of the district’s well-being and are of broad interest to the community, however, the proposal is consistent with the direction of the Environment Court to include relevant policy in the PDP.

- 34 The persons who are affected by or interested in this matter are broad given the prominence and importance of these landscapes within the district. More specifically the proposal will impact residents and ratepayers of the district, property owners within the PAs, developers with interest in the PAs, members of the community seeking to protect these landscapes, and people (including visitors to the district) using these areas for recreational purposes.
- 35 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 priority areas. This consultation was undertaken via the Council's 'Let's Talk' page between 9 March 2022 and 3 April 2022. Further detail of the consultation is set out in section 5 of the s32 report (Attachment C). The feedback received has been considered in preparation of the landscape schedules.
- 36 The acceptance of the proposal for full statutory public notification provides a process for the community to be involved in the decision making process.

> MĀORI CONSULTATION | IWI RŪNANGA

- 37 The Council has undertaken consultation with Aukaha and Te Ao Marama throughout the process of developing the landscape schedules. The areas are part of the ancestral land of Manawhenua. More specifically, the priority areas intersect with areas that are noted as having significance in the PDP. Firstly, some priority areas intersect with Statutory Acknowledgement Areas under Schedules 11 of the RMA (Ngāi Tahu Claims Settlement Act 1998) (see 5.8 of the PDP). Secondly, the priority areas intersect with wāhi tūpuna areas that are identified within the PDP as sites of significance to Manawhenua (see Chapter 39 of the PDP).
- 38 The detail of consultation with Manawhenua as part of this proposal is detailed in section 5 of the s32 report (Attachment C).
- 39 Under Schedule 1 Clause 4A, Council is required to provide a copy of the draft plan change to the relevant iwi authorities and then to have particular regard to any advice received.
- 40 The preparation of the proposal has given regard to the views of the iwi authorities throughout the process. The final drafts of the schedules have been provided to the iwi authorities. Prior to finalising the s32 report for notification, Council will include and have regard to any further advice from Manawhenua as required under clause 4A. Given the extent of involvement throughout the process any response under clause 4A is expected to be limited in nature.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

- 41 This matter relates to the Strategic/Political/Reputation. It is associated with RISK00056 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 inherent risk rating.

42 The approval of the recommended option will support the Council by allowing us to implement additional controls for this risk. This shall be achieved by providing for a process that seeks to implement additional provisions to ensure the landscape values of the priority area landscapes that are ONFs or ONL are protected from inappropriate subdivision, use or development and the landscape character and amenity of RCLs is maintained or enhanced.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

43 There are no budget or cost implications resulting from the decision. The recommended approach can be implemented through current funding under the 10-Year plan and Annual Plan.

COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

44 The following Council policies, strategies and bylaws were considered:

- Spatial Plan
- [Draft Climate Action Plan 2022-2025](#)
- Significance and Engagement Policy 2017
- Proposed District Plan

45 The recommended option is consistent with the principles set out in the named policy/policies.

46 This matter is included in the Ten Year 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

47 The First Schedule of the RMA 1991 sets out the process for undertaking variations to the PDP. Approval to serve public notice in accordance with Clause 5 is sought.

48 Section 74 of the RMA sets out the matters to be considered when preparing a plan change. This includes preparation of a section 32 evaluation report. The draft s32 report has been attached to this report that sets out the evaluation in support of the proposal.

49 For completeness it is noted that the proposal does not include rules, and therefore consideration of whether notification of the proposal under section 86B(3) of the RMA would result in any rules having immediate legal effect is not relevant.

LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA

50 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. The proposal allows for notification of the proposal that allows the community to be part of the decision making process through submissions, further submissions and any hearings process. The proposal is intended to provide for a better regime to protect or manage some of the district's landscapes which relates to the four well-beings of the community, now and in the future. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act;

51 The recommended option:

- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

ATTACHMENTS | NGĀ TĀPIRIHANGA

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|---|---|
| A | Proposed Schedule 21.22 ONF ONL |
| | 21.22.1 Peninsula Hill |
| | 21.22.2 Ferry Hill |
| | 21.22.3 Shotover River |
| | 21.22.4 Morven Hill |
| | 21.22.5 Lake Hayes |
| | 21.22.6 Slope Hill |
| | 21.22.7 Feehly Hill |
| | 21.22.8 Arrow River |
| | 21.22.9 Kawarau River |
| | 21.22.10 Mt Barker |
| | 21.22.11 Mt Iron |
| | 21.22.12 West Wakatipu Basin |
| | 21.22.13 Queenstown Bay and environs |
| | 21.22.14 Northern Remarkables |
| | 21.22.15 Central Wakatipu Basin Coronet Area |
| | 21.22.16 East Wakatipu Basin and Crown Terrace Area |
| | 21.22.17 Victoria Flats |
| | 21.22.18 Cardrona Valley |
| | 21.22.19 Mount Alpha |
| | 21.22.20 Roys Bay |
| | 21.22.21 West Wānaka |
| | 21.22.22 Dublin Bay |
| | 21.22.23 Hāwea South and North Grandview |
| | 21.22.24 Lake McKay Station and environs |

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| | [These documents are the same as s32 Evaluation report Landscape Schedules – Attachment A] |
| B | <p>Schedules 21.23 Upper Clutha RCL</p> <p>21.23.1 Cardrona River/Mt Barker Road</p> <p>21.23.2 Halliday Road/Corbridge</p> <p>21.23.3 West of Hāwea River</p> <p>21.23.4 Church Road/Shortcut Road</p> <p>21.23.5 Maungawera Valley</p> <p>[These documents are the same as s32 Evaluation report Landscape Schedules – Attachment B]</p> |
| C | s32 Evaluation report Landscape Schedules - DRAFT |
| D | s32 Evaluation report Landscape Schedules – Attachment C Methodology Statement - DRAFT |
| E | s32 Evaluation report Landscape Schedules – Attachment D Statutory Context |

NOTE: All attachments are circulated separately.