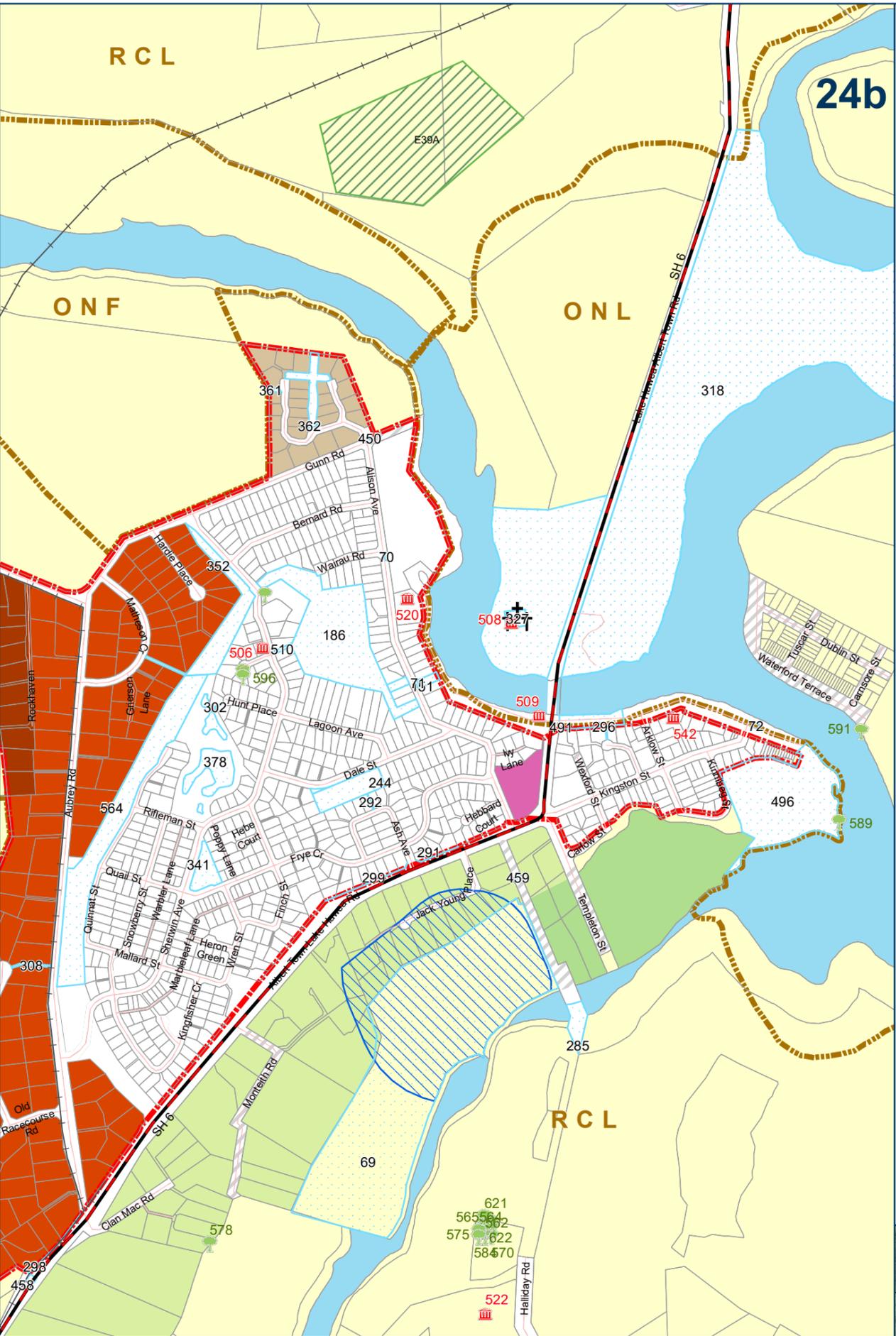
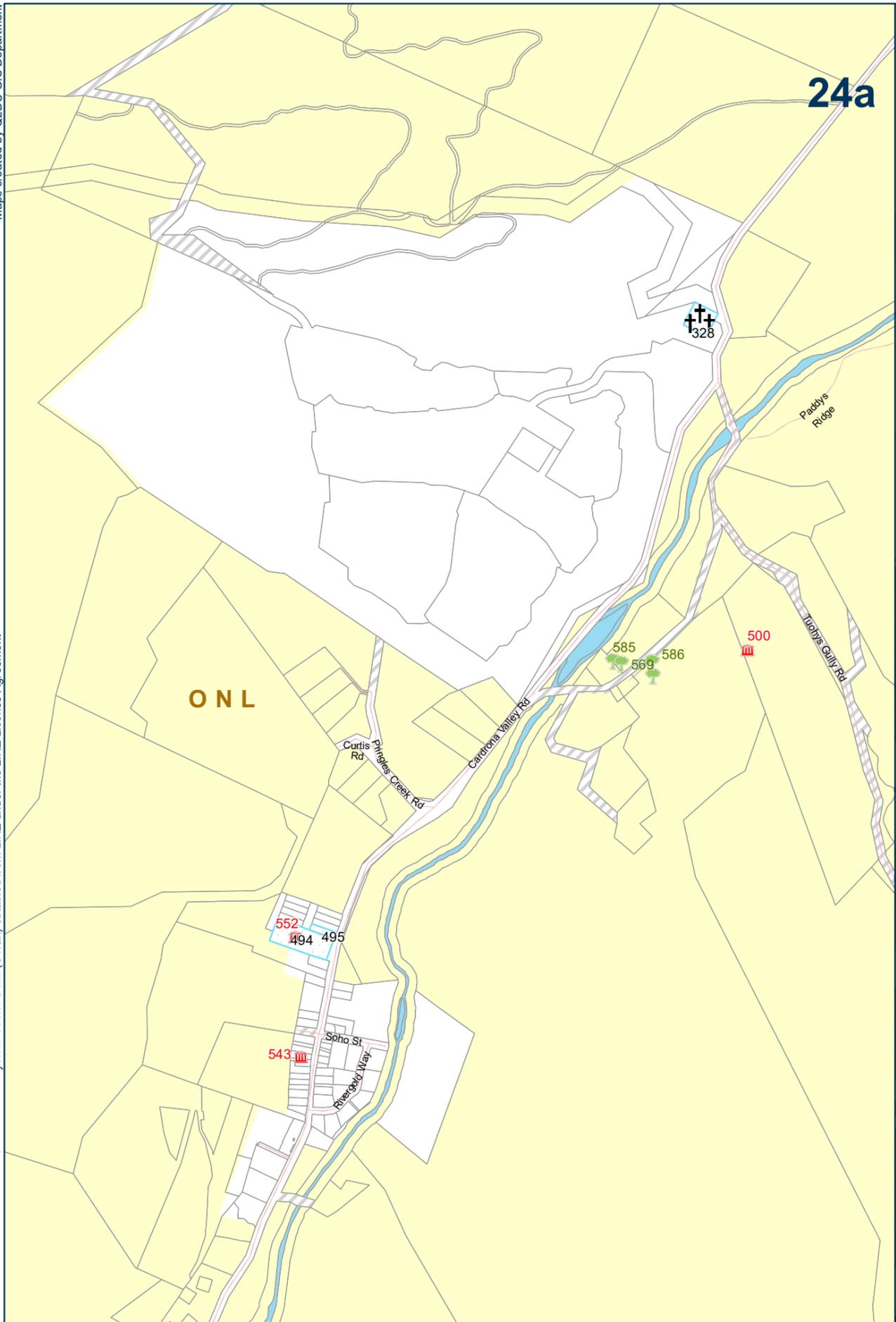
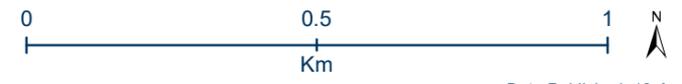
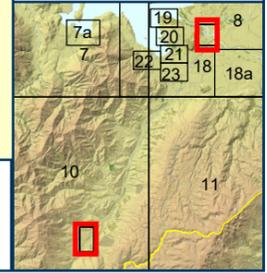


**Appendix C** - A copy of the relevant parts of the decision; and



- Legend**
- Open Cemetery
  - Historic Heritage Features
  - Protected Tree
  - Aurora Distribution Lines - For Information Only
  - Roads
  - State Highway
  - Parcel/Road Boundary
  - Landscape Classification (ONF, ONL, RCL)
  - Urban Growth Boundary
  - Significant Natural Area
  - Unformed Roads
  - Designated Areas
  - Building Restriction
  - Large Lot Residential A
  - Large Lot Residential B
  - Lower Density Suburban Residential
  - Local Shopping Centre
  - Rural
  - Rural Residential
  - Rural Lifestyle
  - Water (zoned Rural unless otherwise shown)

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# QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 16.1

Report and Recommendations of Independent Commissioners  
Regarding Upper Clutha Planning Maps

Outstanding Natural Landscapes, Outstanding Natural Features and Significant  
Natural Areas

## Commissioners

Trevor Robinson (Chair)

Jenny Hudson (Part)

Calum MacLeod

Ian Munro (Part)

#### 2.4 Maungawera Valley:

63. The submissions of Tim Burdon<sup>34</sup> and Lakes Land Care<sup>35</sup> seek that the notified ONL lines on the northern side of the Maungawera Valley, and on the slopes of Mount Brown, on the southern side of the valley, be reviewed. The submission points to the different views of the landscape architects advising Council in relation to the former and apparent inconsistency in reasoning as regards the latter. The submitters did not appear before us to support their submission. We also note that UCES opposed this submission when Mr Haworth appeared before us relying on Ms Lucas's evidence discussed above. However, UCES did not file a further submission on either of the above submissions and in any event, Ms Lucas does not discuss the merits of the submissions in any detail. Accordingly, we consider it inappropriate to take UCES's opposition into account on the substantive questions raised by the submissions
64. Turning to the points raised in the submission, we appreciate that to lay people, it is somewhat perplexing that different landscape architects can recommend different boundaries to the same ONL. In this case, Ms Steven recommended that the boundary follow a higher elevation than did Dr Read. The notified PDP adopted Dr Read's recommendation.
65. Ms Mellsop considered both points of view and recommended an intermediate boundary that in her view included several steep foothills and ridges that are clearly legible as part of the mountain range rather than the valley and which Ms Steven had excluded, and excluded portions of flatter rolling down lands and the lower part of Quartz Creek that are not part of the mountain landscape forming the ONL, that Dr Read had included. We find Ms Mellsop's reasoning convincing and accordingly recommend amendment of the ONL line accordingly.
66. Ms Mellsop also discussed the submitters' point as regards the southern side of the valley. Ms Mellsop explained that the landscape classification on the southern face of Mount Brown had been determined by the Environment Court<sup>36</sup> by reason of the relationship of that face to the ONL of Lake Wanaka rather than because of the characteristics of Mount Brown itself. She agreed with the conclusion of the Court that Mount Brown is not sufficiently distinctive to be classified as an ONF. In Ms Mellsop's view, there was no clear boundary between the landscape character of the northern slopes of Mount Brown and that of the valley flats. Accordingly, her opinion was that the boundary on the southern side of the valley (which runs through the peak of Mount Brown) is appropriate and defensible.
67. Again, we found Ms Mellsop's evidence to be convincing in the absence of any expert evidence before us to the contrary.
68. Accordingly, we recommend that the submissions noted above be accepted only in part (as regards the location of the ONL boundary on the northern side of the Maungawera Valley).

#### 2.5 Clutha River at Albert Town Bridge:

69. Alan Cutler<sup>37</sup> has sought that the boundary of the Clutha River ONF in the vicinity of the Albert Town Bridge be shifted to take in the riverbank and associated terrace, rather than being defined at the water's edge. Mr Cutler did not appear in support of his submission, which was opposed by a group of 7 Albert Town landowners whose properties would adjoin the revised

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<sup>34</sup> Submission 791

<sup>35</sup> Submission 794

<sup>36</sup> In *Upper Clutha Environmental Society Inc v QLDC* C114/2007 at 43

<sup>37</sup> Submission 110

ONF boundary sought<sup>38</sup>. The further submitters did appear, and we will discuss their position shortly.

70. In her evidence in chief<sup>39</sup>, Ms Mellsop ventured the opinion that the ONF line was intended to include the river margin, but was incorrectly transcribed onto the planning maps. In her view, the revised boundary sought is consistent with that in other parts of the Clutha River ONF where it includes the riverbanks and terrace faces that form an integral part of the feature. She accepted the further submitters' point that the contour of the river escarpment in this area is likely to have been at least partially modified, but in her view, it remains a clearly legible escarpment connecting to unmodified riverbank landforms to the west and east.
71. Having considered the evidence filed for the further submitters of Mr Charles Grant, which we will discuss in a moment, Ms Mellsop revised her recommendation in her rebuttal evidence<sup>40</sup> so that her recommended line more accurately follows the top of the river escarpment, but otherwise maintained her position.
72. As already noted, evidence was provided for the further submitters by Mr Charles Grant. Mr Grant is a surveyor with experience in project management. He did not purport to give expert landscape evidence and counsel for the further submitters (Ms Baker-Galloway) made it clear when she appeared that Mr Grant's evidence should not be taken as such. Ms Baker-Galloway stated that the purpose of both her submissions and Mr Grant's evidence was to test the argument supporting the recommended ONF line. We have approached the further submitters' case on that basis.
73. Mr Grant's evidence contended:
  - a. The land identified in the extended ONF boundary is Township Zone (operative) reflecting the modified nature of the land and the significant development adjoining it.
  - b. There was evidence to dispute Ms Mellsop's contention that the location of the notified ONF line was an error.
  - c. The revised ONF line is inconsistent with Chapter 6 of the PDP stating that landscape categorisation applies only to the Rural Zone and with Mr Barr's evidential commentary thereon.
  - d. The terrace in question is not natural having been engineered in response to land stability issues.
  - e. Ms Mellsop's recommended revised line (in her Evidence in Chief) is not consistent with Otago Regional Council's identification of the flood hazard line.
74. Had Mr Grant been correct, and the land the subject of the ONF line recommended by Ms Mellsop been within the Township Zone, this would have been a significant point for the reasons discussed above: the Township zoned land is not part of the PDP and in our view, cannot therefore have landscape notations across it as part of the PDP process. The evidence of Mr Barr in rebuttal, however, is that the land over which Ms Mellsop recommends a revised ONF line be placed is legal road and not the subject of the operative Township Zone<sup>41</sup>. Mr Barr went on to note that roads are not zoned under Stage 1 of the PDP (or at all). He also noted that there are many unformed roads within the Rural Zone and that it would be impractical to specifically exclude those roads from landscape overlays.

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<sup>38</sup> Further Submission 1038

<sup>39</sup> At 8.116-8.119

<sup>40</sup> Mellsop Rebuttal Evidence at 4.52

<sup>41</sup> Barr Rebuttal evidence at 28.3-28.4