

## **Queenstown Lakes Proposed District Plan, Landscape Schedules Variation**

### **Kāi Tahu ki Otago (Kā Rūnaka) Summary of Submission, Response to s42A & JWS versions**

#### **Mana whenua features and their location; associations and experience**

Through papatipu rūnaka, Kāi Tahu mana whenua provided input into these attributes and values. Apart from changes to correct omissions/errors as a result of the Kāi Tahu submission, or to revise Sticky Forest-related content in Schedule 21.22.22, kā rūnaka support the notified version of this content in the schedules and seek its retention.

#### **Schedule 21.22.22 Dublin Bay (Sticky Forest block)**

Kāi Tahu content relating to Sticky Forest at Schedule 21.22.22, para 21 has been modified in response to the Te Arawhiti and Te Rūnanga o Ngāi Tahu submissions and evidence. Kā rūnaka submitted to remove the third sentence in para 28 relating to Sticky Forest as a mountain biking destination. This sentence has been modified via QLDC rebuttal and expert conferencing. Kā rūnaka support the latest versions of paras 21 and 28 provided with QLDC opening legal submissions.

#### **Landscape Capacity**

Capacity Statements – The rūnaka submission raised concerns around clarity of the landscape capacity statements in each schedule and the meaning of terminology within them. The schedule preamble has been expanded considerably as a result of s42a, rebuttal and expert conferencing. It now includes context around the concept of landscape capacity, its application and meaning, along with interpretation of the terms used to describe capacity. Kā rūnaka generally support these changes, albeit retaining some concern around the ability of the schedules to manage cumulative landscape effects.

Commercial Recreational – The rūnaka submission that any capacity for this activity be qualified as relating to ‘small scale and low-key’ has been accepted, and this is supported.

Standard wording where capacity identified – Kā rūnaka sought additional text to help identify when capacity was available for the following activities - commercial recreational, tourism related, intensive agriculture, earthworks, mineral extraction, transport infrastructure/gondolas, utilities and regionally significant infrastructure. The section 42a author (para 8.42) considers the information repetitive and not adding clarity. Kā rūnaka still seek inclusion of this text, noting that similar expansion is undertaken in capacity statements for activities such as commercial recreation, visitor accommodation and earthworks.

Activity clarification - Kā rūnaka sought clarity on the meaning of several activities and raised issues of concern as follows.

- Tourism related activities, intensive agriculture and mineral extraction have been clarified in the preamble as meaning ‘resort’, ‘factory farming’ and ‘mining’ respectively. While it is understood that the nomenclature reflects Chapter 3 policies, it does not aid plan clarity to have different terminology for the same activity.
- Kā rūnaka sought no capacity for mining from the Kawarau and Ōrau (Cardrona) rivers, and supports the changes to Schedule 21.22.18 and 21.23.1 (Cardrona). The Kawarau has changed

from 'limited' to 'very limited' capacity, but an 'extremely limited or no' capacity rating would be preferred.

- Transport infrastructure/gondolas – gondolas have been changed to 'passenger lift systems' and limited capacity identified in three additional Priority Areas – Central and Western Whakatipu Basin and the Kawarau River, as well as the Northern Remarkables and Cardrona Valley ONLs. With the change to the meaning of 'limited capacity' ('very modest' changing to 'modest' in terms of capacity for the amount of sensitively located/designed development), kā rūnaka wonder whether 'very limited' capacity should be identified instead, as the description for this seems to align more with the initial capacity assessment.

Rural living - Kā rūnaka seek that rural living is contained within areas zoned for that purpose and consider capacity for this activity should not be identified outside these zones.

Lake Structures, Jetties, Moorings, Boathouses – The rūnaka submission sought clarity around the terminology used to describe activities on the surface of water and this has been improved. Further, a footnote has been added to the Preamble to the effect that identification of an attribute does not confirm that it is legally established. However, kā rūnaka retain concerns around the legality of these structures, particularly moorings, and how this has been factored into the landscape assessment and identification of capacity. As such, kā rūnaka retain the view that there should be no capacity identified until the legality of existing structures has been established.

## Appendix to Kāi Tahu ki Otago (Kā Rūnaka) Summary of Submission – Drafting Changes

### Introduction

At the hearing on 7 November, the Commissioners sought clarification on drafting changes sought by Kāi Tahu ki Otago in their submission. Unfortunately, the Panel did not have the Kāi Tahu submission in front of them at the time of the Kāi Tahu appearance.

### Kāi Tahu Relief Sought

Much of the relief sought by the Kāi Tahu submission has been addressed by:

- Omissions and corrections accepted by the Section 42a author
- Changes to the Schedule Preamble via expert conferencing
- Changes to the Dublin Bay Schedule 21.22.22 also via expert conferencing, noting that further amendments sought by Te Arawhiti and Te Rūnanga o Ngāi Tahu are also supported by Kāi Tahu ki Otago.

Other changes relate to the ascribed landscape capacity rating, with changes to ‘no capacity’ (or ‘extremely limited to no capacity’ as it is now characterised) sought for the following activities in all schedules where they are listed in the capacity statements: rural living; and jetties/moorings/lake structures/boat sheds. Further, the determination of ‘limited’ capacity for passenger lift systems in five schedules (21.22.9, 21.22.12, 21.22.14, 21.22.15, 21.22.18) is queried and a re-evaluation of ‘very limited’ capacity suggested, following a change to the description of ‘limited’ capacity.

### Additional Drafting Sought

The remaining drafting sought is that the text in italics below is added where capacity is identified for the following activities: commercial recreational, tourism related, intensive agriculture, earthworks, mineral extraction, transport infrastructure/gondolas, utilities and regionally significant infrastructure.

*(that) preserve the natural character of wetlands, lakes, rivers and their margins; avoid the location of buildings on elevated slopes or skylines; protect mana whenua associations and values, particularly for those areas identified as wāhi tūpuna, statutory acknowledgements or nohoaka;*

The table below lists the applicable schedules where this additional drafting is sought for each activity type. This is typically where any capacity is identified greater than ‘extremely limited or no’, although in some situations where ‘extremely limited or no’ is qualified then the drafting is also sought. An example of this is where mineral extraction is determined to have extremely limited or no capacity ‘excepting small scale farm quarries’.

<b>Activity</b>	<b>Applicable Schedules</b>
Commercial Recreational	21.22.1, 21.22.2, 21.22.3, 21.22.4, 21.22.5, 21.22.6, 21.22.8, 21.22.9, 21.22.10, 21.22.12, 21.22.13, 21.22.14, 21.22.15, 21.22.16, 21.22.17, 21.22.18, 21.22.19, 21.22.20, 21.22.21, 21.22.22, 21.22.23, 21.22.24, 21.23.1, 21.23.2, 21.23.3, 21.23.4, 21.23.5
Tourism Related	21.22.9, 21.22.12, 21.22.14, 21.22.15, 21.22.16, 21.22.17, 21.22.18, 21.22.19, 21.22.21, 21.22.22, 21.22.23, 21.22.24, 21.23.1, 21.23.2, 21.23.3, 21.23.4, 21.23.5
Intensive Agriculture	21.22.9, 21.22.12, 21.22.15, 21.22.16, 21.22.17, 21.22.18, 21.22.19, 21.22.21, 21.22.22, 21.22.23, 21.22.24, 21.23.1, 21.23.2, 21.23.3, 21.23.4, 21.23.5
Earthworks	21.22.1, 21.22.2, 21.22.3, 21.22.4, 21.22.5, 21.22.6, 21.22.7, 21.22.8, 21.22.9, 21.22.10, 21.22.11, 21.22.12, 21.22.13, 21.22.14, 21.22.15, 21.22.16, 21.22.17, 21.22.18, 21.22.19, 21.22.20, 21.22.21, 21.22.22, 21.22.23, 21.22.24, 21.23.1, 21.23.2, 21.23.3, 21.23.4, 21.23.5
Mineral Extraction	21.22.1, 21.22.2, 21.22.4, 21.22.6, 21.22.9, 21.22.12, 21.22.14, 21.22.15, 21.22.16, 21.22.17, 21.22.18, 21.22.19, 21.22.21, 21.22.22, 21.22.23, 21.22.24, 21.23.1, 21.23.2, 21.23.3, 21.23.4, 21.23.5
Transport Infrastructure/ Passenger Lift Systems	21.22.1, 21.22.2, 21.22.3, 21.22.5, 21.22.6, 21.22.8, 21.22.9, 21.22.12, 21.22.13, 21.22.14, 21.22.15, 21.22.16, 21.22.17, 21.22.18, 21.22.19, 21.22.20, 21.22.21, 21.22.22, 21.22.23, 21.22.24, 21.23.1, 21.23.2, 21.23.3, 21.23.4, 21.23.5
Utilities and Regionally Significant Infrastructure	21.22.2, 21.22.3, 21.22.4, 21.22.5, 21.22.6, 21.22.7, 21.22.8, 21.22.9, 21.22.12, 21.22.13, 21.22.14, 21.22.15, 21.22.16, 21.22.17, 21.22.18, 21.22.19, 21.22.20, 21.22.21, 21.22.22, 21.22.23, 21.22.24, 21.23.1, 21.23.2, 21.23.3, 21.23.4, 21.23.5

I trust this clarifies matters, when read in conjunction with the Kāi Tahu ki Otago submission. I am available to respond to any further enquiries from the Panel.

**Michael Bathgate**

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**7 November 2023**