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**BEFORE THE QUEENSTOWN-LAKES DISTRICT COUNCIL**

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**UNDER THE**

**RESOURCE MANAGEMENT ACT 1991**

**IN THE MATTER OF**

**Priority Area Landscape Schedules Proposed  
Variation to the Proposed Queenstown-  
Lakes District Plan**

**OFFICE FOR MĀORI CROWN RELATIONS - TE  
ARAWHITI**

**Submitter**

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**BRIEF OF EVIDENCE OF NIKKI JANE SMETHAM ON BEHALF OF OFFICE FOR MĀORI  
CROWN RELATIONS – TE ARAWHITI**

**8 September 2023**

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## Introduction

1. My name is Nikki Jane Smetham. I am a Senior Landscape Architect with Rough Milne Mitchell Landscape Architects Limited (**Rough Milne Mitchell**).
2. I hold a Bachelor of Landscape Architecture from Lincoln University. I am a registered member of the New Zealand Institute of Landscape Architects, and a member of the Resource Management Law Association of New Zealand.
3. I have over 22 years' experience as a landscape architect and for the last 14 years I have specialised in landscape assessment work. This has included undertaking landscape and visual effects assessments associated with a wide variety of development proposals throughout New Zealand. Work of relevance includes proposed developments in Queenstown Lakes District, Central Otago, Dunedin, Hurunui, Christchurch / Banks Peninsula and the Selwyn District. I have previously presented expert evidence at council hearings and before the Environment Court.
4. I have been involved in a significant amount of work specific to the Queenstown Lakes District including:
  - 4.1 the preparation of a landscape and visual assessment and evidence for the Mt Iron Junction development;
  - 4.2 the preparation of a landscape and visual assessment for Damper Bay;
  - 4.3 the preparation of a landscape and visual assessment and evidence for Nature Preservation Trustee Limited, Wānaka Mt Aspiring Road development;
  - 4.4 providing evidence on behalf of a submitter in opposition to the proposed Mt Dewar development;
  - 4.5 providing a landscape and visual assessment for a solar panel addition to a dwelling in Cardrona Village;
  - 4.6 preparing a landscape and visual assessment of Glencoe Stables

and Cottage Renovation; and

- 4.7 undertaking various peer reviews of landscape and visual assessments in the Queenstown Lakes District including the proposed expansion to the Cardrona Ski Area.
5. I am familiar with the Hāwea / Wānaka Substitute land which is held by the Crown and administered by the Office of Māori Crown Relations - Te Arawhiti (**Te Arawhiti**) pending transfer to individuals who have been identified by the Māori Land Court as redress under the Ngāi Tahu Treaty Settlement. That land is commonly known as **Sticky Forest**. A large portion of this land lies within the Dublin Bay Outstanding Natural Landscape (**ONL**) overlay.
6. I am an expert witness in Environment Court proceedings which relate to this land (ENV-2018-CHC-69). I have provided evidence relating to landscape issues in those proceedings on behalf of the appellants, who are two of the individuals that will receive this land under the settlement. I have visited Sticky Forest on a number of occasions as a local resident and in my capacity as a landscape architect on behalf of the appellants.
7. Ms King of Te Arawhiti has explained the background and history of the Sticky Forest land and I have relied on her evidence, and my general understanding of the site obtained through my involvement in the Environment Court proceedings, in preparing this evidence.
8. I have also reviewed and considered:
  - 8.1 The Council s42A Report authored by Ms Ruth Evans;
  - 8.2 The brief of evidence of Mr Jeremy Head;
  - 8.3 The brief of evidence of Ms Bridget Gilbert;
  - 8.4 The submission and further submission lodged by Te Arawhiti.

**Code of conduct**

9. Although this is a council hearing, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice

Note 2023. I have complied with the Code of Conduct in preparing this evidence and will continue to comply with it while giving oral evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

### **Summary of evidence**

10. My evidence addresses the landscape values for Schedule 21.22.22 Dublin Bay ONL Priority Area (**PA**).
11. Despite the proposed preamble to the schedules stating: “The landscape attributes and values identified, relate to the PA as a whole and should not be taken as prescribing the attributes and values of specific sites within the PA”, proposed Schedule 21.22.22 mentions the Sticky Forest land specifically in several places and identifies land use and vegetation patterns and values associated with this site.
12. As an overarching recommendation, in my view the landscape schedules require re-structuring so that the attributes and key values of each ONL are listed separately. These aspects are currently blurred together in the proposed schedules and that is creating confusion and does not clearly distinguish between attributes (characteristic features of the landscape) and values (the important aspects of the landscape which are to be protected).
13. I understand that Mr Head has amended the schedule to include additional content which recognises the values connected with the status of the Hāwea / Wānaka Substitute land as Treaty redress land, as requested by Te Arawhiti in its submission. This is appropriate and I support the amendment of the schedule to include the wording proposed by Te Arawhiti.
14. I generally agree with the contents of the proposed schedule 21.22.22 as amended by Mr Head, which relate to the values of the Dublin Bay ONL at a “landscape-wide” scale, but I do not agree that the schedule accurately

describes the nature of the plantation forestry or mountain biking trails on Sticky Forest. In my view, the schedule requires further amendment to capture the following points:

- 14.1 While it is correct to identify that plantation forestry on Sticky Forest is a land use pattern present within the Dublin Bay ONL, it is important that the schedule recognises that the presence of plantation forestry does not contribute to the landscape values in the ONL;
- 14.2 Schedule 21.22.22 does not recognise that the existing plantation forestry in the Dublin Bay ONL will require harvesting, thinning and other forest management works typical of a plantation forest. I do not agree with Mr Head that the schedule adequately addresses this issue as it is currently drafted. I recommend further content is added to the schedule, similar to other schedules where there is plantation forestry present within the mapped ONL boundaries;
- 14.3 While I agree that it is applicable to record mountain bike trails on Sticky Forest as a physical attribute with some associative value from a landscape perspective I do so with some caution. It is correct that the trails are an existing land use, but they are not formally established and they run across land which will be private land, with no public expectation that the trails will remain. I consider the schedule as proposed by the Council elevates the mountain bike trails on Sticky Forest as important values of the ONL which require protection – that is inappropriate given the context in which they exist at present.

#### **Dublin Bay ONL description**

15. The key features of the Dublin Bay ONL which contribute to the outstanding classification and which have particular value are the glacial landforms.
16. The Dublin Bay ONL is typically experienced from the lake surface and

lakeside reserves that extend along the lake edge and northern boundary of Sticky Forest between Dublin Bay to Beacon Point including along the Clutha River / Mata-Au corridor. The lakeside reserves include various tracks and trails that form part of a wider trail network and are also part of the national Te Araroa trail.

17. From the lake surface (including that area of Lake Wānaka outside the Dublin Bay ONL extending to The Peninsula, and Stevensons Arm), the terminal moraine is obvious as a distinct and intact landform enclosing Dublin Bay on either side of the river corridor to Beacon Point. Inexplicably the Proposed District Plan planning maps that outline the ONL capture only part of the northern facing slopes of the terminal moraine bounding the lake, stopping short of Beacon Point in line with the western boundary of Sticky Forest. Although in effect the ONL values are protected by the balance of the terminal moraine being a reserve, the ONL values of the slopes in the reserve are not recognised.
18. The Dublin Bay ONL encompasses the Dublin Bay foreshore extending to the ridgeline of Mt Brown, the moraine, the Clutha River / Mata-au outlet headlands and Beacon Point. The glacial features of the Dublin Bay ONL are Mt Brown (at 561 masl) a distinctive roche moutonnée and backdrop feature to Dublin Bay and the terminal moraine of the Hāwea Glacial Advance that sweeps around the lake from Dublin Bay to Beacon Point.
19. The landscape immediately framing the lake around Dublin Bay within the ONL is dominated by the hummocky landform deposited by the Hāwea Glacial Advance. This landform is a terminal moraine that extends around the lake shoreline from Dublin Bay to Beacon Point, including at the lake outlet being the Clutha River / Mata-au corridor. The glacial terminal moraine deposited by the Hāwea Advance is described as an arcuate end morainic loop that wraps around the southern outlet of Lake Wānaka at maximum elevations of 405m,<sup>1</sup> interspersed by narrow strips of lake

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<sup>1</sup> Brooks, P. K. (1986). Glacigenic systems in the Upper Clutha valley in Central Otago, New Zealand (Thesis, Master of Science). University of Otago. Retrieved from <http://hdl.handle.net/10523/7764>; I. C. McKellar (1960) Pleistocene deposits of the Upper Clutha valley, Otago, New Zealand, *New Zealand Journal of Geology and Geophysics*, 3:3,

shore deposits, river alluvium and aggrading fans. The terminal moraine topography varies widely in places consisting of very steep actively eroding slopes, lake terraces and shingle beaches.

20. The Clutha River / Mata Au flows generally east – southeast and in the vicinity of Sticky Forest, extends as a deeply incised corridor that has cut through the terminal moraine landform around the eastern end of Lake Wānaka and flows east towards the Albert Town bridge.
21. There are many popular public walking and cycling tracks within the ONL. For example, the Deans Bank Track and Dublin Bay Track traverse the true left side of the Clutha River between the Albert Town Bridge and Dublin Bay. The Outlet Track runs along the true right edge of the Clutha River / Mata-au and Lake Wānaka from the Albert Town Bridge, past the Site to Beacon Point / Bremner Bay providing a connection to the informal network of tracks within Sticky Forest. The Outlet Track connects the residential suburb of Albert Town, the Northlake subdivision, and the Peninsula Bay subdivision, to the Wānaka township. The tracks afford signature views across Lake Wānaka to the surrounding mountainous context.
22. The key public access to Dublin Bay is via Dublin Bay Road but the northern reaches of Lake Wānaka and the Dublin Bay ONL are generally only accessible to the public by boat unless permission is given by private property owners to access the lake edge via Mt Burke Station. The Mt Burke Station farmland extends to the lake shore between Stevensons Arm and Dublin Bay where there is a boat launching ramp. This ramp is infrequently used because the shoreline is relatively muddy and the lake depth is shallow.
23. There is no launching ramp at Dublin Bay largely because the lake is generally too shallow and therefore typically avoided by boaters. The beach is however a popular picnic area with access to walking and mountain bike tracks. Public toilets are provided but no freedom camping

is permitted.

24. The boat ramp at the outlet campground is popular and provides easy access to the northern areas of the lake. Some areas of the lake are used more than others due to the prevailing westerly winds, hazards, maritime restrictions and type of recreational activities being undertaken.
25. The outlook south from the Northern Lake Wānaka – Dublin Bay ONL catchment (lake surface and Dublin Bay) is strongly enclosed by the terminal moraine landform as a dominant backdrop to the lake shore, with Sticky Forest identified by its conifer plantation cover in an elevated position partway along the terminal moraine.
26. The inland extent of Dublin Bay contains mature pine and Douglas Fir trees. The vegetation cover over the lake side terminal moraine between Dublin Bay to Beacon Point mainly consists of a patchy mosaic of tussock grassland, regenerating kanuka, matagouri and sweet briar, although pine and other wilding exotic tree species and weed species, including Buddleia are present.
27. The Dublin Bay and northern catchment is rural. Human habitation is evident on the shoreline of the lake at Mt Burke Station, where buildings are located and surrounded by improved pasture. Clusters of rural lifestyle properties are located on the flatter land at the head of Dublin Bay and on the south facing flanks of Mt Brown overlooking the bay. The Outlet Campground is located within the terminal moraine ONL on the true right of the Clutha River / Mata-Au. It offers individual wooden bush cabins, tent sites and powered sites with kitchen and ablution facilities over a seasonal period. The campground and outlet track are accessed via the Outlet Road.
28. Within the Dublin Bay ONL, modification is evident through pastoral farming practices with radiata pine, Douglas fir as shelter trees, and wilding species, other exotic amenity trees and clearly evident signs of habitation particularly on the south facing slopes of Mt Brown and head of the Bay and Beacon Point.



29. Nevertheless, the presence of native species, largely regenerating kanuka and kohuhu dominant shrubland, matagouri, mingimingi and ti kouka and other indigenous shrubs mostly on the lake edges interspersed with exotic pasture grass contribute to a **moderate high** natural character.

**Recommendation – Schedules should clearly separate attributes and values**

30. As an overarching point, I recommend that the structure in the schedules should be amended so that they more clearly differentiate between attributes and values.
31. I consider the schedules are confusing and misleading because of the way they are set out. The attributes and values are discussed together and there is no particular hierarchy of values identified. The schedules should be focusing on the key values for each landscape, but because attributes and values are discussed together the schedule is not clear on what is an attribute and what is a value and furthermore is not clear on what attributes are relevant to the key values associated with the glacial landform. In other words, not all attributes within an outstanding natural feature or landscape (**ONFL**) will contribute to the ONFL values. Therefore the schedules risk being misleading.
32. I consider the simplest resolution of this would be to reword the schedule headings and separate the attributes from the values, for example, “Physical Attributes and Values” could become “Physical Attributes”, with “Physical Values” as a separate heading immediately below and so on for the Associative and Perceptual headings. This means that the attributes can capture a comprehensive description, including the less desirable qualities (i.e., pest species) that exist but do not contribute to the values of a particular ONFL.

**Values related to the Hāwea / Wānaka Substitute land (Sticky Forest)**

33. Despite the general intention being for landscape schedules to avoid site-specific discussion, the proposed schedule 21.22.22 for the Dublin Bay ONL contains several passages which identify land use and vegetation

patterns on Sticky Forest as part of the ONL.<sup>2</sup> I consider this separate discussion in the Schedule is appropriate to some extent, as Sticky Forest is large and has several characteristics and values which are unique and different to the values of the wider ONL. However, I do not consider that the discussion proposed in the schedule is accurate. I recommend further amendments. I discuss this in detail below.

34. I acknowledge the statements made by Mr Head and Ms Evans that the landscape schedules describe the values on a landscape-wide basis and are not a substitute for a site-specific assessment. I agree that a site specific landscape assessment would be necessary at the point that any resource consent application was lodged for activities on a site within an ONL. However, that site-specific assessment will be done by reference to the values and landscape capacity identified in the relevant landscape schedule. And the specific content relating to Sticky Forest in schedule 21.22.22 will obviously have significant relevance to any site-specific assessment on that land, so it is important that this content is explicit and accurate.

***Associative values – redress land***

35. Mr Head has recommended accepting Te Arawhiti’s submission seeking amendment to paragraph [20] of the proposed schedule. I also recommend that Te Arawhiti’s change is accepted. For completeness, I also confirm that in my view it is appropriate for the schedule to include paragraph [24] (I assume it was prepared in consultation with mana whenua).
36. The values associated with Sticky Forest being redress land which was committed under the Ngāi Tahu Settlement and, before that, the South Island Landless Natives Act 1906, is significant. This history and the nature of this land as Treaty redress, in substitution for land that was originally promised at ‘the Neck’ between lakes Hāwea and Wānaka, is notable and should be recognised as a value within the ONL. This recognition is

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<sup>2</sup> Schedule 21.22.22 PA ONL Dublin Bay: Schedule of Landscape Values, paragraphs [9(d)], [13(d)], [20], [24], [27]. Paragraph [34] and landscape capacity discussion at xi also discuss plantation forestry and so are particularly relevant to Sticky Forest.

particularly important given the process for identifying future owners and transferring the land back to them is ongoing, as discussed by Ms King.

37. Once Sticky Forest is returned under the Treaty settlement process it will be private land. The future owners may seek to use the land differently to how it is currently used. It is important for the landscape schedules to recognise that this land is returned as redress for historical breaches of the Treaty of Waitangi and is being provided to recognise that historical dispossession prevented the owners' tīpuna from supporting themselves. The landscape schedule should anticipate that in the future it may be appropriate for some change in land use to occur within the ONL on the Sticky Forest land. These strong associations with the land as a settlement outcome are important associative values, not just in a historical sense but as continuing cultural values. I understand that mana whenua may not support placing a rating or score on their values, so I have not recommended any specific change to schedule 21.22.22 in light of my opinion above. I will defer to mana whenua in relation to their preferences for recording their values in the schedules.

### ***Naturalness***

38. Currently, the north facing moraine slopes on the Sticky Forest land have a moderate naturalness relating to the modification to landform and landcover. The terminal moraine landform is the dominant natural feature with high values relating to primarily the legibility of the glacial landform, the lakeside setting / enclosure and the contrast between the lake waters and mountains.
39. The ONL values on Sticky Forest are experienced from the north, within the other parts of the Dublin Bay ONL looking across to the northern slopes of Sticky Forest from Lake Wānaka and the shores of Dublin Bay.
40. The northern slopes of Sticky Forest are clearly associated with the terminal moraine within the Dublin Bay ONL. While not as dramatic as the Mt Iron roche moutonnée or obviously recognisable as an ONL to a lay person compared to other more prominent landforms in the vicinity, the terminal moraine nevertheless clearly expresses the glacial processes of

formation resulting in the distinctive hummocky landforms around Wānaka. The north facing slopes also offer a sense of enclosure and intimacy to the Dublin Bay setting particularly from the lakeside reserve trail.

41. While the vegetation along the moraine feature displays a distinctive texture and patterned character these qualities are eroded by the plantation forest over Sticky Forest that follows the straight / rigid cadastral boundaries that interrupt the natural patterns and processes and exhibit an obvious cultural overlay / modification. The removal of native vegetation and establishment of a plantation forest introduces a level of modification that reduces naturalness to a degree that is obvious, as a managed landcover and particularly where forest extends to the cadastral boundary and forms a stark line of vegetation at odds with the naturally occurring vegetation patterns along the lake edge within the ONL.
42. The point is that although a natural element the plantation forest detracts from, rather than adding to, the ONL values in the sense that if the tree cover were removed then the legibility of the glacial landform would be increased thereby contributing to ONL values. And further, if the forest is removed and revegetation occurs, that would have the potential to contribute to a greater degree of naturalness.
43. The naturalness of the part of the ONL on Sticky Forest has also been modified by mountain bike tracks, jumps and access tracks.
44. I agree with the statement in the draft schedule at [34]. However, I think this statement should be clarified further. The level of naturalness of the ONL is based on the geomorphological value of the terminal moraine and its physical expression in the landscape. So, although the level of naturalness is indeed moderate-high, it is *despite* the plantation forestry, rural living and wilding conifer spread. Those aspects do not contribute values that make this particular landscape outstanding or natural. However, I consider that the word “despite” could be misunderstood as suggesting that the presence of those features still contributes to overall

naturalness (and therefore that those features are landscape values which require protection). This could be resolved by making the schedule wording clearer.

45. In my opinion, the point made about the southern face of Mount Brown also applies to the part of the PA that contains Sticky Forest, where existing forestry aligns with the cadastral boundaries, and mountain bike tracks criss-cross the slopes facing Dublin Bay.
46. I therefore recommend that paragraph [34] be amended, as follows:

*Overall a moderate-high level of perceived naturalness, ~~despite~~ However, plantation forestry, rural living and wilding conifer spread are apparent within the PA and these features do not contribute to naturalness or to the outstanding values of this PA. Perceptions of naturalness are higher on the lake waters and foreshore, where natural elements and processes of indigenous regeneration are dominant. Inconsistent land use and vegetation patterns across the southern face of Mount Brown and on the northern slopes of Sticky Forest detract from the naturalness and coherence of ~~this~~ those parts of the PA.*

#### ***Plantation forestry***

47. The plantation forest covers the vast majority of the Sticky Forest land which lies within the ONL. This land is densely forested with mature conifers, being a mix of Pinus radiata and Douglas fir trees. The north-eastern part of the Site (approximately) is planted in pine with estimated mixed heights of approximately 20 – 30 metres. The western and southern parts of the Site are planted in Douglas fir with estimated mixed heights of approximately 20 – 30 metres.
48. Proposed schedule 21.22.22 paragraphs [9] and [13] describe “plantation conifer forest at Sticky Forest” as a characteristic vegetation type and as an important land use pattern and feature. The current drafting does not adequately recognise that this plantation forest on Sticky Forest does not contribute to the values of the ONL and does not represent an important feature or value which requires protection.
49. As discussed above, the presence of exotic forestry compromises the

legibility of the ONL, reduces the level of natural character and further conceals the open space quality that characterises much of the district's ONLs.

50. The forest plantation is clearly intended to be harvested at some point once the trees are mature so these effects could be said to be anticipated. PDP policies 21.2.1.12 and 21.2.1.14 support the removal of trees where production forestry is inconsistent with topography and vegetation patterns, degrades landscape character and visual amenity values of the RCL and are wilding species. Even if it is not harvested, the plantation forestry within the ONL would naturally decline resulting in a significant change to the appearance and landscape character of this part of the ONL.
51. In my opinion, harvesting will not be perceived as a natural process but certainly will result in a scene of devastation. Furthermore, I doubt that the outcome of harvesting will contribute to the quality or amenity of the view in the short term until a landcover is re-established over the site. During and immediately post harvesting there will be adverse visual effects arising from harvesting tracks across the face of the moraine, remaining vegetation slash and the visibility of mountain bike tracks, along with noise and machinery activity, etc. During harvesting and over the period of time for remediation to take effect, the ONL slopes on Sticky Forest facing the lake will dominate and adversely affect part of the scenic outlook from Dublin Bay.
52. In response to submissions seeking that landscape capacity at (xi) (relating to forestry) is amended so that it identifies that parts of the area are already covered in mature conifers, and these will have to be harvested at some stage, Mr Head has said that "Existing production forestry / mature conifers within the PA is addressed in the body of the schedule wording and is not considered necessary to also include at (xi). The capacity ratings address future development activity."<sup>3</sup> However, I do not think the schedule is sufficiently clear on this point. This may be

addressed by adding in the word “future” to the Landscape Capacity sentence to read:

*The landscape capacity of the PA ONL Dublin Bay for a range of future activities is set out below.*

53. Other landscape schedules are much clearer than the Dublin Bay ONL schedule when it comes to recognising the presence of existing plantation forestry within an ONL and reflecting the reality that harvest will occur, and that the associated adverse visual effects of harvesting are anticipated. For example, the Central Whakatipu Basin schedule at [68] and [76]; and the Eastern Whakatipu Basin schedule at [54], [57], [68]. Those other schedules are also clearer in their recognition that the plantation forestry does not contribute to the values of the ONL and does not hold values that are to be protected from a landscape perspective. A consistent approach across all the landscape schedules is appropriate. I recommend that amendments are made to the Dublin Bay ONL schedule to align with the way that the Central Whakatipu Basin and Eastern Whakatipu Basin schedules discuss existing plantation forestry.
54. As discussed in paragraph [30]-[32] above, my primary recommendation is for the schedule to clearly separate the discussion of attributes from the discussion of values. I have also recommended amendments to paragraph [34]. However, if my primary recommendations in relation to structure and paragraph [34] are not accepted, I recommend that the Dublin Bay ONL schedule is amended as follows, to better explain the implications and relevance of plantation forestry on Sticky Forest to the landscape values of the Dublin Bay ONL:

*[9] Other characteristic vegetation types (which are present in the ONL but which may not contribute to its outstanding values) are:*

...

*(d) Plantation conifer forest at Sticky Forest.*

*[13] Predominantly farmland and reserve/conservation land, but diverse land uses, including:*

...

*(d) Plantation forestry and informal use of mountain bike trails on private land at Sticky Forest;*

*[14] The forestry plantings and wilding spread in the area contribute a reduced perception of naturalness. However, the underlying natural terminal moraine landform character of the area remains legible, thus ensuring these parts of the PA display at least a moderate-high level of naturalness. The visual appearance of these parts of the PA during and after harvesting cycles will form a prominent negative visual element within the broader landscape setting and will serve to (temporarily) further reduce the perception of naturalness in this part of the PA.*

55. I note that the reference in paragraph [13(d)] to Sticky Forest being private land is correct in the long term, though at present is held by the Crown while transfer under the Treaty settlement is pending (and public access has not been prohibited in this interim period), as Ms King explains.

***Mountain bike trails***

56. Currently Sticky Forest is modified by a complex network of cycle tracks ranging from beginner to advanced, jumps, and a rough farm track. These trails are valued by some members of the community but they are informal and, given the land will be privately held, they will not necessarily be an ongoing or long-term feature within the ONL. As Ms King explains, the trails have been established informally and with no expectation of an ongoing right of public access. Once Sticky Forest is returned under the Treaty settlement process the future owners will have the right as private landowners to decide whether to allow continued public access for mountain biking.
57. Paragraph [13] currently identifies mountain bike trails on Sticky Forest under the heading Physical Attributes and Values, “Land use patterns and features”, and again at Paragraph [27] under the heading “Important



recreation attributes and values”, also noting that this is the only publicly accessible mountain bike trail network currently located in Wanaka. This is factually incorrect because the Glendhu Mountain Bike Park offers the same activity. The point is that identifying the informal trails within the ONL under these headings implies that they are part of the values which should be protected. While it is relevant to identify public trail networks and associative recreational values in the ONL more broadly, identifying the mountain bike trails on Sticky Forest as “important recreation attributes and values” specifically elevates them as a value of the ONL in a way that is inaccurate and misleading.

58. I consider this to be inappropriate in the circumstances and context of this land, and in light of the way in which the mountain bike trails have been established.
59. Te Arawhiti’s submissions sought that the references to mountain biking values on Sticky Forest in paragraphs [13] and [27] be deleted. While he did not explain his reasoning, Mr Head recommended instead adding the reference to the trails being “informal” into paragraph [13] and adding “although as discussed in paragraph 20 above, public access to this area may change in the future” to paragraph [27].<sup>4</sup>
60. I do not think Mr Head’s recommended changes appropriately recognise that the mountain bike trails on Sticky Forest are not formally established public trails, and ultimately will not pass over public land. Although I acknowledge these trails are an existing use of the Sticky Forest land, and are valued by some in the community, I also note that the trails are valued because they traverse established forest, which may be removed at some future point. For these reasons I do not think they should be afforded the same level of recognition as recreational values associated with an ONL that provide formally established public trails.
61. As discussed above, I recommend that the discussion of attributes is separated from the discussion of values, such that paragraph [13] is

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<sup>4</sup> Evidence in chief of Mr Head, Appendix 1(j), in response to submission point OS57.6 and OS57.7.

clearly identified in the schedule as a description of relevant attributes on the land but not as a list of values to be protected. Provided this restructuring occurs, I support the amendment proposed by Mr Head to [13] recognising the informal nature of the mountain biking on this land as an existing attribute (but not a value of the ONL which requires protection).

62. I recommend that the sentences related to mountain biking on Sticky Forest in paragraph [27] are deleted, as follows:

*[27] Highly valued as locations for swimming (safe shallow beach at Dublin Bay), picnicking, boating, water skiing, walking and mountain biking along the lake shore, and camping at The Outlet. Lake Wanaka is classified as a Nationally Significant Fishery due to both its physical and recreational significance. Tracks along the lakeshore and river outlet, including the Outlet Track and Dublin Bay Track (linked by the Deans Bank Track outside PA), and the East Dublin Bay Track. ~~Sticky Forest is valued as a single-track mountain biking destination, with tracks both inside and outside of the PA. This is the only publicly accessible mountain bike trail network currently located in Wānaka although as discussed in paragraph 20 above, public access to this area may change in the future.~~ Future planned connections in the tracks network include a bridge across the Clutha Mata-au at the Outlet and an extension of East Dublin Bay Track through to Maungawera Road.*

### **Conclusion**

63. The landscape attributes, values and capacity identified in Schedule 21.22.22 will be highly relevant and persuasive in future consenting processes even though the schedules are, for the most part, pitched at a landscape-wide level. This is even more so where Schedule 21.22.22 has specifically identified values associated with the Hāwea / Wānaka Substitute Land (Sticky Forest).
64. It is important for the schedule to recognise the values that this land holds for those who are receiving it as redress for historical breaches of the Treaty of Waitangi. It is also essential that attributes, which do not contribute to the outstanding values of the Dublin Bay ONL are not recorded as values or characteristics that should be protected but

separated for clarity under the recommended headings for each section of attributes and values. As I have explained above, the plantation forestry and mountain bike trails on Sticky Forest have been identified specifically in Schedule 21.22.22 but I do not consider it is appropriate to retain the wording as proposed. I recommend that the panel amend the schedule wording to reflect the recommendations discussed in this brief of evidence.

**Nikki Smetham**  
8 September 2023