
BEFORE THE QUEENSTOWN-LAKES DISTRICT COUNCIL

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

MEMORANDUM OF COUNSEL

16 November 2023

CROWN LAW

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May it please the Panel:

1. The Office for Māori Crown Relations – Te Arawhiti (**Te Arawhiti**) (submitter 57) presented at the hearing for the Priority Area Landscape Schedules Proposed Variation to the Proposed Queenstown-Lakes District Plan on 7 November 2023.

Ms Smetham’s recommendations discussed at the hearing, and clarification of Te Arawhiti’s relief

2. At the end of Te Arawhiti’s presentation at the hearing the Panel requested that Te Arawhiti provide a redlined version of Schedule 21.22.22 relating to the Dublin Bay Outstanding Natural Landscape (**ONL**) Priority Area setting out:
 - 2.1 Any amendment that Ms Smetham considers appropriate to paragraph [34] of Schedule 21.22.22 in light of questions put to her by the Panel regarding the way that schedule 21.22.22 describes views from the lake;
 - 2.2 The amendments which Ms Smetham recommends to the headings of Schedule 21.22.22, which she discussed with the Panel; and
 - 2.3 A further adjustment to the relief which Te Arawhiti seeks in relation to the wording of the capacity rating for “exotic forestry” compared to that set out in legal submissions – which counsel sought to clarify verbally at the end of Te Arawhiti’s presentation.
3. **Enclosed** alongside this memorandum at **Appendix 1** is a copy of Schedule 21.22.22 extracted from Appendix B of the Council’s opening legal submissions (the “clean” version of the schedule following expert conferencing). The amendments are shown in strikethrough and underlining, with different colours identifying the matters which the Panel asked Ms Smetham to consider (in red) and Te Arawhiti’s further clarification to the relief sought at the hearing (in green).

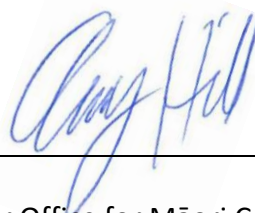
4. In relation to paragraph [34] of Schedule 21.22.22, Ms Smetham has advised counsel via email of her reasoning, as follows (the italics are Ms Smetham's):

Commissioner Smith raised concerns about whether the Dublin Bay PA sufficiently captured the importance of views from the lake towards the shoreline. In my opinion, noting the high-level status of the PA Schedules I consider that views from the lake are appropriately included in several places including the 'General Description', and under the heading of 'Particularly important views to and from the area' at paragraph 34. *Views from the lake waters and lake shore to the landforms enclosing the lake, including Mount Brown and the terminal moraines.* And further, under the heading of 'Aesthetic attributes and values' at paragraph 40.a *The highly attractive views available from within the PA across the lake to surrounding hills and mountains,* noting that the PA incorporates the lake surface over much of Dublin Bay. This is repeated under the 'Summary of Landscape Values' at (c) ii. *...the highly attractive views available across the lake waters to the enclosing landforms...* Overall, I am satisfied that the importance of the views from the lake waters are given sufficient credence by the PA Schedule.

Example of landscape capacity addressed in other plans

5. At the hearing the Panel also asked for examples of landscape schedules which have been prepared by other councils and which discuss capacity.
6. The Bay of Plenty Regional Coastal Environment Plan contains such an example in Schedule 3, relating to the Matakana Island ONL and commencing at page 296 of the Plan.¹
7. The text for that Matakana Island ONL schedule was discussed in detail by the Environment Court in its second decision relating to the Matakana Island ONL: *Western Bay of Plenty District Council v Bay of Plenty Regional Council* [2019] NZEnvC 110. A copy of that decision is **enclosed** alongside this memorandum as **Appendix 2**.

16 November 2023



A Hill
Counsel for Office for Māori Crown Relations
- Te Arawhiti

¹ Available online: <https://atlas.boprc.govt.nz/api/v1/edms/document/A3794251/content>.