
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

**LEGAL SUBMISSIONS ON BEHALF OF OFFICE FOR MĀORI CROWN RELATIONS – TE
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6 November 2023

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May it please the Panel

Introduction

1. These legal submissions are presented on behalf of the Office of Māori Crown Relations - Te Arawhiti (**Te Arawhiti**) (submitter #57). Te Arawhiti lodged a submission and further submission on the Variation to the Queenstown Lakes Proposed District Plan: Priority Area Landscape Schedules (**the Variation**).
2. Te Arawhiti has lodged briefs of evidence from:
 - 2.1 Ms Nikki Smetham – landscape architect;
 - 2.2 Ms Monique King – Te Arawhiti representative.
3. Te Arawhiti’s interest in the Variation relates predominantly to the contents of Schedule 21.22.22 Dublin Bay ONL Priority Area. The Crown currently holds land within that Outstanding Natural Landscape (**ONL**), effectively on trust, pending transfer pursuant to the Ngāi Tahu Deed of Settlement and the Ngāi Tahu Claims Settlement Act 1998. That land is known as the Hāwea / Wānaka substitute land and is commonly called **Sticky Forest** (or **the Substitute Land** in these submissions). Although the schedules are pitched at a landscape-wide scale, the Dublin Bay ONL schedule makes several specific references to Sticky Forest.
4. Te Arawhiti’s submission and evidence also raises issues relevant to the overall structure and approach for the landscape schedules (including the way in which the schedules approach articulation of landscape attributes and values, and the way in which the capacity ratings will be applied).
5. Te Arawhiti’s case is closely aligned to that of Kāi Tahu ki Otago and Te Rūnanga o Ngāi Tahu in relation to the Hāwea / Wānaka Substitute Land.
6. As counsel for the Council observed in opening submissions,¹ there is a live Environment Court appeal relating to Sticky Forest, involving rezoning of part of the Land.² The area sought to be rezoned is outside of the ONL,

¹ Opening Submissions / Representations for Queenstown Lakes District Council, 13 October 2023, at [6.27].

² ENV-2018-CHC-69. Set down for hearing in late November 2023.

but the Dublin Bay ONL values schedule is relevant to those proceedings and the notified version of the schedule has been referred to in evidence.

Summary of position

7. The matters of concern to Te Arawhiti have mostly been resolved through evidence exchange and expert conferencing.
8. Te Arawhiti largely supports the amended schedule 21.22.22 Dublin Bay ONL attached to the Council's opening legal submissions. However, Te Arawhiti proposes further adjustments to schedule 21.22.22 to improve clarity and assist in future use and interpretation – discussed below and summarised in **Appendix 1**.

Legal issues arising

9. To ensure that the council has exercised its functions consistently with s6(b), the ONL schedules should clearly identify:
 - 9.1 What values of each priority area landscape make it outstanding and therefore require protection;³ and
 - 9.2 In the context of each outstanding natural landscape, what would constitute inappropriate subdivision, use and development.

Environment Court findings and guidance in respect of the Variation

10. This Variation arises from the Environment Court's decisions on appeals against the landscape chapter of the Proposed Queenstown-Lakes District Plan (**PDP**).
11. The Environment Court found that the schedules are a key aspect of the district plan's functions in respect of s6(b) and 7(c) matters, particularly when around 97% of the district is covered by an ONL overlay.⁴ The Court's reasoning about the role that the schedules should play in the PDP must be kept front of mind.

³ Noting that the definition of "landscape values" in Chapter 3 of the Proposed District Plan includes "biophysical, sensory and associative attributes".

⁴ *Hawthenden Ltd v Queenstown Lakes District Council* [2019] NZEnvC 160 (Decision 2.1) at [55] and [57], [78]-[79].

12. In Decision 2.1 the Environment Court found:⁵

[30] As *Man O'War Station Limited v Auckland City Council* recognised (in the context of a policy instrument that enunciated related values), much turns on what is sought to be protected. Mapping only assists in identifying the geographic extent of what is sought to be protected. **Listing those values that inform why a feature or landscape is an ONF or ONL is an important further element of setting out what is sought to be protected. That is particularly given the significant element of judgment required to select features and landscapes as "sufficiently natural" to warrant identification as ONFs or ONLs. In particular, that selection includes choices as to the significance or otherwise of human modifications to a feature or landscape. Associated with those choices are judgments as to the resilience, or otherwise, of the feature or landscape to further human modification. Transparency in the ODP about those choices is highly desirable, in terms of certainty, in that it helps inform what is inappropriate subdivision, use and development.**

[31] Objectives, policies, assessment matters and other rules are relatively limited in their capacity to enunciate particular ONF or ONL values because they are designed to apply generically. The listing of relevant values, provided it is properly informed and expressed, helps plug that gap. As such, scheduling values would assist the ODP to fulfil its protective purposes.

...

[55] The direction in s6(b) RMA to 'recognise and provide for' the protection of ONLs and ONFs is not sufficiently fulfilled by mapping the geographic extent of such landscapes and features. Rather, it also requires an informed exercise of judgment as to the qualities or values in that feature or landscape and whether, in a comparative sense, they are sufficiently natural to be classed as 'outstanding'.

[56] As the Court of Appeal emphasises in *Man O'War*, 'outstanding' is a strong adjective intending that a landscape or feature must be of special quality to be an ONL or ONF. However, as it also emphasises, the determination of whether a landscape or feature is sufficiently natural calls for the exercise of well-informed contextual judgment.

[57] **Queenstown District stands somewhat apart in being well-endowed with landscapes and features of special quality. While comparison is appropriately undertaken at a district level, for a district plan, it is not unsound conceptually for QLDC to have adjudged that 97% of its entire District land area is either ONL or ONF. However, as we discuss at [27] and following, mapping ONFs and ONLs is just one necessary part of ensuring the ODP properly responds to s6(b), RMA.**

...

[77] As the Court of Appeal observed in *Man O'War* (citing the majority judgment in *King Salmon*) "**much turns on what is sought to be protected**". **The qualifying words in s6(b) to "from inappropriate subdivision, use and development" reflect that position.**

⁵ *Hawthenden Ltd v Queenstown Lakes District Council* [2019] NZEnvC 160 (Decision 2.1).

[78] A notable point of distinction from *Man O'War* is that the PDP does not yet include a schedule of values for its mapped ONFs and ONLs. The mapping colours all ONFs and ONLs much the same, and the overarching objectives and policies and related assessment matters (to be addressed by our further decision(s)) do not materially assist to elucidate their values.

(emphasis added)

13. Subsequently, in Decision 2.2 the Environment Court found:⁶

[127] **Landscape capacity cannot be known unless there has been an identification of the landscape character values and their importance** (i.e. knowing what the landscape is valued for and why). Evaluating a landscape is inherently an exercise where different landscape experts have different opinions. That is why it is important that a district plan identifies both landscape values and landscape capacity in that both of these are part of the plan's intended statutory authority in regard to ss6(b) and 7(c).

[128] **Ms Gilbert spoke with some force about her concerns that scheduling would result in important values being overlooked. However, with respect, we observe that she would appear not to have duly appreciated the intended statutory function of a district plan to make choices about the matters to which s6(b) applies, including how much land is to be classed as ONF/L, what associated landscape values are sought to be protected and, related to that, what is inappropriate subdivision, use and development. All of those are dimensions of fleshing out and contextualising s6(b), according to the guidance of *King Salmon, Man O'War, R J Davidson* and *Matakana*.**

...

[166] In principle, in the development of a district plan, there should be an iterative relationship between landscape assessment and landscape capacity assessment in calibrating the plan's response to ss6(b) and 7(c), RMA as follows:

(a) **landscape assessments serve to elicit values sought to be protected**, for s6(b) purposes, or maintained or enhanced for s7(c) purposes so as to help test the settings in the district plan for enablement of subdivision, use and development in ONF/Ls and RCLs;

(b) **landscape capacity assessments serve to test the capacity of initially identified values to tolerate land use change or development, particularly as may be anticipated over the life of the district plan;**

(c) **both landscape assessment and landscape capacity assessment serve to ensure judgments on what the district plan seeks to protect, for s6(b) purposes, or maintain or enhance for s7(c) purposes, are properly informed.**

(emphasis added)

14. The judgment required to determine that a landscape or feature is sufficiently natural, or the landscape's capacity or resilience to use and

⁶ *Upper Clutha Environmental Society Inc v Queenstown Lakes District Council* [2019] NZEnvC 205 (Decision 2.2).

development, is not the sole preserve of the expert. Rather, experts contribute their opinion in order for the relevant decision-maker to exercise that judgment.⁷

15. Whether land has attributes sufficient to make it an outstanding landscape requires an essentially factual assessment based upon the inherent quality of the landscape itself.⁸

Importance of clearly identifying values for protection and capacity

16. The schedules must clearly articulate what makes each ONL outstanding, what values or attributes require protection, and what inappropriate subdivision, use, or development looks like. If they fail to do so, they will not achieve the purpose of the Act or the objective of the Variation, and they will not properly have recognised and provided for s6(b).
17. PDP policy 3.3.38 requires the schedules to identify the “key physical, sensory and associative attributes that contribute to the values of the Feature or Landscape that are to be protected”, “describe in accordance with SP 3.3.43, and then rate, those attributes”, and “assess and record the related landscape capacity for subdivision, use and development activities”. The policies against which future consent applications will be tested apply by reference to effects on “landscape values”.⁹
18. To properly implement the policies of the PDP, the schedules must therefore identify and distinguish between key values requiring protection and other characteristics or attributes of the landscape which may be notable for other reasons (i.e. for capacity considerations or as a baseline description of the landscape). The landscape schedules attached to Council’s opening legal submissions still do not clearly make this distinction. The text of the Preamble to the ONFL schedules records that the schedules list attributes that contribute positively to landscape values, attributes that detract from landscape values, and attributes that are neutral. But the schedules themselves do not always clearly identify

⁷ Decision 2.1 at [61]. See also *Western Bay of Plenty District Council v Bay of Plenty Regional Council* [2017] NZEnvC 147 at [135]-[136].

⁸ *Man O’War Station Limited v Auckland City Council* [2017] NZCA 24, at [61].

⁹ See for example policies 3.3.30, 3.3.31, 21.2.1.13.

which is which.

19. Ms Smetham recommended in her brief of evidence that the schedules need to better separate and distinguish the aspects of the landscape requiring protection from other aspects. Mr Espie and Ms Lucas made similar recommendations.
20. Mr Head and Ms Gilbert commented in their summaries and in their presentations to the Panel that they are concerned identifying the key values to be protected will relegate other values and attributes to a 'backseat' and would amount to a ranking exercise. With respect, that is exactly what the Environment Court envisaged and what policies 3.3.37 and 3.3.38 require. Not all the values associated with each landscape are equal. Some make it outstanding and require protection. Other values / attributes / characteristics which are noted for other reasons (such as to inform capacity assessments and consideration of inappropriate use). The role of the schedules is to assist plan users to identify the key values of importance from a landscape perspective and to articulate generally the sort of development that may be appropriate. This does not require a granular ranking of each value and attribute.
21. If Ms Gilbert and Mr Head are resistant to a summary list of 'key' values, then at the very least the existing discussion in the schedules could be structured and articulated to more clearly signal which values and/or attributes need protection, and which are noted for other reasons. Articulating the values more clearly will not change the fact that the schedules are intended to apply landscape-wide and be read as a whole – it will just make the schedules easier to understand and apply.
22. In relation to the Dublin Bay ONL, the text of schedule 21.22.22 agreed through conferencing has improved clarity around the values associated with certain aspects in the landscape such as the plantation forestry and informal mountain biking trails on Sticky Forest (see for example, paragraph [9]). Te Arawhiti supports that increased clarity, however it would still prefer that the schedules were structured in a way that more clearly distinguishes the key values for protection.

23. In the Dublin Bay ONL, the contents of the schedule appears to record that the key landscape values which require protection are the geology and geomorphology of the glacial landforms, the lake outlet at Mata-au / Clutha River, proximity to urban settlement, the listed mana whenua values, associative recreational values connected to swimming, picnicking, boating, walking, use of trails on public land. In contrast, plantation forestry and associative values connected to the informal mountain bike trails on Sticky Forest are not key attributes or values requiring protection.
24. While the text of schedule 21.22.22 is now clearer, the sub-titles within schedule 21.22.22 remain ambiguous and potentially misleading. For example, paragraphs [8]-[12] are placed under the heading “Important ecological features and vegetation types”. However, paragraphs [9], [10], and [12] do not record important landscape values which require protection. Te Arawhiti seeks that if the discussion in the schedules continues to mix significant values requiring protection with other values or attributes then the sub-headings need to adopt a more neutral expression to avoid creating future ambiguity. Alternatively, restructuring of the schedule should be done (without changing the words) to group passages which describe key values for protection and other passages which describe neutral or detracting attributes and characteristics – with more apt headings.

Part 2 RMA

25. Consistent with Part 2, PDP policy 6.3.3.2 requires that the schedules recognise historical and cultural associations. It states: “*Ensure that the protection of Outstanding Natural Features and Outstanding Natural Landscapes includes recognition of any values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to Tangata Whenua, including tōpuni and wāhi tūpuna.*” The values related to the history and context of the Hāwea / Wānaka Substitute Land (Sticky Forest) are part of the Dublin Bay ONL and recognition of those values is required to implement policy 6.3.3.2. This recognition is also

required to ensure the schedule properly recognises and provides for ss6(b) and 6(e) RMA.

26. The Environment Court did not have issues related to the Hāwea / Wānaka Substitute Land before it when determining the landscape chapter appeals, so for the avoidance of doubt these submissions briefly traverse Part 2 matters of relevance when considering how the landscape schedules should account for the history of the Substitute Land. In addition, s 8 RMA is engaged, and that has procedural and substantive implications which decision-makers must always have in mind.¹⁰
27. The *Matakana* case emphasised that considerations of the values of a place to tangata whenua, and historical associations, are at the heart of the cultural conception of a landscape.¹¹ Those considerations are part of any assessment in terms of s6(e) or (f), as well as an assessment under s6(b), and there may be more than one method for recognising and providing for those values, but a compartmentalised approach is to be avoided.¹²
28. Section 8 requires, in achieving the purpose of the Act, all persons exercising functions and powers in relation to the use, development, and protection of natural and physical resources take into account the principles of the Treaty of Waitangi. Key principles of the Treaty of Waitangi that are engaged are those of redress and active protection.
29. Section 8 supports recognition of historical and contemporary associations with the Substitute Land relating to Treaty settlement and redress in the landscape schedules as a key landscape value.
30. Sticky Forest is committed to specified individuals as redress for historical breaches of the Treaty of Waitangi experienced by their ancestors. The need for redress stems from the earlier Crown failure to set aside sufficient lands to give Ngāi Tahu an economic base following major Crown land purchases in the South Island between 1844-1864. This

¹⁰ *Environmental Defence Soc Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 38, at [88].

¹¹ *Western Bay of Plenty District Council v Bay of Plenty Regional Council* [2017] NZEnvC 147 at [147]-[150].

¹² *Western Bay of Plenty District Council v Bay of Plenty Regional Council* [2017] NZEnvC 147 at [148].

earlier failure was compounded by the Crown failure to transfer the Hāwea/Wānaka land committed in 1895 to address the resulting landlessness. As such, the Hāwea / Wānaka substitute land represents long-awaited redress for historical grievances and an opportunity which has been historically denied to the individuals who are to receive it.

31. It is consistent with s 8 to recognise that utilisation of this Substitute Land may be appropriate in the context of the ONL – bearing in mind the original purpose for which the land was identified to be returned to the future owners’ tūpuna. That is a matter for a future hearing, but Te Arawhiti submits that the schedule will best assist decision-making in future by including discussion of the historical associations and contemporary Treaty relationship which applies to this land in the ONL so that it is identified as a key value and relevant matter for consideration in future processes.

Matters relevant to the substance of Schedule 21.22.22 Dublin Bay ONL

Associative values related to Treaty settlement context

32. As discussed above and in the briefs of evidence of Ms Smetham, Ms King, Ms Pull and Ms Stevens, the associative values related to Sticky Forest arising from the role which that land plays in Treaty settlement are key values which contribute to the conception of landscape in the Dublin Bay ONL.
33. It is appropriate for the Dublin Bay ONL schedule to recognise the historical and contemporary Treaty context and the future owners’ resultant relationship with Sticky Forest as key landscape values. Te Arawhiti supports the discussion of these matters in paragraphs [21] and [25] of schedule 21.22.22 in the version attached to Council’s opening legal submissions and seeks that the Panel confirm that wording.

Plantation forestry in the Dublin Bay ONL

34. Mr Head and Ms Smetham appear to agree that plantation forestry on Sticky Forest is not a key ONL value, though it is a current land use which should be acknowledged. The Dublin Bay ONL is judged overall to have moderate-high levels of naturalness despite the presence of forestry, not

because of it. Paragraph [35] of schedule 21.22.22 has now been amended to better articulate this. The chapeau of paragraph [9] also makes this clearer, and Te Arawhiti supports that further clarification in [9] inserted through conferencing.

35. Forestry activities on rural zoned land within an ONL are classified as ‘non-complying’ activities in the PDP.¹³ The PDP policy direction requires that forestry harvesting should (among other things) avoid adverse effects on landscape values, and that the district’s landscapes are not degraded by production forestry harvesting and planting.¹⁴ The landscape schedules will inform the assessment of any proposed forestry activity against the relevant policies.¹⁵
36. There is some tension arising in the case of existing forestry blocks within ONLs, such as Sticky Forest. Sticky Forest was first gazetted for plantation purposes in 1892. The ONL overlay was identified inclusive of the forest. Plantation forests are not static – they involve cycles of growth and harvesting. And forestry blocks need to be managed by undertaking thinning, weed and pest control, harvest, and other similar activities. Even if one takes the view that plantation forestry use should not continue beyond the current crop, land conversion will necessitate harvesting and associated earthworks.
37. This tension was explored in the second *Matakana* decision. In *Matakana* plantation forestry was a contributing factor to ONL status, but the Court observed that the character of plantation forestry (especially the effects associated with harvesting trees) presented a challenge to the general sense of what is often regarded as being an ONL – despite this, the Court found that the landscape was resilient to activities associated with a working plantation forest.¹⁶ The Court considered the plan was capable of reflecting this tension and approved a landscape schedule which

¹³ There is no explicit activity rule to this effect, however in chapter 21, method 21.3.2.10 combines with the default non-complying rule 21.4.37 to capture forestry activity within an ONL.

¹⁴ Chapter 6, policy 6.3.2.3; Chapter 21, policy 21.2.1.13.

¹⁵ For example, policies 3.3.21-23, 3.3.30, 3.3.31, 6.3.3.1-6.3.3.7, 21.2.1.13.

¹⁶ *Western Bay of Plenty District Council v Bay of Plenty Regional Council* [2019] NZEnvC 110 at [61].

acknowledged there was capacity for continued forestry activity like harvesting and replanting.

38. *Matakana* provides a useful model for considering capacity for land use such as forestry in the context of an ONL assessment. In *Matakana* the whole ONL was covered in plantation forest and the history of plantation forestry on Matakana Island, and tangata whenua associations with the forestry, meant that it contributed to the outstanding values of the landscape. In the Dublin Bay ONL, the forestry on Sticky Forest does not contribute to ONL values but it was present in the landscape when the ONL was identified, indicating that the ONL has capacity to include this forest while still protecting important values. As a matter of logic, it can be expected that at the very least a pre-existing plantation forest in a landscape will require management and may at some stage be harvested (and that the landscape has some capacity to absorb that activity). It would be a perverse outcome if activity associated with an existing plantation forest such as harvesting or forest management activity (essential for health and safety reasons, fire prevention, control of wilding species) was prevented by the PDP policies and the application of the landscape schedule when the forestry itself does not contribute to the outstanding landscape values.
39. The text of schedule 21.22.22 acknowledges the presence of existing plantation forestry in the landscape and acknowledges that associated activities like harvesting may occur, which would likely result in temporary effects. However, the capacity rating in the Dublin Bay ONL schedule states that there is “very limited capacity for small scale production forestry” and “extremely limited to no capacity for exotic forestry”.
40. It is not clear whether this capacity rating applies to continuing forestry activities on existing plantation forestry land or to the establishment of a wholly new plantation forest on land not previously used for that activity. Ms Gilbert’s rebuttal evidence at paragraph 5.12 records that she considers it is clear the schedules relate to future development (by which

she appears to mean wholly new forestry). Ms Gilbert confirmed that is her view in her presentation on day 1 of the hearing. However, that interpretation is not explicit. If the assessment that there is “extremely limited to no capacity” applies only to the establishment of wholly new exotic plantation forest (as opposed to the continuation of existing forestry activity) then this should be explicit. It is not clear from the definition of “landscape capacity” in chapter 3 at 3.1B.5(b) that the capacity rating applies just to new activities, as Ms Gilbert appears to suggest.

41. If there may be some capacity for the landscape to absorb activities associated with existing plantation forestry then it would be beneficial for this to be clarified in the schedule. This does not have to pre-empt a site-specific assessment, but the schedule could usefully indicate that forestry activities on established forestry sites could likely be accommodated in the landscape.
42. It is also confusing whether the reference to exotic forestry should be read as a sub-set of the “small scale production forestry” mentioned in the previous sentence or as a separate capacity assessment.
43. Te Arawhiti seeks that the capacity rating for forestry in the Dublin Bay ONL is amended to delete the sentence “extremely limited to no capacity for exotic forestry” – leaving site-specific consideration of exotic forestry activities in light of the “very limited” capacity rating for small-scale production forestry for future processes. Alternatively, Te Arawhiti seeks amendment to confirm that this capacity assessment applies to the establishment of new exotic forestry, rather than to the continuation of existing forestry.

Mountain biking trails on Sticky Forest

44. There are informal mountain biking trails on Sticky Forest. Ms Smetham notes that there are some recreational values related to those trails but not key values requiring protection from a landscape perspective.
45. Te Arawhiti supports the version of schedule 21.22.22 accompanying the

Council’s opening legal submissions, which more appropriately and accurately describes the informal nature of the mountain biking trails on Sticky Forest at paragraph [28].

Capacity assessments

46. Te Arawhiti supports the changes made to the schema for capacity assessments arising out of expert conferencing. Definitive and rigid capacity statements (such as the “no capacity” rating in the notified schedules) are inconsistent with the intention recorded in the preamble that the schedules apply on a landscape-wide scale and should not replace a site-specific assessment. The risk in having a definitive capacity rating is that in combination with the “avoid” policies it will leave little, if any, room for site-specific consideration.
47. Te Arawhiti opposes the further adjustment proposed by Council on day 1 of the hearing (to delete the final sentence in the “extremely limited to no” capacity rating which records that there may be “occasional, unique, or discrete development” which could occur on specific sites without materially compromising identified landscape values). The Council now seeks that this rating description refer to “rare exceptions” instead.¹⁷ This change shifts the rating closer to where it was prior to expert conferencing – towards an absolute statement which undermines the intention that the schedules are high-level, landscape-wide, and should not pre-empt site specific assessment. Te Arawhiti supports the wording which the planning and landscape experts determined through conferencing.

Section 32AA RMA

48. A further evaluation pursuant to s32AA is required for changes to the proposal since the s32 report was completed, at a level of detail that corresponds to the scale and significance of the changes.
49. Ms Evans has provided a s32AA assessment which addresses the changes that Council has made to the Dublin Bay ONL schedule since notification.

¹⁷ PA Landscapes 21-22 ONFL Preamble – QLDC Version 16 Oct 2023.

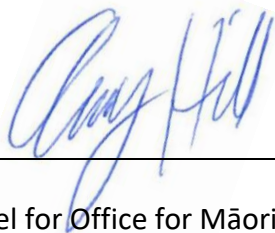
The discussion above in support of the Dublin Bay ONL schedule articulation of historical and associative values provides further reasons why paragraphs 21 and 25 of schedule 21.22.22 are the most appropriate way to achieve the objectives of the proposal and the purpose of the Act.

50. The further amendments proposed by Te Arawhiti in Appendix 1 are issues of clarification. Improved clarity about capacity for continuing existing plantation forestry activities improves the effectiveness of the schedule and more appropriately achieve the objectives of the Variation.
51. More generally, amendments to the schedules as recommended by Ms Smetham to better identify the key landscape values requiring protection are the more appropriate way to achieve the objectives of this Variation, compared to the structure for the schedules proposed by Council. As discussed above, it is more effective, and will better guide future consenting, if the schedules clearly identify which aspects of the landscape must be protected and clearly articulate the capacity in each landscape to absorb use and development.

Conclusion

52. Te Arawhiti seeks that the version of schedule 21.22.22 Dublin Bay ONL attached to Council's opening legal submissions is approved, with the amendments sought in these submissions summarised in **Appendix 1** below. Te Arawhiti also seeks that all schedules are restructured to properly differentiate the key landscape values requiring protection from the other values and attributes discussed.

6 November 2023



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Appendix 1 Summary of further amendments requested to Schedule 21.22.22 Dublin Bay ONL

Headings and structure: Delete “important” and other evaluative words from headings or alternatively ensure headings correctly summarise the text to which they apply. Group discussion of key values requiring protection separately from discussion about other attributes that are neutral or detract from landscape values (e.g. plantation forestry, weed and pest species, etc).

Paragraph 28: The cross-reference should be updated to reflect new paragraph numbering:

[28] Highly valued as locations for swimming (safe shallow beach at Dublin Bay), picnicking, boating, water skiing, walking and mountain biking, including 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), the East Dublin Bay Track and Sticky Forest tracks are all valued for mountain biking. Sticky Forest is currently accessible at the discretion of the landowners. Tracks extend both inside and outside of the PA although as discussed in paragraph ~~20~~ 21 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.

Capacity rating for forestry: Delete reference to “extremely limited or no capacity for exotic forestry” or amend to clarify that this only applies to entirely new afforestation, not continuation of existing forestry:

Forestry – very limited landscape capacity for small scale production forestry.
~~Extremely limited or no capacity for exotic forestry~~

Or

Forestry – very limited landscape capacity for small scale production forestry.
Extremely limited or no capacity for establishing new exotic forestry