

**BEFORE THE QUEENSTOWN LAKES DISTRICT
COUNCIL**

UNDER the Resource Management Act
1991

IN THE MATTER of the Proposed variation to
Chapter 21 – Rural Zone of the
Queenstown Lakes Proposed
District Plan to include
Landscape Schedules 21.22 and
21.23

**STATEMENT OF EVIDENCE OF RACHAEL ELIZABETH PULL
ON BEHALF OF TE RŪNANGA O NGĀI TAHU**

8 September 2023

INTRODUCTION

1. My name is Rachael Elizabeth Pull.
2. I hold the qualifications of Bachelor of Environmental Management (majoring in policy and planning) and a Postgraduate Diploma in Resource Studies from Lincoln University. I am a full member of the New Zealand Planning Institute. I have completed the Making Good Decisions course.
3. I am employed by Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) as a Senior Environmental Advisor - Planning in Te Ao Tūroa team. I have held this position since October 2022.
4. I have over 15 years' experience in planning in New Zealand. I have worked for the Whanganui, Far North and Thames-Coromandel District Councils as a planner, undertaking plan changes, bylaws and strategies, resource consents and enforcement work.
5. I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise and I have not omitted material facts known to me that might alter or detract from my evidence.
6. My evidence primarily addresses the submissions of Te Rūnanga, but supports the submission prepared by Mr Michael Bathgate, Aukaha Ltd (**Aukaha**) (OS77) on behalf of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively referred to as **Kāi Tahu ki Otago** for this evidence). My evidence is to be read in conjunction with the evidence of Ms Tanya Stevens which provides the background and context information regarding the South Island Landless Natives Act 1906 (**SILNA**), and also the Ngāi Tahu Settlement. My evidence addresses similar issues as The Office for Māori Crown Relations – Te Arawhiti (**Te Arawhiti**) (OS57).
7. Whilst I did not prepare the primary submission for this variation on behalf of Te Rūnanga, I largely agree with the submission except where I have

indicated otherwise in my evidence and base my evidence on the issues raised within it.

8. The key documents I have referred to in drafting this brief of evidence are:
- (a) The Resource Management Act 1991 (**RMA**);
 - (b) Te Rūnanga o Ngāi Tahu Act 1996 (**TRoNT Act**);
 - (c) Ngāi Tahu Deed of Settlement 1997 (**Deed of Settlement**);
 - (d) Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**);
 - (e) Kāi Tahu ki Otago Natural Resource Management Plan 2005;
 - (f) Otago Regional Council Regional Policy Statement 2019; (Partially operative 2021)
 - (g) Proposed Otago Regional Council Regional Policy Statement 2021;
 - (h) Reply Report Proposed Otago Regional Policy Statement 2021. 4: MW- Mana Whenua;
 - (i) Queenstown Lakes District Council Report and Recommendations of Independent Commissioners Regarding Upper Clutha Planning Maps Outstanding Natural Landscapes, Outstanding Natural Features, Significant Natural Areas. Report 16.1. (dated 27 March 2018).
 - (j) Queenstown Lakes District Council Report and Recommendations of Independent Commissioners Regarding Upper Clutha Planning Maps Sticky Forest. Report 16.15. (dated 27 March 2018).
 - (k) Section 32 report (dated 30 June 2022);
 - (l) Section 42A report (dated 11 August 2023);
 - (m) The statements of landscape evidence of Jeremy Head and Bridget Gilbert (dated 11 August 2023); and
 - (n) The statement of historical context of Sticky Forest evidence by Tanya Stevens (dated 11 September 2023).

SCOPE OF EVIDENCE

9. My evidence:
 - (a) Outlines the key themes raised in the submission by Te Rūnanga, including Te Tiriti o Waitangi (**Te Tiriti**) relationship between mana whenua and the Crown, kaitiakitanga and whanaungatanga;
 - (b) Summarises the relevant statutory direction and framework; and
 - (c) Addresses the outstanding submission points not addressed in the s42A report in relation to the Hāwea/Wānaka - Sticky Forest block.

EXECUTIVE SUMMARY

10. Te Rūnanga made a submission on the proposed variation to Chapter 21 – Rural Zone of the Queenstown Lakes Proposed District Plan (**the Plan**) to include Landscape Schedules 21.22 and 21.23 (**the variation**). The submission seeks protection of the interests of the successors to the beneficial owners to the Hāwea-Wānaka Block¹ (**Hāwea/Wānaka - Sticky Forest**) and supports the submissions made by Aukaha on behalf of Ngāi Tahu ki Otago and The Office for Māori Crown Relations – Te Arawhiti (**Te Arawhiti**).
11. Specifically, Te Rūnanga submission seeks minor corrections to schedule 21.22 in order to protect the associational values of the landscape in relation to Te Tiriti and Ngāi Tahu settlement. Te Rūnanga submission also sought that the variation has a minor change to include the nohoanga site at the Lake Hāwea Camp Ground in Schedule 21.22.23 and the retention of all statements relating to Mana whenua features, associations and experience.

¹ Defined in Schedule 117 of the Ngāi Tahu Claims Settlement Act as: All that land situated in Otago Land District, Queenstown Lakes District, comprising 50.6742 hectares, more or less, being Section 2 of 5, Block XIV, Lower Wanaka Survey District (SO 963). Balance Certificate of Title 367/52. Subject to survey, as shown hatched on Allocation Plan AS 237 (SO 24734).

TE RŪNANGA SUBMISSION

12. Te Rūnanga submission supports the submissions on behalf of Kāi Tahu ki Otago by Aukaha and the submission of The Office for Māori Crown Relations – Te Arawhiti (**Te Arawhiti**).
13. Key themes of the Te Rūnanga submission are:
 - (a) Te Tiriti and Ngāi Tahu settlement. Upholding the principles of Te Tiriti and the outcomes of the Ngāi Tahu settlement.
 - (b) The Hāwea/Wānaka - Sticky Forest block. Better recognition of the unique status of the Hāwea/Wānaka - Sticky Forest block and the protection of the ability to use the block for its intended purpose.
 - (c) Capacity Statements. Clarifying the status and weight of the capacity statements within the plan and resource consent process and amending them to protect associational values, Te Tiriti and the Ngāi Tahu settlement.
 - (d) Nohoanga entitlement at Lake Hāwea Camping Ground. Inclusion of this entitlement in the Hāwea South North Grandview Priority Area under Schedule 21.22.23 to protect Te Tiriti and the Ngāi Tahu settlement.

RELEVANT STATUTORY DIRECTION

Ngāi Tahu Settlement

14. The following parts of the settlement are relevant to the consideration of the variation.
 - (a) Te Rūnanga o Ngāi Tahu Act 1996 (**TRoNT Act**). Provides a statutory basis for the modern assemblage of Te Rūnanga o Ngāi Tahu, identifies the tribal takiwā (see map in **Appendix One**)² and Te Rūnanga as the iwi authority.
 - (b) Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**). Enacts the Deed of Settlement 1997 and records the Crown Apology to Ngāi Tahu. In turn the Deed of Settlement sets out the settlement between Te Rūnanga (on behalf of Ngāi Tahu whānui) and the Crown in relation to Te Kerēme – the Ngāi Tahu Claim. The identification of the

² TRoNT Act Section 5 contains a full description of the takiwā.

Nohoanga Entitlement and the Hāwea/Wānaka - Sticky Forest locations and the obligations to complete these grants are also a component of the settlement.

15. These matters are discussed in more detail below and in the evidence of Ms Stevens and Te Arawhiti.

Te Rūnanga o Ngāi Tahu Act 1996 (TRoNT Act)

16. The TRoNT Act provides for the modern structure of Ngāi Tahu. Te Rūnanga is the representative of eighteen Papatipu Rūnanga, which are regional bodies that represent local views of Ngāi Tahu Whānui. Section 15(2) states that:

“where any enactment requires consultation with any iwi or with any iwi authority, that consultation shall, with respect to matters affecting Ngai Tahu Whānui, be held with Te Runanga o Ngai Tahu:”

17. In turn section 15(3)(a)-(c) requires Te Rūnanga, in carrying out consultation, to seek the views of Papatipu Rūnanga, to have regard to those views, and to act in a manner that will not prejudice or discriminate against any Papatipu Rūnanga.
18. The Ngāi Tahu Takiwā is described in section 5 of the TRoNT Act. In general, it covers Te Waipounamu with the exception of an area in the Tasman/Marlborough regions. It covers the entirety of the area covered by this variation. A map is attached in **Appendix One**.

Ngāi Tahu Claims Settlement Act 1998

19. The Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**) enacts the Ngāi Tahu Deed of Settlement 1997 (**Deed of Settlement**). One of the most important aspects of the Crown’s settlement with Ngāi Tahu was a formal apology by the Crown. The wording was given much thought by both parties. The Crown included a formal apology as part of the Deed of Settlement and the NTCSA to acknowledge that Ngāi Tahu suffered grave injustices that significantly impaired its economic, social, and cultural development. The apology provides that Ngāi Tahu is recognised *“as the tangata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.”*

20. The NTCSA also created and granted nohoanga entitlements. These are a network of seasonal settlements, distributed along main river systems and lakes for mahinga kai purposes. There are nine located on Crown managed land within the Queenstown Lakes District.

Regional Policy Statements

21. The partially operative Otago Regional Policy Statement (2019) aims to take into account the principles of Te Tiriti in resource management processes and decisions:

Policy 2.1.2 (Treaty Principles)

Ensure that local authorities exercise their functions and powers, by:

...

g) Ensuring that district and regional plans:

i. Give effect to the Ngāi Tahu Claims Settlement Act 1998;

22. The proposed Otago Regional Policy Statement (2021) is currently being developed. It was notified on 26 June 2021. The hearing for the mana whenua chapter was held January 2023. The reply s42A report was released 23 May 2023 addressing provisions in contention at the time of the hearing as well as issues raised through the hearing process. While not operative at the time of this hearing, the provisions relating to native reserves (including the Hāwea/Wānaka - Sticky Forest block) are a consideration that any future resource consents will need to take into account and is therefore worth considering the impact of in assessing the effectiveness of this variation.

23. The mana whenua chapter of the proposed ORPS describes what is considered a “native reserve”. It identifies the landless native reserves as native reserves, but the notified version does not include the Hāwea/Wānaka - Sticky Forest block. The reply s42A report for the mana whenua chapter has recommended the inclusion of the Hāwea/Wānaka - Sticky Forest block as a native reserve as it meets the criteria. The identification of the Hāwea/Wānaka - Sticky Forest block as a native reserve means the following policy and method would apply (amended to reflect the reply s42A report):

MW-P4 – Sustainable use of Native Reserves and Māori land

Kāi Tahu are able to develop and use land and resources within native reserves and Māori land in accordance with matauraka and tikaka to provide for their economic, cultural and social aspirations, including for papakāika, marae and marae related activities.

MW–M5 – Regional plans and district plans

Local authorities must amend their regional plans and district plans to:

(1) take into account iwi management plans and address resource management issues of significance to Kāi Tahu,

(2) provide for the use of native reserves and Māori land in accordance with MW–P4 and, if such use may have adverse effects on a matter of national importance, enable development of alternative approaches, led by Kāi Tahu, to preserve the values protected by this Regional Policy Statement,

(3) incorporate active protection of areas and resources recognised in the NTCSA, and

(4) provide for the outcomes of settlements under the Māori Commercial Claims Aquaculture Settlement Act 2004.

24. The changes to the notified version of the policy and the s42A report have been made for the following reasons which are relevant to this variation:

“These lands were retained or provided with the intent that Kāi Tahu could develop them in accordance with their needs, but such use is often curtailed in practice by access issues or by large areas of the land being identified as a significant area (for example, as a significant natural area or significant habitat) with accompanying restrictions on development. While significant resources do need protection, it is inequitable that land given for development is unable to be developed³.”

“The changes made are intended to require Regional and District plans to enable a pathway for Kāi Tahu to develop their lands when there is a conflict with other matters of national importance.⁴”

25. Both the partially operative and proposed ORPS seek to give effect to the NTCSA as an ongoing commitment to recognising the relationship of Ngāi

³ Paragraph 59. Reply Report Proposed Otago Regional Policy Statement 2021. 4: MW- Mana Whenua;

⁴ Paragraph 63 Reply Report Proposed Otago Regional Policy Statement 2021. 4: MW- Mana Whenua;

Tahu as tangata whenua within Otago. It is essential that the Ngāi Tahu settlement is understood to be more than statutory acknowledgements, nohoanga and tōpuni and that its relevance towards building a future within RMA documents is considered.

OTHER RELEVANT CONSIDERATIONS

Proposed Queenstown Lakes District Plan appeals and decisions

26. The Queenstown Lakes Proposed District Plan (**the Plan**) is operative, apart from where it is still under appeal. One of the outstanding appeals is ENV-2018-CHC-069 which seeks a partial re-zoning of the Hāwea/Wānaka - Sticky Forest block from the Rural General Zone to Low Density Residential and Large Lot Residential and the balance remaining rural. This is noted, but as it is not resolved, is not considered during the evidence of this variation. Therefore, the Hāwea/Wānaka – Sticky Forest block is zoned rural for the consideration of this variation.
27. The prior Environment Court decisions on the Plan regarding the identification/shape of the Outstanding Natural Landscapes and the criteria is recognised as defining and driving this variation as detailed in the section 42A report.

The section 32 report

28. It is identified in the s32 report that the scope of the variation is limited to the content of the schedules due to the decision noted in the s32 report. I agree that the assessment methodology to identify the values comes from Policy 3.3.43 which is also out of scope to consider during this variation. However, it is noted that this policy, which sets out what is required by the variation, requires that the associative attributes (including cultural and spiritual values for tangata whenua and historical and heritage associations) are taken into account when protecting, describing, and rating their values as part of the capacity statements. The s42A report notes that consultation focused on identification of the values and attributes, but no engagement on the landscape capacity. Instead, the report states that the identified values informed the capacity component, however it is unclear how the capacity

statements will protect the associative attributes for the Hāwea/Wānaka - Sticky Forest block.

29. Section 11.1 of the s32 report details the costs and benefits of the variation and states that there are no cultural or social costs from the implementation and instead states that the associative mana whenua values within the schedules will create a moderate economic benefit. As detailed in the evidence of Ms Stevens, the purpose of the Hāwea/Wānaka- Sticky Forest block allocation is to provide for the economic wellbeing of the successors, to beneficial owners. Therefore, if the schedules recognise and provide for this, then there will be economic benefit.

The section 42A report

30. The statutory considerations detailed in the s42A report are missing the following considerations.
- (a) The requirement under s73(4)(a) RMA for the proposed District Plan to give effect to a regional policy statement if the statement contains a provision to which the plan does not give effect. Section 74(2)(a) also notes that when changing a District Plan, Council shall have regard to any proposed regional policy statement.

The partially operative and proposed Otago Regional Policy Statements require District Councils to give effect to the NTCSA and/or provide for the use of native reserves. It is unclear how the variation has achieved this in regard to the Hāwea/Wānaka - Sticky Forest block or even mentioned the NTCSA in the evaluation reports for this variation.

- (b) Section 74(2A) states that when changing a District Plan, the Council must take into account any relevant iwi planning document. This means that the variation needs to consider the iwi planning documents separately to the District Plan instead of just referring to the chapters within the Plan that are out of scope for the consideration of this variation.

The Kāi Tahu Ki Otago Natural Resource Management Plan 2005 identifies the following cultural landscape issues in the catchment:

- *Lack of recognition and implementation of the Cultural Redress components of the Ngāi Tahu Claims Settlement Act 1998 by local authorities, namely:*
 - *Statutory Acknowledgements. (Appendix Two)*
 - *Place names.*
 - *Nohoaka sites.*
- *The power and movement of the Clutha/Mata-au rushing through the restrictive gorges with many rapids has been changed to smooth, slow water.*
- *Modifications throughout the catchment have resulted in a disassociation between the landscape, the stories and place names.*
- *Land use intensification, particularly dairying and horticulture, have impacted on the cultural landscapes in the Clutha/Mata-au Catchment.*
- *Extensive spread of jetties and moorings in particular in Lake Wakātipu, Lake Wānaka and Lake Hāwea and adjacent to nohoaka sites.*
- *Limited recognition of cultural landscapes and Kā Papatipu Rūnaka interests and values in the landscape⁵.*

- (c) The s42A report notes in Part 2 the requirements to protect Outstanding Natural Landscapes (**ONL**) and Features pursuant to s6(b) and enhance amenity values in s7(c), however it fails to recognise the relevance of s8 in taking into account the principles of Te Tiriti.

The Court of Appeal has held that the Crown remedying past grievances as a principle of Te Tiriti. The Hāwea/Wānaka - Sticky Forest block is a recognised part of this remedy to provide for the benefit of the successors of the owners. However, the inability to enact this remedy through District Plan provisions is contrary to this principle and

⁵ 10.5.2 Cultural Landscapes Issues in the Clutha/Mata-au Catchment.

the principle of Active Protection of Māori interests by the Crown. The Council is required to take these principles into account under s8 when preparing this variation.

Application of the Schedule 21.22.22 in regard to Hāwea/Wānaka - Sticky Forest

Submission: OS188.4, OS188.1

31. The priority areas for the schedules are directly applicable to the Hāwea/Wānaka - Sticky Forest block as it currently has a rural zoning. This will generate a landscape assessment for a new activity. The s42A report states that this assessment will be required for a restricted discretionary, discretionary or non-complying activity, however I have not found an activity that both does not meet the purpose of providing for the successors of the owners of the Hāwea/Wānaka - Sticky Forest block and is also a permitted activity, meaning that most potential uses will require a landscape assessment.
32. The table below indicates some theoretical activities for the Hāwea/Wānaka - Sticky Forest block with the activity status and the proposed landscape capacity status.

Theoretical Activity	Activity Status (bundling)	Landscape Capacity Status
Replanting of Plantation Forestry (33.5.8 & 21.4.20)	33.5.8 Non-Complying	Very Limited with specific guidance
Commercial recreational activities outdoors with more than 15 people in one group	21.9.1 Discretionary	Some, but only if its for recreational activities and meets location and character guidance.
Urban Development	21.4.9 Discretionary	No Capacity
Rural Living (no building platform onsite)	21.4.9 Discretionary	Very Limited with specific guidance

Table 1: Identification of activities and the activity status and landscape capacity

33. The strategic direction and tangata whenua chapters of the Plan do not provide guidance on how to assess or balance the effects of an application on the Hāwea/Wānaka - Sticky Forest block. The assessment matters (Landscape) in Chapter 21.21 set out how to implement the strategic policies for ONL. These also do not recognise the associational matters outside tangata whenua values. The importance of the Hāwea/Wānaka - Sticky Forest block is not the tangata whenua values identified in the plan, but as

redress which is not provided for in these chapters of the Plan and is therefore difficult to see how any application on the site will be assessed under the current Plan provisions.

34. The Crown failure to allocate sufficient land to give Ngāi Tahu an economic base led to the NTCSA and the creation of reserves like the Hāwea/Wānaka - Sticky Forest block to address this breach of the principles of Te Tiriti. This is recognised in the proposed ORPS which states native reserves (including the Hāwea/Wānaka - Sticky Forest block) must be able to be developed and used by Ngāi Tahu.
35. Because the existing provisions in the Plan are out of scope of this variation, the variation needs to consider its weight when read with the existing provisions of the Plan. This is why the schedules need to clearly recognise and protect the historical values of the ONL in order to ensure that the Hāwea/Wānaka - Sticky Forest block will be able to be legally used and developed as stated in the proposed ORPS policy and method.
36. The s32 report accompanying this variation states that it does not change any objectives or policies and is not linked to any particular rule or introduce any new type of resource consent. Paragraph 3.11 states:

“The schedules intend to provide better management of cumulative effects on landscape values, via the concept of landscape capacity. Each schedule identifies the capacity of the particular Priority Area landscape to absorb subdivision and development without compromising the identified values. While a landscape has capacity to absorb development without compromising landscape values, development can potentially proceed without creating cumulative effects.”
37. The s42A report states that an activity having ‘no capacity’ does not prevent applications for consent but may be unsuitable for landscape reasons. I agree that there is nothing stopping an applicant from applying for resource consent as the status is not prohibited, however the Plan does not state how it will assess the historical associations of the Hāwea/Wānaka - Sticky Forest block as part of a resource consent application.

38. I support that paragraph 24 of the schedule which notes the unique status of the Hāwea/Wānaka - Sticky Forest block, however it is still unclear how much weight this paragraph will have for a resource consent application.

“The mamae (pain) generally felt by Kāi Tahu associated with land dispossession and alienation from traditional resources is represented by the Sticky Forest substitute land and the difficulty in accessing and using this whenua. Allowing for future uses of the land to realise whānau aspirations is viewed by Kāi Tahu as being in accordance with the principles of Te Tiriti o Waitangi.”

39. The other concern I have about using the term ‘capacity’ at the landscape scale is that it gives the impression that it becomes a ‘first in, first served’ approach with the limited capacity allocated to those who submit their applications first, while the remaining lots having less development potential as they are required to maintain landscape values for the remainder of the priority areas.

40. Relief sought:

(a) Retain paragraph 24 as notified and confirm that it is part of the assessment criteria when considering a resource consent application.

(b) Amend paragraph 20 to enable the use of Hāwea/Wānaka - Sticky Forest block by the successors to achieve the purpose of SILNA.

20. Sticky Forest is land being held by the Crown under the Ngāi Tahu Claims Settlement Act 1998 for successors to SILNA beneficiaries to be identified by the Māori Land Court. The Sticky Forest land is in substitution for SILNA land at 'The Neck' which their tūpuna were allocated but did not receive. **While currently in plantation forest and used informally for recreation purposes, future Kāi Tahu owners may seek different uses for this whenua. Enablement of the use of this land by successors to achieve the purpose of SILNA in accordance with section 15 of the Ngāi Tahu Deed of Settlement.**

SCHEDULE 21.22.22 – DUBLIN BAY ONL

Submission: OS188.4, OS188.1, OS188.2, OS188.3, OS188.5

The Associational values of the Hāwea/Wānaka - Sticky Forest block

41. The historical and mana restoration value of the Hāwea/Wānaka - Sticky Forest block is identified in the evidence of Tanya Stevens. The evidence of Te Arawhiti outlines the site, history and context of this site as a Treaty settlement asset, and current land use feature on the site. This evidence on the Hāwea/Wānaka - Sticky Forest block takes the associational values mentioned above and makes recommendations on how this variation can better recognise and protect those values. For reference, **Appendix Three** contains the District Plan map of the Hāwea/Wānaka - Sticky Forest block showing the zoning and ONL boundaries. Note that the ONL covers the site from the prominent moraine landform to the boundary facing Lake Wānaka. **Appendix Four** contains the remedies sought to the schedule.

General Description within Schedule 21.22.22

42. The identified physical, associative and perceptual attributes and values for the ONL are listed in the front of the schedule. It lists all current activities and gives the impression that these are expected activities and values in the area that the capacity statements seek to protect. The following statements impact the Hāwea/Wānaka - Sticky Forest block.

Recreational values

43. The schedule makes reference to the informal recreational use of the Hāwea/Wānaka - Sticky Forest block at paragraph 27 - specifically, a mountain bike trial network. This network has not been prohibited by the interim owner (the Crown); however, it is not a public amenity that the general public have rights or expectations to use. The identification of this use in the schedule turns recreational use and public access on private land into a landscape value which is then expected to be maintained or enhanced over other uses of the site. This is unreasonable for the successors who may in the future wish to use their land in a different manner. I consider that it needs to be clear that the possible withdrawal of recreational use on the site is not an adverse effect on the landscape as noted in the Queenstown

Lakes District Council District Plan Hearing report 16.15. Any retention of the recreational use of the site would be considered a positive effect of any resource consent application and not part of the status quo or baseline effects.

“While the current recreational use of the site is of considerable value to the Wanaka community, it is available to that community entirely at the discretion of the landowners who would be perfectly entitled to erect fences at the boundary and to exclude the public from it. Any continued recreational use of the site is, accordingly, a benefit to the community that might accompany development of the site, at the option of the landowner. To the extent that the landowner proffers such continued access, we think that this is a collateral benefit that ought to be taken into account in determining what if any residential development is permitted on the land, rather than its withdrawal being seen as an adverse effect of development of the site.

Put simply, continued access to the land might operate as environmental compensation justifying a greater level of residential development than might otherwise be the case. We do not consider that such environmental compensation would justify a failure to protect the ONL defined as including part of the property, for the reasons discussed in our report related to the Allenby submission. Much of the site, however, is not defined as an ONL and those same reasoning, while relevant, does not have the same force (because of the difference of between the instructions to us in Section 6 and 7 respectively). Last, but not least, we have to factor in the Section 8 issues that Ms Steven QC emphasised in her submissions.”⁶

44. In addition, as noted in Figure 1 below there are two public reserves adjoining the site that cyclists can access, so the site does not serve as the only publicly accessible biking destination within the Dublin Bay ONL.

⁶ Paragraphs 69 & 70. Queenstown Lakes District Council Report and Recommendations of Independent Commissioners Regarding Upper Clutha Planning Maps Sticky Forest. Report 16.15. Dated 27 March 2018.

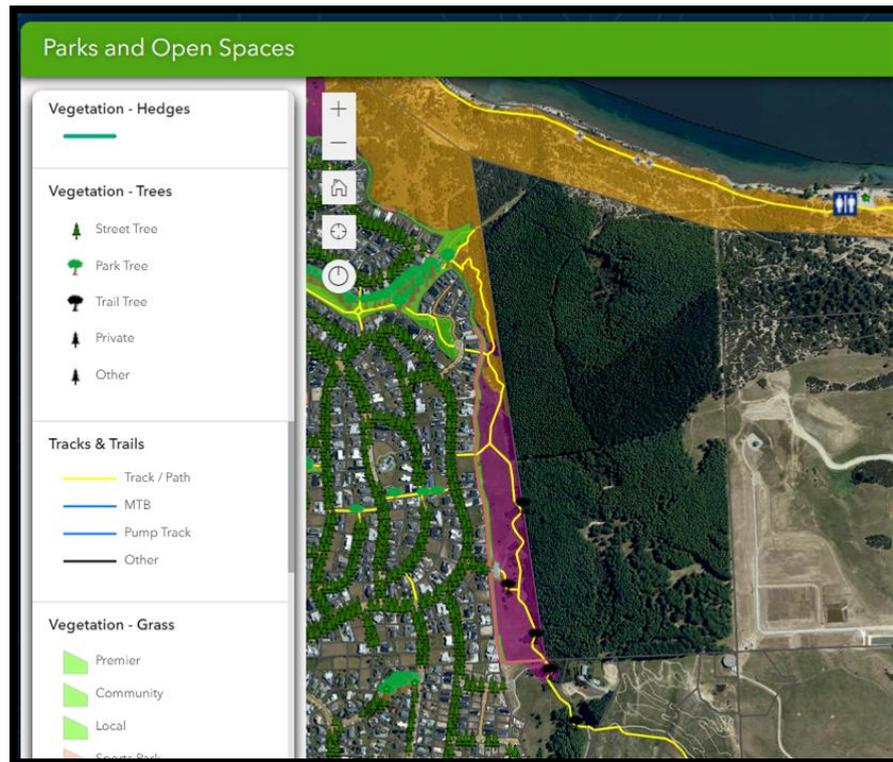


Figure 1: Parks and Open Space Map of the Hāwea/Wānaka - Sticky Forest area showing the existing public tracks and trails overlaid on aerial photography. Extracted 7 August 2023 from <https://experience.arcgis.com/experience/80c97d34e5764669bb9aab99e40>

45. Relief sought:

- a. Amend paragraph 13 to remove all reference to public recreation use in relation to the Hāwea/Wānaka - Sticky Forest block.

Important land use patterns and features:

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~~; and*

- b. Amend paragraph 20 to remove all reference to public recreation use in relation to the Hāwea/Wānaka - Sticky Forest block.

Mana whenua features and their locations:

...

Sticky Forest is land being held by the Crown under the Ngāi Tahu Claims Settlement Act 1998 for successors to SILNA beneficiaries to be identified by the Māori Land Court. The Sticky Forest land is in substitution for SILNA land at 'The Neck' which their tūpuna were allocated but did not receive. **While currently in plantation forest and used informally for recreation purposes, future Kāi Tahu owners may seek different uses for this whenua. Enablement of the use of this land by successors to achieve the purpose of SILNA in accordance with section 15 of the Ngāi Tahu Deed of Settlement.**

- c. Amend paragraph 27 to remove all reference to public recreation use in relation to the Hāwea/Wānaka - Sticky Forest block and instead note the recreational reserve and mountain bike trial that neighbours the site.

Important recreation attributes and values:

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~~ There is a ~~is the only~~ publicly accessible mountain bike trail network adjoining Sticky Forest on public land. 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.

Plantation Forestry

46. The schedule also identifies the plantation forestry at the Hāwea/Wānaka - Sticky Forest block specifically as part of the characteristic vegetation and land use patterns under the headings 'important ecological features and vegetation types' and 'important land use patterns and features'. Paragraph

34 of the schedule notes that the Dublin Bay ONL has moderate to high perceived naturalness despite (emphasis added) the plantation forestry and wilding conifer. From this, I believe that the plantation forestry is not 'important' to the ONL values.

47. The ONL value for the Hāwea/Wānaka - Sticky Forest block is the prominent moraine landform, not the plantation forestry which is generally considered to have adverse effects within the Queenstown Lakes District. This is detailed in the Decision Report 16.1 which considers the ONL values on the Hāwea/Wānaka - Sticky Forest block.

“Addressing then those merits, the expert landscape witness for Mr Beresford, Mr William Field, gave evidence that in his view, the location of the ONL on the western side of the site was located too far south and could be moved northwards to align with the more prominent moraine land forms facing the lake rather than being based on inclusion of patches of native kanuka within the ONL. Mr Field’s evidence was that these northern-most landforms on the site were more strongly expressive of the geomorphological legibility and aesthetic considerations of the ONL criteria than the remainder of the western slopes of the site.

...

As we will discuss in greater detail in Report 16.15, senior counsel for Mr Beresford contended and counsel for the Council agreed that Section 8 was relevant to our consideration of Mr Beresford’s submission. We agree also that this is the case. However, in the light of the Court of Appeal’s decision in Man O’War Station Limited v Auckland Council, which emphasises that identification of ONLs is solely a landscape issue, we consider that consideration of the implications of section 8 in this case come into play at the second stage, determining the consequences of identification of the ONL for potential development within the identified outstanding landscape. In Section 6(b) terms, it goes to the determination as to what development might be appropriate in this particular instance.⁷”

⁷ Paragraphs 87 & 92. Queenstown Lakes District Council Report and Recommendations of Independent Commissioners Regarding Upper Clutha Planning Maps ONL, ONF, SNA. Report 16.1. Dated 27 March 2018.

48. Pine (wilding and plantation) is identified within this ONL, however by identifying it as important vegetation on the Hāwea/Wānaka - Sticky Forest block, it locks the vegetation to the specific site, makes it highly unlikely that any different use will be granted through the consent process for the Hāwea/Wānaka - Sticky Forest block because then the pine identified within the ONL on the site will no longer exist. As stated above, the pine does not add ONL value on the Hāwea/Wānaka - Sticky Forest block. Therefore, reference to pine and plantation forestry on the site should not be identified, instead pine should only identified as part of the wider ONL when it adds to those values.
49. As identified in Te Rūnanga and Te Arawhiti submissions, the inclusion of wilding pine and forestry species specifically in relation to the Hāwea/Wānaka - Sticky Forest block may also constrain the ability to carry out pest management activities or undertake safety works to protect cyclists using the adjoining reserve land from falling trees as well as onsite harvesting works.
50. Relief sought:
- (a) Amend paragraph 13 to remove all reference to to plantation forestry as an important vegetation and land use on the Hāwea/Wānaka - Sticky Forest block.

Important ecological features and vegetation types:

9. *Other characteristic vegetation types are:*

...

~~**d. Plantation conifer forest at Sticky Forest.**~~

- (b) Amend paragraph 13 to remove all reference to plantation forestry/ pine as an important vegetation and land use on the Hāwea/Wānaka - Sticky Forest block.

Important land use patterns and features:

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~~; and*

- (c) Amend paragraph 20 to remove all reference to plantation forestry as an important vegetation and land use on the Hāwea/Wānaka - Sticky Forest block.

Mana whenua features and their locations:

...

*Sticky Forest is land being held by the Crown under the Ngāi Tahu Claims Settlement Act 1998 for successors to SILNA beneficiaries to be identified by the Māori Land Court. The Sticky Forest land is in substitution for SILNA land at 'The Neck' which their tūpuna were allocated but did not receive. **While currently in plantation forest and used informally for recreation purposes, future Kāi Tahu owners may seek different uses for this whenua. Enablement of the use of this land by successors to achieve the purpose of SILNA in accordance with section 15 of the Ngāi Tahu Deed of Settlement.***

Terminology and Definitions

Submission: OS188.6, OS188.7, OS188.10, OS188.13, OS188.14, OS188.18, OS188.20, OS188.21

51. I note that much of the original submission focused on the terminology which has been addressed by the s42A report. Given the restrictions on the terminology by existing Court rulings, the solution proposed in the s42A report is considered to be the best option at this time. Alternatively, after this process the Council may consider undertaking a minor amendment to the Plan under Schedule 1, Clause 16(2) to amend the terminology as an alternation of minor effect.

Jetties and Moorings

Submission: OS188.30

52. I agree that it is difficult for Ms Gilbert and Mr Head to undertake landscape assessments without knowing if the modifications such as jetties and moorings to the landscape are lawful. However, the reference of illegal structures as part of the landscape to be protected creates an incorrect expectation that those structures are legal and the retrospective consent or any expansion is part of the permitted baseline. It also makes monitoring the effectiveness of these provisions difficult in the future. Some of the methods to address this issue are outside the scope of this variation (monitoring/enforcement), however references to existing structures and activities in the landscape assessment should have a disclaimer stating that acknowledgement of these structures does not indicate legality or create existing use rights.
53. Relief sought:
- (a) That there is a note within the Schedules (or alternatively the decision report for this variation) confirming that any reference to structures or land use within the Schedules does not create any existing use rights or is now part of the permitted baseline of effects for the ONL.

Mapping

Submission: OS188.31 – OS188.48

54. I support the s42A report in the recommendation to correct the names in the Schedules to better reflect the NTCSA.

Nohoanga

Submission: OS:188.49

55. The Kāi Tahu Ki Otago Natural Resource Management Plan 2005 has a statement on the cultural landscapes and associations with the area that reads:

*Kāika nohoaka: The gathering and preparation of food and other bounties of nature in Te Wai Pounamu were based at kāika nohoaka, each situated near a particular resource to be worked. Although largely located along the seacoast in permanent settlements, Kā Papatipu Rānaka ranged inland on a regular seasonal basis. Sometimes inland kāika could be occupied for several years at a stretch. In the harsh winters inland camps were generally deserted, but in summer eeling and birding parties busily occupied them.*⁸

56. Te Rūnanga submitted that schedule 21.22.23 be modified to reference the nohoanga within the ONL. It is noted that this has been recommended in the s42A report and this is supported.

SECTION 32AA ANALYSIS

57. Minute 1 from the Hearings Panel directs planning witnesses to include in their evidence an appropriate s32AA analysis. As discussed above, the purpose of the changes sought in my evidence have been to provide clarity to how the schedules will be implemented and improve the ability to achieve Part 2 of the Act and the regional policy statements.
58. I have not sought changes to the capacity statements, only the schedules which identify the ONL values. Because of this, there are no changes to the benefits and costs of the environmental, economic, social and cultural effects that were identified in the s32 report and the s42A report.

CONCLUSION

59. Te Rūnanga submission on the variation support those of Aukaha on behalf of Kāi Tahu ki Otago and Te Arawhiti. I have supported this in my evidence and provided additional reasoning in order to:
- Better achieve the purpose of the RMA, including matters under s6, having particular regard to kaitiakitanga as required under s7(a) of the RMA, and taking into account the principles of the Te Titi as required under s8 of the Act;

⁸ 10.5.1 Cultural landscapes in the Clutha/Mata-au catchments. Kāi Tahu Ki Otago Natural Resource Management Plan 2005

- Better implement the Ngāi Tahu Claims Settlement Act 1998; and
- Take into account the relevant iwi management plans;

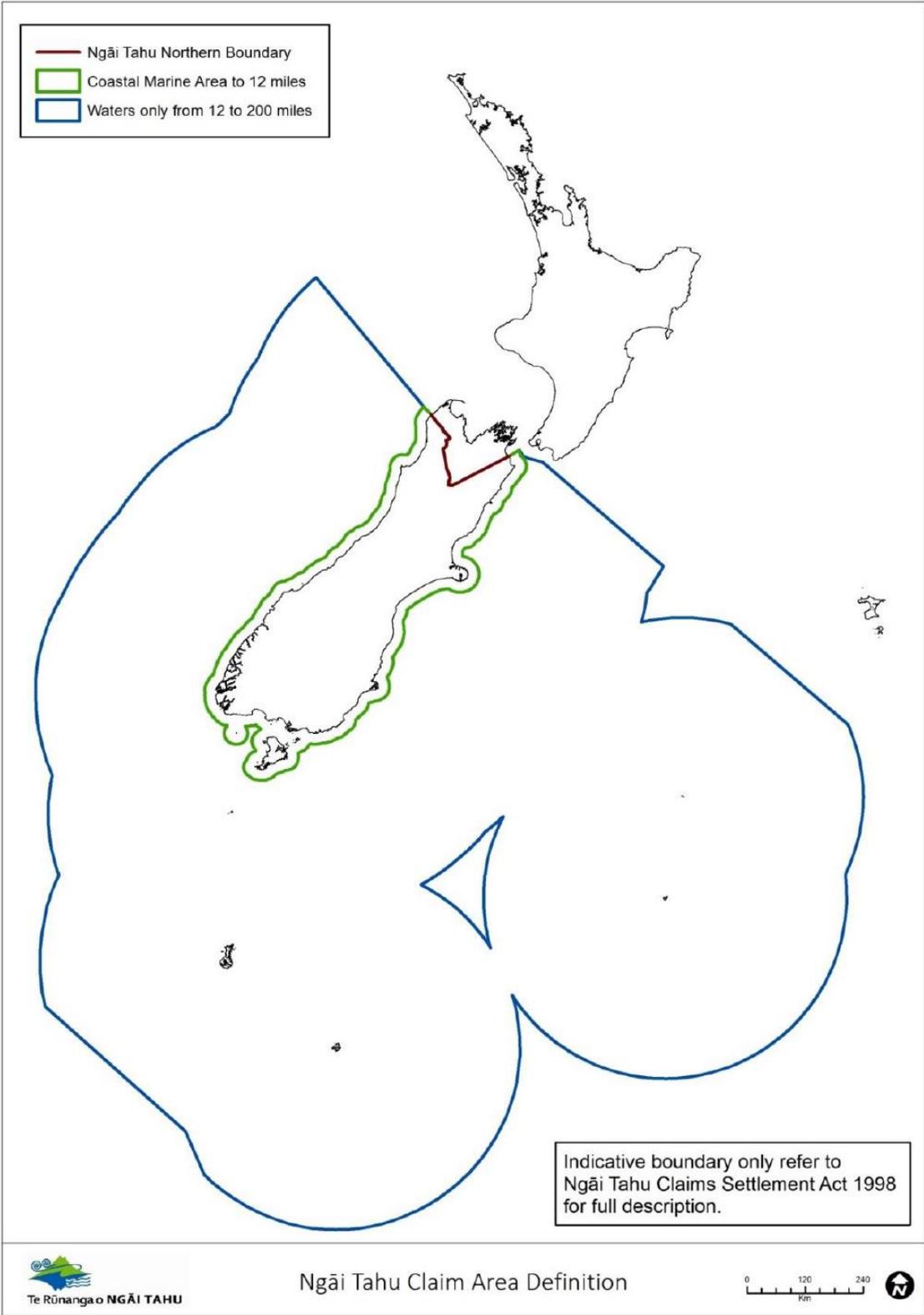
60. My evidence provides drafting and supporting reasons to enable the Council to make provision for the principles of Te Tiriti and mechanisms in the NTCSA.



Rachael Pull

8 September 2023

APPENDIX ONE: Ngāi Tahu Takiwā



APPENDIX TWO: Schedule 36 Statutory acknowledgement for Lake Wanaka

Preamble

Under section 206, the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to Lake Wanaka, as set out below.

Ngāi Tahu association with Lake Wanaka

Wanaka is one of the lakes referred to in the tradition of "Ngā Puna Wai Karikari o Rakaihautu" which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rakaihautu. Rakaihautu was the captain of the canoe, Uruao, which brought the tribe, Waitaha, to New Zealand. Rakaihautu beached his canoe at Whakatū (Nelson). From Whakatū, Rakaihautu divided the new arrivals in two, with his son taking one party to explore the coastline southwards and Rakaihautu taking another southwards by an inland route. On his inland journey southward, Rakaihautu used his famous kō (a tool similar to a spade) to dig the principal lakes of Te Wai Pounamu, including Wanaka.

For Ngāi Tahu, traditions such as this represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

The name "Wanaka" is considered by some to be a South Island variant of the word "wānanga" which refers to the ancient schools of learning. In these schools Ngāi Tahu tohunga (men of learning) would be taught whakapapa (genealogies) which stretched back to over a hundred generations and karakia (incantations) for innumerable situations. All of this learning they would be required to commit to memory.

Wanaka was traditionally noted as a rich tuna (eel) fishery, with many thousands of the fish once being caught, preserved and transported back to the kainga nohoanga (settlements) of coastal Otago.

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of Wanaka, the relationship of people with the lake and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today. In 1836 an eeling party was attacked by Te Puoho, a rangatira (chief) of the North Island Ngāti Tama iwi. Te Puoho had plans of conquering Te Wai Pounamu, beginning his campaign at the southern end of the island. He compared his strategy to boning an eel which is started

at the tail end of the fish. Having travelled down Te Tai Poutini (the West Coast) to Jackson Bay, Te Puoho crossed Haast Pass into Wanaka and Lake Hawea where he found a Ngāi Tahu eeling party which he captured at Makarora. Two infant girls were captured and eaten. Te Puoho suspected this family was an outpost and so he gave instructions for two guards to follow a young teenager called Pukuharuru who was ordered to show them where the main camp was. However, Pukuharuru managed to escape after dark and alert his father, Te Raki. Te Raki killed the two guards, who were lost without their guide, and the Wanaka families managed to escape the region.

Te Puoho continued his campaign at Tukurau where there were other families fishing. However, some of the people managed to escape to Tiwai Point near Bluff where they lit a warning fire. This fire alerted the southern forces and, under the leadership of Tuhawaiki, Ngāi Tahu prepared to meet Te Puoho at Tukurau. After discussing the situation with the tohunga, Ngāi Tahu were assured of victory. While the priests chanted their karakia to the gods of war, the heart of the enemy chief appeared before Ngāi Tahu in the firelight, carried by the wings of a bird. With this omen that the gods of war were on the side of Ngāi Tahu, they attacked Te Puoho the next morning.

Te Puoho was shot by a young Ngāi Tahu called Topi and his army was taken captive. The head of Te Puoho was cut from his body and stuck on a pole facing his home in the north. Wanaka is therefore noted in history for its part in what was to be the last battle between North and South Island tribes.

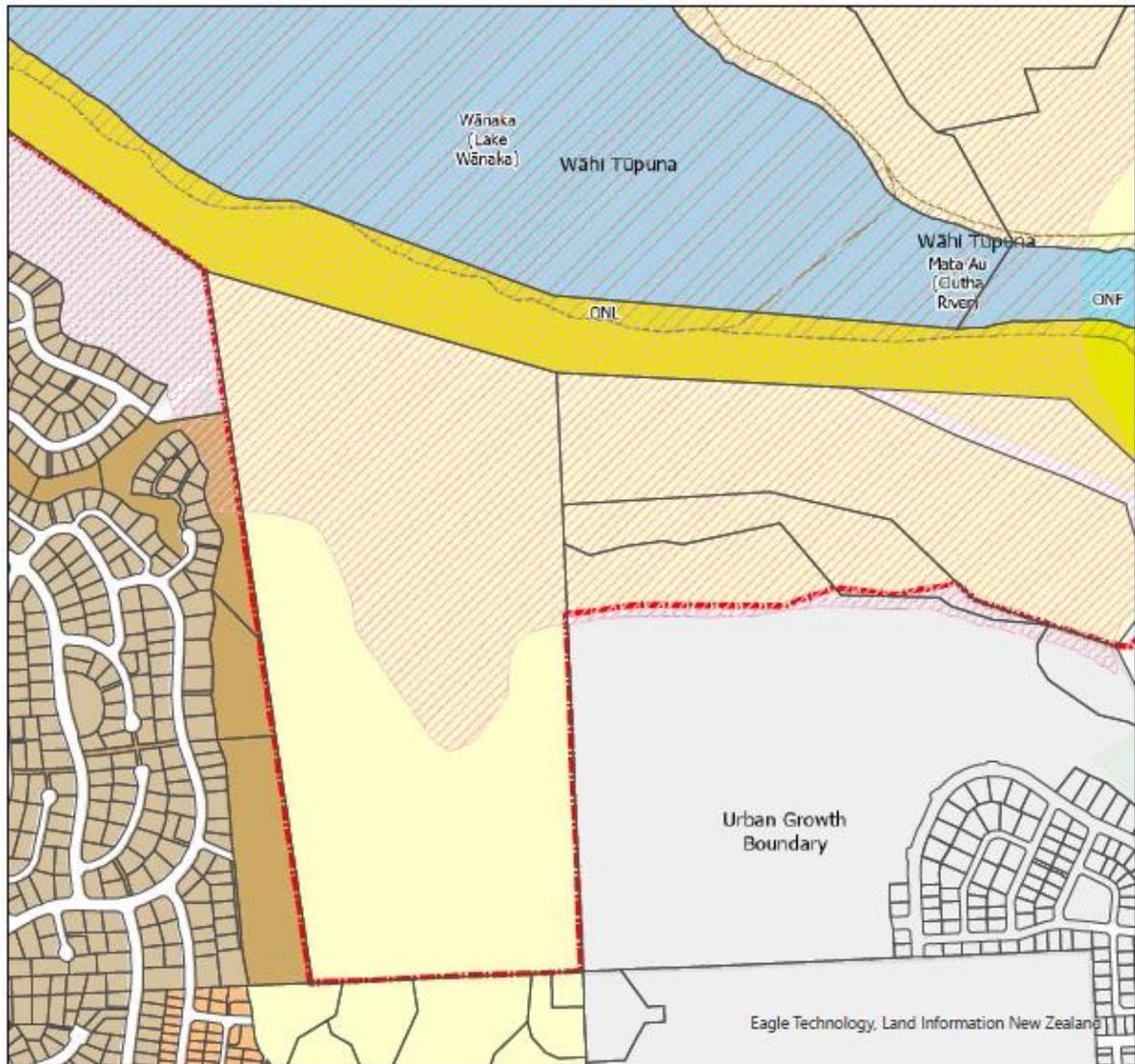
The mauri of Wanaka represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the lake.

APPENDIX THREE: HĀWEA/WĀNAKA - STICKY FOREST DISTRICT PLAN MAP



Figure 2: (above) Extract from Queenstown Lakes District Council webpage showing the Dublin Bay ONL overlaid on aerial photography. The Hāwea/Wānaka - Sticky Forest site is identifiable by the plantation forestry near the bottom of the image in close proximity to significant urban development. Extracted 24 August 2023 from https://experience.arcgis.com/experience/d9fba0542af340feb12b54406dff9ca2?data_id=dataSource_1-Proposed_Landscape_Mapping_5202%3A49

QLDC Operative and Proposed District Plan Map



- | | | |
|---------------------------------------|------------------------------------|---|
| Parcels and Properties | Landscape Priority Area | Rural |
| Overlay Polygons | Zones | Nature Conservation |
| OverlayType | Zones | Informal Recreation |
| Landscape Classification Label | Lower Density Suburban Residential | Road |
| Wāhi Tūpuna | Medium Density Residential | Water (zone Rural unless otherwise shown) |
| Urban Growth Boundary | | |

0 0.25 0.5 1 km

Scale: 1:9,028



The information provided on this map is intended to be general information only. While considerable effort has been made to ensure that the information provided on this map is accurate, current and otherwise adequate in all respects, Queenstown Lakes District Council does not accept any responsibility for content and shall not be responsible for, and excludes all liability, with relation to any claims whatsoever arising from the use of this map and data held within.

Map Date:
24/08/2023



Figure 3: Extract from Queenstown Lakes District Council District Plan maps showing the Dublin Bay ONL overlaid on the zoning.

APPENDIX FOUR: MARKED TEXT OF REMEDIES SOUGHT

Legend

Red: Changes as per the s42A report

Blue: Changes as per evidence

21.22.22 PA ONL Dublin Bay: Schedule of Landscape Values

General Description of the Area

The Dublin Bay PA encompasses the Dublin Bay foreshore and flats on Lake Wānaka and extends to the crests of the landforms enclosing the bay and the Clutha Mata-au outlet – Mount Brown, the glacial moraine behind the bay, the headland on the northern side of the outlet, and the landforms enclosing the southern side of the outlet. The PA is a landscape unit within the wider Lake Wānaka ONL and its boundaries form the visual catchment of the lake when viewed from the lake surface.

There are four sub areas within the PA:

- The area of rural living on the flats and undulating gentle slopes of Dublin Bay;
- The south-west slopes of Mount Brown and the remaining pastoral or conservation areas on the moraine and headland;
- The land on the southern side of the Clutha Mata-au outlet from Penrith Point to the Outlet Motor Camp;
- The waters of the bay and river outlet.

Physical Attributes and Values

Geology and Geomorphology • Topography and Landforms • Climate and Soils • Hydrology • Vegetation
• Ecology • Settlement • Development and Land Use • Archaeology and Heritage • Mana whenua •

Important landforms and land types:

1. Mount Brown: an elongated roche moutonnée landform that has been overridden by valley glaciers and smoothed by glacial till deposits from successive glaciations. The steep relatively even south-eastern faces of the hill have been eroded by glacial scraping of the schist bedrock.
2. Ice-front scarpland from the Hāwea glacial advance, framing Dublin Bay, with the inland boundary of the scarp forming the skyline to the lake above the bay. A series of terraces, ledges and benches stepping down within the bay, formed during glacial retreat.
3. Glacial till and outwash gravels on the headland between Dublin Bay and the Clutha River Mata-au, and south of the river outlet, eroded on the edges by lake and river action.
4. Lake beach deposits on the flatter parts of Dublin Bay.

Important hydrological features:

5. Lake Wānaka, including the Clutha River Mata-au outlet. Important attributes include the clarity, quality and significant extent of the water body, its character as a deep glacial lake surrounded by ice-eroded landforms and terminal moraines, and the distinctive feature of Stevensons Arm, divided from the main lake by The Peninsula.
6. Lake Wānaka is a nationally significant fishery.
7. A small unnamed creek on the flank of Mt Brown.

Important ecological features and vegetation types:

8. Particularly noteworthy vegetation types include:
 - a. Regenerating kānuka and kōhūhū dominant shrubland and bracken on the south-western flanks of Mount Brown;
 - b. Regenerating kānuka, with kōwhai, kōhūhū, matagouri, mingimingi and tī kōuka (cabbage tree) and other indigenous shrubs, on the lake edges, in the DOC-managed Dublin Bay-Outlet-Albert Town Recreation Reserve, and around the Outlet Motor Camp.
9. Other characteristic vegetation types are:
 - a. Lombardy poplars and willows around the lake edges, particularly at Dublin Bay;
 - b. Domestic garden vegetation on rural living properties;
 - c. Wilding radiata pine and Douglas fir, particularly on the headland within the reserve.
 - ~~d. Plantation conifer forest at Sticky Forest.~~
10. Potential for enhancement of ecological attributes through control of wilding conifers and other exotic weeds and/or through ongoing indigenous regeneration.
11. Regenerating kānuka shrubland and broadleaf shrubland provide important feeding and nesting habitat for small insectivorous native birds such as South Island tomtit, grey warbler, fantail and silvereye.
12. Animal pests include rabbits, stoats, possums, rats and mice.

Important land use patterns and features:

13. Predominantly farmland and reserve/conservation land, but diverse land uses, including:
 - a. Rural living/hobby farming on large lots of between 4ha and 38ha around Dublin Bay, with four small lots clustered in the centre of the bay. Associated visitor accommodation and events;
 - b. Pastoral farming on the slopes of Mount Brown and on the headland;
 - c. Conservation land and recreation reserve along the lake and outlet foreshore, with a larger area of conservation land in southern Dublin Bay. Used for walking, running and cycling, picnicking, horse trekking, swimming and boating;
 - d. Plantation forestry and informal use of mountain bike trails ~~on private land at Sticky Forest~~; and
 - e. The Outlet Motor Camp, which is partly on private land and partly on recreation reserve.

Important archaeological and heritage features and their locations:

14. Māori use or occupation of the land around the lake foreshore and outlet (archaeological site F40/11).
15. Mature exotic trees within the bay and along the lakeshore relate to the history of pastoral farming.

Mana whenua features and their locations:

16. The entire area is ancestral land to Kāi Tahu whānui and, as such, all landscape is significant, given that whakapapa, whenua and wai are all intertwined in te ao Māori.
17. The ONL overlaps with mapped within wāhi tūpuna 34 and 41: Wānaka (Lake Wānaka) and Lake Wānaka (Dublin Bay) (Nohoaka).
18. Lake Wānaka is highly significant to Kāi Tahu and is a Statutory Acknowledgement under the Ngāi Tahu Claims Settlement Act 1998.
19. Within the ONL is a contemporary nohoaka - Lake Wānaka (Dublin Bay) - provided as redress under the Ngāi Tahu Claims Settlement Act 1998.
20. Sticky Forest is land being held by the [Crown under the Ngāi Tahu Claims Settlement Act 1998 for successors to SILNA⁹ beneficiaries to be identified by the Māori Land Court. The Sticky Forest land is in substitution for SILNA land at 'The Neck' which their tūpuna were allocated but did not receive. For future Kāi Tahu owners under a Treaty of Waitangi settlement, as compensation to whānau left landless in the 1800s. While currently in plantation forest and used informally for recreation purposes, future Kāi Tahu owners may seek different uses for this whenua. Enablement of the use of this land by successors to achieve the purpose of SILNA in accordance with section 15 of the Ngāi Tahu Deed of Settlement.](#)

Associative Attributes and Values

Mana whenua creation and origin traditions • Mana whenua associations and experience • Mana whenua metaphysical aspects such as mauri and wairua • Historic values • Shared and recognised values • Recreation and scenic values

Mana whenua associations and experience:

21. Kāi Tahu whakapapa connections to whenua and wai generate a kaitiaki duty to uphold the mauri of all important landscape areas.
22. Wānaka is one of the lakes referred to in the tradition of “Ngā Puna Wai Karikari o Rākaihautū” which tells how the principal lakes of Te Wai Pounamu were dug by the rangatira (chief) Rākaihautū. Through these pūrakau (stories), this area holds a deep spiritual significance both traditionally and for Kāi Tahu today.
23. Identified Kāi Tahu values in this area may include, but are not limited to, wāhi taoka, mahika kai, ara tawhito, nohoaka.
24. The mamae (pain) generally felt by Kāi Tahu associated with land dispossession and alienation from traditional resources is represented by the Sticky Forest substitute land and the difficulty in accessing and using this whenua. Allowing for future uses of the land to realise whānau aspirations is viewed by Kāi Tahu as being in accordance with the principles of Te Tiriti o Waitangi.

Important historic attributes and values:

25. History of high-country farming as part of the East Wanaka Run (Forks Run), then amalgamated into Wanaka Station, and later part of Mount Burke Station.

⁹ [South Island Landless Natives Act 1906, repealed in 1909.](#)

Important shared and recognised attributes and values:

26. Strong shared and recognised attributes as a recreational destination and as part of the landform framing and enclosing Lake Wānaka.

Important recreation attributes and values:

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 There is a is the only publicly accessible mountain bike trail network adjoining Sticky Forest on public land, 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.
28. The Clutha Mata-au Outlet is a reasonably popular start/ finish point for jetboating activities on the Clutha River.
29. Te Araroa (New Zealand's Trail) and Ngā Haerenga (New Zealand Cycle Trails) passing along the outlet and lakefront from Albert Town to Beacon Point.

Perceptual (Sensory) Attributes and Values

Legibility and Expressiveness • Views to the area • Views from the area • Naturalness • Memorability • Transient values • Remoteness / Wildness • Aesthetic qualities and values

Legibility and expressiveness attributes and values:

30. Legibility and expressiveness of Mount Brown as an ice-eroded landform enclosing Dublin Bay, and of the landforms around the lake outlet, where the erosive action of the Clutha Mata-au has carved through the terminal moraine at the distal end of Lake Wānaka.

Particularly important views to and from the area include:

31. Highly attractive views from Dublin Bay and the conservation reserve/headland across the waters of Lake Wānaka to The Peninsula and the more distant mountains to the west. Reflections on the water and changes in weather conditions and vegetation colours add to the amenity of these views.
32. Highly attractive views from the walking/cycling tracks and recreation areas on the southern side of the Outlet across the lake waters to the northern foreshore of the Outlet, Mount Brown, Stevenson Arm, The Peninsula and more distant mountains to the north. Reflections on the water and changes in weather conditions and vegetation colours add to the amenity of these views.
33. Views from the lake waters and lake shore to the landforms enclosing the lake, including Mount Brown and the terminal moraines. The relative naturalness, indigenous vegetation patterns and, in places, openness of these landforms add to the aesthetic qualities of the PA, as does the contrast between the lake waters and the mountains and moraine features surrounding them.

Naturalness attributes and values:

34. Overall a moderate-high level of perceived naturalness, despite plantation forestry, rural living and wilding conifer spread. 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 detract from the naturalness and coherence of this part of the PA.

Memorability attributes and values:

- 35. Memorable as an accessible area of the lake and lakeshore that is strongly enclosed by relatively unmodified natural landforms.

Transient attributes and values:

- 36. The influence of wind and cloud on the lake surface colour and texture, autumn colours of willows and Lombardy poplars along the lakeshore, changing colours of pasture areas, which are green in some seasons and tawny brown in others.

Remoteness and wildness attributes and values:

- 37. Due to its proximity to urban Wānaka, the popularity of the camping ground and tracks, and the rural living land uses, the majority of the PA does not have a strong sense of remoteness. However, people in boats on the lake or using less frequented tracks can experience a sense of relative remoteness.

Aesthetic attributes and values:

- 38. The experience of the attributes outlined above by people living within the landscape or using the popular reserves, campground, track network and lake waters.
- 39. More specifically, this includes:
 - a. The highly attractive views available from within the PA across the lake to surrounding hills and mountains.
 - b. The legibility, expressiveness, openness and relative naturalness of Mount Brown.
 - c. The regenerating indigenous vegetation on Mount Brown, along the foreshore areas and within the recreation reserves.
 - d. The contrast between the lake waters and the enclosing landforms, including the changing colours and textures of these elements across different seasons and weather conditions.
 - e. The high degree of naturalness of the lake and the foreshore areas.
 - f. The low-density rural living character of Dublin Bay, with widely spaced and largely screened dwellings, and mature integrating vegetation.
 - g. The autumn colours of willows and poplars along the lake edge, and the contrast of these yellows with the blue of the lake and the tawny brown or green of the enclosing land.

Summary of Landscape Values
Physical • Associative • Perceptual (Sensory)

Rating scale: seven-point scale ranging from **Very Low** to **Very High**.

very low	low	low-mod	moderate	mod-high	high	very high
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The physical, associative and perceptual attributes and values described above for PA ONL Dublin Bay come together and can be summarised as follows:

- (a) **Moderate-high physical values** due to the clarity, quality and enclosed nature of the lake waters, the largely unmodified roche moutonnée and moraines surrounding the lake, and the mana whenua features associated with the area.
- (b) **Moderate-high associative values** relating to the mana whenua associations of the area, the strong recreational attributes of the landscape, and the shared and recognised values as part of the natural landform framing and enclosing Lake Wānaka.
- (c) **Moderate-high perceptual values** relating to:
 - i. The expressiveness values of Mount Brown and the moraines and terraces enclosing the lake and outlet;
 - ii. The aesthetic and memorability values due to the accessibility of the PA for residents of and visitors to Wānaka, the highly attractive views available across the lake waters to the enclosing landforms, the extent of regenerating indigenous vegetation or open pasture, and the naturalness of the lake and lake foreshore.

Landscape Capacity

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

- i. **Commercial recreational activities** – **some** landscape capacity for small scale **and low-key** activities that do not require permanent built infrastructure or are co-located with existing development; complement/enhance existing recreation features; are located to optimise the screening and/or camouflaging benefit of natural landscape elements; designed to be of a sympathetic scale, appearance, and character; integrate appreciable landscape restoration and enhancement and enhance public access; ~~and protect the area's ONL values.~~
- ii. **Visitor accommodation and tourism related activities** – **no** landscape capacity for visitor accommodation on Mount Brown's southern flanks, the headland north of the Outlet and the land south of the Outlet (apart from at the motor camp). **Some** landscape capacity within the rural living area at Dublin Bay for visitor accommodation activities that are co-located with existing consented facilities, are located to optimise the screening and/or camouflaging benefit of natural landscape elements; designed to be of a sympathetic scale, appearance, and character; integrate appreciable landscape restoration and enhancement and enhance public access; ~~and protect the area's ONL values.~~ **No** landscape capacity for tourism related activities.
- iii. **Urban expansions** – **no** landscape capacity.
- iv. **Intensive agriculture** – **limited** landscape capacity in the rural living area within Dublin Bay (excluding the flanks of Mount Brown).
- v. **Earthworks** – **limited** landscape capacity for earthworks and **some capacity for** public trails **(walking and cycling) subject to that protecting** naturalness and expressiveness attributes and values **and those activities being are** sympathetically designed to integrate with existing natural landform patterns.
- vi. **Farm buildings** – **limited** landscape capacity for modestly scaled buildings that reinforce existing rural character and maintain the openness and legibility attributes and values of mountain slopes and moraines.
- vii. **Mineral extraction** – **very limited** landscape capacity for small scale extraction. ~~that protects the area's ONL values.~~
- viii. **Transport infrastructure** – **very limited** landscape capacity for modestly scaled and low key 'rural' roading in the rural living area of Dublin Bay that is positioned to optimise the integrating benefits of landform and vegetation patterns.
- ix. **Utilities and regionally significant infrastructure** – **limited** landscape capacity for infrastructure that is co-located with existing facilities, buried or located such that it is screened from external view. In the case of utilities

such as overhead lines or cell phone towers which cannot be screened, these should be designed and located so that they are not visually prominent. In the case of the National Grid, limited landscape capacity in circumstances where there is a functional or operational need for its location and structures are designed and located to limit their visual prominence, including associated earthworks.

- x. **Renewable energy generation** – **no** landscape capacity for commercial-scale renewable energy generation. **Very limited** landscape capacity for discreetly located and small-scale renewable energy generation that is barely discernible from the lake or public places.
- xi. **Production Forestry** – **very limited** landscape capacity for small scale production forestry. ~~that protects the area's ONL values.~~
- xii. **Rural living** – **very limited** landscape capacity for additional development in the rural living area of Dublin Bay – with the location, scale and design of any proposal ensuring that it is generally ~~not discernible~~ **difficult to see** from external viewpoints. Developments should be of a modest-scale; have a low key 'rural' character; integrate landscape restoration and enhancement and enhance public access; ~~and protect the area's ONL values.~~