

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

Decision No. [2023] NZEnvC 146

IN THE MATTER of the Resource Management Act 1991

AND an appeal under clause 14 of the first
schedule of the Act

BETWEEN LAKE MCKAY STATION
LIMITED

(ENV-2018-CHC-160)

Appellant

AND QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

Court: Environment Judge J J M Hassan
Environment Commissioner K A Edmonds
Environment Commissioner J T Baines

Hearing: In Chambers at Christchurch

Last case event: 27 June 2023

Date of Decision: 6 July 2023

Date of Issue: 6 July 2023

DECISION OF THE ENVIRONMENT COURT

**Topic 2: Rural Landscapes – Subtopic 1
Decision 2.16**

A: The ONL boundary for the Sheepskin Creek Terraces (East), Sheepskin
Creek and the Lake McKay Station and Environs ONL Priority Area is

QTN PLAN APPEALS – TOPIC 2 – INTERIM DECISION 2.16



confirmed as agreed by the parties. Directions are made for Queenstown Lakes District Council to include the updated Outstanding Natural Landscape boundary line in the district plan as per Appendix A.

REASONS

Background

[1] This decision follows Interim Decision 2.3¹ on ‘Topic 2: Rural Landscapes’, in the review of the Queenstown Lakes District Plan (‘PDP’). Lake McKay Station Limited (‘LMSL’) appealed the mapping of the Outstanding Natural Landscape (‘ONL’) boundary relative to the Criffel/Pisa ONL near the Central Otago District boundary.

[2] Landscape experts Ms Anne Steven, for LMSL, and Ms Mellsop, for Queenstown Lakes District Council (‘QLDC’) both presented evidence at the hearing. On the evidence, in its interim decision, the court found “an adjustment of this part of the ONL boundary to reflect obvious changes in land use in the vicinity and better respect geomorphology can and should be done”.² The court stated a boundary line adjustment was required for the easternmost boundary of the Criffel/Pisa ONL at the north-eastern shoulder area stating the ONL boundary should align with the top of the gully along the true right of Sheepskin Creek and the northernmost boundary east of Luggate Township as far as the north-eastern corner of the LMSL site and should follow the dashed blue line as shown on Exhibit AS1 which was attached to Decision 2.3 as Annexure 1. The court also acknowledged uncertainty remained regarding the north-eastern corner of the decisions version boundary³ and found this required further detailed assessment.⁴

¹ *Lake McKay Station Limited & Ors v Queenstown Lakes District Council* [2019] NZEnvC 206.

² At [268].

³ Being the area identified by Ms Steven as “AS4”.

⁴ At [272].

[3] The decision also found that further assessment was required for the mapping of the ONL boundary line for Knoll A3KV (as identified on Exhibit AS1). Following a s293 process, that boundary adjustment was later determined to be appropriate (in Decision 2.4)⁵ and subsequently endorsed (in Decision 2.8).⁶

[4] The north-eastern corner/AS4 area then remained to be determined and that is the subject of this decision.

The agreed position

[5] On the advice of Ms Mellsop and Ms Steven, the parties agree that the ONL boundary should be the easternmost alignment around the Sheepskin Creek Terraces, so as to take in as much of the schist outcrop as possible.⁷ The agreed alignment is shown in Appendix A.

[6] Having reviewed QLDC's memorandum dated 7 June 2023 and the attached map, and the further memorandum dated 27 June 2023, the court is satisfied the ONL boundary depicted as wrapping around the north-eastern corner of the Sheepskin Creek Terraces (East) and extending up Sheepskin Creek (true right bank) is appropriate. The boundary for the Lake McKay Station and Environs ONL Priority Area also requires amendment to ensure it aligns with the modified ONL boundary.

Outcome

[7] The ONL boundary for the Sheepskin Creek Terraces (East), Sheepskin Creek and the Lake McKay Station and Environs ONL Priority Area is confirmed as agreed by the parties per Appendix A.

⁵ *Hawthenden Limited & Ors v Queenstown Lakes District Council* [2020] NZEnvC 157.

⁶ *Upper Clutha Environmental Society Incorporated & Ors v QLDC* [2021] NZEnvC 61.

⁷ QLDC memorandum dated 7 June 2023 at [8]-[10].

[8] QLDC is directed to include this amended ONL boundary in the PDP plan maps.

For the court



J J M Hassan
Environment Judge



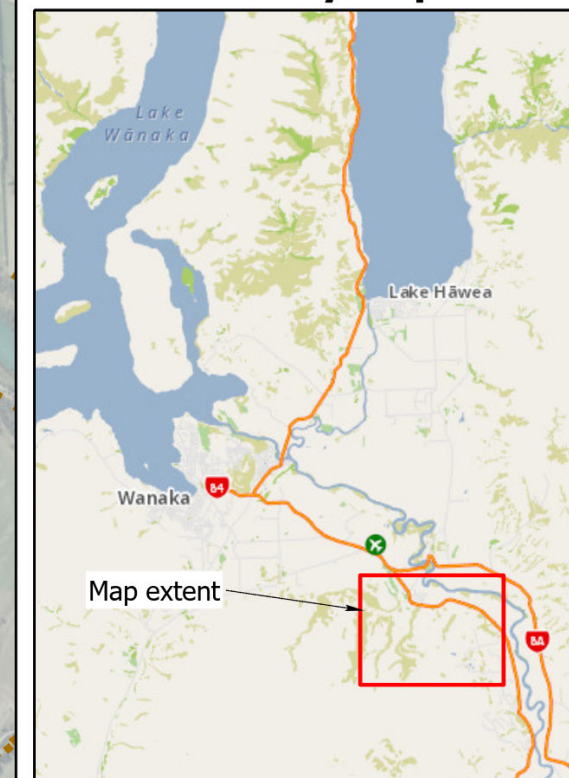
Appendix A

Agreed mapping for Outstanding Natural Landscape Boundary relative to eastern end of Criffel/Pisa ONL.

[2019] NZEnvC 206 - Sheepskin Creek Landscape Classification



Locality Map



Legend

— Landscape Classification



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