

**BEFORE THE HEARINGS PANEL  
FOR THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN**

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of re-notified Stage 1  
submissions: Gertrude's  
Saddlery Limited and  
Larchmont  
Developments Limited,  
at Arthurs Point

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**REPLY LEGAL SUBMISSIONS FOR QUEENSTOWN LAKES DISTRICT COUNCIL**

**24 March 2023**

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**APPENDIX 1: Timeline of events / decisions relevant to how the Kimiākau Shotover River Outstanding Natural Feature Priority Area boundary came to be in the PDP**

**APPENDIX 2: Landscape Priority Area Mapping Corrections (clause 16) dated 6 June 2022**

## 1. INTRODUCTION

1.1 These reply submissions are made on behalf of Queenstown Lakes District Council (**Council**), and respond to matters raised during the course of the hearing.

1.2 They address the following matters:

- (a) Council's position on the revised proposal filed after the hearing on 16 February 2023 (**revised relief**);
- (b) The National Policy Statement for Highly Productive Land (**NPS-HPL**);
- (c) The submitters' approach to the permitted baseline / future receiving environment;
- (d) Jurisdiction of this Panel in relation to the Outstanding Natural Landscape (**ONL**) boundary;
- (e) Jurisdiction of this Panel in relation to the Kimiākau Shotover River Outstanding Natural Feature (**ONF**) Priority Area boundary.

## 2. COUNCIL'S POSITION ON THE REVISED PROPOSAL FILED AFTER THE HEARING

2.1 Ms Mellsop, Ms Evans and Mr Smith have considered the submitters' revised relief in their reply evidence, and their position has not changed from that outlined in their rebuttal evidence. In summary, Council supports an extension of the Lower Density Suburban Residential Zone (**LDSR**) with the LDSR boundary aligning with Ms Mellsop's ONL boundary line.<sup>1</sup>

2.2 Council does not support the Large Lot Residential B Zoning (**LLRB**) on the basis that it will have a moderate to high adverse effect on the values of the adjacent ONF, and a moderate adverse effect on the values of the wider ONL.<sup>2</sup> If Ms Mellsop's evidence on the location of the ONL boundary is preferred, the submitters' proposed LLRB would

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1 Pink dashed line in Figure 1 of H Mellsop's rebuttal evidence.

2 H Mellsop, Evidence in chief at 3.1; Rebuttal evidence at 3.5.

be located within the ONL (following Ms Mellsoy and Mr Brown's evidence). With the LLRB being an urban zone and located within 'Part Three, Urban Environment' of the PDP, rezoning that part of the submission site to LLRB would not only fail to protect the values of the ONL and ONF as required by Chapter 3 of the PDP, but would also create insurmountable plan integrity issues.

### 3. NATIONAL POLICY STATEMENT ON HIGHLY PRODUCTIVE LAND (NPS-HPL)

3.1 The NPS-HPL is addressed in section 8 of Council's opening submissions. Council's position accepts the more detailed mapping undertaken by Dr Hill (for the submitters) and on that basis, accepts that the NPS-HPL does not apply to the submitters' proposal.

3.2 "LUC 1, 2, or 3 land" is defined in the NPS-HPL as follows:

***LUC 1, 2, or 3 land** means land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification*

3.3 Ms Limmer's submissions for APONLS draw attention to the Ministry for the Environment's 'Guide to Implementation' of the NPS-HPL. An extract is quoted in respect of the definition of LUC 1, 2 and 3 which, in summary, suggests that any more detailed mapping needs to have happened at a region or district level (rather than site by site), before it can be used by a council to identify Highly Productive Land (HPL) under the transitional definition of LUC 1, 2 or 3 land.<sup>3</sup>

3.4 The Guidelines also say:

*More detailed mapping could be tools such as S-Map, **however it is not intended to include site-specific soil assessments prepared by landowners.** If a local authority intends to use more detailed mapping information, it must be based on the LUC classification parameters (completing the assessment according to the methodology in the Land Use Capability Survey Handbook (2009)), and not consider other factors such as water availability. **Part 2 of***

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3 Further submitter legal submissions dated 26 January 2023, at 39.



***the guide will provide further guidance on best practice for undertaking more detailed assessment of LUC.***

- 3.5 As submitted orally at the hearing, MfE's guidance document inserts words into the NPS-HPL that are simply not there. They would require the definition of LUC 1, 2 or 3 land to be read as follows (ie. with the addition of the additional underlined words):

***LUC 1, 2, or 3 land*** means land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping completed at a region or district level, that uses the Land Use Capability classification completing the assessment according to the methodology in the Land Use Capability Survey Handbook (2009)

- 3.6 Recent decisions of the Environment Court support the position that non-statutory MfE guidance cannot alter the meaning of a statutory instrument:

- (a) In *Federated Farmers v Northland Regional Council*<sup>4</sup> the Environment Court expressed concerns regarding MfE guidance on the National Policy Statement for Freshwater Management 2020 (**NPS-FM**), and noted that it has no regulatory force. The Court stated:

We have put aside any implied directions in the guideline, but the entire Court is uneasy at the implications of the documents and its potential ramifications".<sup>5</sup>

- (b) In *Greater Wellington Regional Council v Adams*,<sup>6</sup> the Court confirmed that the same guidance on the NPS-FM cannot alter the definition contained in the NPS-FM, noting:<sup>7</sup>

*Firstly, we note that NPS-FM is a statutory instrument established under Part 5 (ss 45-55) RMA, changes to which must be effected in accordance with s 53. The proposition*

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4 *Federated Farmers v Northland Regional Council* [2022] NZEnvC 016.

5 At [29].

6 *Greater Wellington Regional Council v Adams* [2022] NZEnvC 25.

7 At [136].

*that a definition contained in such a statutory instrument might be altered in some way or its application affected by operation of non-statutory instruments such as the Guidance document and hydrology tool is one with which we have extreme difficulty as a legal proposition. The Guidance document appears to be just that, "guidance", the application of which is tempered by caveats in the document itself which we will refer to shortly but one of which makes it clear that the Guidance document does not purport to alter laws, official guidelines or requirements, a category which the definition contained in NPS-FM must surely fall into.*

**3.7** Context and purpose are key factors when resolving competing interpretations in planning instruments.<sup>8</sup> Council's view on the NPS-HPL "more detailed mapping" question is that MfE's interpretation (in its Guidelines) is difficult to reconcile with the context and purpose of clause 3.5(7), and the NPS-HPL more generally. In effect, that interpretation would maintain LUC mapping that has been proven inaccurate until such time as a regional / district exercise has been undertaken, resulting in the protection of land that does not have high productive value. It is submitted that would be inconsistent with the purpose of the NPS-HPL, and would also border on producing an absurd outcome, by placing policy restrictions on land which is not intended to be protected by the NPS-HPL.

#### **4. PERMITTED BASELINE / FUTURE RECEIVING ENVIRONMENT**

**4.1** The Panel requested that the legal submissions given by Ms Scott at the opening of the hearing, in response to Ms Hill's submissions on the 'permitted baseline / future receiving environment' for the submission site, be provided in the Council's written reply.

**4.2** The receiving environment is the environment upon which a proposed activity might have effects. The *Hawthorne*<sup>9</sup> concept of the 'receiving environment', in the context of decisions on resource consents, is well established. In summary, it is permissible (and often desirable or

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<sup>8</sup> See for example s 10 of the Legislation Act 2019; *Powell v Dunedin City Council* [2005] NZRMA 174; and *Queenstown River Surfing Limited v Central Otago District Council* [2006] NZRMA.

<sup>9</sup> *QLDC v Hawthorne Estate Limited* CA45/05.

necessary) to consider the future state of the environment upon which effects will occur, including:

- (a) the future state of the environment as it might be modified by the utilisation of rights to carry out permitted activities; and
- (b) the environment as it might be modified by implementing resource consents that have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.

but not

- (c) the environment as it might be modified by implementing future resource consent applications (because these are too speculative).

**4.3** Ms Hill's reference to the permitted baseline<sup>10</sup> in her submissions are understood to be in relation to whether the future state of the environment might be modified by the utilisation of rights to carry out permitted activities, rather than the permitted baseline as established in sections 95D(b) and 95E(2)(a) in a resource consent context.

**4.4** Ms Hill's submissions do not mention the authoritative case on the question of whether the resource consent *Hawthorne* receiving environment concept, should be applied to a plan change decision. That decision is one from Fogarty J in *Shotover Park Limited and Ors v QLDC* [2013] NZHC 1712.

**4.5** The High Court in *Royal Forest and Bird Protection Society of NZ Inc. v Buller District Council* [2013] NZHC 1324 at [13]-[14] (a resource consent decision) also pointed out that the term 'existing environment' is something of a misnomer. It arises in the context of resource consents because section 104(1)(a) of the Act requires consent authorities to have regard to any actual and potential effects on the environment of allowing the activities. That is not the exercise this Panel is engaged in.

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<sup>10</sup> Submitter legal submissions dated 26 January 2023, at 84 - 104.

4.6 Rather, the High Court in *Shotover Park* has held that in a plan change context, which is a different exercise to a resource consent, the Council is not obliged to consider the environment by reference to the *Hawthorne* tests / construct. Rather, the High Court's decision suggests that while the Council is not bound to do so, it nevertheless has a discretion to take account of any *existing* resource consents that have not yet been implemented, as well as the future state of the environment as it might be modified by permitted activities.<sup>11</sup> This discretion needs to be exercised (or not) on a principled basis.

4.7 At a general level, the correct approach to take to that discretion is submitted to be:

- (a) if indeed an existing consent is likely to be exercised, the Panel should take account of that, and the inevitable changes to the environment that will result, when recommending the appropriate planning framework for the submission site in the future; however
- (b) if there is a suggestion that an existing consent is not likely to be exercised, perhaps because the zone framework being pursued through a submission conflicts with that existing consent, then the Panel should carefully consider whether that existing consent is actually likely to be exercised.

4.8 The correct approach for the Panel to take arises in response to Ms Hill's submissions that "Ms Mellsop and Mr Brown appear to have misunderstood the permitted baseline relative to the Site in a number of respects".<sup>12</sup> The more detailed written submissions from Ms Hill, and Council's response to them, are as follows:

- (a) That the *Golf v Thames Coromandel District Council*<sup>13</sup> decision incorporated the *Hawthorn* concept of the future environment in the context of a plan change decision.<sup>14</sup>

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11 *Shotover Park Limited and Ors v QLDC* [2013] NZHC 1712 at [90] and [98].

12 Submitters' Opening Submissions, at 84.

13 *Golf v Thames Coromandel District Council*

14 Submitters' Opening Submissions, at 85-86.

Council response: The paragraph that Ms Hill cites from the *Golf* decision sits under the sub-heading “Should past plan provision be disregarded”. What paragraph [127] actually does is summarise the *Hawthorne* decision. The authoritative guidance is provided by *Shotover Park*.

- (b) In relation to the LEL land and questions as to whether an existing consent has lapsed and the potential for future development, Ms Hill submitted “I suggest the Commissioners take a realistic approach to the receiving environment here (per *Arrigato* and *Golf* as cited above), in that any future replacement consent for the second dwelling (if needed) is highly likely to obtain consent”. Ms Hill then cites the *Frost v QLDC* decision as upholding a ‘reasonably anticipated’ future receiving environment.

Council response: The *Arrigato* and *Golf* decisions do not support the submission that a “realistic approach” to the receiving environment should be applied in a plan change context, nor is that submission supported by *Shotover Park*, for the reasons set out above. The *Frost* decision referenced is a resource consent decision (as Ms Hill does acknowledge), so again does not provide any authority for this plan change process. Finally, it is not accepted that *Frost* provides “a further reasonable basis upon which Commissioners should realistically assess the likely future developed nature of the Site, including the LEL Site”.<sup>15</sup>

## 5. JURISDICTION OF THIS PANEL IN RELATION TO THE ONL BOUNDARY

- 5.1 In Council’s submission, the ONL boundary in the vicinity of the submission site, can and should, on both jurisdictional and merits / evidential grounds, be shown in a different location to the Shotover River ONF PA boundary.

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15 Submitter legal submissions at 104.

**5.2** An outstanding natural landscape and an outstanding natural feature are not one and the same. In Topic 2 (Decision 2.1),<sup>16</sup> the Court held:

Our starting point is that the choice of allocating an area to the class of 'landscape' or 'feature' for s6(b) purposes is a matter of informed judgment, as the following explanation in the **Landscape Methodology JWS** indicates:

*(a) Typically, 'landscapes' display characteristics such that they are distinctive from adjacent landscapes and can be identified and mapped, circumstances the attributes are more subtle and/or common to more than one area, making it more difficult to define the spatial extent of a landscape. In such circumstances it may be appropriate to focus on whether the landscape can be meaningfully perceived as 'a whole'. It is important that where this approach to the identification of a landscape is applied, it is clearly transparent in the assessment.*

...

*(c) A feature typically corresponds to a distinct and clearly legible biophysical feature (eg. roche moutonnee, volcanic cone, water body). It is acknowledged that scale and context will play a role in determining whether the area is a feature or landscape<sup>17</sup>*

**5.3** The Te Tangi a te Manu – Aotearoa New Zealand Landscape Guidelines also clearly differentiate between ONLs and ONFs (noting that the meaning of 'outstanding'<sup>18</sup> and 'natural'<sup>19</sup> are defined separately):

*Landscape = A landscape is the primary unit (single and complete) for landscape assessment. Small landscapes nest within larger landscapes. Identify the landscape at the scale (i.e. spatial extent) most appropriate to the purpose of the assessment.<sup>20</sup>*

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<sup>16</sup> *Hawthenden Limited v Queenstown Lakes District Council* [2019] NZEnvC 160 (Decision 2.1).

<sup>17</sup> Decision 2.1 at [160].

<sup>18</sup> Defined at 8.05 – 8.08.

<sup>19</sup> At 8.09 – 8.11.

<sup>20</sup> At 5.50.

*Feature = A feature is a discrete and distinct element (hill, river, island, rock, headland, wharf, building, park, street). While normally part of a landscape, a feature may be large enough to encompass several landscapes (e.g. a large island such as Waiheke) or long enough to traverse different landscapes (e.g. a river, highway). The essence of a feature is not so much its size, as its singularity and distinctness.<sup>21</sup>*

5.4 There is clear jurisdiction in this hearing to move the ONL off the submission site. That was endorsed by Judge Jackson’s Enforcement Order / Suspension Decision, where His Honour held that the location of the boundary of the ONL is implicitly raised through the primary submissions.

## 6. JURISDICTION OF THIS PANEL IN RELATION TO THE SHOTOVER RIVER ONF PRIORITY AREA BOUNDARY

6.1 This matter is addressed in Section 6 of Council’s opening submissions. In short, it was submitted that because the Shotover River ONF PA boundary did not exist in Stage 1, no submission could have been made to change it. Rather, the PA came into the PDP through later decisions of the Environment Court on Stage 1 appeals.

6.2 The Panel has asked for a ‘timeline’ of events / decisions relevant to how the Shotover River ONF PA came to be in the PDP. That is included in **Appendix 1** to these submissions.

6.3 The pertinent events for the purposes of these reply submissions are the following:

- (a) *Arthurs Point Outstanding Natural Landscape Society Inc v Queenstown Lakes District Council* [2019] EnvC 150 – on the **11 September 2019** the Environment Court ordered that the drawing of the ONL boundary around, the movement of the UGB to include, and the rezoning to Low Density Residential of, the Shotover Loop be suspended from the date of that decision. The Court ordered that the Council re-notify an

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<sup>21</sup> At 5.52.

amended version of the summary of submissions received under Stage 1. This decision remained under appeal for some years, which meant that there was no certainty that the suspension should be given effect to, until August 2021 (refer to the decision at subclause (d) below);

- (b) Joint Witness Statement of Landscape Experts dated **29 October 2020**;
- (c) Decision 2.7: On **7 May 2021**, the Environment Court confirmed that the Priority Areas (geographically) are to accompany the listing of Priority Areas in Chapter 3 of the PDP – this included the Shotover River ONF PA as shown geographically in the mapping provided with the Joint Witness Statement of Landscape Experts;
- (d) *Gertrude’s Saddlery Ltd v Arthurs Point Outstanding Natural Landscape Society Inc* [2021] NZCA 398 – on **24 August 2021** the Court of Appeal declined the application from GSL for leave to appeal the High Court decision to uphold Judge Jackson’s Enforcement Order / Suspension Decision. It was only on this date in **August 2021**, that the appeals against Judge Jackson’s 2019 Enforcement Order / Suspension Decision came to an end, and the ‘suspension’ could be relied on;
- (e) A clause 16 correction made to the Priority Area mapping in the PDP. This includes changes to the geographic extent of the Shotover River ONF PA, along the boundary of the submission site, described as “area shown as notified”. This is intended to refer to the notified PDP mapping (of the urban / rural boundary at Arthurs Point), to reflect that the Enforcement Order / Suspension Decision now was beyond appeal (as of 24 August 2021), and that the changes made by the Council’s Stage 1 decision on the submissions in question had no legal effect. This document is attached as **Appendix 2** to these submissions.



**6.4** Ms Baker-Galloway made oral submissions on the second day of the hearing to the effect that the Stage 1 submissions provide scope to move the Shotover River ONF PA boundary off the submission site (and presumably, to align with the agreed position of all landscape experts who have provided evidence at the hearing). This is on the basis that the notified summary of submissions include reference to ‘any outstanding natural feature’ (as well as any outstanding natural landscape):

*In addition to the relief expressly sought, the submission implicitly seeks to exclude the land sought for rezoning from any outstanding natural landscape **or feature**, by drawing a brown dashed line indicating an outstanding natural **landscape or feature** boundary around the land shown on the map/comprised in Lot 1 DP 518803 (RT 814337).*

**6.5** While acknowledging that is the terminology used in the summary of submissions, Council’s opening written submissions are referred back to in response to Ms Baker-Galloway’s submissions, in particular paragraph 6.3. No ONF boundary existed at the time the submission was lodged.

**6.6** Ms Baker-Galloway then submitted that clause 10(2)(b)(i) of Schedule 1 is available to the Panel, to move the ONF boundary to the location agreed by the landscape experts. Clause 10(2)(b)(i) provides that a decision on submissions may include matters relating to any consequential alternations necessary to the proposed plan arising from submissions.

**6.7** The Shotover River PA boundary forms part of the PDP now (refer the timetable in Annexure 1 and submissions above). The boundary is to be considered separately from the content of the landscape values schedules that were notified in 2022 and are now subject to a separate schedule 1 process.

- 6.8** Council accepts that clause 10 is available to the Panel in this situation, if the change to the ONF boundary is a consequential alteration to the PDP that necessarily arises from the rezoning being pursued through the Gertrude and LEL submissions.

Dated this 24<sup>th</sup> day of March 2023

A handwritten signature in black ink, consisting of the letters 'R' and 'P' followed by a long, wavy horizontal line that ends in a small hook.

**M G Wakefield / S J Scott / R P Mortiaux**

Counsel for Queenstown Lakes District Council

## **APPENDIX 1**

### **Timeline of events / decisions relevant to how the Kimitiākau Shotover River Outstanding Natural Feature Priority Area boundary came to be in the PDP**

**Appendix 2**  
**Landscape Priority Area Mapping Corrections (clause 16) dated 6 June 2022**



## Amendment to the Proposed District Plan

### Pursuant to Clause 16 of the First Schedule of the Resource Management Act 1991

**Planner:** Geoffrey Everitt, GIS Policy Lead

**Date:** 07.06.2022

**Amendment Title:** Landscape Priority Area Mapping Corrections

#### Reasons why the amendment is required:

- |                                     |  |                          |  |
|-------------------------------------|--|--------------------------|--|
| <input checked="" type="checkbox"/> | To correct a typographical error           | <input type="checkbox"/> | To correct text formatting/<br>appearance or similar |
| <input checked="" type="checkbox"/> | To correct a minor mapping error           | <input type="checkbox"/> | To correct a cross reference<br>mismatch             |
| <input type="checkbox"/>            | To update numbering of provision /<br>page |                          |  |

#### To give effect to a Direction:

- In a national environmental standard
- In a national policy statement
- Of the Environment Court
- Made under s55 RMA
- Other

## Amendment(s) to be made:

This Clause 16 relates to mapping corrections for the Landscape Priority Areas, the maps of the Priority Areas should clearly reflect the Chapter 3 Strategic Policy 3.3.36, and are currently confusing:

1. The maps include two Priority Areas which are not included within Policy 3.3.36:
  - Homestead Bay,
  - Western Remarkables.

The inclusion of these areas is an error and is not what the Court expected or determined; these two Priority Areas are to be removed.

2. The Policy refers to two Priority Areas with separate schedules, the maps have not differentiated the spatial extent of each Priority Area.
  - Lake Hayes,
  - Slope Hill.

The mapping of these two separate Priority Areas as one object within the maps is confusing, inconsistent with Policy 3.3.36, and not what the court expected or determined; these two Priority Areas are to be separated into two distinct objects within the maps.

3. The Policy refers to one Priority Area (Ferry Hill) and the map has mapped and identified two distinct areas as one:
  - Queenstown Hill and Ferry Hill.



The inclusion of Queenstown Hill within the Ferry Hill Priority Area is an error and is not what the Court expected or determined.

The Queenstown Hill will be separated from the Ferry Hill Priority Area and included within the West Wakatipu Basin Priority Area.

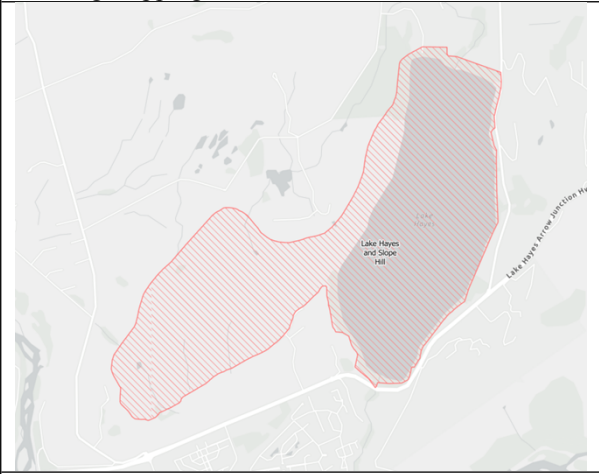
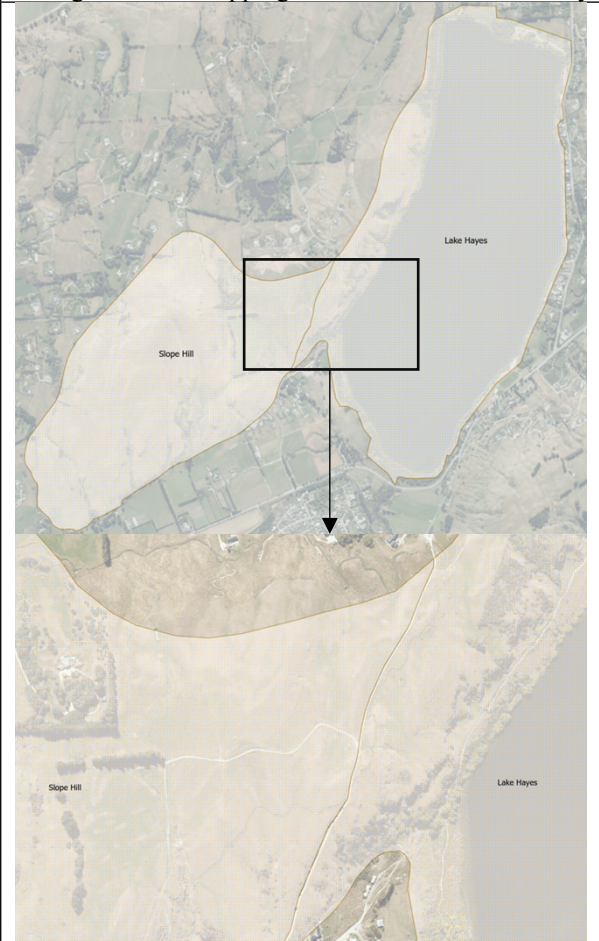
4. Several labels for the Priority Development have typos or incorrectly identify the Priority Area it relates to.
  - Feehly Hill Priority Area has been incorrectly labelled as Ferry Hill,
  - Hāwea North Grandview Priority Area is missing a macron,
  - West of Hāwea River Priority Area is missing a macron, &
  - West Wānaka is missing a macron.

5. All the Priority Areas have incorrect spatial extents which require case by case corrections.
  - The intention for some Priority Areas has been to share a spatial alignment with other features, such as, the ONL/F boundaries, cadastral boundaries, or natural features,
  - Many Priority Areas have overlapping spatial extents which are confusing and do not identify which schedule applies to each area, &
  - Many Priority Areas are intended to share a boundary; however, there are often 'strips' between the Priority Areas resulting in areas which currently no schedule applies.

1. Landscape Priority Areas not included in Policy 3.3.36:


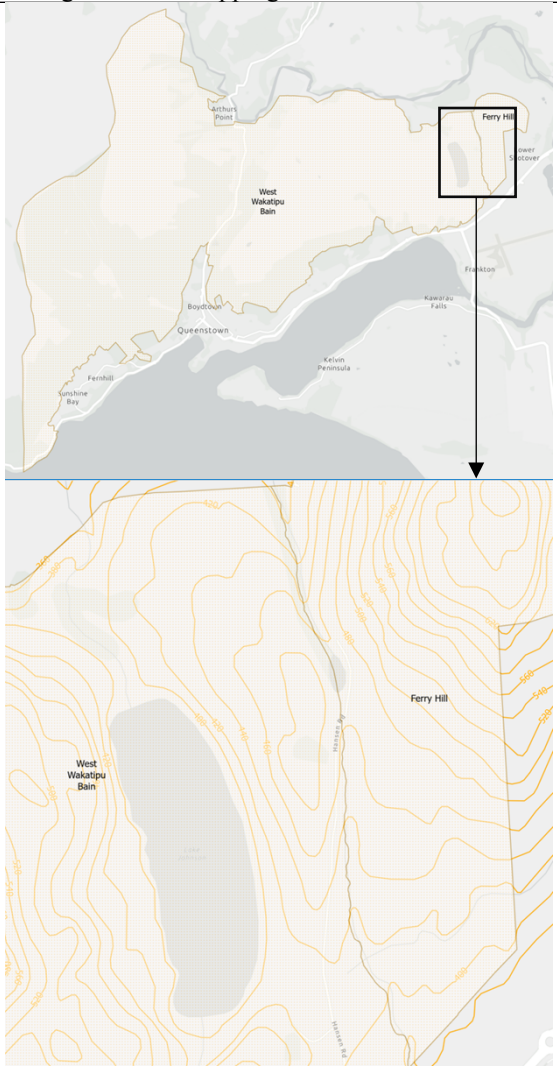
Snip from the PDP maps	Comment
 <p>A map snippet showing a coastal area with a red hatched boundary. The text "Homestead Bay" is visible within the hatched area.</p>	<p>Homestead Bay is not included in Policy 3.3.36, and is to be removed.</p>
 <p>A map snippet showing a large landmass with a red hatched boundary. The text "Western Remarkables" is visible within the hatched area, and "Double Cone" is labeled to the right.</p>	<p>Western Remarkables is not included in Policy 3.3.36, and is to be removed.</p>

2. Two Landscape Priority Area schedules mapped as one:

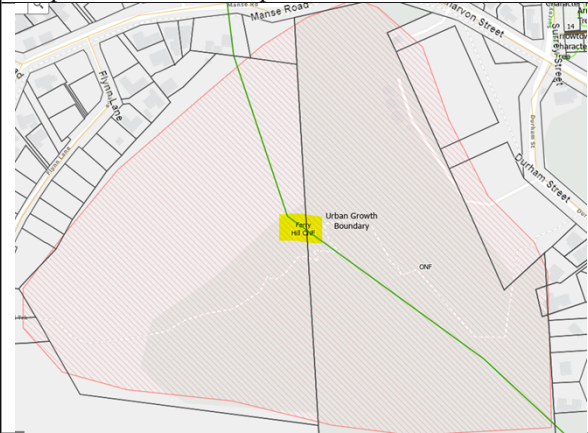
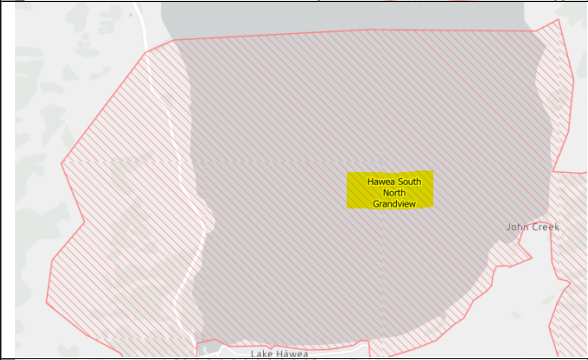
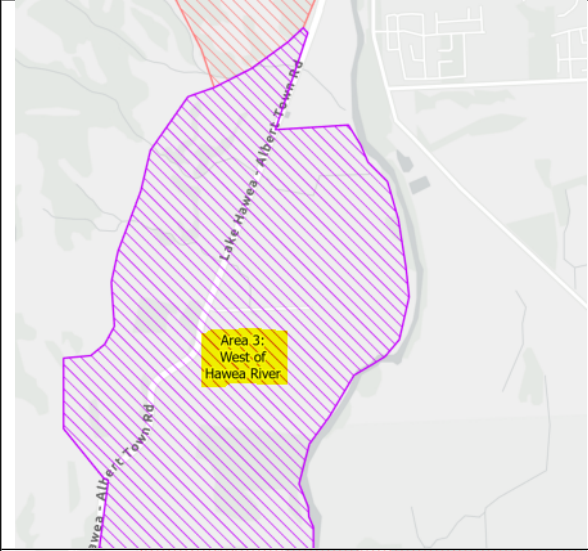

Snip from the PDP	Comment
<p>Existing mapping in the PDP</p> 	<p>Lake Hayes and Slope Hill has been mapped as one single Landscape Priority Areas; however, they are two separate objects with separate schedules.</p> <p>The mapping of the two Priority Areas as one object is inconsistent with Policy 3.3.36, the object is to be split into two.</p>
<p>Changes to PDP mapping to be consistent with Policy 3.3.36</p> 	<p>The Priority Area is to be split as shown in the snip to the left as per advice from the landscape architects.</p> <p>The split between the two Priority Areas is along the western edge of the formed track as shown on the latest QLDC aerial imagery.</p>

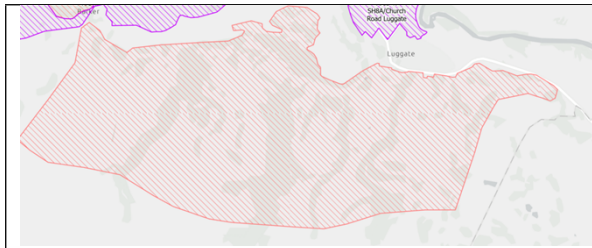


### 3. Incorrect mapping of Queenstown Hill

Snip from the PDP	Comment
<p data-bbox="204 286 518 320">Existing mapping in the PDP</p>  <p>The map shows a large area shaded in red with diagonal hatching, representing a single landscape Priority Area. This area encompasses both Queenstown Hill and Ferry Hill. Labels on the map include West Wakatipu Basin, Arthur's Point, Queenstown Hill &amp; Ferry, Lower Shotover, Frankton, Kaniro Falls, Queenstown, Ketur Peninsula, Sunshine Bay, and Fernhill.</p>	<p data-bbox="810 320 1364 387">Queenstown Hill and Ferry Hill have been mapped as one landscape Priority Area.</p> <p data-bbox="810 409 1388 510">Policy 3.3.36 includes Ferry Hill but not Queenstown Hill, the current mapping is inconsistent with the policy.</p> <p data-bbox="810 533 1380 656">Queenstown Hill and Ferry Hill are to be split, Ferry Hill will be its own separate Priority Area and Queenstown Hill will be amalgamated with the West Wakatipu Basin Priority Area.</p>
<p data-bbox="204 768 861 801">Changes to PDP mapping to be consistent with Policy 3.3.36</p>  <p>The top map shows the regional context with Queenstown Hill and Ferry Hill highlighted in yellow. A black box around Ferry Hill has an arrow pointing to a larger topographic map below. The topographic map shows contour lines and a gully separating Queenstown Hill from Ferry Hill. Labels include West Wakatipu Basin, Arthur's Point, West Wakatipu Basin, Boydsdown, Queenstown, Sunshine Bay, Fernhill, Ketur Peninsula, Kaniro Falls, Frankton, and Ferry Hill.</p>	<p data-bbox="810 801 1372 869">Queenstown Hill and Ferry Hill are to be split along the gully with naturally separates them.</p> <p data-bbox="810 891 1356 958">The latest contour data has been used to determine the position of the gully and split the two areas.</p> <p data-bbox="810 981 1380 1048">Queenstown Hill will be amalgamated with the West Wakatipu Basin Priority Area.</p>

#### 4. Topographical errors within the Priority Area Labelling

Snip from the PDP Maps	Comment
	<p>Feehly Hill located in Arrowtown has been incorrectly labelled as Ferry Hill.</p> <p>This Clause 16 seeks to correct the identification label to identify the hill as “<u>Feehly Hill</u>”.</p> <p>“Feehly Hill” is consistent with the list of ONF sites within Chapter 3 Policy 3.3.36(a)</p>
	<p>Add a macron to the Ha<sup>ā</sup>wea North Grandview Priority Area.</p>
	<p>Add a macron to the “<del>Area 3</del>: West of Ha<sup>ā</sup>wea River” Landscape Priority Area, and remove the text “Area 3:”.</p>
	<p>Add a macron to the “West Wa<sup>ā</sup>naka”</p>

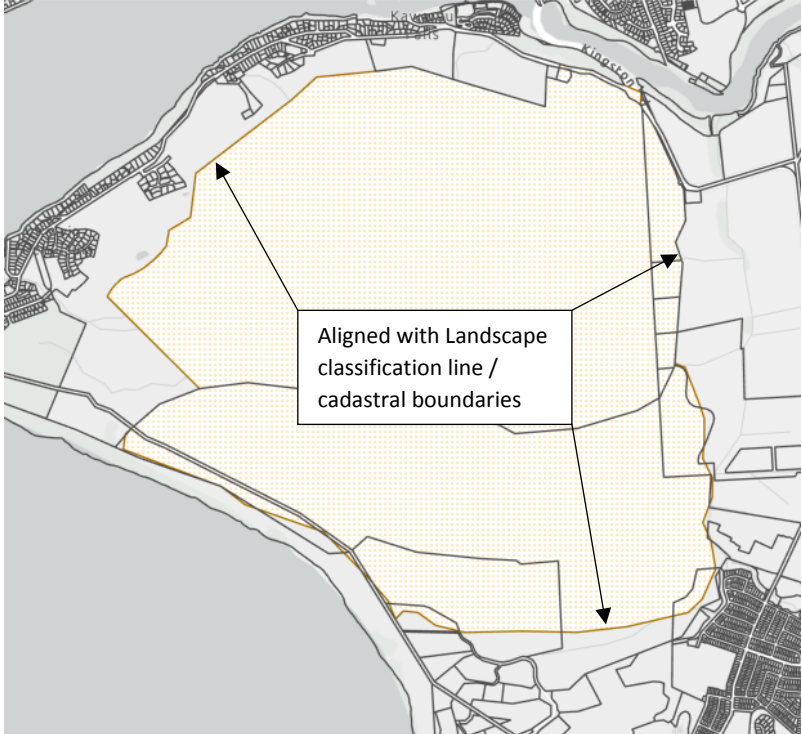
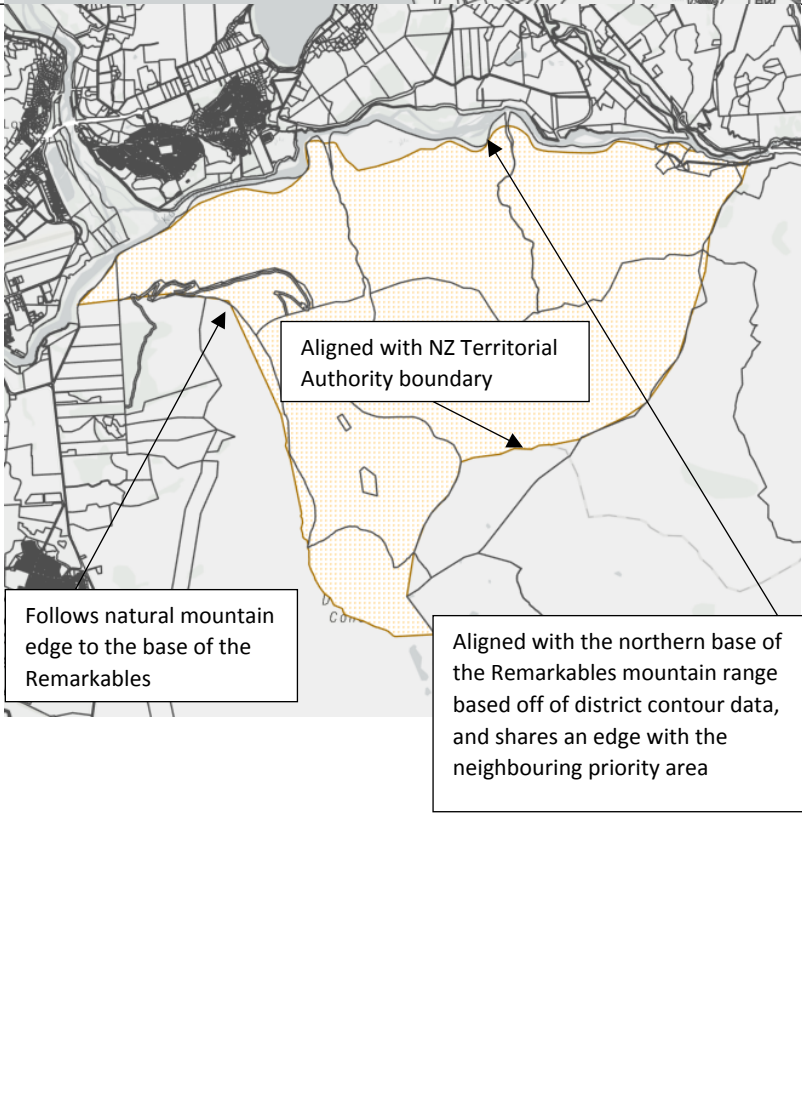


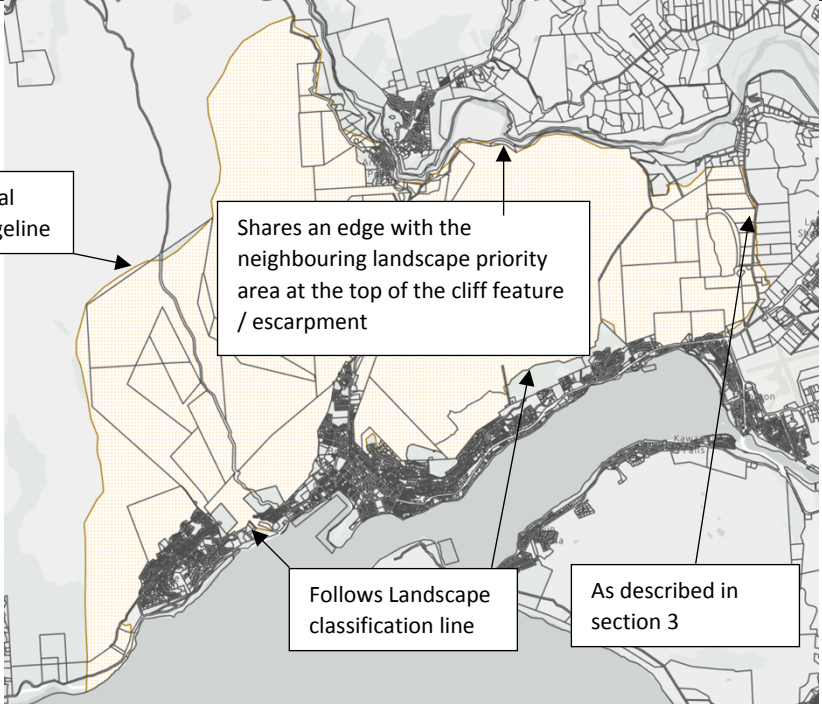
The Lake McKay Station and environs Landscape Priority Area currently does not have any label, this Clause 16 seeks to have the label added.

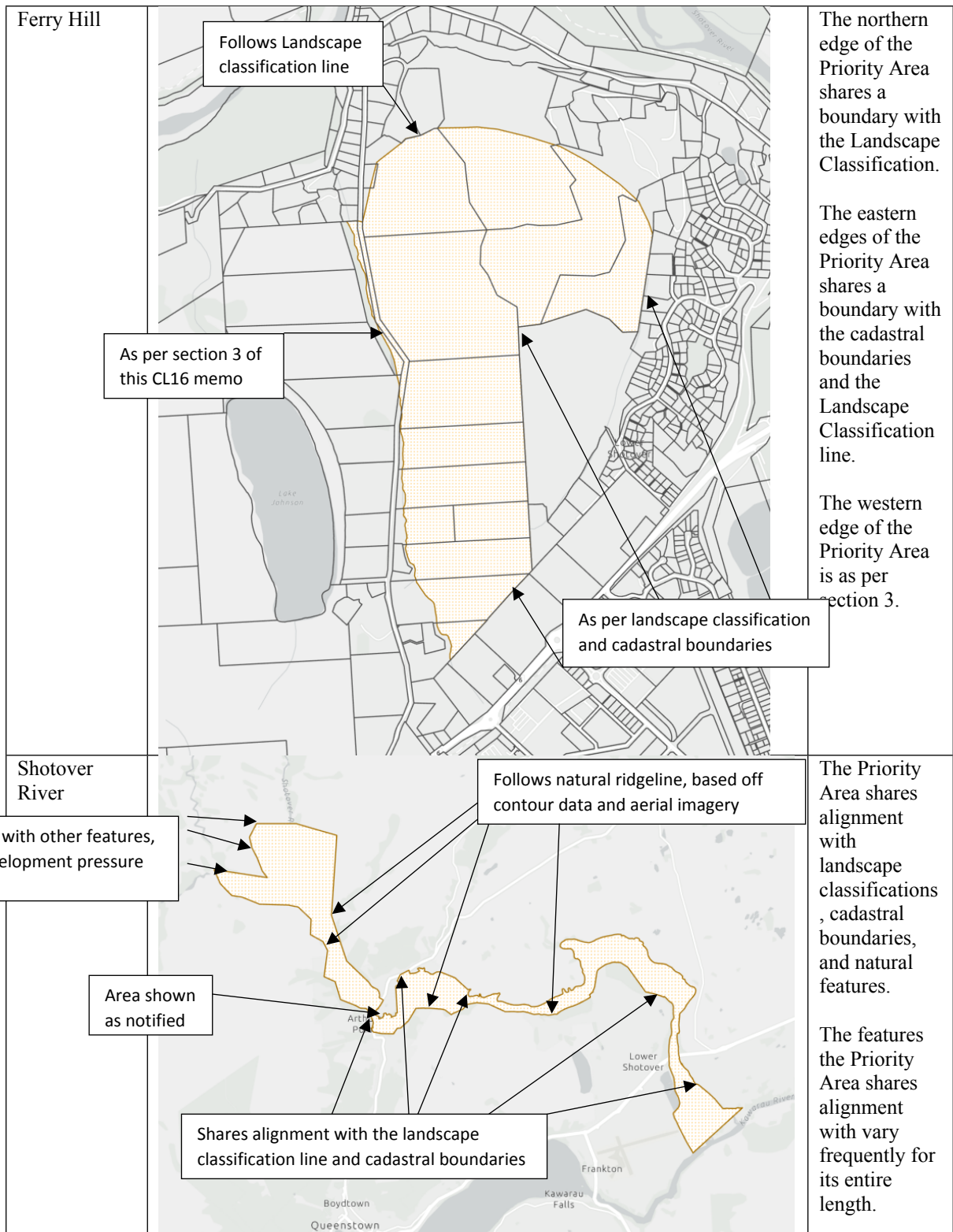
### 5. Correction of spatial extent

Priority Area	Priority Area map snip	Comment
Queenstown Bay environs		<p>The northern and north eastern and north western edges are to align with the landscape classification, or where the landscape classification line does not exist the cadastral boundaries.</p> <p>The southern and south east edge are to remain unchanged.</p>

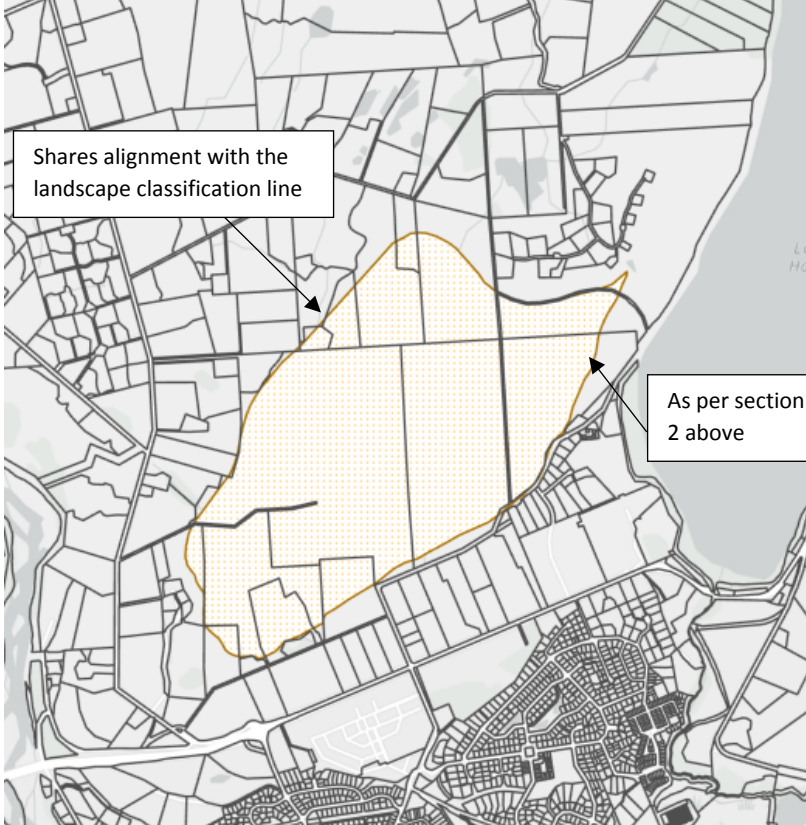
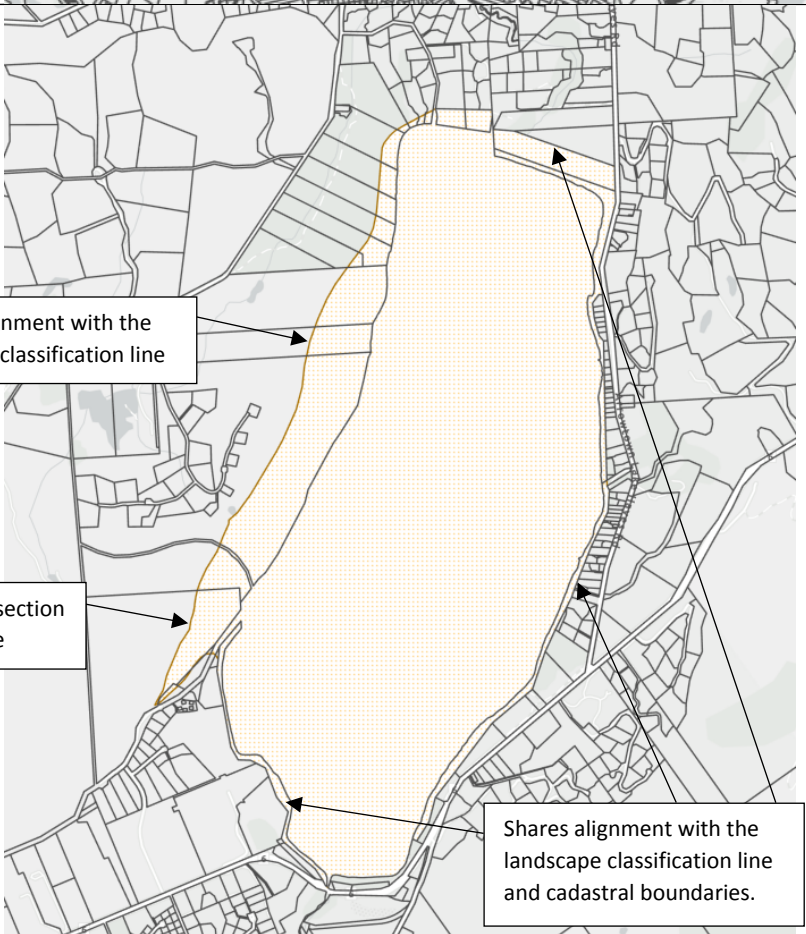


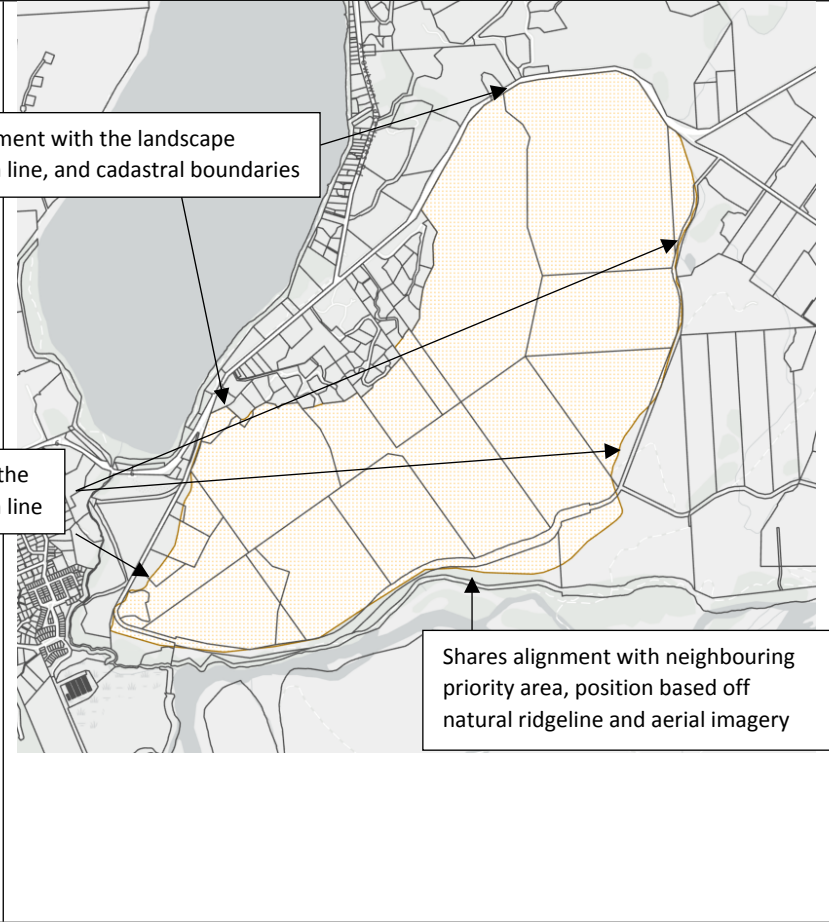
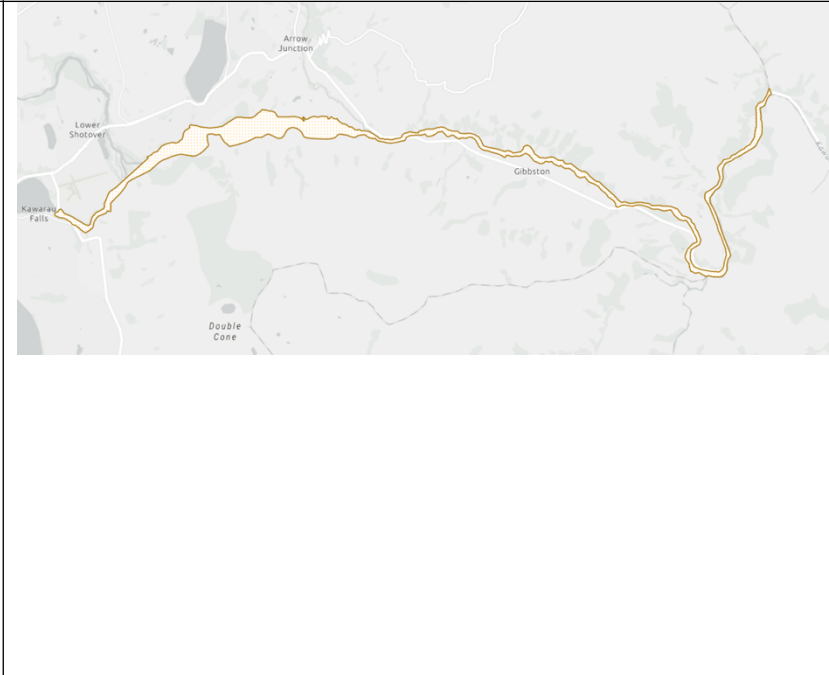
<p>Peninsula Hill</p>		<p>The south west edge of the Priority Area is to remain unchanged.</p> <p>All remaining edges with share alignment with the Landscape Classification</p>
<p>Northern Remarkables</p>		<p>The northern edge of the Priority Area is aligned with the natural base of the Remarkables mountain range, and is to share a boundary with the neighbouring Priority Area.</p> <p>The edge is based off of district contour data and the latest aerial.</p> <p>The eastern and western edges follow a natural edge to the base of the Remarkables.</p> <p>The south western edge shares a boundary with the NZ</p>

		Territorial Authority boundary.
West Wakatipu basin.	 <p data-bbox="229 461 456 539">Follows natural mountain ridgeline</p> <p data-bbox="603 488 975 667">Shares an edge with the neighbouring landscape priority area at the top of the cliff feature / escarpment</p> <p data-bbox="675 853 903 931">Follows Landscape classification line</p> <p data-bbox="959 853 1187 931">As described in section 3</p>	<p data-bbox="1225 286 1390 685">The northern edge of the Priority Area follows the top of the escarpment for the Shotover River and shares an edge with the neighbouring Priority Area.</p> <p data-bbox="1225 719 1362 837">The eastern edge is as described in section 3.</p> <p data-bbox="1225 871 1390 1079">The southern edge shares an alignment with the landscape classification line.</p> <p data-bbox="1225 1113 1369 1234">The western edge follows the ridgeline Ben Lomond.</p>

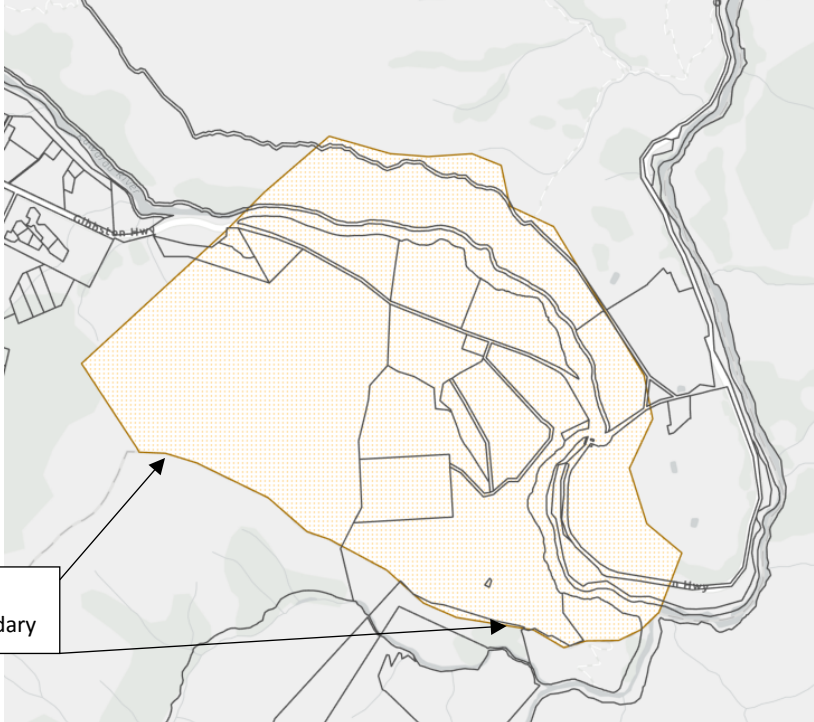
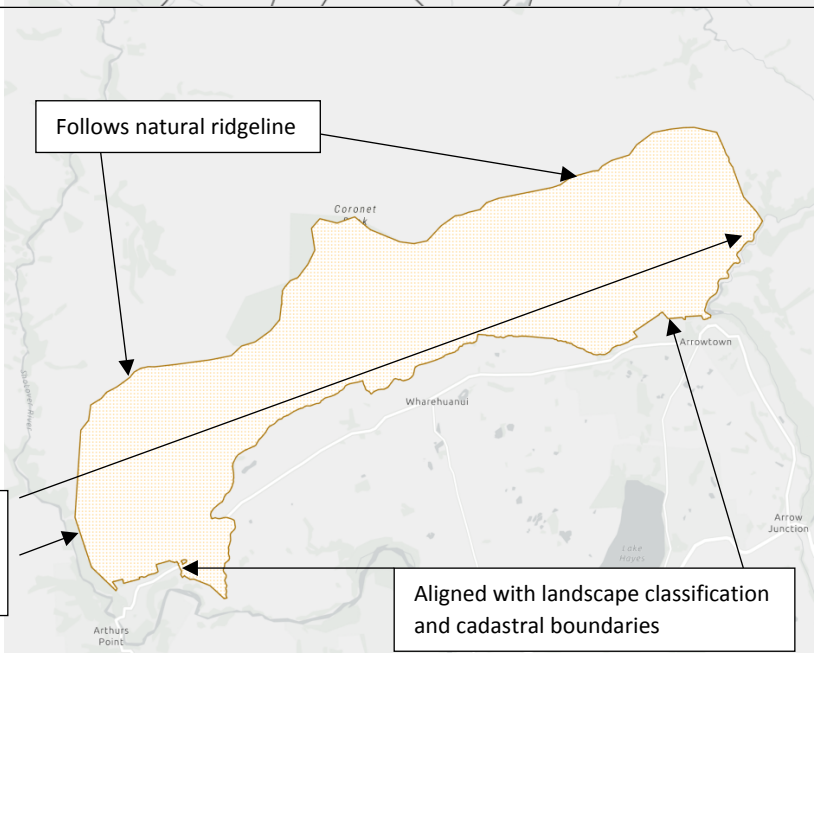


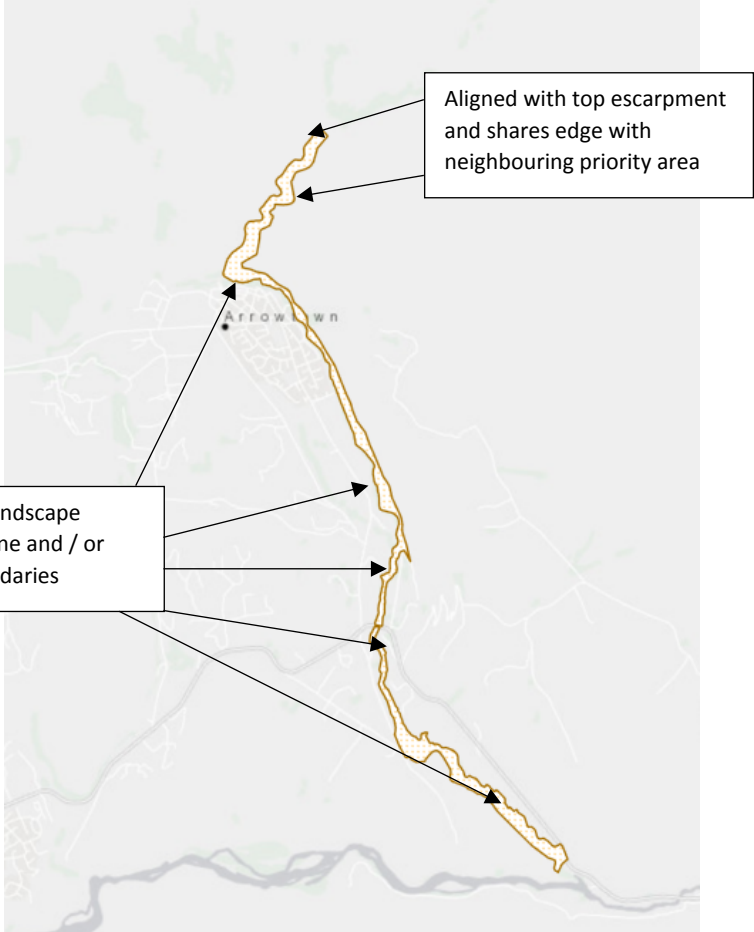
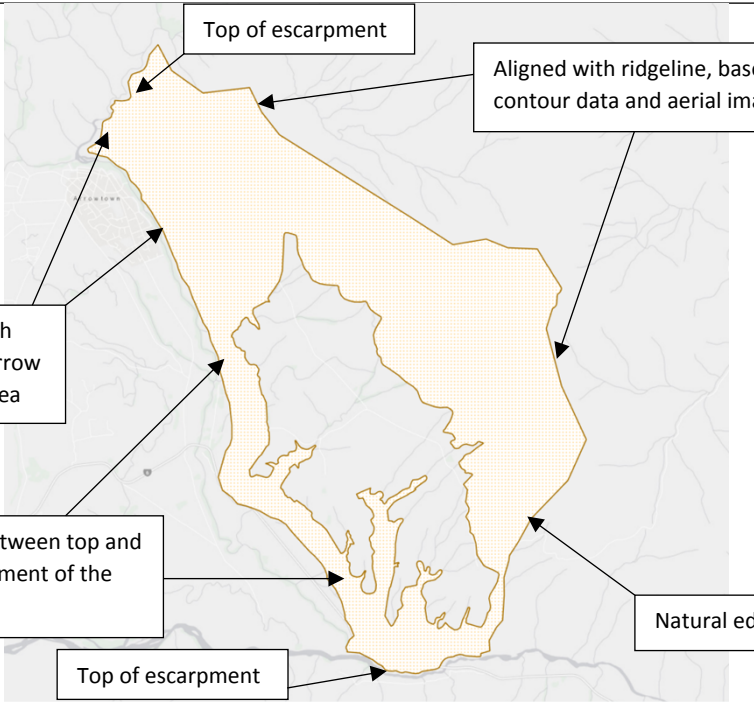


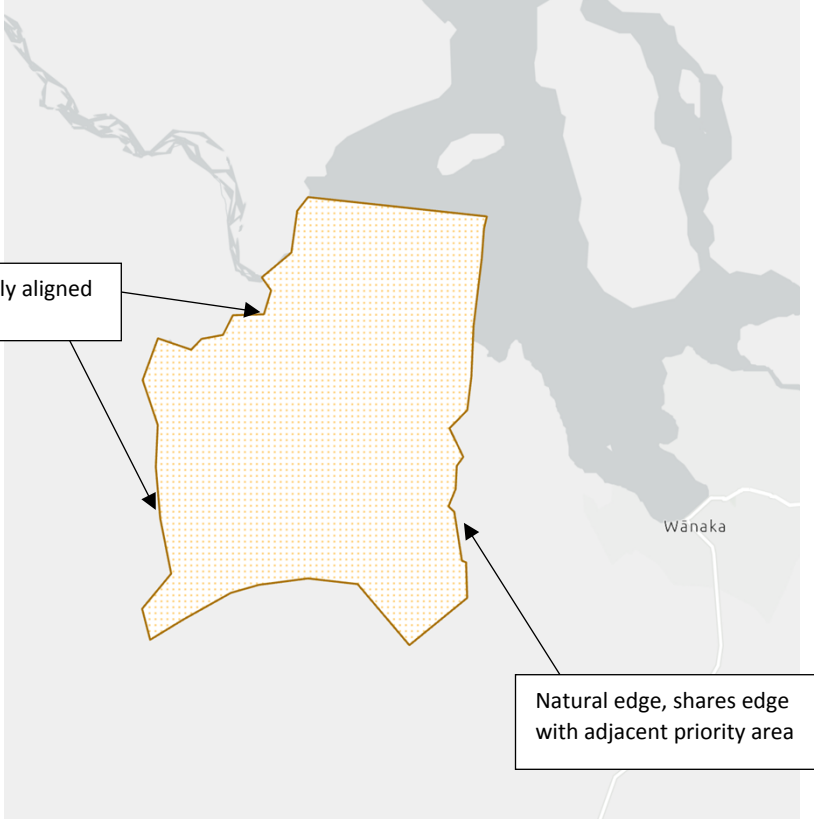
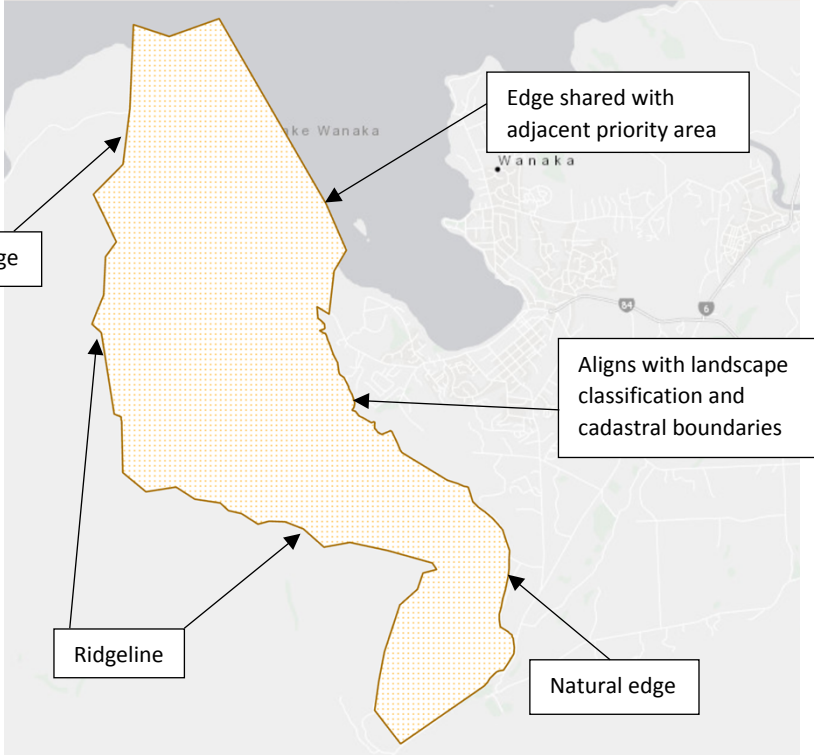
<p>Slope Hill</p>	 <p>Shares alignment with the landscape classification line</p> <p>As per section 2 above</p>	<p>The eastern edge of the Priority Area which shares a boundary with the neighbouring Lake Hayes Priority Area is as per section 2 above.</p> <p>The remainder of the Priority Area is as per the landscape classification line.</p>
<p>Lake Hayes</p>	 <p>Shares alignment with the landscape classification line</p> <p>As per section 2 above</p> <p>Shares alignment with the landscape classification line and cadastral boundaries.</p>	<p>The lower western edge of the Priority Area shares a boundary with the neighbouring Slope Hill Priority Area. The remainder of the western edge shares an alignment with the landscape classification line.</p> <p>The northern, eastern, and southern edges share alignment with the landscape classification line and cadastral boundaries.</p>

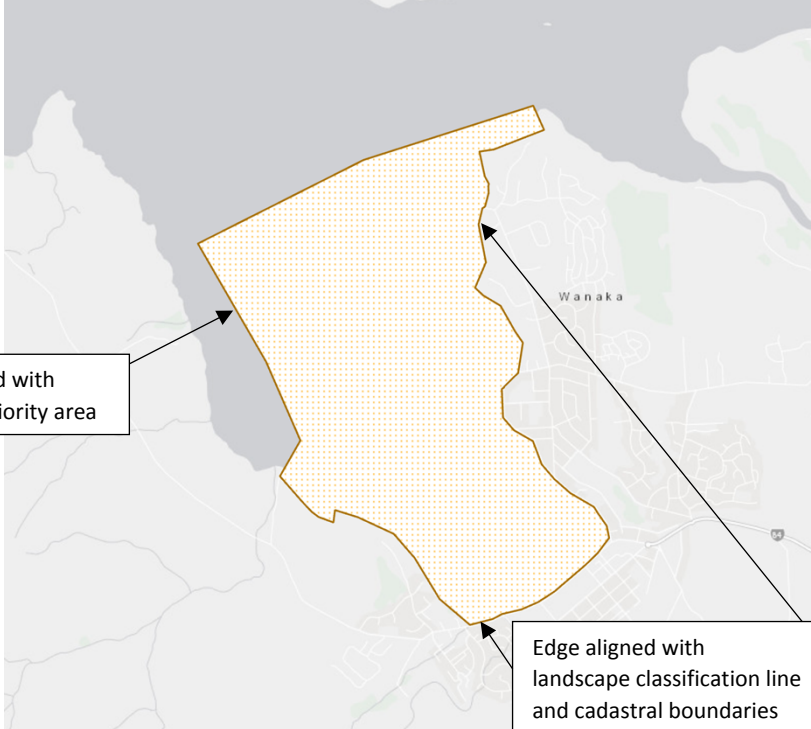
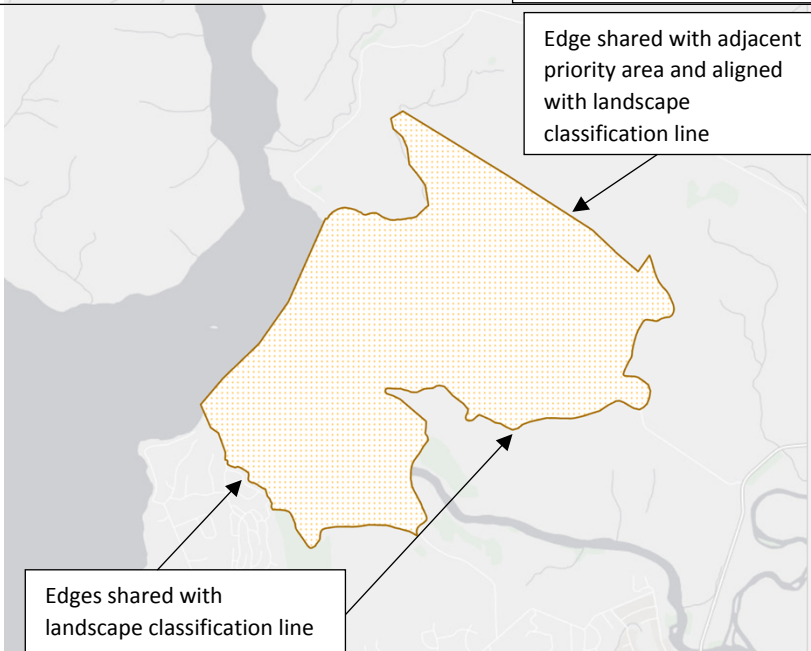
<p>Morven Hill</p>		<p>The northern edges of the Priority Area share alignment with the landscape classification line and cadastral boundaries.</p> <p>The eastern and western edges share alignment with the landscape classification line.</p> <p>The southern edges is based off of natural features and shares alignment with the neighbouring Priority Area.</p>
<p>Kawarau River</p>		<p>This Priority Area shares boundaries with the landscape classification line, cadastral boundaries, natural features, and the NZ territorial boundary.</p> <p>There are some areas where it also shares edges with adjacent Priority Areas.</p>



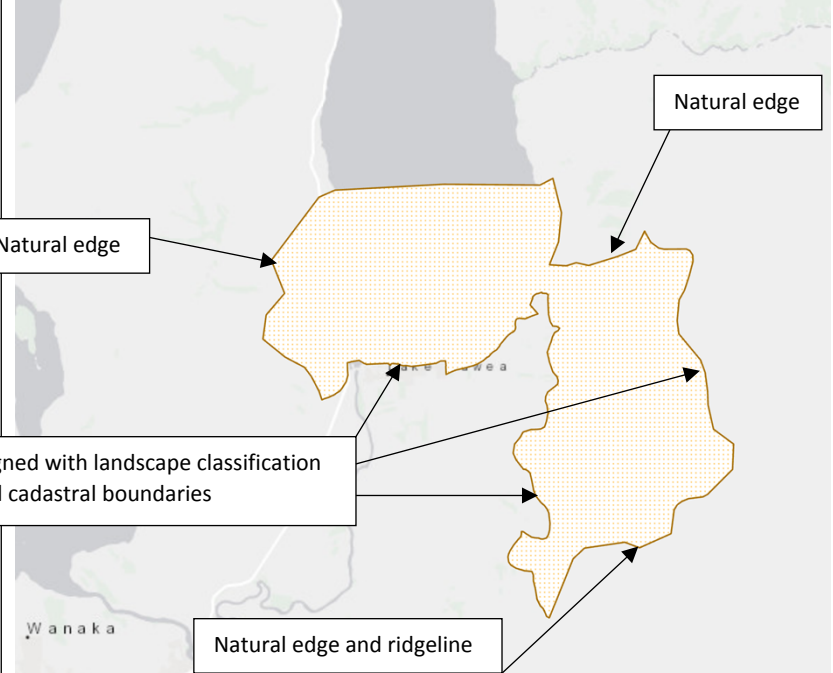
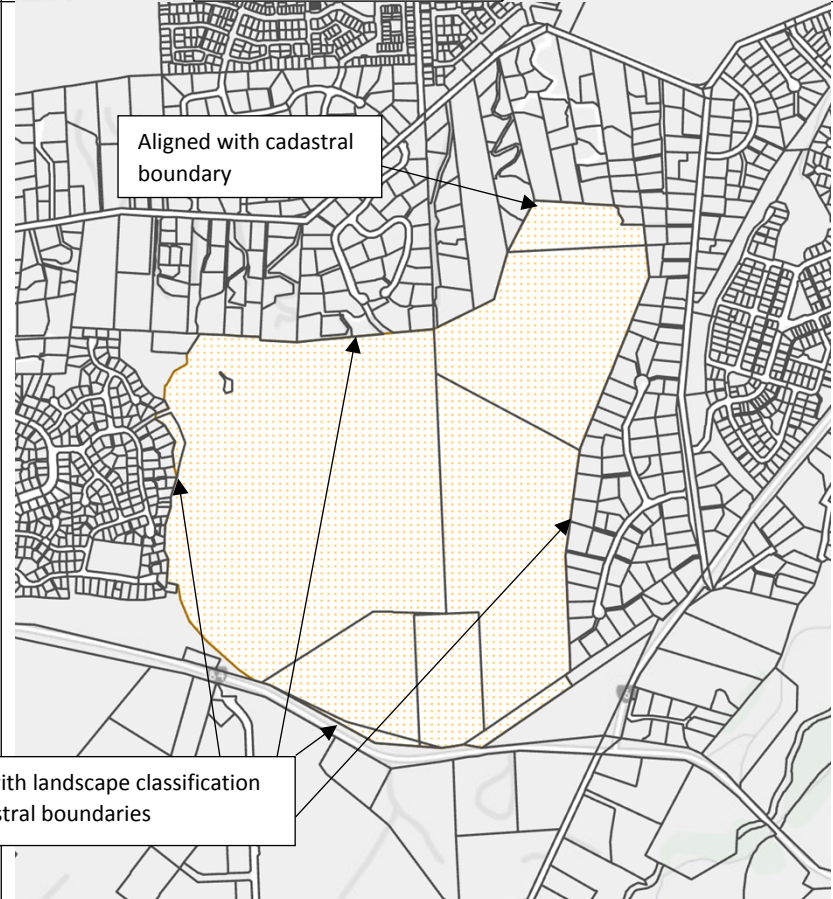
<p>Victoria flats</p>		<p>The southern edge of the Priority Area is aligned with the NZ territorial authority boundary.</p> <p>The Kawarau River Priority Area goes through the Priority Area.</p>
<p>Central Wakatipu Basin Coronet</p>	 <p>Follows natural ridgeline</p> <p>Aligned with landscape classification and cadastral boundaries</p> <p>Aligned with top escarpment and shares edge with neighbouring priority area</p>	<p>The northern edge of the Priority Area follows the natural ridge line.</p> <p>The eastern and western edges are both aligned with the top escarpments and share edges with the neighbouring Priority Areas.</p> <p>The southern edge is aligned with the landscape classification and / or cadastral boundaries.</p>


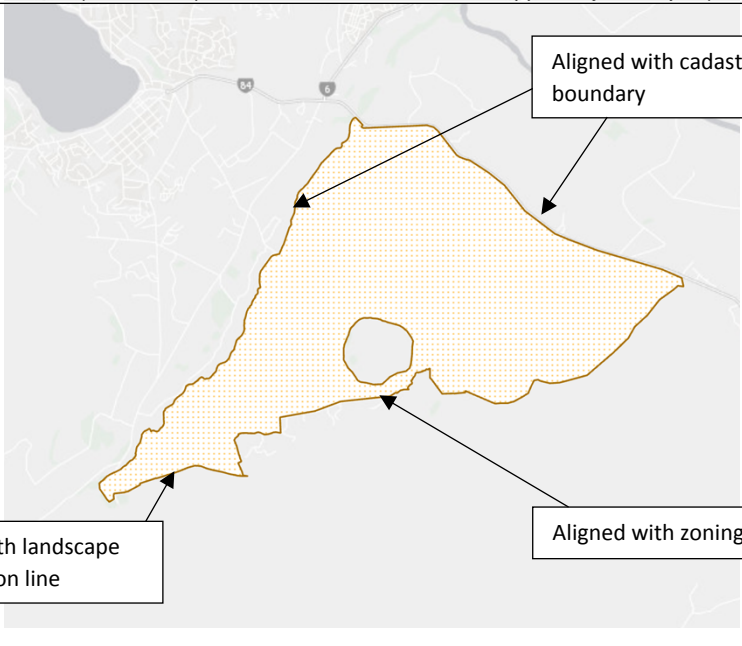
<p>Arrow River</p>		<p>The top southern edges of the Priority Area are aligned with the top escarpment and share edges with the neighbouring Priority Areas.</p> <p>The central section of the Priority Area is aligned with the landscape classification and cadastral boundaries on the western side. The eastern side shares an edge with the adjacent Priority Area.</p> <p>The lower southern section is between two landscape classification lines.</p>
<p>East Wakatipu and Crown Terrace.</p>		<p>The north eastern edge is aligned with the ridgeline.</p> <p>The south eastern edge is aligned with a natural edge down the escarpment of the Kawarau River.</p> <p>The southern edge is aligned with the top escarpment,</p> <p>The lower wester edges</p>

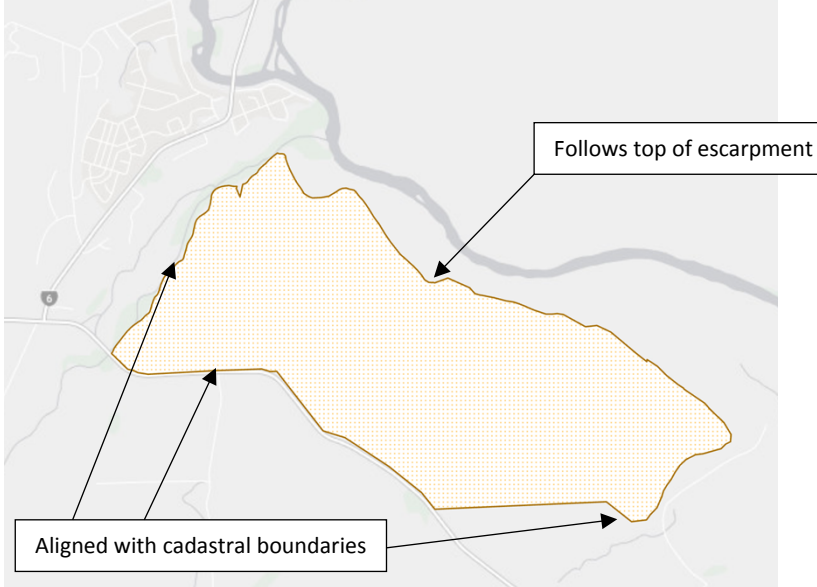
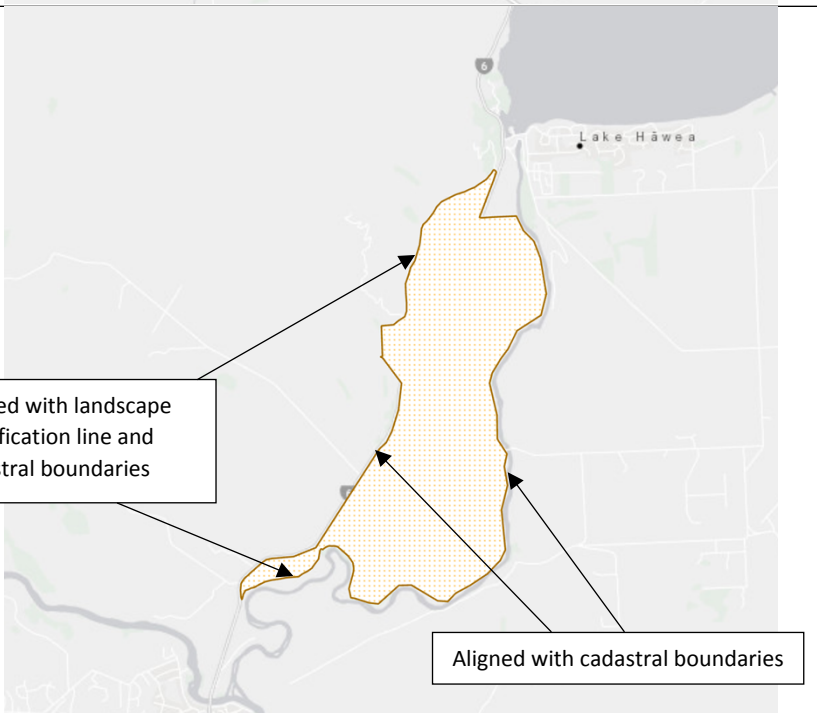
		cover the escarpment face.
West Wānaka		<p>The eastern edge of the Priority Area shares a boundary with the adjacent Priority Area.</p> <p>All other edges follow natural edges and are based off of contour data.</p>
Mount Alpha		<p>The eastern edge of the Priority Area is aligned with the landscape classification line and cadastral boundaries.</p> <p>The upper north eastern edge is shared with the adjacent Priority Area.</p> <p>All other edges are based off of natural edges.</p>

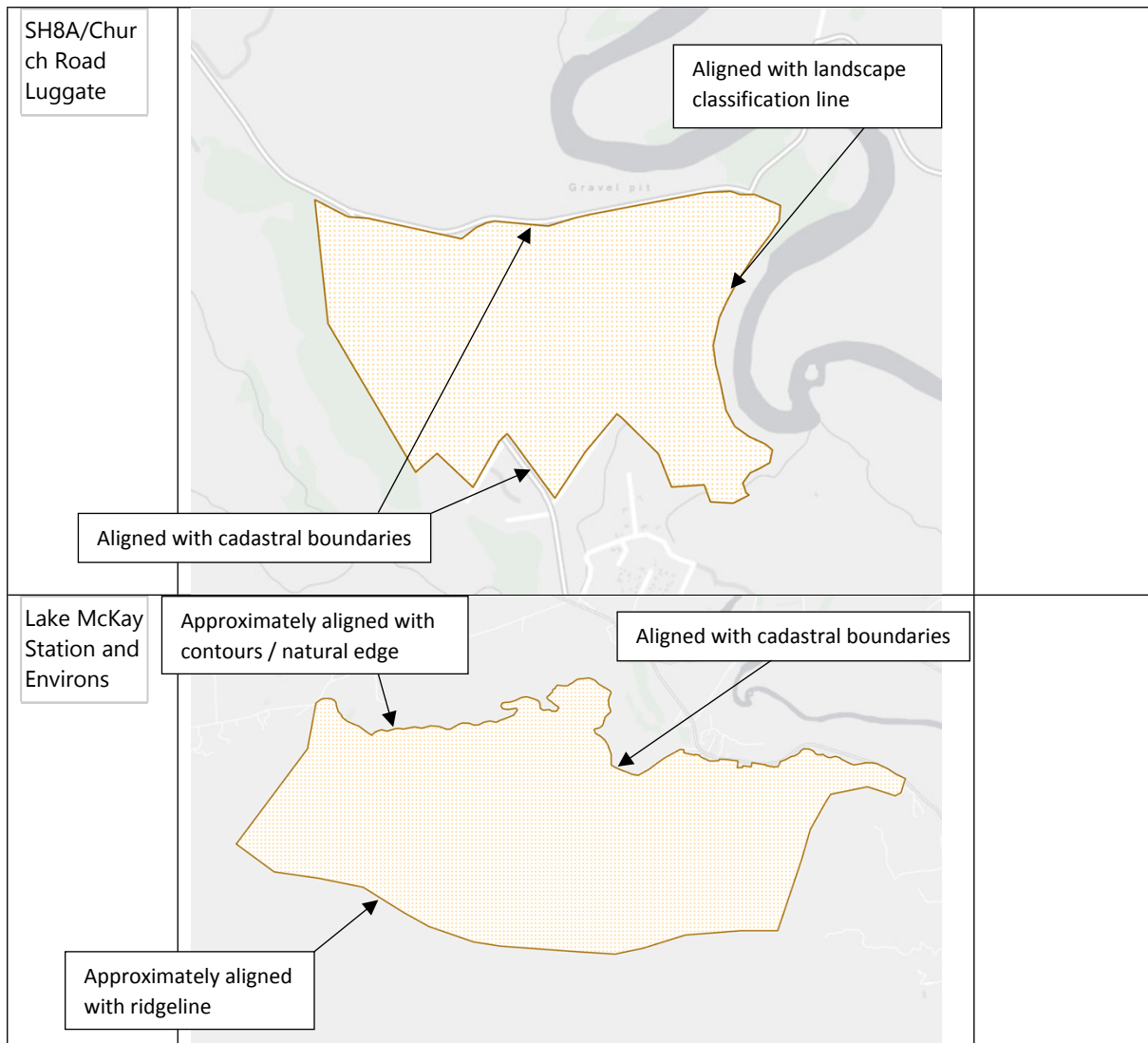
<p>Roys Bay</p>		<p>The western edge of the Priority Area is shared with the adjacent Priority Area.</p> <p>The remaining edges are based off of the landscape classification line and cadastral boundaries.</p>
<p>Dublin Bay</p>		<p>The north eastern edge is shared with the adjacent Priority Area.</p> <p>All edges are aligned with the landscape classification lines, except the north west edge.</p>



<p>Hāwea South and North Grandview</p>		<p>The priority edges are aligned with the landscape classification and cadastral boundaries.</p> <p>Where the edges do not follow the landscape classification / cadastral boundaries the Priority Area is following natural edges.</p>
<p>Mt Iron</p>		<p>The top northern edges of the Priority Area are aligned with the cadastral boundaries.</p> <p>The remainder of the Priority Areas edges are aligned with the landscape classification line and cadastral boundaries.</p>

<p>Mt Barker</p>		<p>All edges aligned with the Landscape classification line</p>
<p>Cardrona River / Mt Barker Road</p>		<p>The eastern and western edges are aligned with cadastral boundaries.</p> <p>The southern edge is aligned with the zoning and cadastral boundaries.</p> <p>Part of the southern edge is aligned with the landscape classification line.</p>

<p>Halliday Road</p>		<p>The western and southern edges are aligned with the cadastral boundaries.</p> <p>The northern edge follows the top escarpment and is based off of contour data and aerial imagery.</p>
<p>West of Hāwea River</p>		<p>All edges either follow the cadastral boundaries or the landscape classification line.</p>



### Delegated Authority for Amendments to be made to the Proposed District Plan Pursuant to Clause 16

By Council resolution the Planning Policy Manager has been delegated authority to alter a proposed or operative policy statement or plan:

- a. To give effect to an amendment to its proposed plan that is required by section 55(2) or by a direction of the Environment Court under section 293 (Clause 16(1) RMA);
- b. To alter any information in its proposed plan, where such an alteration is of minor effect, or may correct any minor errors (Clause 16(2) RMA); and
- c. To correct minor errors in an operative policy statement or plan (Clause 20A RMA).



**Authorised by** Alyson Hutton, Planning Policy Manager

*Authorisation will be made and recorded in the District Plan Amendment register managed within the QLDC CIAnywhere system.*