

**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 1

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

Decision / Event	Date	Relevance
Stage 1 notified	August 2015	
GVS and LEL submissions and further submissions lodged	October – November 2015	
Council Stage 1 decision notified	May 2018	
<i>Arthurs Point Outstanding Natural Landscape Society Inc v Queenstown Lakes District Council</i> [2019] NZEnvC 150 <b>Enforcement Order / Suspension Decision</b>	11 September 2019	Order 2: 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 (111 and 163 Atley Road, Arthurs Point) [legal description] is suspended from the date of this decision.  Ordered that the Council re-notify an amended version of the summary of submissions received under Stage 1 by GSL and LEL.
<i>Upper Clutha Environmental Society Inc v Queenstown Lakes District Council</i> [2019] NZEnvC 205 <b>Decision 2.2</b>	19 December 2019	Relevantly: [262] With reference to our findings in Part B, we identify the following drafting design principles for development of new SPs for the Values' Identification Frameworks: ... (c) each set of SPs should apply only to Priority Areas that are: (i) listed in the applicable SP; and (ii) shown on maps that could be added to Ch 3 (or placed elsewhere in the ODP).  [525] Messrs Barr and Ferguson (together with Messrs Gilbert, Mellisop and Pfluger) are directed to undertake further facilitated expert witness conferencing so as to produce, by joint witness statement ('Supplementary JWS'): ... (ii) associated maps, suitable for inclusion in the DV, depicting the geographic extent, at proper landscape scale of Priority Areas to which those SPs for ONF/Ls and for the Upper Clutha RCL will apply to:

<p><i>Upper Clutha Environmental Society Inc v Queenstown Lakes District Council</i> [2020] NZEnvC 158</p> <p><b>Decision 2.5</b></p>	21 September 2020	<p>[83] Confirmed the proposed list of Priority Areas as appropriate and this included the Shotover River ONF PA.</p> <p>[14] We find that the balance weighs in favour of having mapping accompany the listing of Priority Areas. The maps can either be set out in the PDP or incorporated by reference to a suitable QLDC file.</p> <p>[15] Our determination allows for QLDC to elect which of those two approaches it prefers (i.e. an amended SP XA that provides for the mapping in the PDP at this stage or one that incorporates that mapping by reference to an accessible QLDC file). Directions are made for QLDC to report back on its election.</p>
Joint Witness Statement of Landscape Experts	29 October 2020	The boundary in the GIS link provided with the JWS aligns with the Stage 1 Council decision boundary.
<i>Gertrude's Saddlery Ltd v Arthurs Point Outstanding Natural Landscape Society Inc</i> [2021] NZHC 147	12 February 2021	High Court upheld the Environment Court Enforcement Order / Suspension Decision. Application to leave to appeal to the Court of Appeal subsequently lodged by GSL.
<p><i>Upper Clutha Environmental Society Inc v Queenstown Lakes District Council</i> [2021] NZEnvC 60</p> <p><b>Decision 2.7</b></p>	7 May 2021	Confirmed that the Priority Areas (geographically) accompany the listing of Priority Areas (in clause 3. XX.) This included the Shotover River ONF PA as shown geographically in the mapping provided by the JWS, which excluded the GSL and LEL sites.
<p><i>Upper Clutha Environmental Society Inc v Queenstown Lakes District Council</i> [2021] NZEnvC 124</p> <p><b>Decision 2.9</b></p>	24 August 2021	Confirmed the QLDC preference to include mapped Priority Areas by way of share file link, rather than specific maps within the Chapter 21 schedules.
<i>Gertrude's Saddlery Ltd v Arthurs Point Outstanding Natural Landscape Society Inc</i> [2021] NZCA 398	24 August 2021	Court of Appeal declined the application from GSL for leave to appeal the High Court decision
Landscape Priority Area Mapping Corrections (clause 16)	7 June 2022	Makes a number of changes to the Priority Areas under clause 16 of the First Schedule of the RMA. This includes changes to the Shotover River ONF PA, in the vicinity of the GSL and LEL submission site, described as "area shown as notified"
Values schedules notified into Chapter 21 of the PDP through Schedule 1.	30 June 2022	<p>The notified provisions include the schedules only, and the section 32 says:</p> <p><i>Identification and mapping of the Priority Areas has already occurred and is already set out in Chapter 3 of the PDP and the web mapping application.</i></p>



**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.

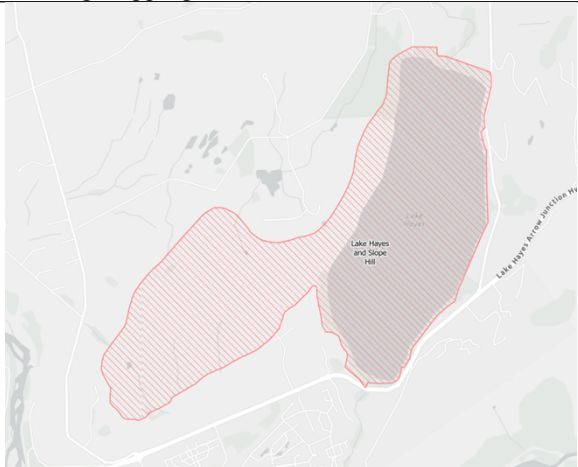

5. All the Priority Areas have incorrect spatial extents which require case by case corrections.

- 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.


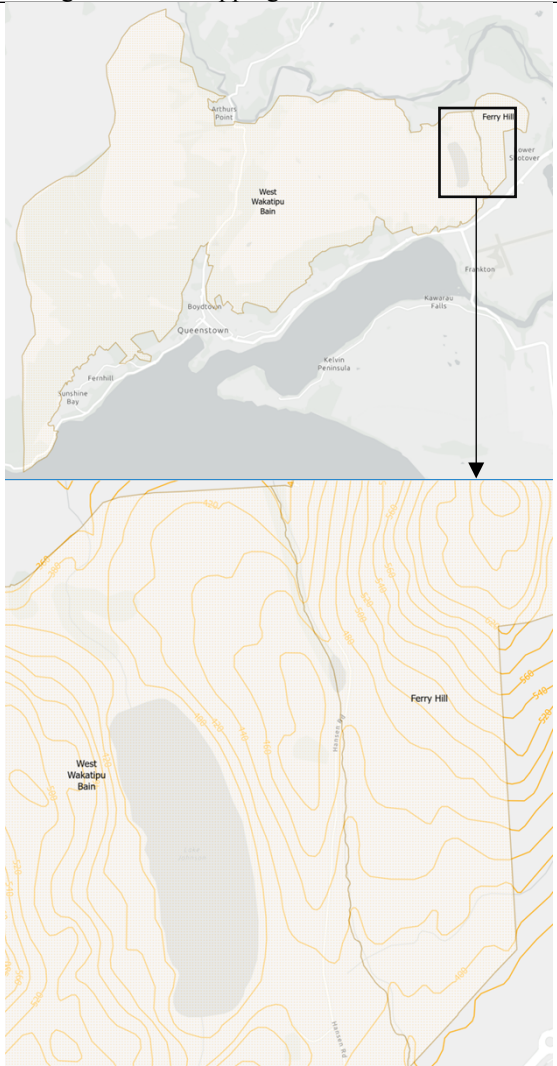
1. Landscape Priority Areas not included in Policy 3.3.36:

Snip from the PDP maps	Comment
 <p>A map snippet showing a coastal area with a large region shaded in red diagonal lines. The text "Homestead Bay" is visible within the shaded 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 coastal area with a large region shaded in red diagonal lines. The text "Western Remarkables" is visible within the shaded area. To the right, the text "Double Cone" is also visible.</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:


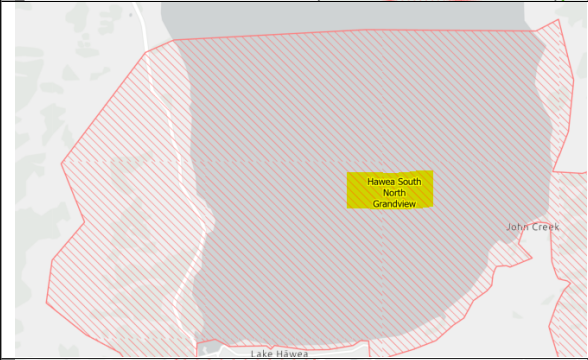
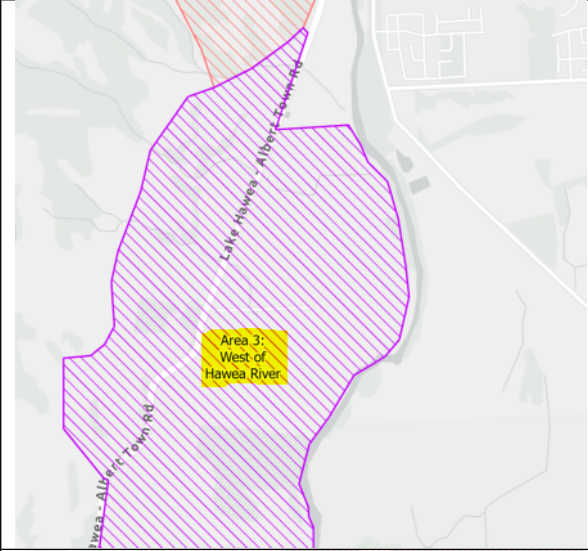

Snip from the PDP	Comment
<p>Existing mapping in the PDP</p>  <p>The map shows a single red-hatched area encompassing both Lake Hayes and Slope Hill. A road labeled 'Lake Hayes Motor Junction Rd' is visible on the right side of the area.</p>	<p>Lake Hayes and Slope Hill has been mapped as one single 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 aerial imagery shows the geographical split between Slope Hill and Lake Hayes. A black box highlights the junction area, with an arrow pointing to a zoomed-in view below. The zoomed-in view shows a road running along the western edge of the formed track, which serves as the boundary between the two areas.</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>

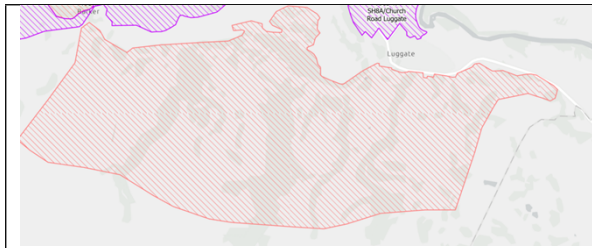
### 3. Incorrect mapping of Queenstown Hill

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, Kaitiaki Falls, Queenstown, Kaitiaki 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, Kaitiaki Peninsula, Kaitiaki 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>

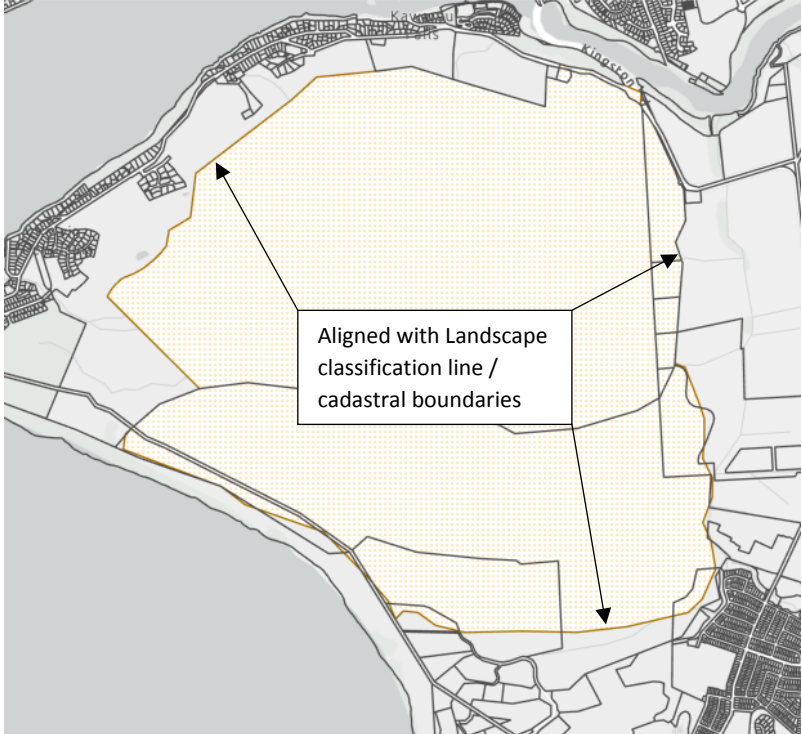
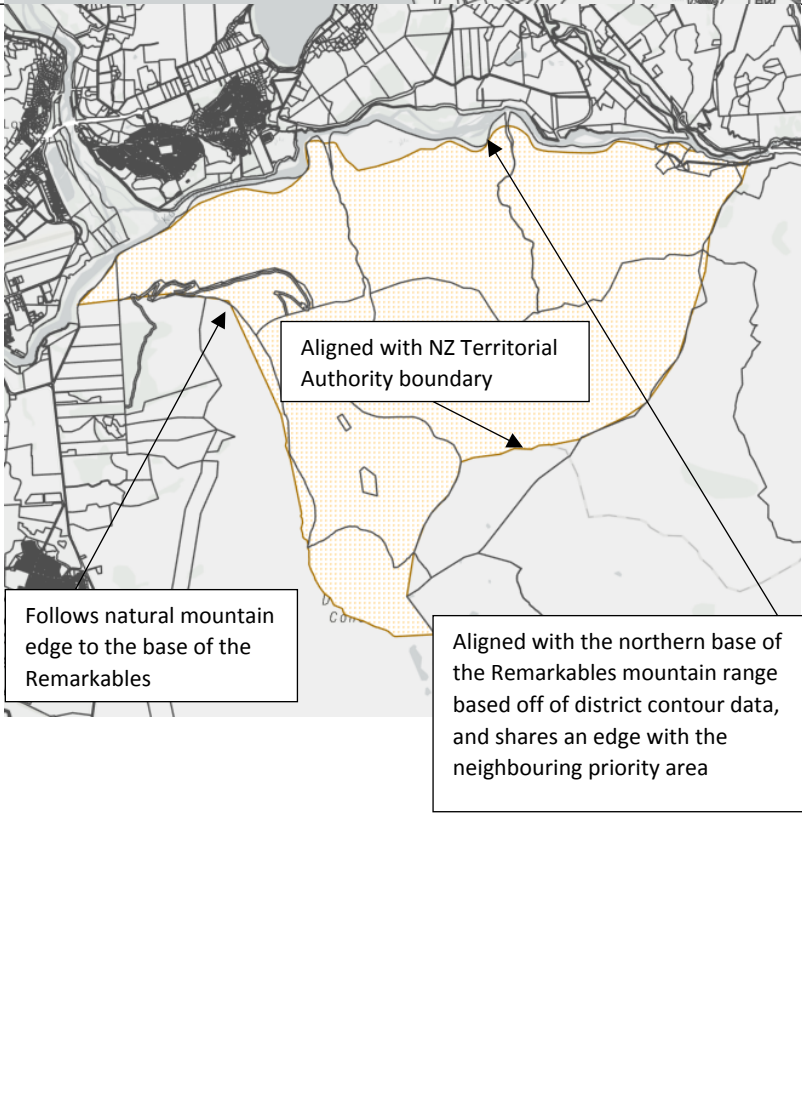


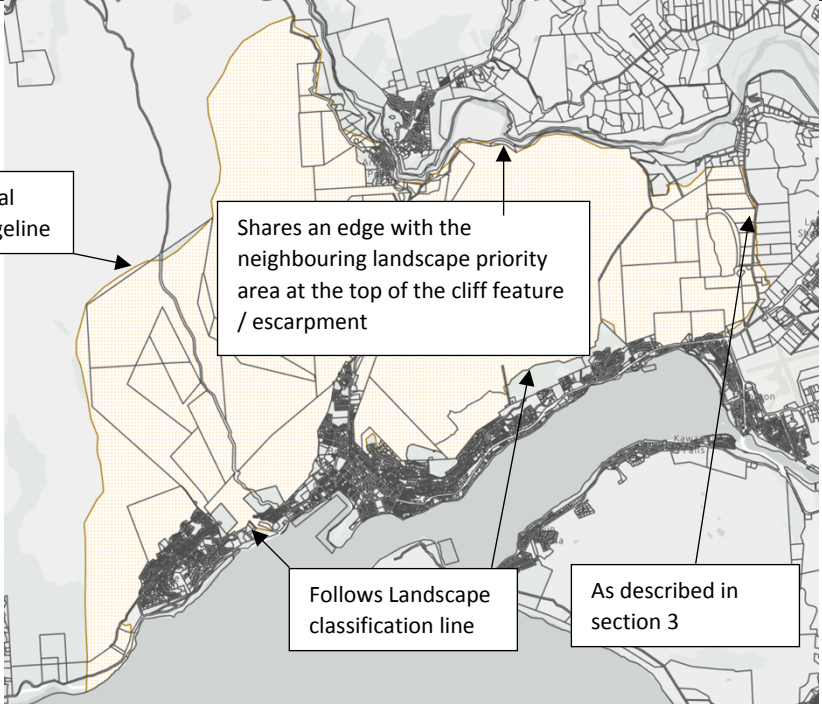
The Lake McKay Station and environs Landscape Priority Area currently does not have any label, this Clause 16 seeks to have the label added.

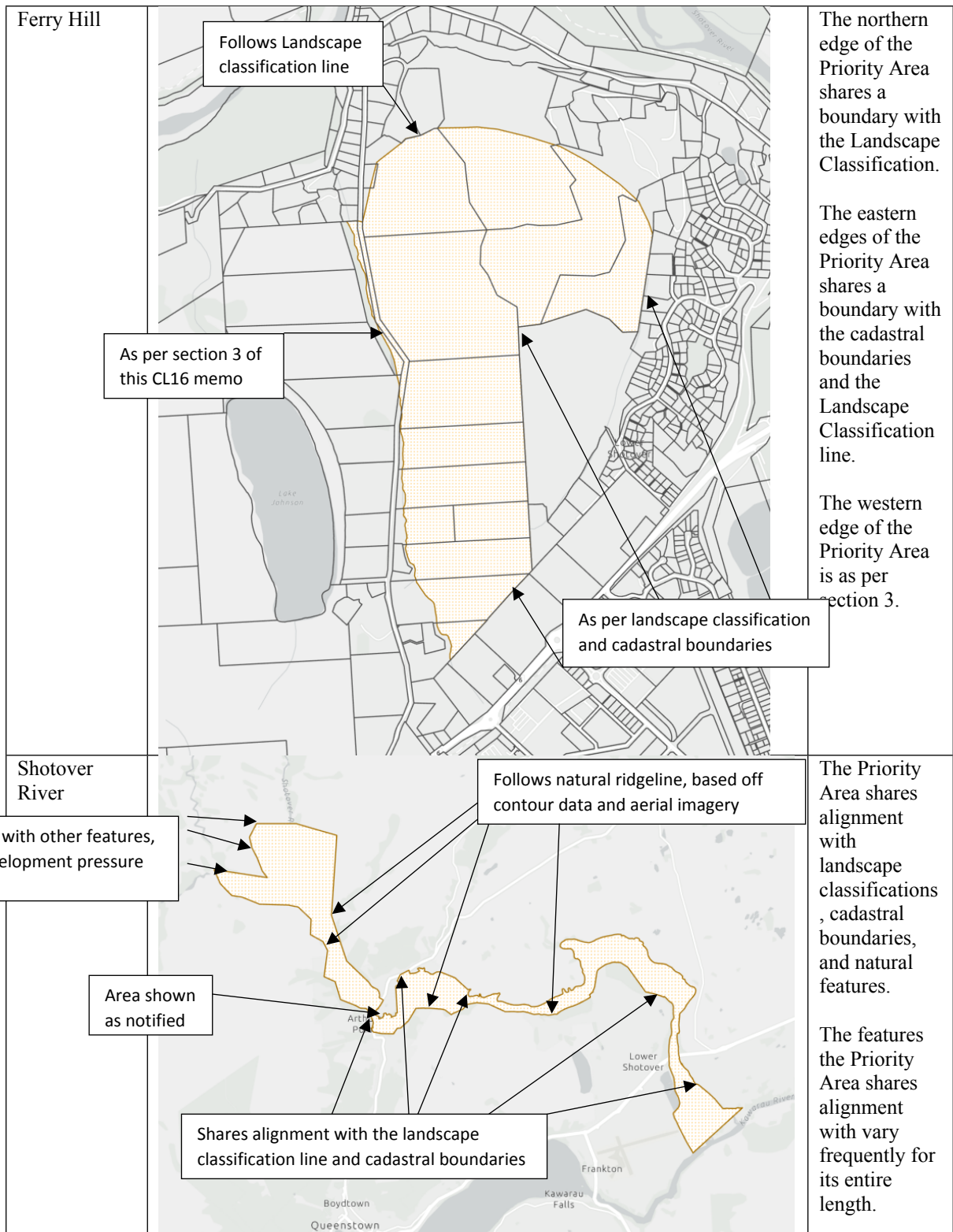
### 5. Correction of spatial extent

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>



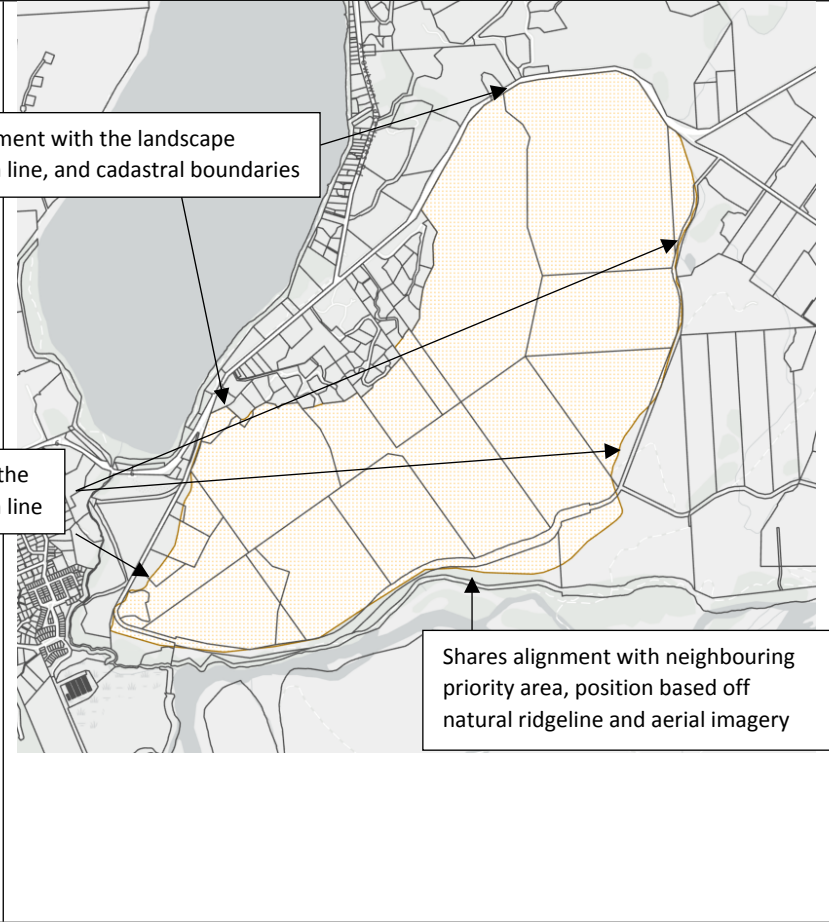
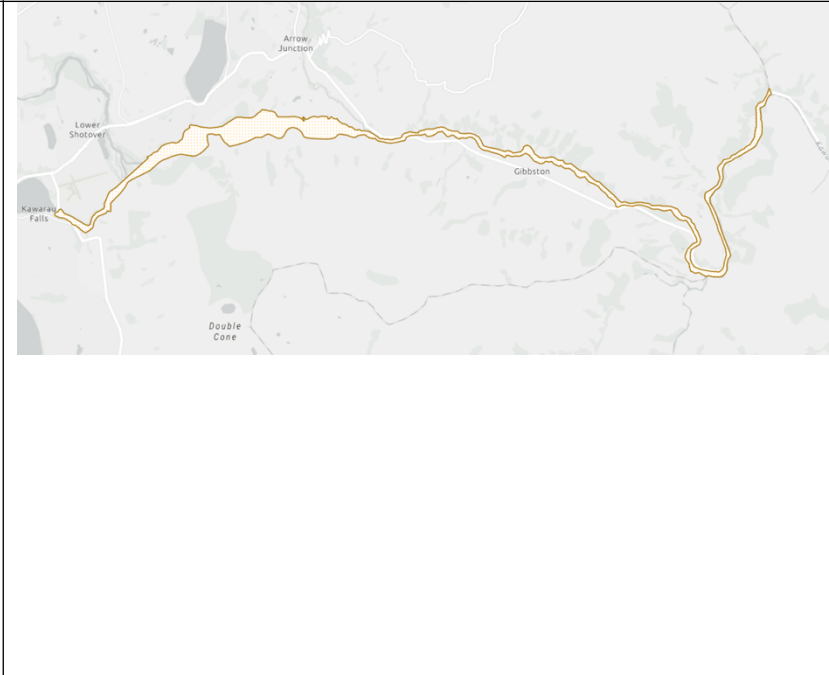
<p>Peninsula Hill</p>		<p>The south west edge of the Priority Area is to remain unchanged.</p> <p>All remaining edges with share alignment with the Landscape Classification</p>
<p>Northern Remarkables</p>		<p>The northern edge of the Priority Area is aligned with the natural base of the Remarkables mountain 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>

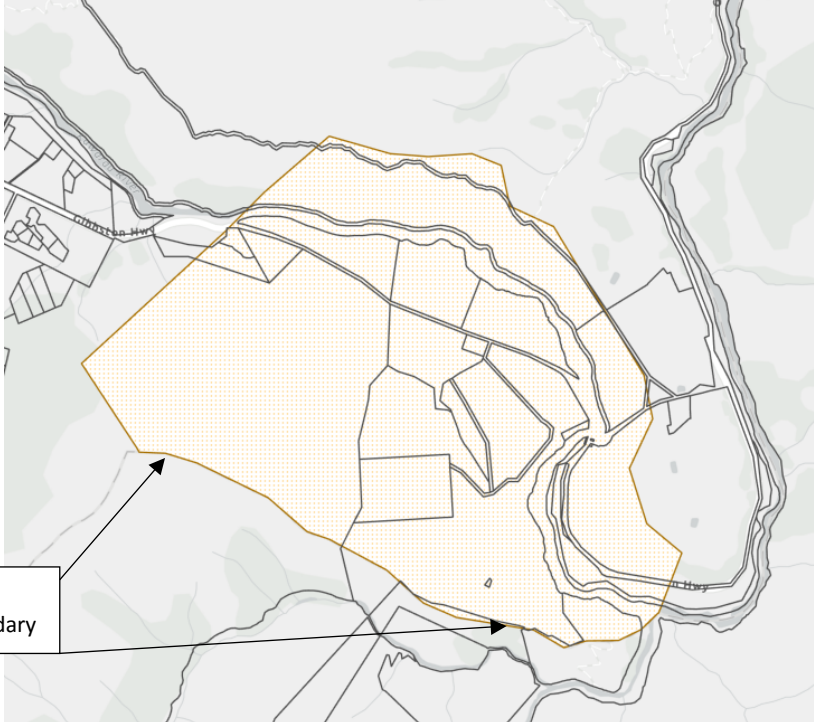
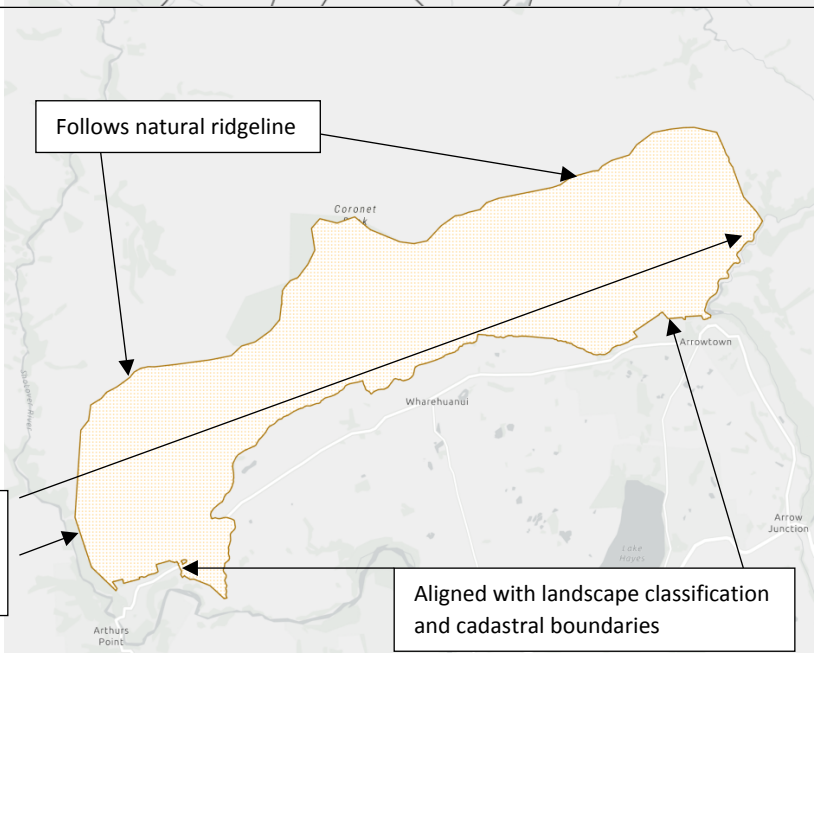
		Territorial Authority boundary.
West Wakatipu basin.	 <p>The map shows the West Wakatipu basin with a yellow-shaded area representing the territorial authority boundary. Several callout boxes provide details: 'Follows natural mountain ridgeline' points to the western boundary; 'Shares an edge with the neighbouring landscape priority area at the top of the cliff feature / escarpment' points to the northern boundary; 'Follows Landscape classification line' points to the southern boundary; and 'As described in section 3' points to the eastern boundary.</p>	<p>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>The eastern edge is as described in section 3.</p> <p>The southern edge shares an alignment with the landscape classification line.</p> <p>The western edge follows the ridgeline Ben Lomond.</p>



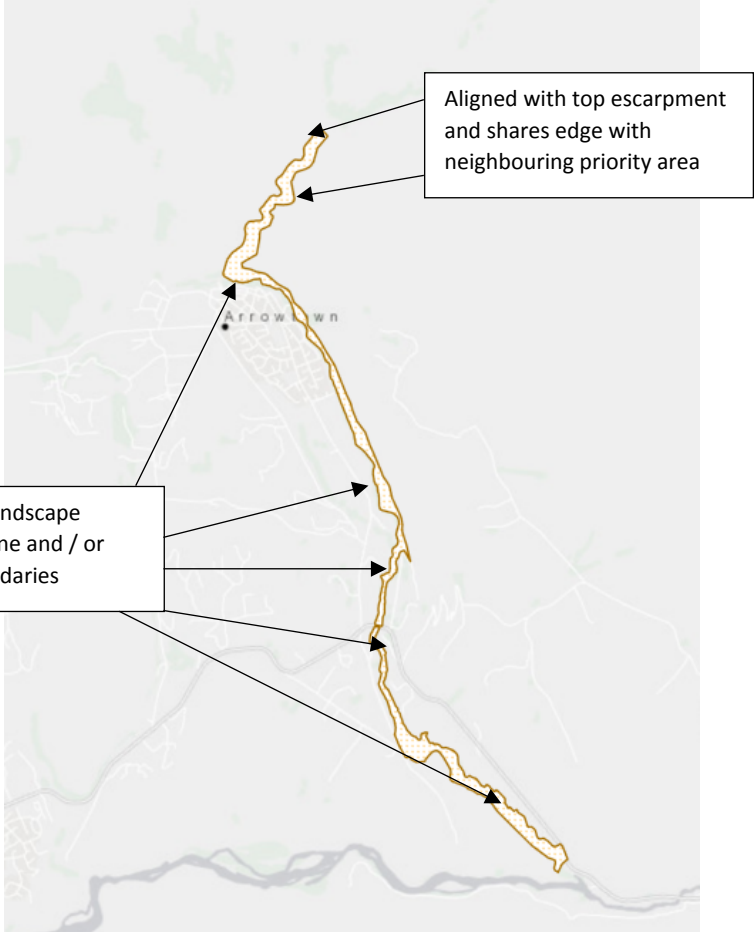
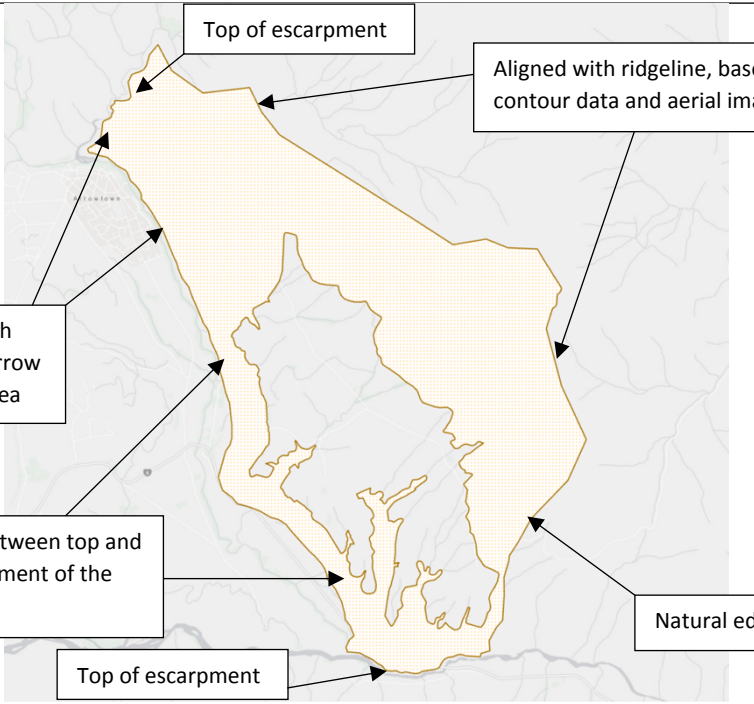


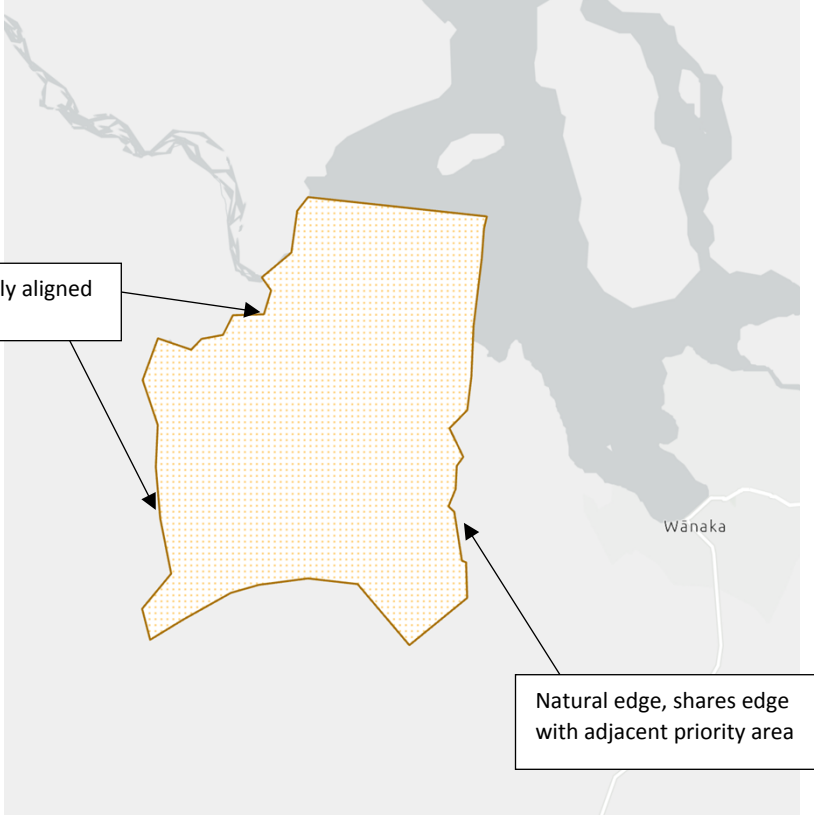
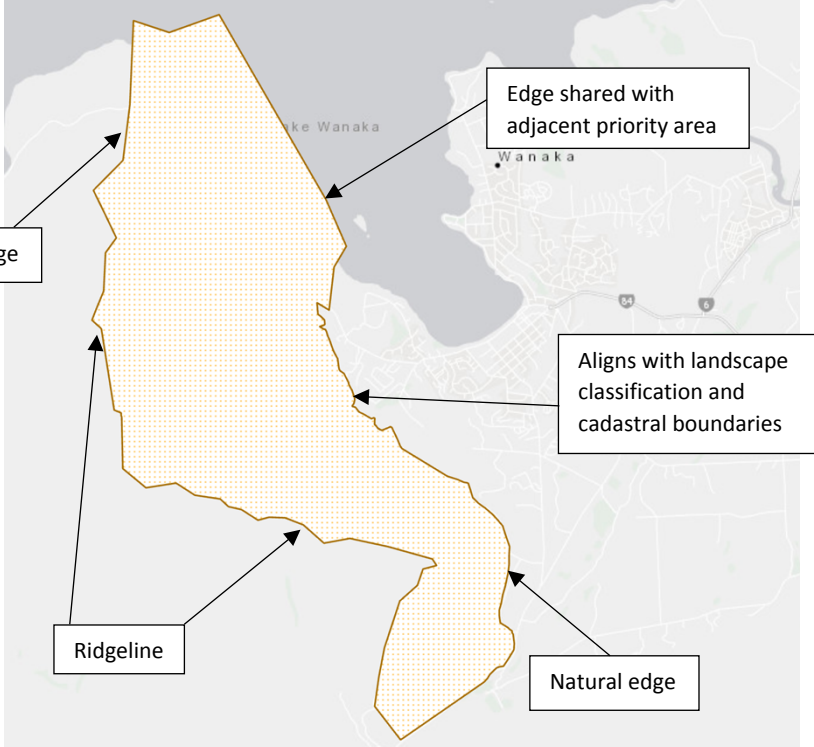
<p>Slope Hill</p>		<p>The eastern edge of the Priority Area which shares a boundary with the neighbouring Lake Hayes Priority Area is as per section 2 above.</p> <p>The remainder of the Priority Area is as per the landscape classification line.</p>
<p>Lake Hayes</p>		<p>The lower western edge of the 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>

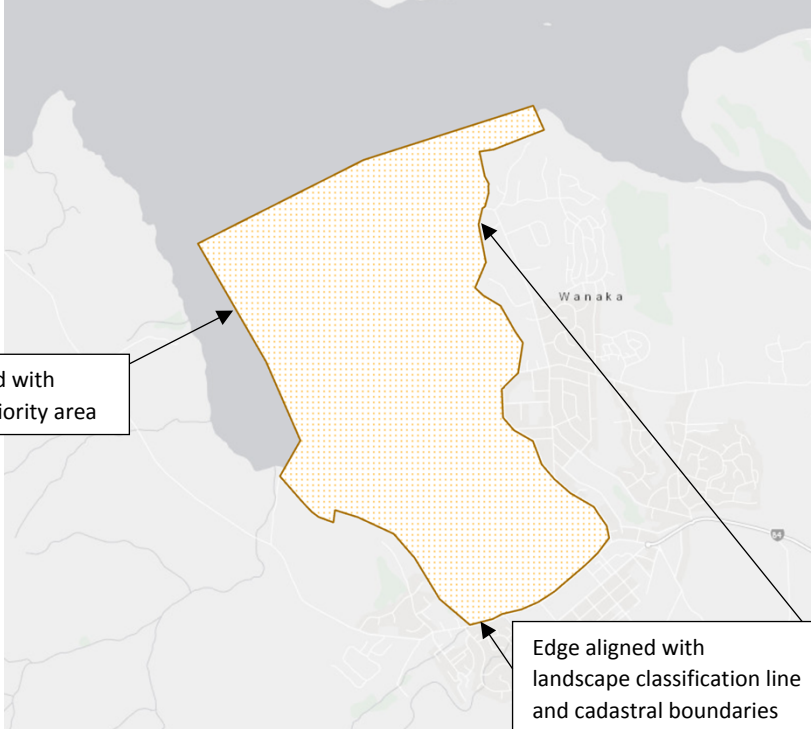
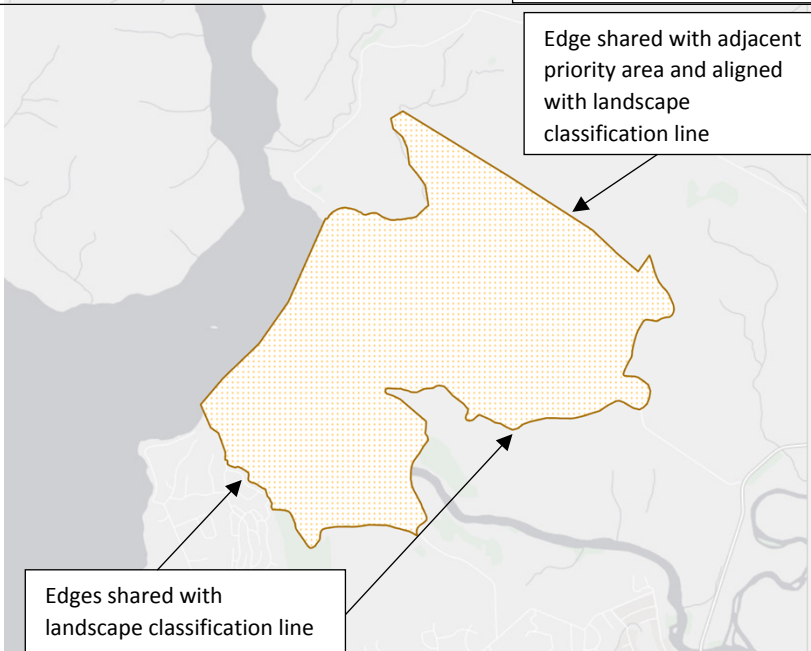
<p>Victoria flats</p>		<p>The southern edge of the Priority Area is aligned with the NZ territorial authority boundary.</p> <p>The Kawarau River Priority Area goes through the Priority Area.</p>
<p>Central Wakatipu Basin Coronet</p>	 <p>Follows natural ridgeline</p> <p>Aligned with landscape classification 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>

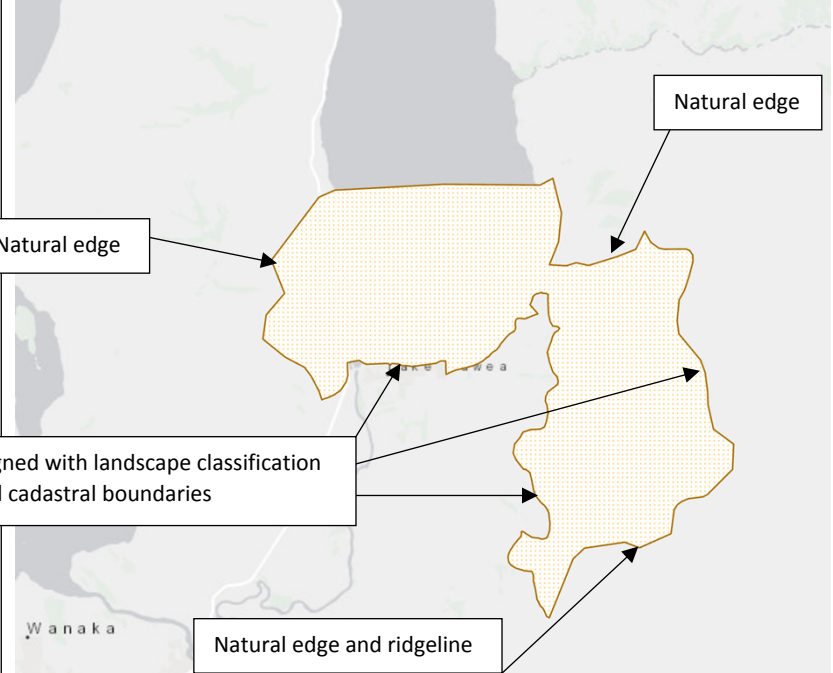
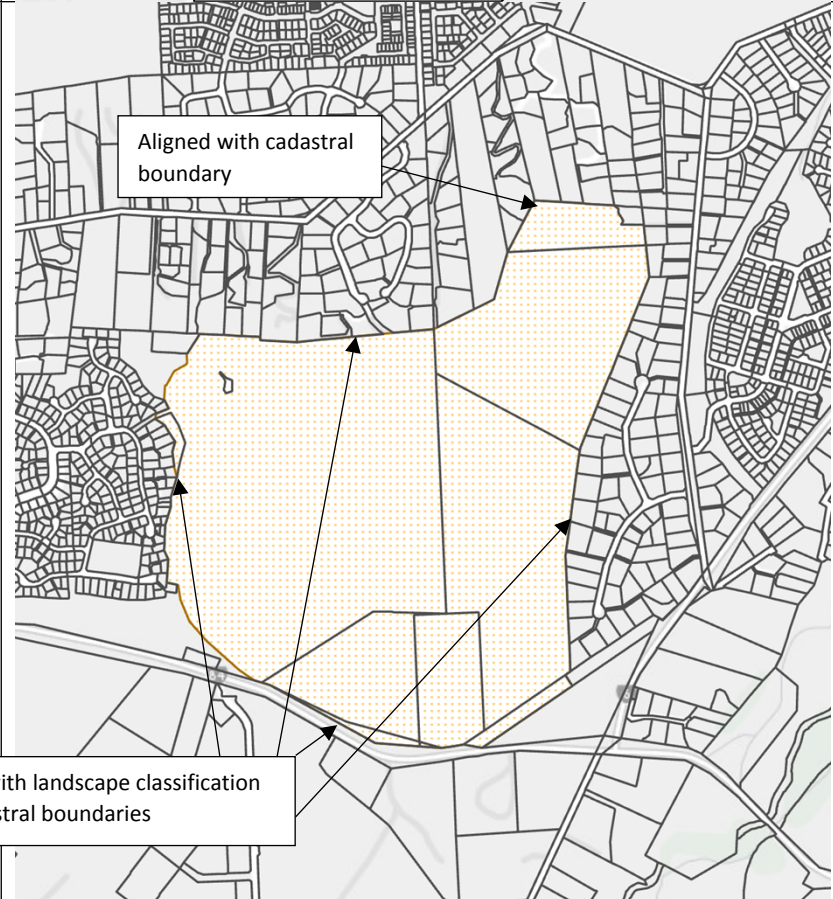



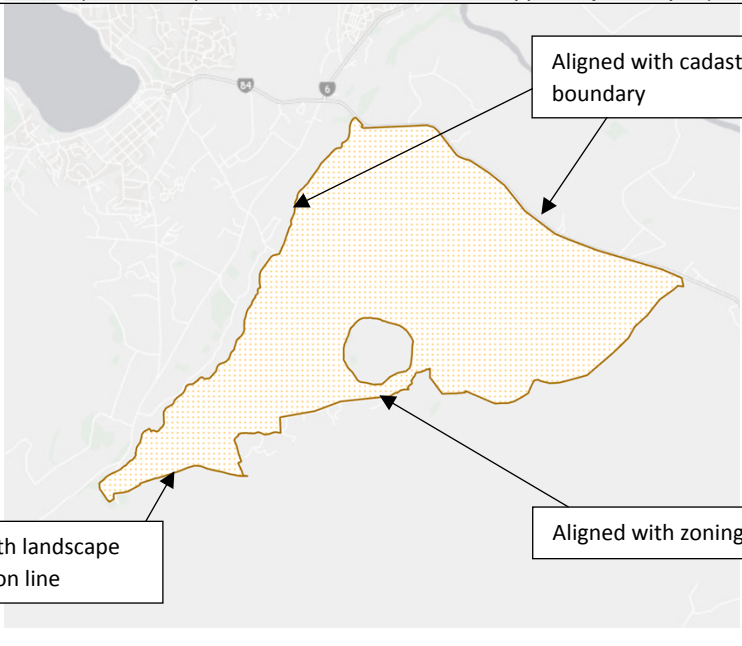
<p>Arrow River</p>		<p>The top southern edges of the Priority Area are aligned with the top escarpment and share edges with the neighbouring Priority Areas.</p> <p>The central section of the Priority Area is aligned with the landscape classification and cadastral boundaries on the western side. The eastern 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>

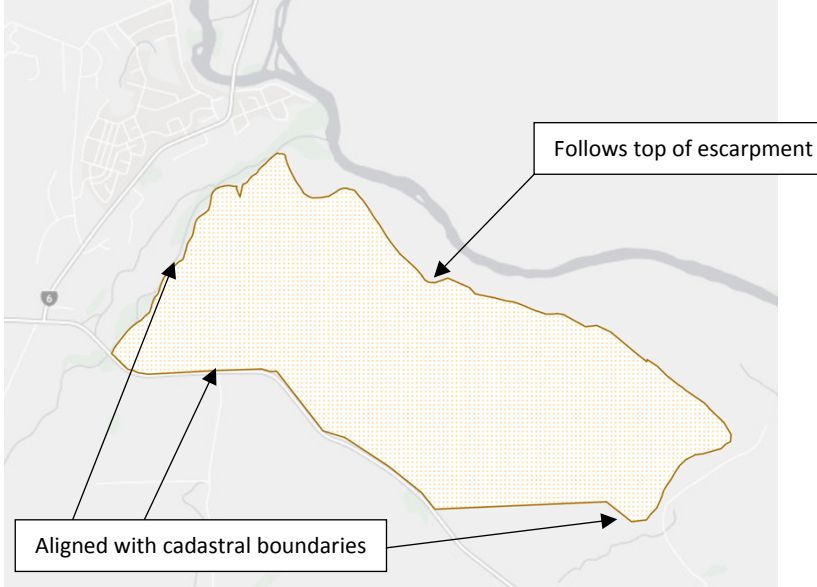
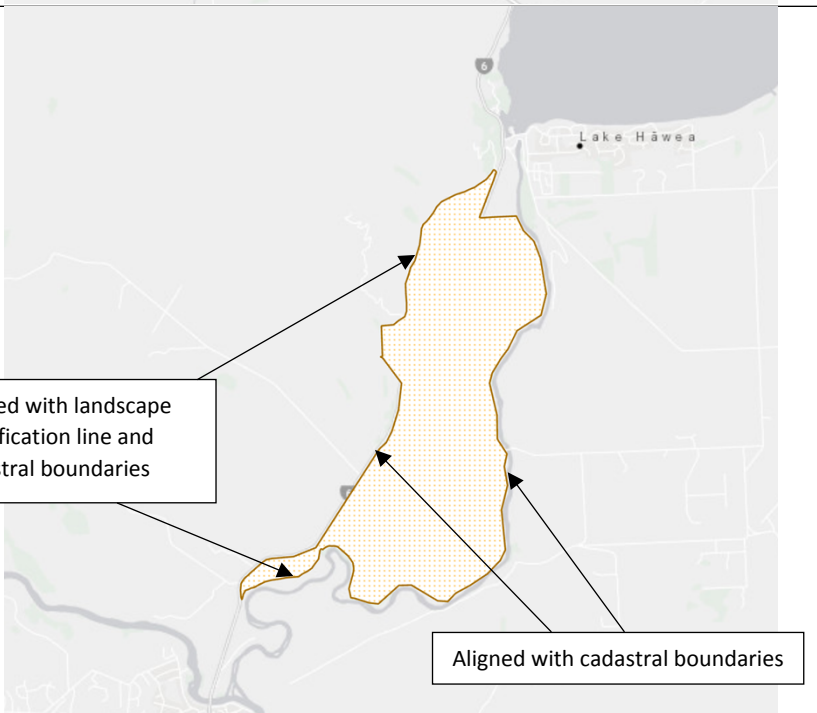
		cover the escarpment face.
West Wānaka		<p>The eastern edge of the Priority Area shares a boundary with the adjacent Priority Area.</p> <p>All other edges follow natural edges and are based off of contour data.</p>
Mount Alpha		<p>The eastern edge of the Priority Area is aligned with the landscape classification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

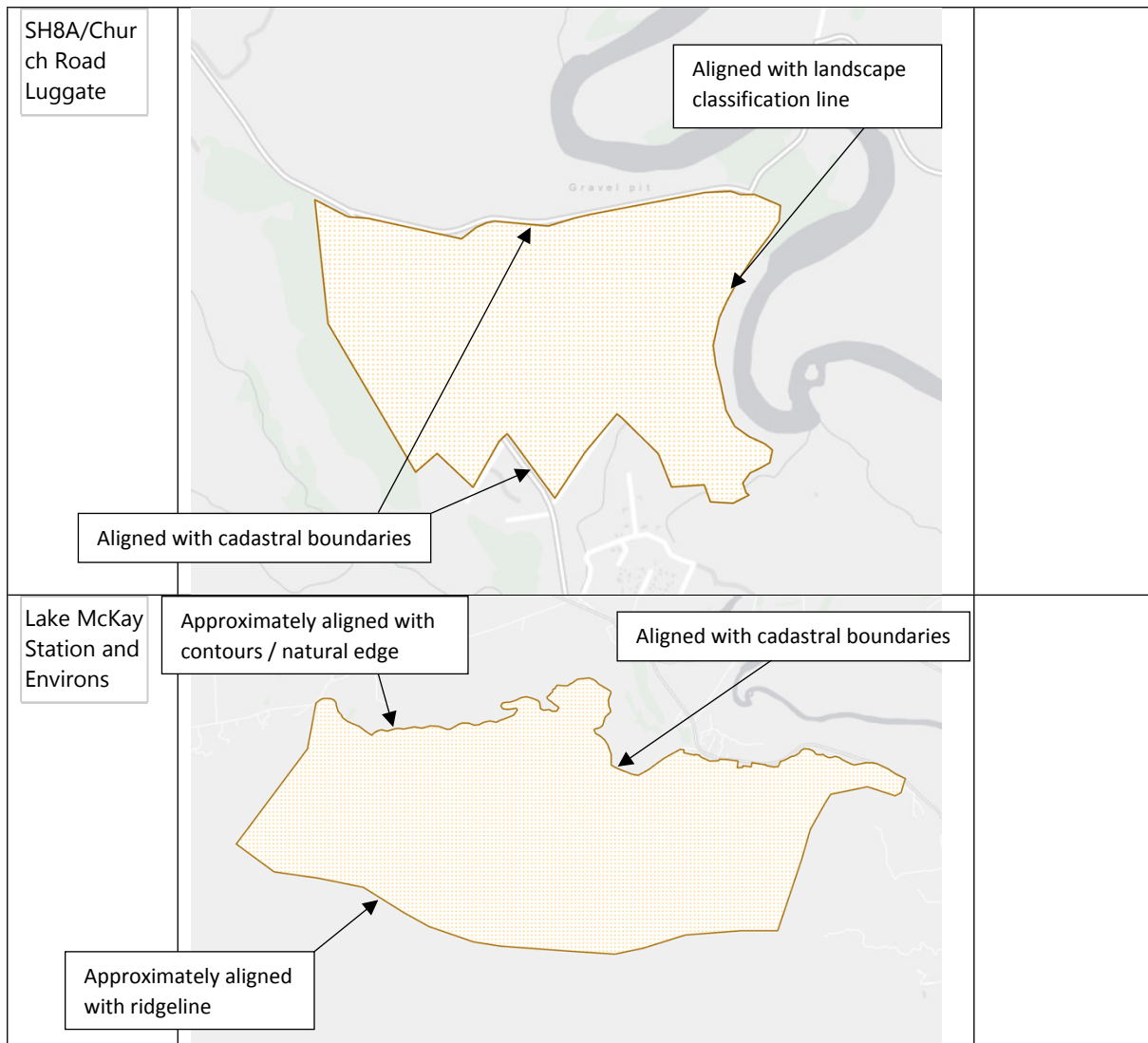


<p>Roys Bay</p>		<p>The western edge of the Priority Area is shared with the adjacent Priority Area.</p> <p>The remaining edges are based off of the landscape classification line and cadastral boundaries.</p>
<p>Dublin Bay</p>		<p>The north eastern edge is shared with the adjacent Priority Area.</p>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