

Feedback Details

Feedback ID * FD8001077L2J3

Title * Powerhouse Funicular Railways Queenstown Regional Development

Regarding  Invitation to Comment - LINZ - Powerhouse Funicular Railways Queenstown Regional Development

Comments The application is consistent with Government policy goals for development. It is unclear from the available information whether the proposed funicular railways and ski field (including buildings) will be situated on Crown land (see map below). The Commissioner of Crown Lands has decision-making authority for any commercial recreation proposals for Crown land, under the authority of the Crown Pastoral Land Act 1998 and the Land Act 1948.

Impacts on the land

The land contains Land Use Capability (LUC) 8 land as mapped by the New Zealand Land Resource Inventory (NZLRI) and detailed mapping (<https://lris.scinfo.org.nz/>). The site is classified as "Land with very severe to extreme limitations or hazards that make it unsuitable for cropping, pasture or forestry". The NZLRI classifies the soil types as 'Base Rock'. The proposed development would have no appreciable impacts on any potential agricultural uses.

Impacts on Crown land

There are extensive areas of Crown land and Queenstown Lakes District Council land in the area of the site (marked as the shaded green and tan areas in the excerpted map). The existing suburb of Fernhill is on the lower slopes of the Ben Lomond mountain which overlooks Queenstown from the north.

NB: 'One Mile Reserve' is located at 96 Fernhill Road, Queenstown.

LINZ manages the light green area of Crown Land (Title no OT6D/1163) surrounding the 'Ben Lomond Scenic Reserve' (in dark green) managed by the Department of Conservation. The QLD Council manages the 'Ben Lomond Commonage Recreation Reserve' (in tan-green)

Source: LINZ Central Record of State Land Untitled map

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Conservation. The QLD Council manages the 'Ben Lomond Commonage Recreation Reserve' (in tan-green)

Source: LINZ Central Record of State Land Untitled map

Comments on a project under the Fast Track Approvals Act 2024

Project name	Powerhouse Funicular Railways Queenstown Regional Development
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All sections of this form with an asterisk (*) must be completed.

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
Organisation name (if relevant)	Department of Conservation		
*First name	Graeme		
*Last name	Silver		
Postal address			
*Contact phone number	s 9(2)(a)	Alternative	
*Email	FastTrack@doc.govt.nz ; s 9(2)(a)		

2. Please provide your comments on this application			
If you need more space, please attach additional pages. Please include your name, page numbers and the project name on the additional pages.			
PTO			

Note: All comments will be made available to the public and the applicant when the Ministry for the Environment proactively releases advice provided to the Minister for the Environment.

Comments on a fast-track consenting application

Fast-Track Approvals Act 2025 Section 17

To: Hon. Chris Bishop, Minister for Infrastructure

From: Director-General of Conservation

Regarding fast-track project: Powerhouse Funicular Railways Queenstown Regional Development

General comment

The project consists of:

- the Powerhouse precinct with retail, hospitality, and tourism facilities
- a high-density residential subdivision of approximately 1,040 housing in the Fernhill area
- two funicular railways connecting the Powerhouse precinct to the subdivision and the Ben Lomond Reserve at the Te-Taumata-o-Haketikura Saddle
- a seasonal ski field and mountain bike park on Bowen Peak, with chairlift, a bar/restaurant, retail, and guest services
- two predator-free areas: 3 hectares within the One Mile Recreation Reserve and a 180-hectare sanctuary near the top of One Mile Creek valley
- construction of a boardwalk and walking trail along One Mile Creek
- wildling pine removal and native planting within One Mile Recreation Reserve

Part of the project will be established on the Ben Lomond Scenic Reserve, the One Mile Creek Reserve (also known as the Ben Lomond Commonage Recreation Reserve) and a local purpose Water Supply Reserve. The plans provided are not at a suitable scale to identify what public conservation land is affected with precision.

Ecological considerations

The applicant has not yet carried out the ecological investigations that will be required to support the substantive application.

Threatened species of lizard are known to be in the Fernhill area, specifically:

- Orange-spotted gecko; also known as Mokopirirakau and the Roys Peak gecko (Threatened - Nationally Critical); this nocturnal lizard appears to be confined to the central and western ranges of Otago.

- Otago skink (Threatened - Nationally Critical); one of New Zealand's largest and rarest lizards. A species recovery plan has been developed for the Otago skink.

Field surveys will be required to confirm if they are present within the project area and a Lizard Management Plan will be required as part of a Wildlife Act authority if they are.

Other protected wildlife may be affected and the applicant will need to complete the necessary ecological surveys to determine what species are present and whether approvals are required.

Consistency with the Otago Conservation Management Strategy

The proposed activity is located within the Western Lakes and Mountains/Ngā Puna Wai Karikari a Rākaihautū Place under the Otago Conservation Management Strategy 2016¹ (Strategy). The objectives for this location include maintaining prominent ridgelines and mountain tops in their natural state and no further modification beyond their current state.

The Strategy takes a precautionary approach to the development of new or additional structures and terrain modification for ski fields, noting the potential impacts of climate change on their future operation. Further development of existing ski fields is preferred over the development of new ski field sites. Consideration of the costs of remediation and removal of facilities if a ski field becomes inoperable is required.

The northern portion of the Ben Lomond Scenic Reserve is an Aircraft Access Red Zone in the Strategy where aircraft landings should not be allowed except for construction, operation and maintenance of equipment.

The proposed funicular railway and ski field/bike park chair lift, including associated station buildings, are likely inconsistent with the objective of the Strategy to protect mountains and ridges in their natural state. The proposal is inconsistent with repeated direction in the Strategy to concentrate ski field development at existing sites, rather than approving new sites.

If the application progresses, it should address these points.

Consistency with the purpose of the Public Conservation Land

The project will be partly built on the Ben Lomond Scenic Reserve and the Ben Lomond Commonage Recreation Reserve (One Mile Creek Reserve).

The Scenic Reserve is held by the Crown for the purpose of *“protecting and preserving in perpetuity for their intrinsic worth and for the benefit, enjoyment, and use of the public...”* in perpetuity because of its *“scenic interest, beauty, or natural features or landscape”* (Reserves Act 1977 section 19(1)(a)).

Section 19(2) of that Act requires that every scenic reserve shall be maintained so that:

¹ Incorporating the July 2022 partial review

- (a) ...the indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved...*
- (b) ...public shall have freedom of entry and access to the reserve...*
- (c) ...open portions of the reserve may be developed for amenities and facilities where these are necessary to enable the public to obtain benefit and enjoyment from the reserve:*
- (d) ...historic, archaeological, geological, biological, or other scientific features ...shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:*

The One Mile Recreation Reserve is vested in the Queenstown Lakes District Council and held for the purpose of “*recreation and sporting activities, the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside*” (Reserves Act 1977 section 17(1)).

The Act requires, among other things, that a recreation reserve shall be managed so that:

- (a) ...the public shall have freedom of entry and access to the reserve...*
- (b) ...scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife ...shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve...*
- (c) ...the pleasantness, harmony, and cohesion of the natural environment... of the reserve shall be conserved.*

The substantive application should describe how it will meet these requirements of the Reserves Act 1977 and the purposes for which the land is held.

DOC permissions applied for

The applicant has identified the following permissions will be required but provided no detail:

- Concession (lease/recreation permit), pursuant to Part 3B of the Conservation Act 1987
- Reserves Act approval / lease
- Wildlife Act authority

It appears that the following activities are proposed on the Ben Lomond Scenic Reserve:

- Upper station for saddle funicular railway
- Saddle funicular railway
- Suburban funicular railway
- Emergency access road
- Bowen peak 6 seater express chairlift
- Predator free sanctuary

These would require a combination of a lease (e.g., for the railway stations), licences (e.g., for the railway), and easements (e.g., passing of ski lift cables and chairs, access road).

It is unclear how the predator free sanctuary would be enabled and where responsibility for maintenance would lie. Any predator-proof fencing would need to allow for public access to the Ben Lomond Scenic Reserve to be compatible with the purpose of the Reserve.

Conclusion

Those parts of the project that occupy public conservation land are likely to be inconsistent with the purpose for which the reserves are held, and inconsistent with the Otago Conservation Management Strategy. If the application was accepted for referral, the applicant will need to demonstrate how it can meet the purposes for which the land is held pursuant to the Reserves Act 1977.

The ecological effects of the project are potentially significant given the known presence of critically threatened species in the Fernhill area. The applicant will need to carry out comprehensive baseline ecological surveys and demonstrate how adverse effects can be minimised and/or offset.

Jenni Fitzgerald
Fast-Track Applications Manager

Acting pursuant to delegated authority on behalf of Hon. Tama Potaka, Minister of Conservation

Date: 30/04/2025

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

From: [Infrastructure Portfolio](#)
To: [ETAreferals](#)
Subject: FW: Powerhouse Funicular Railways Queenstown Regional Development under the Fast-track Approvals Act 2024 (the Act)
Date: Monday, 5 May 2025 11:34:53 am

From: Huriwai Paki s 9(2)(a)
Sent: Monday, 5 May 2025 11:13 AM
To: Infrastructure Portfolio <Infrastructure.Portfolio@parliament.govt.nz>
Subject: Powerhouse Funicular Railways Queenstown Regional Development under the Fast-track Approvals Act 2024 (the Act)

Project name	Powerhouse Funicular Railways Queenstown Regional Development
Applicant	Bowen Peak Limited – Guy Hingston
Project description	<p>The project comprises several activities within the Fernhill, Lake Esplanade, and Ben Lomond area of Queenstown, including:</p> <ul style="list-style-type: none">a. a development (labelled as the ‘Powerhouse precinct’) within One Mile Recreation Reserve to provide retail, hospitality, and tourism offerings, a 1,500-person conference facility, and an associated carpark building.b. a high-density residential suburb of approximately 1,040 housing units for 2,000+ residents, and an associated subdivision.c. two funicular railways (including stations) connecting the Powerhouse precinct to the new residential suburb, and the Powerhouse precinct to the Ben Lomond – Te-Taumata-o-Haketikura Saddle.d. a seasonal ski field and mountain bike park on Bowen Peak, serviced by a six-seater chairlift, and a top station building associated with the ski field containing a bar/restaurant, retail, and guest services.e. predator-free fencing covering a 3-hectare area within One Mile Recreation Reserve and a 180-hectare predator-free sanctuary near the top of One Mile Creek valley, construction of a boardwalk and walking trail along One Mile Creek stream, and wilding pine removal and native planting within One Mile Recreation Reserve.
Comments from Associate Minister of Housing	<p>Thank you for your invitation to comment on the fast-track consent application for the Powerhouse Funicular Railways Queenstown Regional Development project.</p> <p>This project will provide approximately 1,040 housing units (for 2,000+ residents) which will help to put downward pressure on high prices in Queenstown Lakes, and respond to its high population growth.</p> <p>Queenstown Lakes is one of the most expensive places in New Zealand to buy or rent a home. As at January 2025, the median home sale price was \$1.34m (\$750,000 nationally) and the average weekly rent was \$596 (\$569 nationally).</p> <p>While Queenstown Lakes has the highest rate of new residential building consents in NZ (300 consents per 10k people), there is significant pressure from high population growth (22% increase from 2018 to 2023, second highest in NZ) and tourism. This project will help respond to these pressures.</p> <p>While unanticipated by local government planning, and not within a proposed future urban zone, this project provides housing in a high amenity area, and a high-frequency bus route runs past the proposed funicular railway station.</p> <p>Positively, the applicant has pledged 5% of sections in the development to be provided to Queenstown Lakes Community Housing Trust (QLCHT), supporting the provision of affordable housing. QLCHT has a successful track record of partnering with developers, Queenstown Lakes District Council, and central government to deliver social and affordable housing in Queenstown Lakes.</p>

I have no concerns, from the perspective of the Housing Portfolio, about this project being referred to the next stage. Thank you again for the opportunity to comment.

Mauriora

Hon Tama Potaka

Associated Minister of Housing

Yours sincerely

Hon Chris Bishop

Minister for Infrastructure



Office of Hon Chris Bishop

Minister of Housing, Minister for Infrastructure, Minister Responsible for RMA Reform, Minister for Sport & Recreation, Leader of the House, Associate Minister of Finance

Email: christopher.bishop@parliament.govt.nz Website: www.beehive.govt.nz

Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

Tēna koe

Horopaki/Context

The lakes are traditionally known as Ka Puna Karikari o Rākaihautū, the pools dug by Rākaihautū, the first known mortal person to explore the lands of Te Waipounamu. Hāwea, Wānaka and Whakatipu wai māori are the three principal lakes of the interior, all feeding the Mata-au which weaves its way ki uta ki tai. Whakatipu wai māori provided a basis for our nohoaka and villages that were the seasonal destinations of our whānau, hapū and our cousins from other Papatipu Rūnaka for many generations.

The significance of Whakatipu wai māori is also recognised in the Water Conservation (Kawarau) Order 1997, which declares the following waters to be protected for ‘significance in accordance with tikanga Maori, in particular sites at the head of the lake, and the legend of the lake itself’.

The Kāi Tahu ki Otago Natural Resource Management Plan 2005 is the principal resource management planning documents for Kāi Tahu ki Otago and the embodiment of Kāi Tahu rakatirataka and kaitiakitaka. The kaupapa of the plans is 'Ki Uta ki Tai' (Mountains to the Sea), which reflects the holistic Kāi Tahu ki Otago philosophy of resource management. The plans express Kāi Tahu ki Otago values, knowledge and perspectives on natural resource and environmental management issues. The Project is located within the Clutha/Mata-au catchment.

Under the Queenstown Lakes District Council Proposed District Plan (PDP), the proposal partly lies within a wāhi tūpuna, Te Taumata o Hakitekura (Ben Lomond). Hakitekura is the Māori name for Ben Lomond and Fernhill, located at Whakatipu Waimāori. It is also an area related to Hakitekura, the Kāti Māmoe woman who was the first woman to swim across Whakatipu wai māori. The mountains that she would look across the lake to were named Te Taumata-a-Hakitekura meaning 'The Resting Place of Hakitekura'. Mana whenua values include Wāhi taoka, wāhi tapu. Threats to these values include: exotic species including wilding pines; buildings and structures, utilities; new roads or additions/alterations to existing roads, vehicle tracks and driveways; activities affecting the ridgeline and upper slopes. The proposal partly lies within an Outstanding Natural Landscape notation under the PDP including the funicular upper rail segments and two upper stations.

The lake is identified as a wāhi tūpuna under the PDP - Whakātipu wai māori, and has a notation as an Outstanding Natural Landscape (and also has Statutory Acknowledgement status as noted above). Mana whenua values in this area include but are not limited to wāhi taoka, mahika kai, ara tawhito. Threats to these values include: damming, activities affecting water quality; building and structures and utilities; earthworks; subdivision and development; new roads or additions/alterations to existing roads, vehicle tracks and driveways; commercial and commercial recreational activities.

Chapter 21 of the PDP refers to the Rural Environment, Priority Area (PA) Landscape Schedules; the Western Whakātipu Basin PA is particularly relevant.

Schedule 1D of the Regional Plan: Water for Otago, identifies the spiritual and cultural beliefs, values and uses of significance to Kāi Tahu including for Lake Whakātipu wai māori, Kawarau River (between Lakes Dunstan and Whakatipu wai māori), and the Shotover River.

The Referral Application

Kāti Huirapa Rūnaka ki Puketeraki (Puketeraki) do not support the referral application in its current form and seek that the application is declined by the Minister. Rūnaka consider that the applicant has not met the referral application requirements (specifically general information and consultation requirements) prescribed under the Fast-track approvals Act.

Mana whenua regard the whole of the district as its ancestral land, whether or not it is mapped as a wāhi tūpuna or is recognised by statute. Intrinsic cultural values such as whakapapa, rangatiratanga, kaitiakitanga, mana, and mauri inform our relationships and association with wai māori and te taiao.

Ongoing significant and rapid development in Tāhuna and around Whakatipu wai māori, has contributed to a loss of connection for mana whenua. Rūnaka seek to uplift the mauri and mana in this catchment.

Significantly the Project is lacking in detail, which restricts full understanding of the impacts of the proposal on cultural values and connections.

It is also noted that the Project relates to areas that have not been contemplated by the strategic planning documents prepared by Queenstown Lakes District Council. Rūnaka note that infrastructure in Tāhuna is already experiencing significant non-compliances.

In terms of consultation, the first occasion that Puketeraki was informed about the project was the notification via the portal. There had been no previous contact between the applicant and Puketeraki.

On receiving the notification via the fast-track portal we reviewed the information provided by the applicant and immediately had some concerns about the integrity of the statements made.

On the 9th of April our nominated representative emailed the Applicant at the email address provided in the portal seeking 'further information to assist our leadership with their decision-making process' regarding the referral application. The Applicant was informed that Puketeraki has no knowledge of the Applicants concept plan developments.

Further, the Applicant was requested to provide evidence of the communication between the Chief Executive Officer (CEO) of Te Rūnaka o Ōtākou including the concept development plans and a copy of the 'in-writing confirmation that there was no negative feedback from the seven Rūnaka of Te Rūnaka o Ngāi Tahu' that is referred to in Applicants referral application.

Puketeraki received no response to this email.

On 23 April the Puketeraki representative sent a further email to the Applicant. He received a phone call immediately and subsequently received the email correspondence between the Applicant and the CEO of Te Rūnaka o Ōtākou.

The email correspondence does not support key claims made by the Applicant in the referral application in respect of information being provided to the other seven rūnaka or that there was written confirmation "...that there was no negative feedback from the seven Rūnaka of Te Rūnaka o Ngāi Tahu."

Puketeraki holds the strong view that the information provided by the Applicant misrepresents the status of engagement with Puketeraki and the CEO of Te Rūnaka o Ōtākou.

We are not in a position to take any view on the merit of the project given that no consultation has occurred. We do, however, note that we have no confidence in the Applicants approach to engagement with mana whenua.

We also note that the "Regionally Significant Infrastructure" definition in the Proposed Otago Regional Policy Statement (PORPS) is under appeal, including the inclusion of "ski area infrastructure" under that definition. "Ski area infrastructure" as defined in the NPSFM and in the PORPS does not include transport for mountain biking.

Kāti Huirapa Rūnaka ki Puketeraki reserve the right to provide further comment if the application is referred to the fast-track process.

Your written comments on a project under the Fast Track Approvals Act 2024

Project name	Powerhouse Funicular Railways Queenstown Regional Development
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Before the due date, for assistance on how to respond or about this template or with using the portal, please email contact@fasttrack.govt.nz or phone 0800 FASTRK (0800 327 875).

All sections of this form with an asterisk (*) must be completed.

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
Organisation name (if relevant)	Land Information New Zealand		
*First name	Brett		
*Last name	Parker		
Postal address	P O Box 5501, Wellington 6145		
*Contact phone number	s 9(2)(a)	Alternative	
*Email	s 9(2)(a)		

2. Please provide your comments on this application			
Fast-track Approvals Act 2024 – Notice of consent application			
Title of application and FTA reference	Applicant	Link to application	Due date to Office of the Minister for Infrastructure
Powerhouse Funicular Railways Queenstown Regional Development FTAA-2502-1025	Bowen Peak Limited – Guy Hingston	https://www.fasttrack.govt.nz/	17 April 2025
Description of the project and site			

UNCLASSIFIED

The project comprises several activities within the Fernhill, Lake Esplanade, and Ben Lomond area of Queenstown, including:

1. a development (labelled as the 'Powerhouse precinct') within One Mile Recreation Reserve to provide retail, hospitality, and tourism offerings, a 1,500-person conference facility, and an associated carpark building.
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4. a seasonal ski field and mountain bike park on Bowen Peak, serviced by a six-seater chairlift, and a top station building associated with the ski field containing a bar/restaurant, retail, and guest services.
5. predator-free fencing covering a 3-hectare area within One Mile Recreation Reserve and a 180-hectare predator-free sanctuary near the top of One Mile Creek valley, construction of a boardwalk and walking trail along One Mile Creek stream, and wilding pine removal and native planting within One Mile Recreation Reserve.

LINZ Comments

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Impacts on Crown land

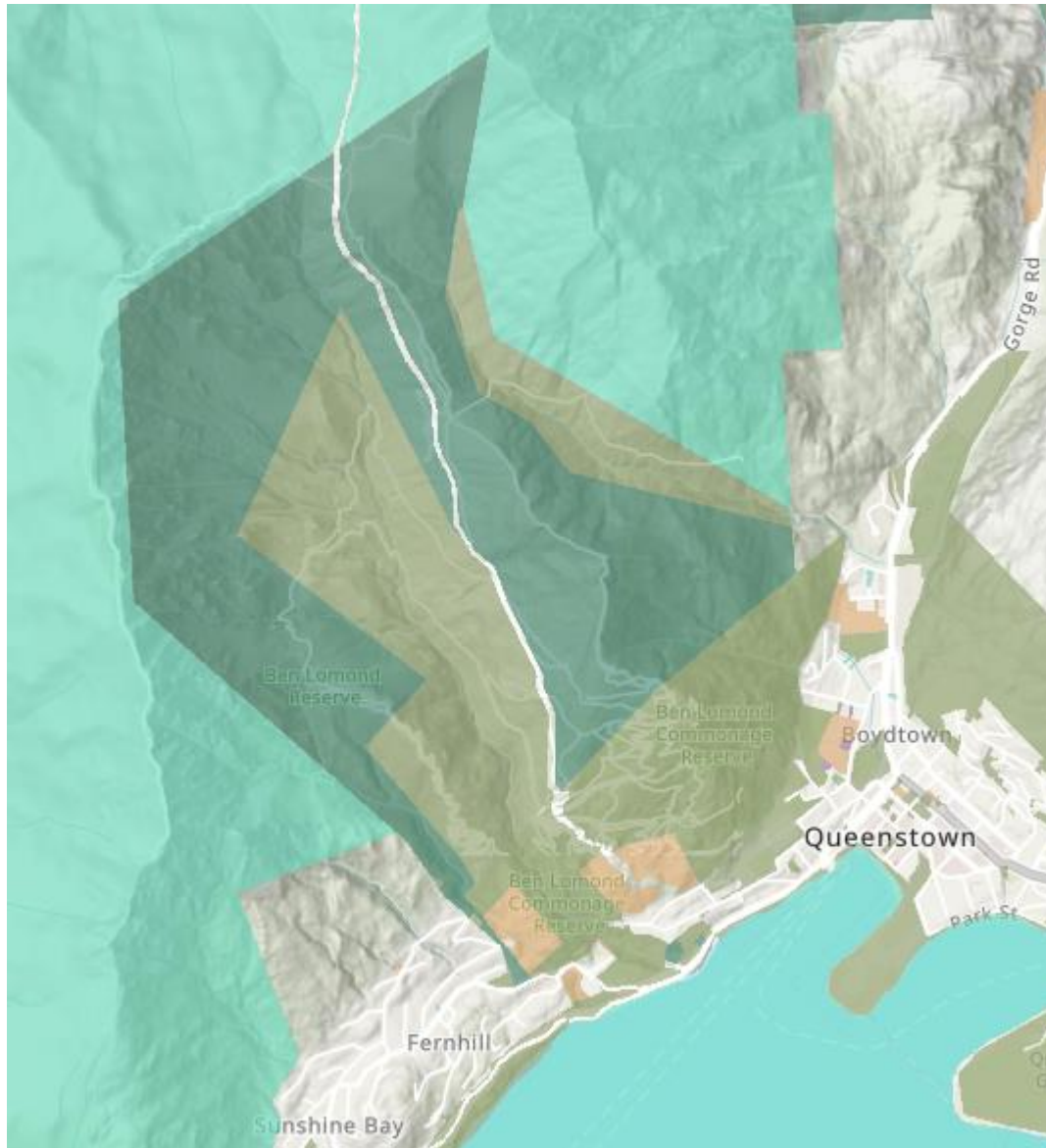
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Source: LINZ Central Record of State Land Untitled map

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UNCLASSIFIED

From: [Infrastructure Portfolio](#)
To: [ETAreferals](#)
Subject: FW: Invitation to comment: Powerhouse Funicular Railways Queenstown Regional Development under the Fast-track Approvals Act 2024 (the Act)
Date: Tuesday, 15 April 2025 11:54:23 am
Importance: High

Please note the additional information from the Minister for Land Information.

Rob

From: Chris Penk (MIN) <C.Penk@ministers.govt.nz>
Sent: Tuesday, 15 April 2025 11:41 AM
To: Infrastructure Portfolio <Infrastructure.Portfolio@parliament.govt.nz>
Cc: Daniel White s 9(2)(a); William Daly s 9(2)(a) Hazel Morgaine
s 9(2)(a)
Subject: RE: Invitation to comment: Powerhouse Funicular Railways Queenstown Regional Development under the Fast-track Approvals Act 2024 (the Act)
Importance: High

Kia ora,

LINZ has since had further conversations with the Commissioner of Crown Lands regarding this proposal and have subsequently asked the following comments to please be relayed:

- *It is unclear from the available information whether the proposed funicular railways and ski field (including buildings) will be situated on Crown land. However, the Commissioner of Crown Lands has decision-making authority for any commercial recreation proposals for Crown land, under the authority of the Crown Pastoral Land Act 1998.*

We ask that this replaces our previous note of no comment, as below.

Thank you for your attention. Please let me know if anything's amiss.

Ngā mihi,



Alexandra Boac

Private Secretary – Executive Support | Office of Hon Chris Penk

Minister for Building and Construction
Minister for Land Information
Minister for Small Business and Manufacturing
Minister for Veterans
Associate Minister of Defence
Associate Minister of Immigration

Email: c.penk@ministers.govt.nz
Website: www.Beehive.govt.nz
Private Bag 180.41, Parliament Buildings, Wellington 6160, New Zealand

Authorised by Hon Chris Penk, Parliament Buildings, Wellington

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From: Chris Penk (MIN)
Sent: Wednesday, 9 April 2025 10:02 AM
To: Infrastructure Portfolio <Infrastructure.Portfolio@parliament.govt.nz>
Subject: RE: Invitation to comment: Powerhouse Funicular Railways Queenstown Regional Development under the Fast-track Approvals Act 2024 (the Act)

Kia ora,

Thank you for relaying this invitation to comment regarding the Powerhouse Funicular Railways Queenstown Regional

Development fast-track application.

The Minister for Land Information does not wish to provide any comments at this stage.

Thank you, again, for your consideration.

Ngā mihi,



Alexandra Boac

Private Secretary – Executive Support | Office of Hon Chris Penk

Minister for Building and Construction

Minister for Land Information

Minister for Small Business and Manufacturing

Minister for Veterans

Associate Minister of Defence

Associate Minister of Immigration

Email: c.penk@ministers.govt.nz

Website: www.Beehive.govt.nz

Private Bag 180.41, Parliament Buildings, Wellington 6160, New Zealand

Authorised by Hon Chris Penk, Parliament Buildings, Wellington

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From: Infrastructure Portfolio <Infrastructure.Portfolio@parliament.govt.nz>

Sent: Friday, 28 March 2025 10:30 AM

To: Penny Simmonds (MIN) <P.Simmonds@ministers.govt.nz>; Christopher Bishop (MIN) <C.Bishop@ministers.govt.nz>; Simon Watts (MIN) <S.Watts@ministers.govt.nz>; Chris Penk (MIN) <C.Penk@ministers.govt.nz>; Tama Potaka (MIN) <T.Potaka@ministers.govt.nz>; Louise Upston (MIN) <L.Upston@ministers.govt.nz>

Cc: referral@mfe.govt.nz

Subject: Invitation to comment: Powerhouse Funicular Railways Queenstown Regional Development under the Fast-track Approvals Act 2024 (the Act)

To:

Minister of Housing

Minister of Transport

Minister for Tourism and Hospitality

Minister of Climate Change

Minister for Land Information

Minister of Conservation

Minister for the Environment

Dear Ministers,

Hon Chris Bishop, the Minister for Infrastructure (the Minister), has asked for me to write to you on his behalf.

The Minister has received an application from Bowen Peak Limited for referral for the Powerhouse Funicular Railways Queenstown Regional Development under the Fast-track Approvals Act 2024 (the Act) to the fast-track process (application reference FTAA-2502-1025).

The purpose of the Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

Invitation to comment on referral application

I write in accordance with section 17 of the Act to invite you to provide written comments on the referral application. I have provided summary details of the project below.

If you wish to provide written comments, these must be received by **return email** within **20 working days of receipt of this email**. The Minister is not required to consider information received outside of this time frame. Any comments submitted will contribute to the Minister's decision on whether to accept the referral application and to refer the project.

If you do not wish to provide comments, please let us know as soon as possible so we can proceed with processing the application without delay.

If the Minister decides to accept the application and to refer the project, the Applicant will need to complete any preliminary steps required under the Act and then lodge their substantive application for the approvals needed for the project. An expert panel will be appointed to decide the substantive application.

Process

The application documents are accessible through the Fast-Track portal. If you haven't used the portal before, you can request access by emailing ftareferrals@mfe.govt.nz. Once you are registered and have accepted the terms and conditions, you will receive a link to view the documents. Existing users will be able to see application documents via the request when logging into the portal.

To submit your comments on the application, you can either provide a letter or complete the attached template for written comments and return it by replying to this email (infrastructure.portfolio@parliament.govt.nz)

Before the due date, if you have any queries about this email or need assistance with using the portal, please email contact@fasttrack.govt.nz. Further information is available at <https://www.fasttrack.govt.nz/>.

Project summary

Project name	Powerhouse Funicular Railways Queenstown Regional Development
Applicant	Bowen Peak Limited – Guy Hingston
Project description	<p>The project comprises several activities within the Fernhill, Lake Esplanade, and Ben Lomond area of Queenstown, including:</p> <ul style="list-style-type: none">a. a development (labelled as the 'Powerhouse precinct') within One Mile Recreation Reserve to provide retail, hospitality, and tourism offerings, a 1,500-person conference facility, and an associated carpark building.b. a high-density residential suburb of approximately 1,040 housing units for 2,000+ residents, and an associated subdivision.c. two funicular railways (including stations) connecting the Powerhouse precinct to the new residential suburb, and the Powerhouse precinct to the Ben Lomond – Te-Taumata-o-Haketikura Saddle.d. a seasonal ski field and mountain bike park on Bowen Peak, serviced by a six-seater chairlift, and a top station building associated with the ski field containing a bar/restaurant, retail, and guest services.e. predator-free fencing covering a 3-hectare area within One Mile Recreation Reserve and a 180-hectare predator-free sanctuary near the top of One Mile Creek valley, construction of a boardwalk and walking trail along One Mile Creek stream, and wilding pine removal and native planting within One Mile

	Recreation Reserve.
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Yours sincerely

Hon Chris Bishop

Minister for Infrastructure



Office of Hon Chris Bishop

Minister of Housing, Minister for Infrastructure, Minister Responsible for RMA Reform,
Minister for Sport & Recreation, Leader of the House, Associate Minister of Finance

Email: christopher.bishop@parliament.govt.nz Website: www.beehive.govt.nz

Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

Hon Penny Simmonds

Minister for the Environment
Minister for Vocational Education
Associate Minister for Social Development and Employment



22 April 2025

PS-COR1122

Hon Chris Bishop
Minister for Infrastructure
By email: c.bishop@parliament.govt.nz

Dear Minister Bishop,

Thank you for the invitation to provide comments on the application for referral of the Powerhouse Funicular Railways Queenstown Regional Development project to an expert panel under section 17 of the Fast-track Approvals Act 2024.

From an initial review of the referral application, I have some concerns about the level of information provided to determine the significance of potential adverse environmental effects on the Outstanding Natural Landscape (ONL) where the project is proposed. I note in particular the very high-profile location on the slopes around Lake Wakatipu. The proposal areas would likely be visible from lakeside areas of Queenstown and to recreational users of the lake and surrounding outdoor areas.

Previous referral applications I have been invited to comment on have generally provided at least a short memorandum containing high-level initial conclusions from relevant identified and suitably qualified experts. In this instance, the applicant has offered potentially their own assessment that the effects will be “moderate” and has not attributed those views. They have also noted that they prefer to hold off on the detailed design and expert assessments until they have more certainty that the project will be referred.

My view is that without a more detailed landscape assessment from a suitably qualified expert, it is unclear how the potential for significant adverse effects on the ONL can be ruled out.

The applicant will be required to provide more detailed assessments at the substantive stage. However, in my view, it would be more efficient to identify as soon as possible if there are likely to be significant adverse effects on the ONL. This would enable appropriate strategies to avoid, remedy or mitigate them to be considered throughout the detailed design process for the proposal prior to lodging the substantive application.

This would then likely simplify the matters which the expert panel would ultimately need to consider and allow that stage of the process to run more smoothly.

Thank you again for the opportunity to provide comments on this referral application.

Your sincerely,

Hon Penny Simmonds
Minister for the Environment

Your written comments on a project under the Fast Track Approvals Act 2024

Project name	Powerhouse Funicular Railways Queenstown Regional Development
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Before the due date, for assistance on how to respond or about this template or with using the portal, please email contact@fasttrack.govt.nz or phone 0800 FASTRK (0800 327 875).

All sections of this form with an asterisk (*) must be completed.

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
Organisation name (if relevant)			
*First name	Hon Louise		
*Last name	Upston		
Postal address			
*Contact phone number		Alternative	
*Email	s 9(2)(a) 		

2. Please provide your comments on this application
<p>The Minister for Tourism and Hospitality agrees with MBIE comment:</p> <p>It is likely that this project will contribute, to some extent, the Government's goal of growing the value of tourism although the scale of this project is unlikely to be significant at a national level.</p> <p>The government also aims to increase the regional dispersal of tourism, into more regions and during non-peak periods. Increased accommodation and event venue developments are also helpful when NZ is bidding to host major and mega events, and as such, MBIE are therefore generally supportive of such private sector investments being fast-tracked.</p> <p>MBIE notes that many of the tourism projects are concentrated in the Queenstown/Wānaka region so won't significantly increase regional diversity. Given this concentration there may be potential workforce and social license risks, if they were all proceed at the same time which could have a negative impact on tourism overall.</p>

Note: All comments will be made available to the public and the applicant when the Ministry for the Environment proactively releases advice provided to the Minister for the Environment.

Hon Tama Potaka

Minister of Conservation
Minister for Māori Crown Relations: Te Arawhiti
Minister for Māori Development
Minister for Whānau Ora
Associate Minister of Housing (Social Housing)



Ref: CORTP-3646/FTAA-2502-1025

30 April 2025

Hon Chris Bishop
Minister for Infrastructure
email: infrastructure.portfolio@parliament.govt.nz

Tēnā koe Chris

Thank you for your email of 28 March 2025 inviting me to comment on the fast-track referral application for the Powerhouse Funicular Railways Queenstown Regional Development.

I have no comments to provide on this application.

I understand the Department of Conservation will provide comments on the referral application as a relevant administering agency in respect of the proposal.

I trust the information they provide will help support you in your decision on this referral application. In the event that you approve the referral application, my team stands ready to gather information to support a panel's decision on a substantive application, as required.

Mauriora

A handwritten signature in blue ink that reads "Tama Potaka".

Hon Tama Potaka
Minister of Conservation

Your written comments on a project under the Fast Track Approvals Act 2024

Project name	Powerhouse Funicular Railways Queenstown Regional Development
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Before the due date, for assistance on how to respond or about this template or with using the portal, please email contact@fasttrack.govt.nz or phone 0800 FASTRK (0800 327 875).

All sections of this form with an asterisk (*) must be completed.

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
Organisation name (if relevant)	Otago Regional Council		
*First name	Joanna		
*Last name	Gilroy		
Postal address	70 Stafford Street Private Bag 1954 Dunedin 9054		
*Contact phone number	s 9(2)(a)	Alternative	0800 474 082
*Email	s 9(2)(a)		

2. Please provide your comments on this application
If you need more space, please attach additional pages. Please include your name, page numbers and the project name on the additional pages.

Note: All comments will be made available to the public and the applicant when the Ministry for the Environment proactively releases advice provided to the Minister for the Environment.

Thank you for your invitation to provide written comments on the application for referral of the Powerhouse Funicular Railways Queenstown Regional Development project under the Fast-track Approvals Act 2024. This application was reviewed by elected members delegated to participate in the fast-track process and teams across the Otago Regional Council (ORC). Please see below comments on this application.

Competing Applications

- 1. Any applications that have been lodged with the Council that would be a competing application or applications if a substantive application for the project were lodged. If no such applications exist, please also confirm this in writing.**

There are no competing applications at this location at the time of preparing these comments.

- 2. In relation to projects seeking approval of a resource consent under section 42(4)(a) of the Act, whether there any existing resource consents issued where sections 124C(1)(c) or 165ZI of the Resource Management Act 1991 (RMA) could apply, if the project were to be applied for as a resource consent under the RMA. If no such consents exist, please also confirm this in writing.**

165ZI: No such consents.

124C(1)(c): Outlined in Table 1 and Figure 1 below

Table 1: Existing Consents

Consent Number	Content Type	Consent Status	Consent Holder	Activity Purpose	Location of Activity
RM17.371.1	Discharge permit	Current - for a term expiring 20 April 2053	Skyline Enterprises Limited	To discharge stormwater to land in circumstance where contaminants may enter water for the purpose of stormwater management	Ben Lomond Recreation Reserve, Bobs Peak, Queenstown
RM17.371.2	Land use consent	Expired	Skyline Enterprises Limited	To disturb the bed of a water course to install structures in the bed of a water course	Ben Lomond Recreation Reserve, Bobs Peak, Queenstown
RM19.082	Discharge permit	Current - for a term expiring 11 June 2054	Skyline Enterprises Limited	To discharge contaminants to air for the purpose of operating a backup diesel generator	Approximately 325 metres north northwest of the intersection of Brecon Street and Cemetery Road, Queenstown

Otago Regional Council Comment on the Powerhouse Funicular Railways Queenstown Regional
Development Fast-track Application

RM19.112	Discharge permit	Current – for a term expiring 29 May 2054	Skyline Enterprises Limited	To discharge contaminants to air for the purpose of operating a backup diesel generator	Approximately 750 metres north northwest of the intersection of Brecon Street and Cemetery Road, Queenstown
RM24.159.1	Land use consent	Current - for a term expiring 5 September 2049	Queenstown Lakes District Council	To (retrospectively) erect a debris flow barrier in Reavers Creek	Reavers Creek, approximately 120 metres west of the intersection of Reavers Lane and Huff Street, Queenstown
RM24.159.2	Land use consent	Current - for a term expiring 5 September 2025	Queenstown Lakes District Council	To (retrospectively) alter the bed of a river and extract debris and alluvium during construction of the debris flow barrier in Reavers Creek	Reavers Creek, approximately 120 metres west of the intersection of Reavers Lane and Huff Street, Queenstown
RM24.159.3	Discharge permit	Expired	Queenstown Lakes District Council	To (retrospectively) temporarily discharge sediment to water during construction of a debris flow barrier	Reavers Creek, approximately 120 metres west of the intersection of Reavers Lane and Huff Street, Queenstown
RM24.159.4	Water permit	Expired	Queenstown Lakes District Council	To temporarily divert water during construction of a debris flow barrier	Reavers Creek, approximately 120 metres west of the intersection of Reavers Lane and Huff Street, Queenstown
RM24.254.01	Land use consent	Current - for a term expiring 25 November 2029	Queenstown Lakes District Council	Construction of a defence against water (retrospective) for the purpose of natural hazard remediation and mitigation	Ben Lomond Recreation Reserve and Reavers Creek; approximately 600 metres West South West from the intersection of

Otago Regional Council Comment on the Powerhouse Funicular Railways Queenstown Regional
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					Reavers Lane and Huff Street
RM24.254.02	Discharge permit	Current - for a term expiring 25 November 2029	Queenstown Lakes District Council	Discharge of sediment to land that may enter water during construction works (partially retrospective)	Ben Lomond Recreation Reserve and Reavers Creek; approximately 600 metres West South West from the intersection of Reavers Lane and Huff Street
RM24.254.03	Land use consent	Current - for a term expiring 25 November 2029	Queenstown Lakes District Council	Retrospective placement and use of culverts for stormwater management	Ben Lomond Recreation Reserve and Reavers Creek; approximately 600 metres West South West from the intersection of Reavers Lane and Huff Street
RM24.493	Land use consent	Current - for a term expiring 18 December 2029	Skyline Enterprises Limited	To disturb the bed of Reavers Creek and an unnamed ephemeral scour channel for the purpose of natural hazard remediation and mitigation	Reavers Creek, approximately 300 metres southwest from the terminus of Huff Street, Queenstown
RM24.495.01	Land use consent	Current - for a term expiring 22 December 2029	Skyline Enterprises Limited	To remove a temporary debris flow barrier (Upper Debris Flow Barrier) for the purpose of natural hazard remediation and mitigation works.	Ben Lomond Recreation Reserve, Queenstown
RM24.495.02	Discharge permit	Current - for a term expiring 22 December 2029	Skyline Enterprises Limited	To discharge contaminants to land in a manner that may enter water for the purpose of natural hazard remediation and mitigation works.	Ben Lomond Recreation Reserve, Queenstown

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RM24.539.01	Land use consent	Current - for a term expiring 18 November 2029	Skyline Enterprises Limited	To disturb the bed of an ephemeral watercourse for the purpose of natural hazard remediation and mitigation	Unnamed watercourse known locally as Cemetery Gully, approximately 100 metres southwest of the terminus of Brecon Street, Queenstown
RM24.539.02	Discharge permit	Current - For a term expiring 18 November 2029	Skyline Enterprises Limited	To discharge sediment-laden water to land in a manner that may enter water, for the purpose of natural hazard remediation and mitigation.	Unnamed watercourse known locally as Cemetery Gully, approximately 100 metres southwest of the terminus of Brecon Street, Queenstown



Figure 1: Location of existing resource consents (Otago Maps)

Specific matters to address

3. Does the Council agree with the applicant's statements that the proposed funicular railways align with the definition of 'rapid transit services' and 'nationally significant infrastructure' under the National Policy Statement for Urban Development 2020?

rapid transit service means any existing or planned frequent, quick, reliable and high-capacity public transport service that operates on a permanent route (road or rail) that is largely separated from other traffic

ORC considers that the proposal could be considered to be rapid transit, and therefore nationally significant infrastructure, if it were an integrated part of the public transport network and had been designed and planned to work with the existing network. In this case however, there has been no network planning undertaken to understand how the funicular will connect to existing networks, nor the impact on them.

While frequent, reliable and high-capacity funicular railways are proposed in this application, we wish to note that:

- there is currently no rapid transit service planned in any ORC or QLDC land use or transport plan due to inadequate demand, existing or planned, for such a service in this location.
- the typical end-to-end journey time of a funicular trip cannot be expected to be quick due to most trip origins and destinations being located a far enough distance from the funicular that significant walking, an additional leg of public transport, or a leg of private vehicle travel will likely be required.

ORC considers that there is a risk these services will not operate at the intended high capacity due to their inability to replace enough private vehicle trips. Projections on the proposal's resulting mode shift should be included in the application. The desired demand for these services would be challenging to realise due to the following factors, which ORC recommends the applicant considers in any application:

- the private vehicle dependent design of the proposed Fernhill Heights suburb and existing urban development across the wider Wakatipu Basin
- the funiculars' lack of integration into the existing transport network
- the funiculars' lack of connection to key urban centres such as Queenstown town centre and Frankton.

4. Does the Council agree with the applicant's statement that the proposed Bowen Peak ski infrastructure meets the definition of 'regionally significant infrastructure' in the Proposed Otago Regional Policy Statement?

Yes, the Council agrees. The pORPS definition of "regionally significant infrastructure" at clause (14) includes "ski area infrastructure". The pORPS defines "ski area infrastructure" as per below:

Otago Regional Council Comment on the Powerhouse Funicular Railways Queenstown Regional
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Ski area infrastructure	has the same meaning as in the clause 3.21(1) of the National Policy Statement for Freshwater Management 2020 (as set out in the box below) <div><i>infrastructure</i> necessary for the operation of a ski area and includes: transport mechanisms (such as aerial and surface lifts, roads, and tracks); facilities for the loading or unloading of passengers or goods; facilities or systems for water, sewerage, electricity, and gas; communications networks; and snowmaking and snow safety systems</div>
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Although the Bowen Peak proposal meets the technical definition of “ski area”, it will be smaller than other ski areas in the District.

The referral form notes at section 3.7.6 that the planned ski area is proposed to be a mountain bike park in the autumn, summer and spring months, and this approach will allow use of the area for ongoing commercial recreation if natural snowfall declines. If the area ceases to be used as a ski area in future, it will no longer be captured by the definition of “ski area infrastructure”.

Other considerations

Please see comments on other considerations below, which relate to:

1. Resource Consents
2. Natural Hazards
3. Transport Matters and Policy Context
4. Policy
5. Strategy (ORC’s Strategic Directions 2024-2034, 2024 Climate Strategy, and Air Quality and Indigenous Biodiversity strategies)
6. Contaminated Land
7. Ecology

1. Resource Consents

Based on a review of the documents supplied, there may be other resource consents required. These are outlined in the below table.

Council has a range of standard conditions that are typically applied to the consents outlined above. A copy of these standard conditions is available upon request.

Area	Comments
Wetlands	Any wetland over 800 metres is a Regionally Significant Wetland. Consideration needs to be given to the rules of Chapter 12 and 13 if there are any Regionally Significant Wetlands within / near the project envelope. There are potential

Otago Regional Council Comment on the Powerhouse Funicular Railways Queenstown Regional
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	consent requirements under the Regional Plan: Water for activities in or near a Regionally Significant Wetland. Some activities are Non-Complying or Prohibited in the Regional Plan: Water. If there are any Natural Inland Wetlands within / near the project envelope, the rules of the NES-Freshwater would also need to be considered.
Bores and dewatering	If temporary dewatering of groundwater from any excavations is required, consent would be required under the Regional Plan: Water for construction of a bore. Depending on the nature of the dewatering (e.g., rate of take), consent for the taking of groundwater might also be required. If there were to be any long-term dewatering e.g. for dewatering of foundations near the lake, consent for a bore (and potentially for a groundwater take) would similarly be required.
Residential earthworks	<p>Due to the scale of earthworks, consent for residential earthworks would be required. Consent would not be required for the entire activity. It would only apply to earthworks associated with residential development:</p> <p>Residential development means:</p> <p><i>The preparation of land for, and construction of, development infrastructure and buildings (including additions and alterations) for residential activities and includes retirement villages. It excludes camping grounds, motor parks, hotels, motels, backpackers' accommodation, bunkhouses, lodges and timeshares. The terms development infrastructure, residential activity, and retirement village are defined in the National Planning Standards.</i></p>
3 Waters requirements	Reticulated supply / services from QLDC are anticipated for the project except for the remote facilities (e.g., public toilets and accommodation for upper station funicular). At this stage, it is unclear how these remote facilities are to be serviced. Therefore, no further comment can be made at this stage.
Contaminated sites	The powerhouse surrounds are identified as a HAIL site. There will be an investigation by a suitably qualified person as part of the application. Disturbance of a contaminated site would require Consent under Rule 5.6.1 the Regional Plan: Waste.
Watercourses	<p>Structures over watercourses (fibreglass boardwalk from the powerhouse up to midway clearing along one mile stream) are proposed. There are rules in the Regional Plan Water related to such structures. Consent may be required.</p> <p>The Applicant indicated that there are no streams in the area of residential development but there are some gullies that potentially contain ephemeral waterways. Works in the streams, such as culverts, reclamation, diversions, disturbance, would in most cases require consent.</p>

2. Natural Hazards

The comments below are from a natural hazards perspective, informed by review of the application documents, and natural hazards information for this location held by Otago Regional Council. Similar comments have already been provided to the applicant.

It appears that Bowen Peak Ltd have not yet undertaken any natural hazard or geotechnical investigations, as the fast-track application notes that “natural hazard assessment will be undertaken as part of the substantive application”. The applicant should be prepared to address the questions copied as Figure 2, relating to the adequacy of the natural hazard/risk analysis and proposed approaches to natural hazard management.

Information Box 2 – Questions for Applicants

Preliminary questions that planners need to ask when a development proposal is first being considered (i.e. at a resource consent pre-application meeting):

- Does the area have a history of landslides or slope instability problems?
- Are there any other hazard concerns in the area?
- Is there adequate landslide susceptibility, hazard and risk analysis information available? What level is the analysis (Level A through to Level E)?
- Have both earthquake- and rainfall-induced landslides been addressed in the analysis?
- Have the potential effects of climate change been considered in the analysis?
- Has any landslide analysis undertaken been through a peer-review process?
- Has all relevant landslide information and sources of landslide susceptibility, hazard and risk information been taken into account by the applicant?
- How likely is it that landslides will affect major and/or significant portions of the application area?
- Have any landslide risks been adequately addressed?
- Have any identified landslide risks been adequately treated to reduce risks to tolerable or acceptable levels?

Figure 2: Prompt questions relevant to natural hazard assessment and management (from GNS Science 2024, Landslide Planning Guidance).

The area is exposed to multiple types of natural hazards, and the predominant hazard types to be aware of in this area are related to slope stability (landslide, rockfall, possibly debris flow), flooding and wildfire. ORC does not hold any site-specific natural hazards information for the proposed development site, however several larger-scale studies indicate the likely presence of a potential slope stability hazards in parts of the project area, in particular:

- Several existing landslide features are mapped in this wider Fernhill-Bowen Peak area,¹ and within the existing Fernhill suburb, there have been at least 17 Natural Hazards Commission (formerly EQC) claims settled since 1997 for either ‘landslip’ or ‘storm and flood’ damages.²

¹ ORC natural hazards portal, landslides and fan landform layers.

² <https://www.naturalhazardsportal.govt.nz/s/claims-map>

Otago Regional Council Comment on the Powerhouse Funicular Railways Queenstown Regional
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- Parts of the area are identified as having a 'high' landslide susceptibility in a study completed for QLDC (Figure 3).^{3 4}
- Mapping of rockfall awareness areas⁵ illustrates potential for rockfall activity at locations in the One and Two Mile Creek catchments, including within the proposed new Fernhill Heights suburb (Figure 4).
- Geomorphic mapping⁶ shows areas of 'fan recently active' in the lower reaches of both One Mile Creek and Two Mile Creek, which may be exposed to alluvial (i.e. flooding) processes (Figure 5).

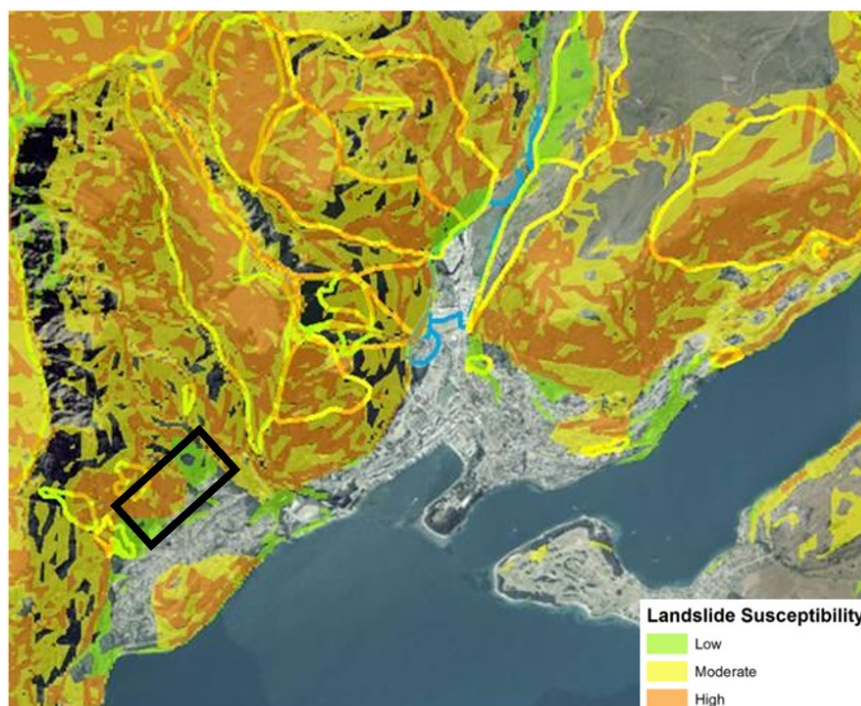


Figure 3: Landslide susceptibility in the Queenstown area, with locations of existing landslide features outlined yellow (Wild, 2017). The approximate extent of the proposed new Fernhill Heights suburb is annotated.

³ Tonkin + Taylor Ltd and AON, 2017. Queenstown Lakes District Council - Earthquake Loss Estimate for Infrastructure Assets.

⁴ Wild A, Russell J and Zou J, 2017. Probable Loss Estimation of Infrastructure due to Landslide Hazard: An Example of Geotechnical Risk Assessment.

⁵ Easterbrook-Clark LH, Massey CI and Cox SC, 2022. Otago Regional Rockfall Screening Study. GNS Science report 2022/67.

⁶ Barrell DJA, Cox SC, Greene S, and Townsend DB, 2009. Otago Alluvial Fans Project: Supplementary maps and information on fans in selected areas of Otago. GNS Science report 2009/52.

Otago Regional Council Comment on the Powerhouse Funicular Railways Queenstown Regional
Development Fast-track Application

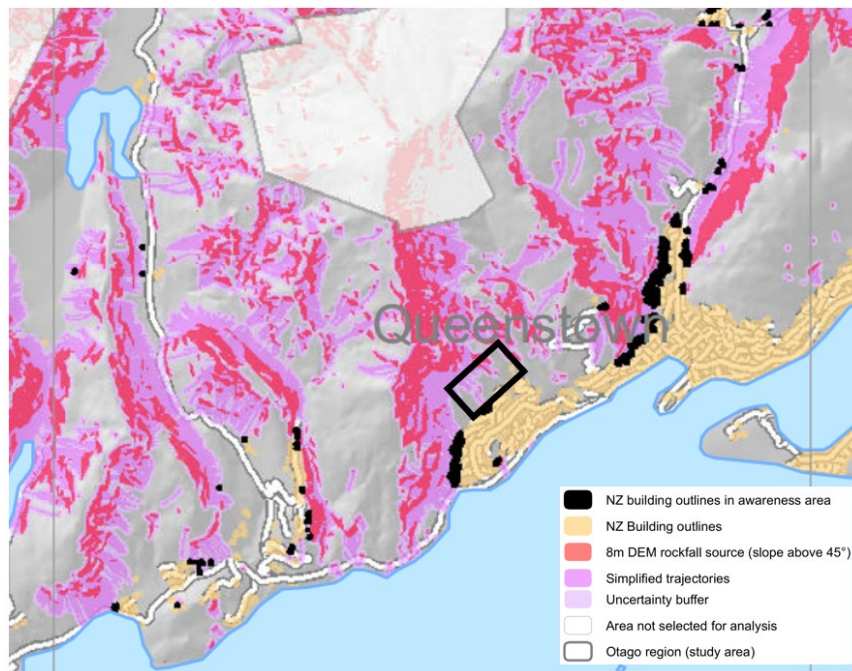


Figure 4: Rockfall awareness mapping in the Queenstown area (Easterbrook-Clark et al, 2022). The approximate extent of the proposed new Fernhill Heights suburb is annotated.



Figure 5: Geomorphic mapping in the One and Two Mile Creek area (Barrell et al, 2009). The areas mapped as 'fan recently active' (dark green) may be exposed to flooding hazards.

⁸ NZGS, 2024, Slope stability geotechnical guidance: Unit 1 General guidance (<https://www.nzgs.org/libraries/slope-stability-unit-1/>)

Otago Regional Council Comment on the Powerhouse Funicular Railways Queenstown Regional
Development Fast-track Application

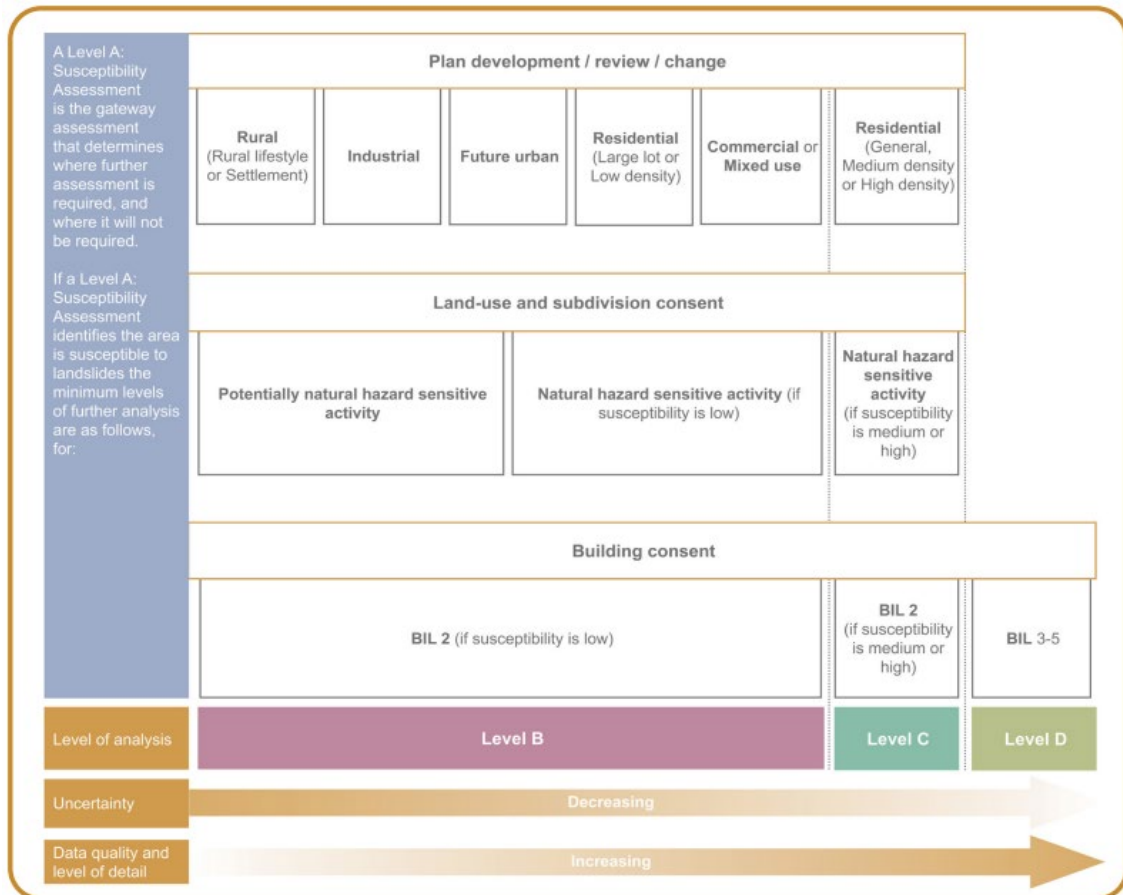


Figure 7: Different levels of analysis recommended for plan development/review/change, land-use and subdivision consent and building consent (GNS Science landslide guidance, 2024).

Natural Hazards Risk Management

Development of comprehensive natural hazards management plans will be required for all natural hazards present. This is to demonstrate that risks can be suitably managed for residents, dwellings and infrastructure, including during construction. This should include consideration of the residual risks and their tolerability.

Additional comments relating to natural hazards management are outlined below:

- Effects of vegetation clearance, construction activities and earthwork, or stormwater management on existing natural hazards should be assessed and measures to avoid, remedy or mitigate these effects should be included in the application. It is expected that the substantive application will include a hazard management plan which demonstrates that these aspects of development can be appropriately managed.
- Wilding pine removal, if required, should be carefully managed to ensure vegetative debris does not enter the stream channels where it may be transported downstream contributing to

issues associated with accumulation of 'slash' debris (e.g. channel blockage, damages to infrastructure, etc.). The application should include a wilding conifer removal/management plan outlining the proposed approach to management of these potential issues.

- Proposed Fernhill Heights suburb (concept sketch p.16 of economic assessment): Several existing landslide features are mapped in the area of proposed development, and slopes appear to be steeper than the existing Fernhill suburb – the design for the location of residential dwellings, infrastructure and access roads will have to carefully consider potential exposure to, and management of, potential landslide/rockfall/debris flow hazards.
- The concept sketch for the Powerhouse Precinct (p.9 in the economic assessment) shows at least three footbridges crossing One Mile Creek. These bridges should be sized to ensure they have sufficient capacity to pass flood flows and debris. The sketch also shows a hospitality building located immediately adjacent to the southern bank of One Mile Creek – the design should take into account potential floodwater hazard, to ensure the building is not adversely impacted by flooding.
- Wildfire risk is mentioned several times in the application, we agree these risks and their management should be assessed carefully given the area is designated as a High Fire Risk Zone by FENZ. Large-scale vegetation removal may assist with reducing wildfire risk, but conversely may exacerbate slope stability issues – hazard management planning will need to take an integrated 'all-hazards' approach which considers these trade-offs for the best overall outcome.

3. Transport Matters and Policy Context

The ORC Transport and Policy teams have jointly prepared comments to provide integrated land use and transport planning feedback.

Transport Comments

Aligned with the comments in ORC's pre-application meeting follow-up letter to the Applicant (18 March 2025), further evidence is needed to demonstrate that any of the proposed project components, such as the Fernhill Heights suburb, Suburban funicular, Saddle funicular, Powerhouse precinct and Bowen Peak ski area, positively contribute to the wider transport network as stated in the referral application (3.4.3). We strongly advise the applicant to undertake an integrated transport assessment to determine the proposed development's overall viability within the Queenstown transport network and eligibility as a fast-track project.

The Transport team raises the following concerns surrounding the proposed project for the Minister's consideration as per the Fast-track Approvals Act 2024 Section 22(a):⁹

⁹ Fast-track Approvals Act 2024 No 56, Public Act 22 Criteria for assessing referral application – New Zealand Legislation

- **Well-functioning urban environments contribution:** as proposed, we question the proposed project's contribution to well-functioning urban environments.¹⁰ The development would not succeed in providing "good accessibility for all people between housing, jobs, community services [...] including by way of public or active transport" under the NPS-UD Policy 1(c) due to its large share of residential land use and lack of integration into the wider public transport network, resulting in Fernhill Heights residents requiring use of the Queenstown roading network to access jobs and community services.
- **Climate change mitigation:** more evidence is required to demonstrate the proposed funicular railways will replace enough private vehicle trips to "support climate change mitigation."
- **Local and regional plans consistency:** as the Policy team's comments detail below, the proposed development does not fall within the Queenstown Spatial Plan's priority development areas.¹¹ Moreover, ORC Transport has not planned to increase Fernhill's public transport services to accommodate the urban growth in the proposed Fernhill Heights suburb.

Detailed comments on the proposed development's transport viability and impacts for the Minister's consideration are offered below:

- **Impacts on road network**
 - The Economic Assessment (Appendix A) estimates the project would add up to 575 jobs, resulting in most Fernhill Heights residents commuting beyond Fernhill on the wider road network. Beyond accessing employment, residents would also have to travel outside Fernhill for education, medical, education, shopping and social activities.
 - While the Suburban funicular may provide a rapid transit service to the Powerhouse precinct, most trip destinations would likely be outside its walking catchment. As a result, a large portion of users would use the road network (via public transport bus service or private vehicle) to reach their destinations.
 - Therefore, for the reasons above, the referral application provides no evidence that a project dominated by a single use residential development of this scale would not have impacts on the wider network. We do not concur the indicative assessment that the project would have a positive effect on Queenstown's transport (3.4.3 of the referral form). We would expect an integrated transport assessment of the project's impact on the road network prior to a substantive application.

¹⁰ National Policy Statement on Urban Development 2020

¹¹ Spatial Plan - QLDC

- **Existing road network capacity**

- The Queenstown Transport Business Case (2020) found that much of the Queenstown road network is at or near capacity, including SH6, SH6A and town centre roads. Additional trips from Fernhill Heights on SH6A would worsen the already concerning traffic modelling forecast, which found that, "by 2028 [...] average conditions will be similar to current peak travel times and peak periods will experience regular gridlock with car."¹² Because the road network cannot accommodate additional capacity, more evidence on the proposed development's impact on the wider road network is required.

- **Existing PT network capacity**

- Existing PT does not have the capacity to support the Fernhill Heights suburb. Currently, Fernhill and Sunshine Bay are serviced by the Route 1 bus, a frequent service running at a 15-minute peak, which reaches capacity at peak times. In the last several years, this service has seen significant patronage growth from Fernhill residents even without a significant increase in housing, implying that PT is increasingly the preferred travel choice.¹³ From 2018 to 2024, PT trips leaving Fernhill in the AM peak and entering Fernhill in the PM peak have increased 12% and 14% respectively. Between 2024 and 2039, our models predict trips leaving Fernhill in the AM peak and entering Fernhill in the PM peak will increase another 4% and 10% respectively.
- Additional capacity in the PT network is scheduled from 2028. The proposed service/capacity improvements are designed to cater for travel choice and growth, as anticipated in the QLDC Spatial Plan. The proposed new investments to provide for growth and travel choice are currently not co-funded (from the National Land Transport Fund). This current planned additional capacity of articulated buses to Route 1 from 2028 does not include provision for the additional demand that would be generated by the Fernhill Heights' 2000+ additional units.
- In this way, the proposed project does not align with the ORC Long-Term Plan and the form and location of the proposal is not aligned to where we would look to extend services.¹⁴

- **Fernhill Heights suburb PT viability**

- The non-linear layout and steep topography would not support viable public transport services on the road network (e.g. buses or shuttles). We would not seek

¹² 5ab-queenstown-business-case-summary-report.pdf

¹³ Queenstown Public Transport Business Case | Otago Regional Council

¹⁴ orc.govt.nz/media/rttlfnp/long-term-plan-2024-34-deloitte-25-july-rdc-1.pdf

to provide a PT service as the development does not meet our criteria for PT provision outlined in Section 5.2.4 of the Otago Regional Public Transport Plan (2021).¹⁵

- Therefore, as proposed, ORC does not support the design of the Fernhill Heights suburb from a transport perspective due to its lack of integration with the existing network. In particular, we note the lack of walkability to the funicular, or the existing PT network, for a significant number of residents.
- Figure 3 of the Economic Assessment (Appendix A) demonstrates a large portion of residents would live more than a 10-minute walk¹⁶ from a Suburban funicular or existing PT stop. Due to the suburb's non-linear layout and steep topography, as well as the short length of the Suburban funicular, we question whether a significant number of residents would be willing to walk to access PT.
- As shown in Appendix E, the inclusion of double car garages in the current chalet design would encourage high rates of private vehicle access. Based on similar residential design elsewhere in NZ it can be assumed that this will likely incentivise private vehicle travel as the preferred mode. We consider that this would not support the high uptake of PT required to realise the funicular's capacity.

- **Powerhouse precinct**

- The Transport team does not concur with the referral form's claim that this car park "will result in positive traffic effects for wider Queenstown" (3.4.3). We consider that the car park would incentivise people living outside Fernhill to use private vehicles on Queenstown's wider road network to access the Saddle funicular. The 500-car carpark in the Powerhouse precinct would disincentivise PT use and undermine options to coordinate the funicular with the PT network. We consider that vehicles accessing the car park will add to congestion issues on Beach Street/Lake Esplanade, increasing travel times for our frequent Fernhill bus route.
- We are not the road controlling authority and therefore do not have good insight into the timeline and funding for the construction of the Arterial Stage 3 project. Without visibility of that project, we are concerned about the potential impacts the proposal will have on the traffic conditions along Beach Street/Lake Esplanade and Fernhill Road as the route of our current PT and planned service improvements.

¹⁵ orc_rtp_document_final-july-2021_online.pdf

¹⁶ A 10-minute walk time is the NZTA-endorsed walking catchment for high frequency public transport stops
Walking | NZ Transport Agency Waka Kotahi

- **Projected funicular capacity**

- We seek more information on the funiculars' forecasted trip generation, not just the maximum capacity. While the Suburban funicular's carrying capacity of 60% of the estimated 2,180 Fernhill Heights residents (1,308 people) appears promising, we would like to see evidence that this capacity would be realised given the design of the suburb and funicular's limited integration with the wider PT network.

- **Accessibility of recreation activities via the Saddle funicular**

- The Transport team supports PT being the preferred transport choice for accessing Queenstown's ski fields and mountain biking where viable. For people to viably access the Saddle funicular using PT, rather than private vehicles, we would like the Powerhouse precinct's integration with the wider PT network to be a priority.

4. Planning and Policy

Consistent with the Policy team's feedback in ORC's pre-application meeting follow-up letter to the Applicant (18 March 2025), Policy continues to consider that the substantive application should address the policy issues raised in more detail. Specifically, further assessment is needed of how the proposal aligns with local and regional planning documents.

Earlier Policy comments noted that ORC has had input to assist QLDC to develop its Spatial Planning framework, and has responsibilities, along with QLDC, for urban development matters under the National Policy Statement for Urban Development 2020.

Three elements of the Queenstown Spatial Plan¹⁷ were raised as being relevant for more detailed assessment in the substantive application:

- Fernhill is not identified as a priority development area in the Queenstown Spatial Plan (as noted by the applicant at 2.6.2.12 of the referral form). Identified priority development areas are the Southern Transit Corridor, Five Mile Urban Corridor, Ladies Mile, and Queenstown Town Centre to Frankton Corridor
- Queenstown's Spatial Plan identifies "Changing Climate" as a challenge for the region and states that Queenstown Lakes is expected to become hotter and drier and the amount of snow is expected to reduce significantly (see p45)
- Queenstown's Spatial Plan identifies that the area's economy is very concentrated and reliant on tourism, and there is a need to proactively diversify in order to improve economic resilience, productivity and wages (see p43 under the heading "Economic Diversification")

In regards to the above, Policy notes that the Transport team's comments raise issues with impacts on the wider transport network and the challenges of providing a viable public transport network to

¹⁷ Spatial Plan - QLDC

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the proposed development. These issues highlight the importance of providing more detail in the substantive application about how the proposed development will integrate with existing urban areas, particularly as Fernhill is not identified as a priority development area in the Queenstown Spatial Plan.

Earlier Policy comments also noted that there are relevant matters the proposal needs to assess against the ORC's Regional Policy Statements (operative RPS 2019 (RPS19)¹⁸ and proposed Otago Regional Policy Statement (pORPS):¹⁹

- RPS19 and pORPS – Natural Features and Landscapes provisions/chapter – further consideration of how the proposal will protect the Outstanding Natural Landscape (ONL)
- RPS19 and pORPS – Hazards and Risks provisions/chapter – further consideration of hazard risks (specifically, how the policy framework is met)
- pORPS – Urban Form and Development chapter – further consideration of how the proposal will integrate effectively with surrounding urban areas and rural areas, and support climate change adaptation and mitigation
- RPS19 and pORPS – Ecosystems and Indigenous Biodiversity provisions/chapter – further consideration of how the proposal will meet the chapter objectives and other provisions, including in particular how mana whenua will exercise their role

In regards to the above, Policy notes that the following pORPS provisions are particularly relevant and should be considered in more detail in the substantive application:

UFD-O1 – Development of urban areas

This objective envisages that development and change of urban areas occurs in a strategic and coordinated way, which (among other things):

- integrates effectively with surrounding urban areas and rural areas
- results in a consolidated, well-connected and well-designed urban form which is integrated with infrastructure

UFD-P4 – Urban expansion

This policy provides that expansion of existing urban areas may occur where, at a minimum, the expansion (among other things):

¹⁸ 2019 Otago Regional Policy Statement

¹⁹ 15425-tracked-appeals-version-porps-21.pdf

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- achieves consolidated, well designed and sustainable development in and around existing urban areas
- is integrated efficiently and effectively with development infrastructure and additional infrastructure in a strategic, timely and co-ordinated way

“Development infrastructure” is defined in the pORPS to include land transport controlled by a local authority. Given the Transport team’s comments raising issues with lack of alignment with the Queenstown Public Transport Business Case, lack of capacity on the existing public transport network, and impacts on the wider transport network, Policy considers that the above provisions relating to integration are particularly important to assess in more detail in the substantive application.

Natural Hazards Policy

The direction of the proposed ORC Regional Policy Statement²⁰ in relation to natural hazards should be noted. For new activities, Policy P3 states:

HAZ-NH-P3 – New activities

Once the level of natural hazard risk associated with an activity has been determined in accordance with HAZNH-P2, manage new activities to achieve the following outcomes:

(1) significant natural hazard risks are avoided,

(2) when the natural hazard risk is tolerable, manage the level of risk so that it does not exceed tolerable and

(3) when the natural hazard risk is acceptable, maintain the level of risk.

We would expect that a detailed analysis of how this project aligns with the policy direction provided by the RPS will be included in the substantive application and supporting reports that address both the nature, and potential avoidance remediation and mitigation, of natural hazard risk associated with this development on this site.

5. Strategy

Council has considered the proposal in the context of ORC’s Strategic Directions 2024-2034, 2024 Climate Strategy, and Air Quality and Indigenous Biodiversity strategies (under review).

Given that a comprehensive assessment of effects of the proposed activities has not been undertaken, it is not possible to determine the extent to which the proposal aligns with ORC’s strategic priorities.

²⁰ Note this proposed policy wording will be revised following the appeals and mediation process.

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Components of the proposal that might be in alignment with ORC's strategic priorities include:

- Landscape-scale removal of wilding conifers, which might reduce the wilding conifer threat and risk of wildfire.
- Planting of indigenous tree species in between the chalets.
- Establishment of a new 3 ha Powerhouse Predator Free Sanctuary and a new 180 ha Ben Lomond Predator-free Sanctuary near the top of the One Mile Creek Valley.
- Recognising the above comments on transport and planning:
 - the establishment of a railway servicing the Fernhill Heights subdivision, which will reduce the need to use cars (although ample car roads and car parking will also be provided, and so uptake of the railway is questionable).
 - Railway access to the new ski/mountain bike park (although if roading and parking are also provided then uptake and, therefore, environmental benefits of the railway will be questionable).
- Powering the railways with electricity (with solar contribution).

It would be reassuring to have some sort of guarantee that certain stages of the overall proposal cannot progress until the two predator free sanctuaries have been established. Further detail on how these will be managed would also be helpful.

6. Contaminated Land

Based on the concept plan provided in the application, the Fernhill Closed Landfill falls inside the proposed development area. As indicated in the application, there are two verified HAIL sites referenced.

HAIL.00465.01 - Fernhill Closed Landfill.

The contamination status of this closed landfill was categorised as acceptable; however, based on the High Priority Landfill Investigation Report of the Fernhill Former Landfill (High Priority Landfill Investigation Report - Fernhill Former Landfill, Queenstown, Jenny Lowe, July 2000), only one upstream and one downstream sample of surface water were collected and analysed, and no soil sampling appears to have been undertaken, which implies that the site has not been investigated. The relevant HAIL Category is G3 - Landfill sites.

Based on the SEMNZ Environmental Sensitivity Ranking of Landfill Sites in the Otago Region, the depth to groundwater beneath the site is estimated at 6 metres below ground level. The SEMNZ report identified this landfill as High Priority due to the close proximity of groundwater users and the overall high total score in the Environmental Sensitivity Ranking.

Given the topography, offsite environmental receptors and the absence of soil sampling information about the landfill, there exists a risk that earthworks in the vicinity of the landfill may mobilise contaminants, therefore, further investigation of the site is justified.

HAIL 02036.01 - Lake Esplanade Mine Tailings



Figure 8: Fernhill closed landfill and lake esplanade mine tailings

According to the information contained in the application, a multistorey car park and roads are planned in the vicinity of HAIL.02036.01. Further investigation of this area is required. Historical mine tailings and races have been identified in the gully of One Mile Creek above the Lake Esplanade Road.

The relevant HAIL category is E7 – Mining industries (excluding gravel extraction), including exposure of faces or release of groundwater containing hazardous contaminants or the storage of hazardous wastes, including waste dumps or dam tailings.

Based in the information in the HAIL Database, no HAIL sites currently appear within Lot 1 DP 20613.

7. Ecology

As previously noted in ORC's pre-application meeting follow-up letter to the Applicant (18 March 2025) there is an expectation that a full ecological assessment would be completed by suitably qualified experts on the taxa and ecosystems in the area before the proposed project commences. Given the project location, threatened or at-risk plants and animals, as well as rare ecosystems, would be impacted by the proposed project.

Your written comments on a project under the Fast Track Approvals Act 2024

Project name	Powerhouse Funicular Railways Queenstown Regional Development
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Before the due date, for assistance on how to respond or about this template or with using the portal, please email contact@fasttrack.govt.nz or phone 0800 FASTRK (0800 327 875).

All sections of this form with an asterisk (*) must be completed.

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
Organisation name (if relevant)	Queenstown Lakes District Council (QLDC)		
*First name	David		
*Last name	Wallace		
Postal address	74 Shotover Street, Queenstown, Otago, 9300		
*Contact phone number	s 9(2)(a)	Alternative	
*Email	s 9(2)(a)		

2. Please provide your comments on this application

Foreword

The following constitutes Queenstown Lakes District Council (QLDC) comments in relation to the One Mile Powerhouse under Sections 17 (1)(a) and 3(a)-(b) of the Act. QLDC's technical comments are included below.

S17(3)(a) - Competing Applications

Against the s17(3)(a) criteria QLDC is not aware of any applications for activities that are similar in nature to the proposed development.

S17(3)(b) - Existing resource consents issued where s124C(1)(c) or s165ZI of the Resource Management Act 1991

QLDC is not aware of any resource consents or applications relevant to this site or proposal where s124C(1)(c) or s165ZI would apply.

S17(1)(a) - Additional Comments

Significant Regional or National Benefits

The applicant asserts that the proposed ski-field development is a key contributor to the project's regional and national benefits, aligning with its designation claim of *Regionally Significant Infrastructure* under this legislation. However, no evidence has been provided to demonstrate reliable snowfall or climatic suitability to support a viable ski-field at Bowen Peak. Consequently, QLDC has concerns that the ski-field component of this proposed development may not provide the regional and national benefits claimed, leaving potentially significant adverse effects from other aspects of the proposal, particularly the large-scale housing development (discussed further below).

This concern is compounded by the proposed staging of the development, which prioritises housing in the *Fernhill Heights* area by 2027, while the ski field and suburban funicular are not projected for completion until 2033–2035. This sequencing creates a significant risk that the claimed regional and national benefits may not materialise if the later stages of the development are either not progressed with or progressed, but the benefits do not materialise. It is also not clear the purpose of the proposed residential development. The application states this will provide housing for over 2000 people, however the application is also seeking consent for visitor accommodation. If the purpose is for this housing is to provide accommodation for the ski field, it is illogical for the buildings to precede the ski field as proposed.

Without peer-reviewed evidence confirming the ski field's viability, along with enforceable commitments to its completion within a defined timeframe and demonstrated economic and environmental feasibility, the QLDC cannot be satisfied that the project will deliver the purported benefits.

90% Proposed District Plan (PDP) treated as Operative

Approximately 90% of land under the jurisdiction of QLDC has been notified under the PDP, and 90% of the related PDP provisions to that land are to be treated as operative due to appeals being resolved. The site falls within the PDP provisions.

Landscape and Visual Amenity (adverse effects and PDP provisions)

Under the direction of the Environment Court, QLDC has in the last 3 years undertaken significant work to establish Landscape Schedules (including Priority Areas) within the PDP. The work to establish these schedules included a determination of the landscape capacity that each area has to absorb future development. As a result, each schedule states what the landscape capacity is for various activities. Throughout the process of making the PDP operative the Environment Court has given very strong direction on the importance of the districts ONLs and protecting these from inappropriate development.

The site lies within a prominent *Outstanding Natural Landscape (ONL)*, identified in the *Western Whakatipu Basin Priority Area (PA)* under the *Queenstown Lakes District Proposed District Plan (PDP)*. Appendix 1 to these comments contains a copy of the Western Whakatipu Basin PA.

Key landscape characteristics of the PA include:

- **High perceptual, physical, and associative values**, with distinctive natural composition and visibility from Queenstown, Arthurs Point, Sunshine Bay, Fernhill, and Kelvin Heights.
- **A natural and dramatic backdrop** to Fernhill and Sunshine Bay, with a strong sense of remoteness and wildness on Ben Lomond and Bowen Peak.

Relevant Landscape Capacity of the PA:

- **Visitor accommodation and tourism related activities - Extremely limited capacity** *for small-scale visitor accommodation or tourism activities, only in low-lying/discreet areas where design is low-key, integrates with landform/vegetation, and enhances access/restoration.*
- **Urban Expansions - No capacity**
- **Earthworks - Very limited capacity** *(e.g., farm tracks, adventure tourism) that protect naturalness and blend with landforms.*
- **Recreational tracks/trails - Limited capacity** *if aligned with existing networks, sympathetically designed, and paired with restoration.*
- **Passenger Lift Systems – Limited capacity** *to improve public access to focal recreational areas higher in the mountains via non-vehicular transportation modes such as gondolas (including base and terminal buildings and stations), provided they are positioned in a way that is sympathetic to the landform, are co-located with existing gondola infrastructure and designed to be recessive in the landscape*

The proposed development including 250 alpine chalets (1,040 housing units) on the highly visible slopes of Ben Lomond constitutes urban expansion, for which the PA has identified *no capacity*. Additionally, the extensive earthworks required for roads and building platforms are unlikely to preserve the landscape's naturalness or blend with the steep terrain. The scale and location of the *Fernhill Heights* housing development would directly conflict with the PA's landscape values, likely resulting in significant adverse effects that cannot be adequately mitigated.

While the PA allows limited capacity for passenger lift systems, this is contingent on sympathetic design and co-location with existing infrastructure. The proposed funicular and chairlift lines/stations, situated in undeveloped areas of Ben Lomond and Bowen Peak, would likely intrude on identified important views and significantly reduce the naturalness attributes of the landscape that provide crucial contrast to the lower urban context. Consequently, these elements are also likely to have significant adverse effects on landscape quality and character.

Given the above QLDC has significant concerns that the proposed development is not appropriate in this part of the ONL. QLDC strongly requests that the Minister takes into account the importance of the ONL and the adverse impacts on it that this development will likely result in.

Engineering Matters

Lower Precinct and Funicular

Transport and Traffic Safety

The proposed 500-space multistorey carpark, conference centre, and funicular station risk conflicting with the future *QLDC Stage 3 Bypass* alignment¹, which is subject to detailed engineering investigations and designs that are not yet wholly resolved at this time. The layout fails to demonstrate how private access roads, pedestrian flows, or coach movements for the 1,500-person conference facility can safely integrate with this arterial route. no buildings or development should be located within areas potentially required for, or affecting, implementation of this possible future public Arterial link.

Furthermore, there is currently no assurances that Stage 3 of the public Arterial Link will be created or when that might occur, and the proposed development appears fully reliant on this. QLDC is not supportive of an application that is reliant on this uncertain infrastructure delivery as Future Council Long Term Plan (LTP) deliberations may seek to use this money on other infrastructure, so the investment is not certain at this point.

As such, QLDC is of the view that no development should be reliant on this uncertain infrastructure work and that no buildings or development should be located within areas potentially required for, or affecting, implementation of this possible future public Arterial link.

Furthermore, an 'indicative' 500 space carpark building and adjacent 1500 person conference centre is shown with an indicative road link to the future QLDC Stage 3 Bypass roundabout. Insufficient detail and/or investigation has yet been provided to determine whether the concept is feasible to address the traffic generated to align with the future QLDC Bypass roundabout or whether it is at all feasible to obtain direct access to/from the arterial link and/or operate safely and efficiently. There also does not appear to be any coach parking or vehicle manoeuvring provisions which may require significant land area.

The application notes the 'Saddle funicular is designed to carry 770 people per hour' and that adequate parking provisions will need provided to support the development and avoid adverse parking effects throughout the QLDC road network and adjacent arterial routes. Insufficient detail or evidence exists to confirm that appropriate parking provisions can be made, including coaches for the conference centre, to cater for the proposed activities. It is difficult to understand how these can be provided for with current limited land availability.

An Integrated Transport Assessment (ITA) completed by a Suitably Qualified and Experienced Person (SQEP) is absent, leaving critical questions on the feasibility of the development unresolved regarding:

- Peak traffic generation.

¹ This is the third stage of the District Arterials project which provides a critical transport bypass around the central business district of Queenstown. Stages 1, 2 and 3 have been designated under the Resource Management Act 1991, and Stage 1 has been constructed and is operational.

- Intersection capacity at the current Fernhill roundabout and the roundabout once the QLDC Stage 3 Bypass is in place (if completed).
- Mitigation of spillover parking impacts on the existing roading networks of Fernhill and Queenstown's central business district area.

Regarding the Funicular multi rail development it is not clear who would own, operate, maintain and renew infrastructure relating to the Funicular transport proposal. QLDC is not in favour of vesting, running, maintaining or replacing such a bespoke transport solution for an area with less need than other Spatial Plan Priority Areas in the District. There are many planned growth areas requiring improved connectivity within the District as intimated by the Spatial Plan and providing for improved connectivity in these known areas of growth is Council's priority.

Hazards

The funicular's structural resilience is unverified for the site's extreme natural hazards. Its alignment crosses an active fault line and a major landslide zone, yet no geotechnical reports confirm that support piles can withstand seismic activity or debris flows. Similarly, the lower precinct's location on an alluvial fan and historic landfill lacks flood modelling or contamination mitigation plans, despite clear inundation and instability risks during storm events. No evidence confirms that the funicular or associated infrastructure will be elevated, sited or designed to withstand such hazards.

Fernhill Heights Residential Development

Transport and Traffic Safety

Without an ITA feasibility study it has not been demonstrated that the existing and/or proposed road network can safely integrate the proposed development traffic movements.

The proposed road network's feasibility is questionable given the site's steep average gradient (1:2.6). Preliminary designs include ten bridges, the development spans 3 major gullies and may require many more bridges to avoid damming or partially constricting the gullies, especially the upper gulley reaches. Insufficient engineering detail and/or investigation is yet provided to determine whether the precinct bridging concept is feasible to co-exist with the gullies and associated hazards which are discussed further below.

The extension of private roads into reserve land lacks survey or geotechnical justification, and safety concerns exist regarding the funicular's crossing points over these roads.

Furthermore, with chalets proposed up to 860 Meters Above Sea Level (masl), well above Queenstown's typical 600masl public road network, the development would require unprecedented Council investment in ice management. Given the terrain's steepness, bridge-heavy layout, and natural hazard exposure, vesting these roads to QLDC is likely to be unacceptable due to high lifecycle costs.

Hazards and Stormwater

The deep incised gullies appear to be proposed as dammed/culverted in upper areas with potential chalets on top. Insufficient detail and/or investigation has been provided to determine whether the necessary earthworks and hazard mitigations of the proposed development are feasible to provide for a safe and durable environment for buildings and people and infrastructure.

Furthermore, an existing landslide feature and fault line bisect the development site. Insufficient detail and/or investigation has yet been provided to determine whether the development can safely co-exist with the hazards

The site is also within a Fire and Emergency NZ (FENZ) designated wildfire "red zone", yet no wildfire mitigation measures, or hazard tolerance assessments have been provided. This further calls in to question the feasibility of developing housing in this area.

The amount of stormwater from the proposed roads and chalets impermeable areas will be substantial with significant potential to create significant adverse effects on land downstream. For example, there is a large development, *Jade Lake* (including QLDC Ref RM181942), that is under construction downstream that has lawfully dammed the gulley in order to construct its development above the dammed gulley. Increasing the volume of flows from *Fernhill Heights* may be unavoidable even if methods are in place to attenuate flows. Any stormwater solution must meet QLDC requirements (given any flows will eventuate in its stormwater network), accommodating all existing (permitted, consented, constructed) developments, including identifying and completing any necessary downstream upgrades.

Presently there is no information provided that supports the feasibility of any stormwater aspect of the development.

Infrastructure Capacity

The development's scale exceeds existing Council service capacities (see bullet points below). The ability to accommodate this development within the QLDC networks is of significant concern to QLDC and it is considered that without available capacity severe adverse effects would result. There is no known mitigation to this situation

- **Wastewater:** Recent QLDC upgrades were based on existing zoning. The network transporting wastewater and the treatment plant itself cannot accommodate additional flows from 1,500 conference attendees, a ski field development and over one thousand residential units in an area not zoned for development or planned for through infrastructure strategic planning. Furthermore, there are no other treatment plants or potential sites currently available.
- **Water Supply:** The development exceeds the elevation of the existing QLDC reservoir, which is already placed at an appropriate high level on the slopes to accommodate existing zoned development areas. The proposed development will require new water storage infrastructure above 860masl. No feasibility studies or freeze protection measures are presented. Furthermore, the source of the water for this area is from the 2 Mile Water Intake; an intake sized for the existing zoned land that it currently supplies. There is no

additional water capacity from this source or within the associated water mains to supply a development of this size.

- **Stormwater:** There is one major and several minor gullies that run through the site. It is anticipated that these would be used to drain stormwater that is generated from the proposed development. The QLDC Subdivision and Land Development Code of Practice requires any development to construct a stormwater system that maintains the hydrological regime that exists pre-development in any post development scenario. As such the effects of additional stormwater generation needs to be managed/mitigated onsite. The alternative is to gain agreement with QLDC to upgrade the downstream stormwater infrastructure if possible, to provide additional capacity for the additional stormwater flows generated from the proposed development. How feasible this would be for this development is unknown.

Effects on the One Mile Reserve

The proposed development represents an unprecedented scale of commercial activity within a busy informal recreation area, effectively privatising public reserve land at One Mile. The incised gully system, immediately adjacent to Lake Wakatipu and designated as Public Recreation Reserve, currently provides important recreational opportunities that would be fundamentally altered (and potentially lost) due to the project. Due to several critical issues relating to reserve land it is difficult for QLDC to support the proposed development. These critical issues from a reserve's perspective are discussed below.

The massive scale of development would completely transform the reserve's character through comprehensive earthworks and site modification, destroying all existing reserve values. Forestry operations would generate significant adverse effects, as demonstrated by complex and problematic operations on adjacent sites. These impacts include unaccounted stormwater generation, rockfall hazards, and debris flow risks that have not been properly assessed in the application.

Bridges and roads servicing the residential component would encroach on DOC or QLDC reserve lands, while the funicular system and associated roading would necessitate extensive vegetation removal and earthworks. This would directly impact an extensive existing recreation trail network, contrary to claims in the application that downplay current usage - the walking trails are actively used, and their displacement would significantly affect existing recreational users.

Ecological impacts would be severe and long-lasting. Construction would remove existing biodiversity, with recovery likely requiring decades. The proposal would transform the area from an accessible wilderness experience to a highly developed urban-commercial setting, destroying all existing reserve values.

Serious questions remain about key project components:

- The practicality of establishing a predator-proof fence in this steep, vegetated alpine environment (including wilding pine infestations), which would require decades of intensive investment before creating suitable habitat for endangered species.

Finally, management responsibilities for the expanded trail network remain unresolved. While QLDC currently maintains the existing Ben Lomond trails, it's unclear who would bear the long-term responsibility and costs for maintaining a significantly enlarged network under this proposal.

Consistency with, QLDC Planning Documents, Spatial Strategies and Other Projects

PDP

Additional to the above comments regarding the ONL and relevant landscape schedule, the proposed development would conflict with key Objectives and Policies of Chapter 3 (Strategic Direction), Chapter 6 (Landscapes) and Chapter 21 (Rural), which collectively seek to maintain and enhance the landscape character and visual amenity of the Rural Zone while avoiding urban development outside urban growth boundaries. The objectives and policies contained in Chapter 3 (Strategic Direction) Chapter 6 (Landscapes) and Chapter 21 (Rural) strongly discourage development within the ONL with several 'avoid' policies including *avoiding development outside urban growth boundaries* (Strategic Policy 3.3.14), *avoiding urban development within ONL's* (Policy 6.3.2.1) and *the presumption that all development in ONL's is inappropriate unless it meets the onerous criteria set out in the PDP* (Strategic Objective 3.2.5.2). This limited pathway to consent has been strongly supported by the Environment Court through its involvement in the PDP. QLDC does not consider that the proposed development meets the criteria to be acceptable in the ONL and as such is contrary to several 'avoid policies' which would typically require consent to be declined. This has been confirmed through caselaw.

Queenstown Lakes Strategic Documents

The location of the proposed development is not identified within the Council's Spatial Plan, Long-Term Plan (LTP), or 30-year Infrastructure Strategy as being a location appropriate for development to occur. Therefore, there has been no strategic planning or investment directed towards enabling development of this scale in this specific location. Crucially, there are no current plans or allocated funding within the Council's infrastructure strategies to upgrade or extend QLDC network services to accommodate a development of this size in this area. Addressing the infrastructure deficit would require significant planning, investment, and time, which is not aligned with the expedited nature of a fast-track consent. As such, the proposal is not considered to align with key Council Strategic documents such as: The Queenstown Lakes Spatial Plan, The Long - Term Plan, The Economic Diversification Plan or the 30 Year Infrastructure Strategy.

Conclusion

Overall the development, while aspirational, is considered to be highly unfavourable when considering the wider development and growth of the Queenstown Lakes District. Unfortunately, the development is proposed in a location designated as a protected Outstanding Natural Landscape that is also highly constrained in terms of ultimate reasonable 3 waters infrastructure provisions (including capacity at the treatment plant), and transportation infrastructure integration with the wider network. There are also significant implications for reserve land and its use as outlined earlier. It is considered that the adverse effects of this proposal as presented have real

potential to significantly outweigh economic benefits of the untested ancillary ski field development. The impacts and matters of constraint outlined above lead QLDC to the conclusion that this development cannot be supported in this location.

APPENDIX 1 – WESTERN WHAKATIPU BASIN PA: SCHEDULE OF LANDSCAPE VALUES

21.22.12 Western Whakatipu Basin PA: Schedule of Landscape Values

General Description of the Area

The Western Whakatipu Basin PA encompasses the ONL of the steep south-eastern mountain slopes of Te Taumata o Hakitekura (Ben Lomond), the steep south and eastern mountain slopes of Bowen Peak and the two elevated roche moutonnée landforms of Te Tapunui (Queenstown Hill and including Sugar Loaf) and Pt 781. The PA also takes in Waipuna (Lake Johnson) sitting in the ice-eroded gully between Pt 781 and Ferry Hill (a separate PA and ONF). Collectively, the mountain slopes form the northern backdrop to Sunshine Bay, Fernhill and Queenstown, and the mountain setting to Gorge Road and Arthurs Point. The PA adjoins the Kimiākau (Shotover River) PA along its north-eastern boundary in the vicinity of Arthurs Point.

Physical Attributes and Values

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

Landforms and land types:

1. The steeply sloping foliated schistose mountain landforms of Te Taumata o Hakitekura (Ben Lomond 1,748m) and Bowen Peak (1,631m), which form part of the wall of mountains typical of the u-shaped glaciated valleys of which the Whakatipu Valley is an example.
2. The distinctive peaks of Te Taumata o Hakitekura (Ben Lomond) and Bowen Peak.
3. Exposed rock outcrops and bluffs in places.
4. The Ben Lomond saddle that extends on a west-east orientation between Ben Lomond and Bowen Peak and (in combination with the flanking peaks) separates the Whakatipu Valley from the Moke Creek Valley to the north.
5. The elevated ridgeline spurs extending southwards from the Ben Lomond saddle and taking in Pt 1121 and Cemetery Hill (812m, also known as 'Bobs Peak') immediately west of Queenstown (upon which the skyline Gondola and luge development is located).
6. The extensive ridgeline descending south-westwards from Te Taumata o Hakitekura (Ben Lomond) to Whakatipu Waimāori (Lake Whakatipu (ONL)) and taking in Pt 1580, Pt 1395, Pt 1335, Pt 1138 and Pt 850.
7. The small roche moutonnée landform (480m) towards the western edge of the PA, Whakatipu Waimāori (Lake Whakatipu (ONL)).
8. Glacial till deposits at the toe of the steep mountain slopes forming shallow localised shelves and throughout the more gently sloping lower reaches of gullies within the PA.
9. A localised area of ribs of bedrock on the lower-lying slopes to the west of Sunshine Bay.
10. The steeply sloping roche moutonnée glacial landforms of Te Tapunui (Queenstown Hill, 907m), Sugar Loaf (911m), and Pt 781, with a smooth 'up-glacier' slope to the southwest and south of each landform

and a steeper rough 'plucked' down-glacier slope generally to the west, northwest, north and northeast.

11. The elevated saddle-like landform between Pt 781 and Ferry Hill, within which Lake Johnson is located.
12. Scarps and hummocky topography on the southeast slopes of Queenstown Hill and the eastern side of Sugar Loaf which are indicative of historic large-scale landslides.

Hydrological features:

13. One Mile Creek and its numerous steeply incised tributaries draining the south-eastern flanks of Ben Lomond to Whakatipu Waimāori (Lake Whakatipu).
14. The series of unnamed streams on either side of the One Mile Creek network, draining directly to Whakatipu Waimāori (Lake Whakatipu).
15. The steeply incised Horn Creek (or Bush Creek), McChesney Creek, Domestic Creek, Shady Creek, and numerous unnamed streams draining the southern and eastern sides of Bowen Peak to Kimiākau (Shotover River PA).
16. The shallow lowland, glacial lake of Waipuna (Lake Johnson, 399m). The lake is currently eutrophic (with poor water quality) due to elevated nutrient inputs from its catchment.
17. The numerous unnamed streams on the western, northern and south-eastern side of Te Tapunui (Queenstown Hill)/Sugar Loaf; the south side of Pt 781; between Sugar Loaf and Pt 781; and between Pt 781 and Ferry Hill.
18. Small kettle lakes and wetlands across the elevated slopes of Te Tapunui (Queenstown Hill).
19. The wetland at Matakauri Park, on the east side of Gorge Road.

Ecological features and vegetation types:

20. Particularly noteworthy indigenous vegetation features include:
 - a. Pockets of grey shrubland dominated by matagouri and mingimingi occur throughout the low-lying rocky slopes of Bowen Peak adjacent to Gorge Road and Moonlight Track.
 - b. Kohuhu (*Pittosporum tenuifolium*) dominant (broadleaved) shrubland at the western end of the PA bordering the lake shore.
 - c. Pockets of mountain beech forest remnants in the gullies of One and Two Mile Creek and Bushy Creek.
 - d. Relic specimens of kowhai on the bluffs above McChesney Creek.
 - e. Subalpine shrubland and snow tussock grassland higher up above the bushline and areas of grey shrubland. The shrubs associated with the subalpine shrubland include species of the genera *Dracophyllum*, *Hebe*, *Leucopogon*, *Gaultheria*, *Pimelea* and *Ozothamnus*.
 - f. Parts of the beech forest in One Mile Creek and adjoining areas of subalpine shrubland and snow tussock grassland within the Ben Lomond Scenic Reserve.
 - g. Wetland vegetation comprising a mix of rushes and sedges at the southern and northern end of the lake where there is an absence of crack willows. Pockets of rushland and sedgeland also in

isolated shoreline areas where gaps exist in the willow cover.

- h. Swathes and scattered pockets of grey shrubland dominated by matagouri and mingimingi occupy the bluffs, rocky slopes and gullies on each of the roche moutonnée landforms, as well as some hillslopes such as above the eastern shoreline of Waipuna (Lake Johnson). Some of these shrublands are interspersed with hawthorn, sweet briar and elderberry.
- i. Extensive patches of manuka (*Leptospermum scoparium*) and scattered specimens of bog pine (*Halocarpus bidwillii*) on the higher western slopes of Te Tapunui (Queenstown Hill).
- j. Short tussockland grassland covers large parts of the undulating crest terrain between Te Tapunui (Queenstown Hill) and Sugar Loaf.
- k. A large wetland (sedgeland) called the Matakauri wetland on the outskirts of Queenstown by Gorge Road which is classified as a Regionally Significant Wetland.

21. Other distinctive vegetation types include:

- a. The almost continuous patterning of plantation *Pseudotsuga menziesii* (Douglas fir) forest throughout the mid and lower flanks of Te Taumata o Hakitekura (Ben Lomond) and the southern flanks of Bowen Peak.
- b. Areas of pasture adjacent to Gorge Road as far as Watties Track.
- c. The almost continuous patterning of plantation larch and Douglas fir forest throughout the southern lower flanks of Te Tapunui (Queenstown Hill).
- d. The more fragmented patterning of wilding conifers intermixed with grey shrubland, hawthorn, sycamore, broom, gorse and crack willow throughout the southern lower flanks of Pt 781, the western and northern lower slopes of Sugar Loaf and western lower slopes of Te Tapunui (Queenstown Hill).
- e. Open pasture and scattered scrub throughout the elevated steep slopes and crest of Te Tapunui (Queenstown Hill), Sugar Loaf and Pt 781.
- f. Grazed pasture with scattered shelterbelts (including poplars) and clusters of pine and willow trees throughout the saddle between Pt 781 and Ferry Hill.
- g. Amenity and shelter plantings around the scattered rural and rural living dwellings at the southern end of Waipuna (Lake Johnson) and on the north-western side of Sugar Loaf.
- h. Amenity plantings around the two groupings of dwellings on the south side of Te Tapunui (Queenstown Hill), near the entrance to the Queenstown Hill Time Walk.
- i. Scrub and exotic trees/weeds throughout the lower mountain slopes to the west of Sunshine Bay and adjacent Gorge Road, Arthurs Point and the Moonlight Track.

- 22. Waipuna (Lake Johnson) is a SNA in the District Plan. The riparian vegetation is of significance to aquatic values. Crack willows line much of the Waipuna (Lake Johnson) shoreline.

Land-use patterns and features:

- 23. Grazed pasture across the low-lying flatter land on the eastern side of the PA adjacent to Gorge Road, parts of the slopes to the west of Arthurs Point and the majority of Te Tapanui (Queenstown Hill), Sugar Loaf, Pt 781 and around Waipuna (Lake Johnson). Very low-intensity grazing across the elevated

pastoral slopes. Associated with this activity are a network of farm tracks, fencing and farm buildings.

24. The proliferation of plantation and wilding conifers around the edges of the PA that define the interface between much of the PA and urban Queenstown/Arthurs Point.
25. The gondola (towers, cableway and cabins in a cleared area of Douglas fir forest), luge tracks and chairlift and associated buildings (top and bottom stations, maintenance workshop), café/restaurant/terminal building, service buildings, lighting, signage, jumping-off point for paragliders, vehicular access track, star gazing platforms, bungee platform and associated buildings, zip lining and associated tree top huts and network of mountain bike trails (Queenstown Mountain Bike Park) on Cemetery Hill.
26. The swathe of Community Purpose and Informal Recreation zoned land across the slopes of Cemetery Hill facing towards Queenstown (where the Skyline gondola, luge, and mountain bike tracks are) and along either side of the lower reaches of One Mile Creek.
27. The Queenstown Hill Time Walk that leads from near the Queenstown city centre (Belfast Street) to the summit of Te Tapunui (Queenstown Hill) and coincides with Informal Recreation zoned land across the lower south-western slopes of Te Tapunui (Queenstown Hill).
28. An area of Community Purposes zoned land adjacent the northern edge of the Urban Growth Boundary (UGB) on Gorge Road and coinciding with Matakauri Park wetland and boardwalk.
29. The Tiki Trail, Fernhill Loop and Ben Lomond tracks near Queenstown; the Arawata Track at the western end of Sunshine Bay; and the Moonlight Track on the north-western side of Arthurs Point. Associated with these tracks are signage, stiles, and seating.
30. The general absence of rural and rural living buildings within the PA, excepting a scattering at the north-western end of Arthurs Point, a scattering along the Gorge Road valley floor (including adventure tourism related facilities and activities with trails and lookouts on the lower eastern slopes of Bowen Peak), a very small pocket of urban dwellings at the toe of the Queenstown Time Walk, and the small cluster of rural living dwellings at the south end of Waipuna (Lake Johnson).
31. An unformed road leading from Gorge Road up the lower slopes on the east side of Bowen Peak; from Wynyard Crescent up the mountain slopes; and from Lomond Crescent up the mountain slopes (Ben Lomond Track).
32. Short stretches of unformed road: at the north end of Hansen Road (south) linking to Waipuna (Lake Johnson); at the southern end of Hansen Road (north) extending southwards along the western side of Ferry Hill; and from the western end of Tucker Beach Road extending southwards to the lower northern slopes of Pt 781.
33. Infrastructure is evident within the PA and includes: Aurora distribution lines around the lower slopes of Ben Lomond to the west of Sunshine Bay, along the Gorge Road corridor and on the south-eastern side of the area, and over the saddle near Waipuna (Lake Johnson); water reservoir designations near Greenstone Place and Scott Place in Fernhill; and a firefighting pond near the luge.
34. The UGB associated with Queenstown and the Fernhill/Sunshine Bay suburban area which adjoins the southern edges of the PA, and the Arthurs Point UGB which adjoins the north-western margins of the PA.
35. Other neighbouring land uses which have an influence on the landscape character of the area due to their scale, character, and/or proximity include: the urban residential and commercial development adjoining the southern edges of the PA (taking in Sunshine Bay, Fernhill, Queenstown and Frankton); the urban residential and commercial development adjoining the north-western edges of the area (including Arthurs Point); the Queenstown Mountain Bike Club pump track area used for recreation and events on Kerry

Drive near the south boundary; rural living development towards the western end of Tucker Beach; and Gorge Road, Glenorchy Queenstown Road and Frankton Road (SH6A).

Archaeological and heritage features and their locations:

36. Queenstown Powerhouse, One Mile Creek (District Plan reference 96).
37. Old McChesney Bridge Abutment Remains, Arthurs Point (District Plan reference 104, archaeological site E41/236).
38. Various inter-related complexes of gold sluicings, tailings, water races, dams, and associated domestic sites in the area (for example, archaeological sites E41/204, E41/228, and E41/279).
39. A protected horse chestnut (*Aesculus hippocastanum*) on Gorge Road (western side of Te Tapunui (Queenstown Hill)) and a grouping of protected English oaks (*Quercus robur*) at the south-western end of Waipuna (Lake Johnson).
40. Various archaeological features associated with goldmining across the area (e.g., sluicings, tailings, water races, hut sites, dams, etc.), especially in the area around Waipuna (Lake Johnson).
41. Archaeological features relating to historic farming in the area around Waipuna (Lake Johnson).
42. Historic walking track from Queenstown to the top of Te Tapunui (Queenstown Hill).

Mana whenua features and their locations:

43. 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.
44. Much of the ONL is mapped as the wāhi tūpuna Te Taumata o Hakitekura (Ben Lomond) or Te Tapunui wāhi tūpuna. The very northern extent overlaps the Kimiākau (Shotover River) wāhi tūpuna.

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:

45. Kāi Tahu whakapapa connections to whenua and wai generate a kaitiaki duty to uphold the mauri of all important landscape areas.
46. Te Taumata-o-Hakitekura is named after Hakitekura, a Kāti Māmoe woman who was the first person to swim across Whakatipu Waimāori. After watching other young women from the mountains attempting to outswim each other, she decided that she wanted to outdo them. She got a kauati (a stick used to start fire) from her father, and a bundle of dry raupō as kindling. The next morning, Hakitekura set out from Tāhuna (the flat land where Queenstown now stands). With the kauati and raupō bound tightly in harakeke (flax) to keep them dry, she swam across the lake in darkness, with the bundle strapped to her. When Hakitekura was discovered missing, her father remembered his daughter's request for a kauati, and a waka was sent across the lake to bring her back. The mountains where she would look across the lake were thereafter known as Te Taumata-o-Hakitekura (The Resting Place of Hakitekura).

47. The name Te Tapunui signifies a place considered sacred to Kāi Tahu whānui both traditionally and in the present.
48. Kimiākau is part of the extensive network of mahika kai (food & resource gathering) and traditional travel routes in the area.
49. The mana whenua values associated with this ONF include, but may not be limited to, wāhi tapu, wāhi taoka, ara tawhito, mahika kai and nohoaka.

Historic attributes and values:

50. The naming of the Ben Lomond, after Ben Lomond in Scotland by the early shepherd, Duncan McAusland.
51. Early European interactions with the creeks in the area as sources of water, power, and gold, as well as obstacles that needed to be bridged.
52. Gold mining in the area and the associated physical remnants.
53. Early farming around Waipuna (Lake Johnson).
54. The contextual value of Te Tapanui (Queenstown Hill) as a landscape feature that historically defined communication routes around the Whakatipu Basin.
55. The importance of Te Tapanui (Queenstown Hill) as an early tourist destination.

Shared and recognised attributes and values:

56. The descriptions and photographs of the area in tourism publications.
57. The popularity of the postcard views from Cemetery Hill (Bob's Peak), Whakatipu Waimāori (Lake Whakatipu), Te Tapunui (Queenstown Hill), Walter Peak, Cecil Peak, the Remarkables, Te Taumata-o-Hakitekura (Ben Lomond), lower eastern slopes of Bowen Peak and the broader mountain context, as an inspiration/subject for art and photography and adventure tourism.
58. The very high popularity of t
59. The identity of Cemetery Hill (Bob's Peak), Te Tapanui (Queenstown Hill) and, further afield, Te Taumata-o-Hakitekura (Ben Lomond) as part of the dramatic backdrop to Queenstown.
60. The identity of Bowen Peak as part of the dramatic backdrop to Arthurs Point.

Recreation attributes and values:

61. Walking, running, mountain biking, paragliding, lugging, riding the gondola, bungy jumping and enjoying the view from the café/restaurant facilities on Cemetery Hill (Bob's Peak).
62. Walking and running on the Tiki Trail, Ben Lomond Track, Arawata Track and the Moonlight Track.
63. Mountain biking within the Queenstown Mountain Bike Park and trails within and around the Wynyard Jump Park.
64. Walking, running, and picnicking on the Queenstown Time Walk which includes several heritage

interpretation panels, lookout points and the 'Basket of Dreams' sculpture by Caroline Robinson.

65. Walking and running on the Matakauri Park boardwalk (near Gorge Road).
66. Adventure tourism tracks, facilities and activities in and above the Gorge Road valley.
67. Trout fishing at Waipuna (Lake Johnson).
68. Glenorchy-Queenstown Road and Gorge Road as key scenic routes in close proximity.

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:

69. The area's natural landforms, land type, and hydrological features (described above), which are highly legible and highly expressive of the landscape's formative glacial processes.
70. Indigenous gully and wetland plantings which reinforce the legibility and expressiveness values throughout the area.

Particularly important views to and from the area:

71. The postcard views from vantage points on Cemetery Hill (Bob's Peak), Whakatipu Waimāori (Lake Whakatipu), Te Tapunui (Queenstown Hill), Walter Peak, Cecil Peak, the Remarkables, Te Taumata-o-Hakitekura (Ben Lomond), and the broader mountain context.
72. The spectacular panoramic views from the Ben Lomond saddle and Ben Lomond summit out over the Whakatipu Valley to the south (including the lake) and the rugged and dramatic expanse of Harris and Richardson mountains ranges to the north.
73. The highly attractive short to long-range views from the Moonlight Track along the vegetation-clad gorge of the Shotover Corridor, across the rugged and largely undeveloped slopes of Mount Dewar and northwards to The Point.
74. The appealing short to long-range views from the Arawata Track across the mixed bush and scrub-clad lake margins to Whakatipu Waimāori (Lake Whakatipu) and Cecil Peak.
75. The engaging mid to long-range views from Queenstown, Fernhill, Sunshine Bay, Te Nuku-o-Hakitekura (Kelvin Heights), Whakatipu Waimāori (Lake Whakatipu), parts of the Queenstown Trail network, and the Glenorchy-Queenstown Road, in which the largely forested slopes of Te Taumata-o-Hakitekura (Ben Lomond) form the backdrop to Queenstown. The bold contrast between the urban development throughout the lower flanks of the hill and the elevated wooded slopes is memorable and of importance to the identity of Queenstown as a settlement tucked into the base of a mountain.
76. The appealing long-range views from more distant elevated vantage points such as the Remarkables Ski Field Access Road (and lookouts) in which the visibility of Te Taumata-o-Hakitekura (Ben Lomond) peak and the connection of Cemetery Hill (Bob's Peak) and Te Taumata-o-Hakitekura (Ben Lomond) to the broader glacial landscape confers a sense of grandeur to the outlook.
77. Dramatic close and mid-range views from Gorge Road to the rugged and vegetation-pocked slopes of

Bowen Peak. The somewhat wild and unkempt character of the slopes where rocky outcrops and patches of scrub and grey shrubland dominate at relatively close range, combined with the broader mountain context (Sugar Loaf and Te Tapanui (Queenstown Hill)), add to the spectacle.

78. Dramatic mid and long-range views from Arthurs Point, the Kimiākau (Shotover River) ONF, the western Whakatipu Basin / Littles Stream area and sections of the trail network coinciding with this part of the basin, to the rugged eastern and north-eastern slopes of Bowen Peak and Sugar Loaf. In views the mountainous context within which the largely undeveloped and open mountain-scape is seen, together with its visual dominance (as a consequence of its scale, proximity, and appearance), adds to the appeal of the outlook.
79. Engaging and attractive short to long-range views from the Frankton Arm, Frankton (including the airport), SH6, and Kelvin Peninsula to the smoother south-facing slopes of Te Tapanui (Queenstown Hill) and the more irregular profile of Pt 781 (seen in combination with the cone like peak of Ferry Hill which is a separate PA and ONF). In more distant views (e.g. Frankton Arm and Kelvin Peninsula), this part of the PA is perceived as a continuous, albeit varied, landform feature with the Ferry Hill PA and ONF. The almost unbroken patterning of vegetation (plantation forest) along the southern flanks of Te Tapanui (Queenstown Hill) and wilding conifers intermixed with grey shrubland and scrub throughout the southern lower flanks of Pt 781, together with its generally undeveloped character, forms a memorable contrast with the urban development below and the more open pastoral slopes sitting above, which reinforces the impression of coherence. In longer range views from many of the more distant locations to the south, there is a clear appreciation of the roche moutonnée landform profile and the waters of the Frankton Arm seen in the foreground of view, along with the often-snow-capped mountains of Ben Lomond and Coronet Peak in the background add to the appeal. In closer range views (e.g. Frankton and SH6), intervening landforms, vegetation and/or built development curbs the field of view in places. Despite the limited expanse of the feature visible, the contrast established by the natural landform seen within an urban context adds to the memorability and appeal of such views.
80. Attractive mid to long-range views from Queenstown, Lake Whakatipu, and the Glenorchy-Queenstown Road, in which the smoother 'up-glacier' largely forested south-western slopes of Te Tapanui (Queenstown Hill) form the backdrop to Queenstown. The bold contrast between the urban development throughout the lower flanks of the hill and the elevated wooded slopes is memorable and of importance to the identity of Queenstown as a settlement tucked into the base of a mountains. From more distant vantage points, the connection of Te Tapanui (Queenstown Hill) to the broader glacial landscape is more legible and adds a sense of grandeur to the outlook.
81. Attractive mid and long-range views from the Fitzpatrick Basin, Dalefield, Hawthorn Triangle, the elevated flanks and foothills associated with Slope Hill and sections of Queenstown Trail coinciding with this part of the basin, to the more irregular steep profile of Pt 781 and the more rounded, albeit rugged, northern side of Sugar Loaf. In closer range views, the expanse of the PA is curtailed by intervening landform and vegetation; however, there is an increased appreciation of the localised rocky outcrops, scarps, and hummocky terrain of the landforms adding to their appeal. In some of these views, there is an appreciation of the band of rural living development (Tucker Beach) along the north side of the Waipuna (Lake Johnson) saddle along with the poplar shelterbelts, scattered shade trees. Nevertheless, from this orientation, the large-scale and distinctive sculptural form of the landforms and their generally undeveloped character make them memorable.
82. Highly attractive close and mid-range views across Waipuna (Lake Johnson), seen enclosed by the steeply rising roche moutonnée features of Pt 781 and Ferry Hill (ONF). Scattered largely exotic lake edge, shelterbelt, shade tree, and amenity plantings (around dwellings) add to the scenic appeal.
83. Engaging and seemingly 'close-range' views from planes approaching or exiting Queenstown airport via the Frankton Arm. Such views offer an appreciation of the roche moutonnée and the broader glacial landscape context within which the PA is set.

84. In all of the views, the dominance of 'natural' landscape elements, patterns, and processes evident within the ONL, along with the generally subservient nature of built development within the ONL and, in the case of the southern and north-eastern sides of the area, the contrast with the surrounding 'developed' landscape character, underpins the high quality of the outlook.

Naturalness attributes and values:

85. The 'seemingly' undeveloped character of Western Whakatipu Basin PA set within a largely urban context (Queenstown and Arthurs Point), which conveys a relatively high perception of naturalness. While modifications related to its forestry, pastoral, recreational, and infrastructure uses are visible, the very low number of buildings and the limited visibility (excepting the gondola etc described below), limits their influence on the character of the area as a natural landscape.
86. The irregular patterning and proliferation of grey shrubland, exposed rock faces, and scrub in places, adds to the perception of naturalness.
87. While the gondola forms a bold manmade 'cut' up the hillside, with a sizeable terminal building and luge development atop Cemetery Hill (Bob's Peak), the movement of the gondola cabins together with the connection the gondola and associated development establishes between the mountain setting and Queenstown adds a degree of interest to the view, meaning that it is not an overwhelmingly negative visual element. Put another way, these landscape modifications make an important contribution to Queenstown's recreational values (see above), suggesting a degree of landscape 'fit'. The scale of the seemingly 'undeveloped' mountain setting within which this development is viewed together with its strong visual connection to Queenstown also play a role in this regard. At night, the patterning of lights up the mountain slopes forms a bold contrast to the darkness of the surrounding mountain slopes. Again, it is the very close proximity of the area to Queenstown that lends a visual fit.
88. The forestry plantings across the south and southeast flanks of Te Tapunui (Queenstown Hill), Te Taumata-o-Hakitekura (Ben Lomond) and parts of Bowen Peak contribute a reduced perception of naturalness. However, the underlying natural (and largely unmodified) schistose mountain and roche moutonnée landform character remains legible and dominant, thus ensuring this part of the area displays at least a moderate-high level of naturalness. The visual appearance of these parts of the PA during and after harvesting cycles forms a prominent negative visual element within the broader landscape setting and serves to (temporarily) further reduce the perception of naturalness in this part of the PA.

Memorability attributes and values:

89. The appealing and engaging views of the largely undeveloped mountains and largely undeveloped and legible roche moutonnée landforms from a wide variety of public vantage points. The juxtaposition of the mountains and landforms within a largely urban context, along with the magnificent broader mountain and lake context within which they are seen in many views, are also factors that contribute to memorability.
90. The 'close up' experience of the alpine setting that the PA affords for many residents and visitors to Queenstown as a consequence of the relatively high accessibility of the area (via the tracks and gondola in very close proximity to the town centre).
91. The panoramic alpine landscape views afforded from: the Ben Lomond track, saddle and peak; and the top of Te Tapunui (Queenstown Hill).
92. The sense of Queenstown and Arthurs Point tucked in at the toe of a majestic mountain setting.
93. The sense of Waipuna (Lake Johnson) as a 'hidden gem' tucked away in the hillslopes by Frankton.

Transient attributes and values:

94. Seasonal snowfall and the ever-changing patterning of light and weather across the mountain and roche moutonnée slopes.
95. Autumn leaf colour and seasonal loss of leaves associated with the exotic vegetation.

Remoteness and wildness attributes and values:

96. A strong sense of the sublime as a consequence of the sheer scale, dramatic character and undeveloped appearance of the mountain and roche moutonnée which is evident: on the Ben Lomond track above the Gondola and luge development; along Gorge Road (away from existing built development and adventure tourism related activities); and across the northern part of the PA which contributes a sense of remoteness and wildness to the wider setting (including Arthurs Point, Kimitia (Shotover River) ONF and the western part of the Whakatipu Basin), despite the more developed immediate context.

Aesthetic qualities and values:

97. The experience of the values identified above from a wide range of public viewpoints.
98. More specifically, this includes:
 - a. The highly attractive and memorable composition created by the generally undeveloped, vegetation-dominated, mountain landforms and roche moutonnée juxtaposed beside an urban context and/or an (ONF/L) lake or river context.
 - b. At a finer scale, the following aspects contribute to the aesthetic appeal:
 - i. The large-scale and dramatic character of the steep mountain landforms backdropping Queenstown and Arthurs Point.
 - ii. The sculptural peaks of Te Taumata-o-Hakitekura (Ben Lomond) and Bowen Peak.
 - iii. The ever-changing play of light and weather patterns across the mountain and roche moutonnée slopes.
 - iv. The more rugged and wild character of the eastern side of Bowen Peak.
 - v. The distinctly rugged character of the west, northwest, north and northeast sides of each of the roche moutonnée landforms and the more coherent appearance of the southwest and south of each as a consequence of the landform and vegetation character and patterns.
 - vi. The rounded tops of Te Tapunui (Queenstown Hill) and Sugar Loaf, and the more rugged and irregular profile of Pt 781.
 - vii. The open and pastoral character of Pt 781 and the top of Te Tapunui (Queenstown Hill).
 - viii. The contained and enclosed nature of Waipuna (Lake Johnson) set within a largely pastoral context interspersed with largely exotic plantings.
 - ix. The general confinement of visible built development to ~~two~~ three distinct locations: Cemetery Hill (gondola, luge, etc.); parts of the Gorge Road valley floor (rural living, rural buildings, and adventure tourism related buildings, facilities and tracks); and near Arthurs Point (limited scattering of rural living development).

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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These various combined physical, associative, and perceptual attributes and values described above for the Western Whakatipu Basin PA can be summarised as follows:

99. **High physical values** due to the high-value landforms, vegetation features, habitats, species, hydrological features and mana whenua features in the area.

100. **High associative values** relating to:

- a. The mana whenua associations of the area.
- b. The historic features and associations of the area.
- c. The very strong shared and recognised values associated with the area (deriving in part from the proximity of parts of the PA to urban areas).
- d. The significant recreational attributes of Cemetery Hill (Bob's Peak), Ben Lomond and Te Tapanui (Queenstown Hill) and trout fishing in Lake Johnson.

101. **High perceptual values** relating to:

- a. The high legibility and expressiveness values of the area deriving from the visibility and abundance of physical attributes that enable a clear understanding of the landscape's formative processes.
- b. The high aesthetic and memorability values of the area due to its distinctive and appealing composition of natural landscape elements. The visibility of the area from Queenstown, Arthurs Point, Sunshine Bay, Fernhill, Te Nuku-o-Hakitekura (Kelvin Heights), the scenic routes of Glenorchy-Queenstown Road and Gorge Road, parts of the Queenstown Trail network, the Ladies Mile corridor, the western side of the Wakatipu Basin, the airport approach path and the Remarkables Ski Field Access Road (and lookouts), along with the area's transient values, play an important role.
- c. A moderate-high to high perception of naturalness arising from the dominance of more natural landscape elements and patterns across the PA.
- d. The identity of the PA as a natural and dramatic landscape backdrop to the urban areas of Fernhill, Sunshine Bay, Queenstown, Arthurs Point, Frankton and the western side of the (more rural) Whakatipu Basin.
- e. The sense of Waipuna (Lake Johnson) as a 'hidden gem' tucked away in the hillslopes by Frankton.
- f. A strong sense of remoteness and wildness throughout the elevated parts of Te Taumata-o-Hakitekura (Ben Lomond), along the western and north side of Te Tapanui (Queenstown Hill), the northern sides of Sugar Loaf and Pt 781 and on the slopes of Bowen Peak near Arthurs Point.

Landscape Capacity

The landscape capacity of the Western Whakatipu Basin PA for a range of activities is set out below.

- i. **Commercial recreational activities** — **some** landscape capacity for small scale and low-key activities that integrate with and 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.
- ii. **Visitor accommodation and tourism related activities** — **very limited** landscape capacity for visitor accommodation associated with existing dwellings and consented platforms (including on the low lying southern margins of the PA adjacent Hansen Road) and which are: located to optimise the screening and/or filtering benefit of natural landscape elements; designed to be small scale and have a low-key rural character; integrate landscape restoration and enhancement (where appropriate); and enhance public access (where appropriate). **Extremely limited** landscape capacity for small scale visitor accommodation and small scale tourism related activities in low lying and/or visually discreet parts of the PA where development is located so that existing landform and/or vegetation features provide an appreciable integrating benefit; is designed to be small scale and have a low-key rural character; integrates landscape restoration and enhancement (where appropriate); and enhances public access (where appropriate).
- iii. **Urban expansions** — **extremely limited or no** landscape capacity.
- iv. **Intensive agriculture** — **extremely limited or no** landscape capacity unless it is very discreetly located so that it is reasonably difficult to see from outside the site and has a rural character.
- v. **Earthworks** — **very limited** landscape capacity for earthworks associated with farm tracks, adventure tourism, that protect naturalness and expressiveness attributes and values, and are sympathetically designed to integrate with existing natural landform patterns. **Limited** landscape capacity for tracks and trails for recreational use that are: located to integrate with existing networks; designed to be of a sympathetic appearance and character; and integrate landscape restoration and enhancement.
- vi. **Farm buildings** — in those areas of the ONL with pastoral land uses, **very limited** landscape capacity for modestly scaled buildings that reinforce existing rural character.
- vii. **Mineral extraction** — **extremely limited or no** landscape capacity excepting very small scale farm quarries.
- viii. **Transport infrastructure** (excluding Passenger Lift Systems) — **limited** landscape capacity for trails that are: located to integrate with existing networks; designed to be of a sympathetic appearance and character; and integrate landscape restoration and enhancement. **Extremely limited** landscape capacity for other transport infrastructure.
- ix. **Utilities and regionally significant infrastructure** — **limited** landscape capacity for infrastructure that is buried or located such that they are 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 and/or co-located with existing infrastructure. 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** — **extremely limited or no** landscape capacity for commercial scale renewable energy generation unless it is very discreetly located so that it is reasonably difficult to see

from outside the site. **Extremely limited** landscape capacity for discreetly located and small-scale renewable energy generation.

- xi. **Forestry** — **extremely limited or no** landscape capacity for exotic forestry.
- xii. **Rural living** — **extremely limited** landscape capacity. Where such development is appropriate, it is likely to be: co located with existing development; sited to optimise the screening and/or filtering benefit of natural landscape elements; designed to be small scale and have a low-key rural character; integrate landscape restoration and enhancement; and enhance public access (where appropriate).
- xiii. **Passenger Lift Systems** — **limited** landscape capacity to improve public access to focal recreational areas higher in the mountains via non-vehicular transportation modes such as gondolas (including base and terminal buildings and stations), provided they are positioned in a way that is sympathetic to the landform, are co-located with existing gondola infrastructure and designed to be recessive in the landscape.

PLANT AND ANIMAL PESTS

- A. Animal pest species include feral goats, feral cats, ferrets, stoats, weasels, hares, rabbits, possums, rats and mice.
- B. Plant pest species include wilding conifers, hawthorn, buddleia, elderberry, sycamore, broom, cotoneaster and gorse.

Your written comments on a project under the Fast Track Approvals Act 2024

Project name	Powerhouse Funicular Railways Queenstown Regional Development - Bowen Peak
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Before the due date, for assistance on how to respond or about this template or with using the portal, please email contact@fasttrack.govt.nz or phone 0800 FASTRK (0800 327 875).

All sections of this form with an asterisk (*) must be completed.

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
*Portfolios	Climate Change (Adaptation and Mitigation)		
*First name	Thomas		
*Last name	O'Flaherty		
Contact person (if different from above)			
*Contact phone number	s 9(2)(a)	Alternative	
*Email	s 9(2)(a)		

2. Officials advise you do not provide a comment on this application for referral
From a preliminary review, officials have not identified any substantive matters relating to the referral decision that the Minister for Climate Change should comment on. More information is provided in Appendix 1.

3. , If recommended, provide your comments on this application
No comment

Minister's signoff



Hon Simon Watts
Minister for Climate Change

Date **28/04/2025**

Appendix 1 – Supplementary advice

Project summary	Mitigation comment	Adaptation comment	Possible comment to enter in fast-track portal	Due date
<p>Located at edge of Lake Wakatipu, Queenstown</p> <p>The project proposal seeks to:</p> <ul style="list-style-type: none"> Develop a reserve into a retail, hospitality and tourism precinct including recreational and conservation activities, Develop high density housing to provide 1040 housing units, Two modern funicular railways connecting the new suburb with the precinct. <p>The climate initiatives include:</p> <ul style="list-style-type: none"> Wilding pine removal and native planting to reduce fire risk, The railways will support a modal shift towards public and active transport, which will reduce greenhouse gas emissions. 	<p><i>As part of your consideration of whether the project is an infrastructure or development project that would have significant regional or national benefits you may consider whether the project will support climate change mitigation, including the reduction or removal of greenhouse gas emissions (s 22(2)(vii)) of the Fast Track Approvals Act (2024).</i></p> <p>The project includes certain measures that support emissions reductions. However, these are not on their own likely to be considered significant regional or national benefits.</p>	<p><i>As part of your consideration of whether the project is an infrastructure or development project that would have significant regional or national benefits you may consider whether the project will support climate adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards (s 22(2)(viii)) of the Fast Track Approvals Act (2024).</i></p> <p>The project does not support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards.</p> <p>The proposal aims to replace plantation forests with natives to reduce fire risk (pg. 18 & 27). Although, this aligns to action 5.9 (prioritise nature-based solutions) of the National Adaptation Plan, it would have negligible regional and national impacts.</p> <p>No risk assessment has been undertaken for this project. This will be carried out at the next stage if the referral stage is successful.</p>	<p>The proposal includes certain measures that support emissions reductions or climate change adaptation. Considered alone, these are minimal and do not provide significant regional or national benefits under s 22(2)(vii) and (viii) of the Fast Track Approvals Act (2024).</p>	29 April



TE AO MĀRAMA INC.

28 April 2025

To Whom it may concern
Fast Track Approvals Act – Referrals
Ministry for the Environment
By way of upload to Fast Track Portal

Tēna koe

FTAA-2025-1025 Powerhouse Funicular Railways: Comments on Referral request under Fast Track Approvals Act 2024

Thank you for giving notice that a request for referral to the Fast Track approvals process has been received by the Minister for Infrastructure. We acknowledge that comments are due on 30 April 2025.

Te Ao Mārama Inc. provide comments on behalf of Ngāi Tahu ki Murihiku, the kaitiaki rūnanga whose takiwā includes the site the application is within. Ngāi Tahu ki Murihiku consists of Te Rūnanga o Awarua, Hokonui Rūnanga, Te Rūnanga O Oraka Aparima and Waihōpai Rūnanga, who together with Otago papatipu rūnaka hold mana whenua status within this rohe.

The Te Rūnanga o Ngāi Tahu Act 1996 (the TRONT Act) and the Ngāi Tahu Claims Settlement Act 1998 (the Settlement Act) give recognition to the status of Papatipu Rūnanga as kaitiaki and mana whenua of the natural resources within their takiwā boundaries.

As recorded in the Crown Apology to Ngāi Tahu, the Ngāi Tahu Settlement marked a turning point and a beginning for a “new age of co-operation”. In doing so, the Crown acknowledged the ongoing partnership between the Crown and Ngāi Tahu and the expectation that any policy or management regime would be developed and implemented in partnership with Ngāi Tahu.

Ngāi Tahu Claims Settlement Act 1998 – Principles and Provisions

The Fast Track Approvals Act 2024 requires applicants to identify the relevant principles and provisions of Treaty Settlements. These are the foundations and guiding concepts of what the Ngāi Tahu Settlements are based on. There are a number of principles and provisions contained within these Settlements.

Te Ao Marama Inc considers the following key principles are required to be recognised by this application (but not limited to):

- Ngāi Tahu holds and exercises rangatiratanga with the Ngāi Tahu Takiwā.
- The Crown and agents of the crown must act in good faith
- All areas and places within the Ngāi Tahu takiwā are important and form part of an intertwined network of values, places and resources which are relevant to Ngāi Tahu tribal history, contemporary values and the future of the tribe.

- Settlement provided a basis for continuing evolution from which Ngāi Tahu can express its ancestral relationship with the Ngāi Tahu takiwā into the future.

The applicant has not undertaken any engagement with Te Ao Mārama Inc. Te Rūnanga o Ōtāko would not seek to speak on behalf of Ngāi Tahu ki Murihiku or Te Ao Mārama Inc as that mandate sits with Te Ao Mārama Inc. The applicant misrepresents the engagement that has happened between different Ngāi Tahu entities and this is deeply concerning.

There are a number of Ngāi Tahu Treaty Settlement Mechanisms that may be potentially impacted by the proposal. These mechanisms provide one way of acknowledging and safeguarding matters of significance to Ngāi Tahu. Little or no regard is made to these mechanisms in the application.

We can confirm that the area within which the project is located is an area of deep connection and long association for Ngāi Tahu. Some of the values and connections have been identified and documented in relevant planning documents and instruments for this area.

Ngāi Tahu regard the whole of this area as ancestral land, whether or not it is mapped as a wāhi tūpuna or recognised by statute. Intrinsic cultural values such as whakapapa, rangatiratanga, Kaitiakitanga, mana and mauri inform relationships and associations.

There is limited information as to the likely and potential impacts within the application on matters of importance to Ngāi Tahu. It is likely that there will be significant impacts on cultural values and connections. No assurance has been provided by the applicant that those impacts are understood or able to be mitigated satisfactorily.

Te Ao Mārama Inc consider that the applicant has not fulfilled the pre-lodgment general information and consultation requirements of the FTAA.

Te Ao Mārama Inc do not support the referral request application and seek that it is declined by the Minister.

We reserve the right to provide further comment if the application is referred to the fast-track process.

Nākau noa nā



Dean Whaanga
Kaiwhakahaere Kaupapa Taiao



TE AO
MĀRAMA INC.

CC: Ngā Rūnanga – Papatipu Rūnanga Chairs

Your written comments on a project under the Fast Track Approvals Act 2024

Project name	Powerhouse Funicular Railways Queenstown Regional Development
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Before the due date, for assistance on how to respond or about this template or with using the portal, please email contact@fasttrack.govt.nz or phone 0800 FASTRK (0800 327 875).

All sections of this form with an asterisk (*) must be completed.

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
Organisation name (if relevant)	Te Rūnanga o Moeraki Incorporated		
*First name	Trevor		
*Last name	McGlinchey		
Postal address	Te Rūnanga o Moeraki, Tenby St, Moeraki, RD 2 Palmerston		
*Contact phone number	s 9(2)(a)	Alternative	03 4394816
*Email	s 9(2)(a)		

2. Please provide your comments on this application
<p>Tēnā koe</p> <p>Thank you for providing us with the opportunity to provide feedback on the referral application made by Bowen Peak Limited (the Applicant) for the Powerhouse Funicular Railways project, in Tāhuna/Queenstown (the Project).</p> <p>Horopaki/Context</p> <p>Whakatipu wai māori and the surrounding rohe has high importance for Kāti Huirapa Rūnaka ki Moeraki. Our tīpuna and our whānau hold intergenerational connections to the wai and whenua of the area.</p> <p>The lakes are traditionally known as Ka Puna Karikari o Rākaihautū, the pools dug by Rākaihautū, the first known mortal person to explore the lands of Te Waipounamu. Hāwea, Wānaka and Whakatipu wai māori are the three principal lakes of the interior, all feeding the Mata-au which weaves its way ki uta ki tai. Whakatipu wai māori provided a basis for our nohoaka and villages that were the seasonal destinations of our whānau, hapū and our cousins from other Papatipu Rūnaka for many generations.</p>

Insert Fast-track logo

Whakatipu wai māori is a place of ancestral, historic, and contemporary significance to Te Rūnanga o Moeraki. This significance is recognised, in part, via the status of the lake as a Statutory Acknowledgement Area as conferred under the Ngāi Tahu Claims Settlement Act 1998.

The significance of Whakatipu wai māori is also recognised in the Water Conservation (Kawarau) Order 1997, which declares the following waters to be protected for '*significance in accordance with tikanga Maori, in particular sites at the head of the lake, and the legend of the lake itself*'.

The Kāi Tahu ki Otago Natural Resource Management Plan 2005 is the principal resource management planning documents for Kāi Tahu ki Otago and the embodiment of Kāi Tahu rakatirataka and kaitiakitaka. The kaupapa of the plans is 'Ki Uta ki Tai' (Mountains to the Sea), which reflects the holistic Kāi Tahu ki Otago philosophy of resource management. The plans express Kāi Tahu ki Otago values, knowledge and perspectives on natural resource and environmental management issues. The Project is located within the Clutha/Mata-au catchment.

Under the Queenstown Lakes District Council Proposed District Plan (PDP), the proposal partly lies within a wāhi tūpuna, Te Taumata o Hakitekura (Ben Lomond). Hakitekura is the Māori name for Ben Lomond and Fernhill, located at Whakatipu Waimāori. It is also an area related to Hakitekura, the Kāti Māmoe woman who was the first woman to swim across Whakatipu wai māori. The mountains that she would look across the lake to were named Te Taumata-a-Hakitekura meaning 'The Resting Place of Hakitekura'. Mana whenua values include Wāhi taoka, wāhi tapu. Threats to these values include: exotic species including wilding pines; buildings and structures, utilities; new roads or additions/alterations to existing roads, vehicle tracks and driveways; activities affecting the ridgeline and upper slopes. The proposal partly lies within an Outstanding Natural Landscape notation under the PDP including the funicular upper rail segments and two upper stations.

The lake is identified as a wāhi tūpuna under the PDP - Whakātipu wai māori, and has a notation as an Outstanding Natural Landscape (and also has Statutory Acknowledgement status as noted above). Mana whenua values in this area include but are not limited to wāhi taoka, mahika kai, ara tawhito. Threats to these values include: damming, activities affecting water quality; building and structures and utilities; earthworks; subdivision and development; new roads or additions/alterations to existing roads, vehicle tracks and driveways; commercial and commercial recreational activities.

Chapter 21 of the PDP refers to the Rural Environment, Priority Area (PA) Landscape Schedules; the Western Whakātipu Basin PA is particularly relevant.

Schedule 1D of the Regional Plan: Water for Otago, identifies the spiritual and cultural beliefs, values and uses of significance to Kāi Tahu including for Lake Whakātipu wai māori, Kawarau River (between Lakes Dunstan and Whakatipu wai māori), and the Shotover River.

The Referral Application

Te Rūnanga o Moeraki (Moeraki) do not support the referral application in its current form and seek that the application is declined by the Minister. Te Rūnanga o Moeraki does not consider that

the applicant has met the referral application requirements (specifically general information and consultation requirements) prescribed under the Fast-track approvals Act.

Mana whenua regard the whole of the district as its ancestral land, whether or not it is mapped as a wāhi tūpuna or is recognised by statute. Intrinsic cultural values such as whakapapa, rangatiratanga, kaitiakitanga, mana, and mauri inform our relationships and association with wai māori and te taiao.

Ongoing significant and rapid development in Tāhuna and around Whakatipu wai māori, has contributed to a loss of connection for mana whenua. Rūnaka seek to uplift the mauri and mana in this catchment.

Significantly the Project is lacking in detail, which restricts full understanding of the impacts of the proposal on cultural values and connections.

It is also noted that the Project relates to areas that have not been contemplated by the strategic planning documents prepared by Queenstown Lakes District Council. Rūnaka note that infrastructure in Tāhuna is already experiencing significant non-compliances.

In terms of consultation, the first occasion that Moeraki received any information about the project was the notification via the portal. There had been no previous contact between the applicant and Moeraki.

We are not in a position to take any view on the merit of the project given that no consultation has occurred. We do, however, note that we have no confidence in the Applicants approach to engagement with mana whenua.

We also note that the “Regionally Significant Infrastructure” definition in the Proposed Otago Regional Policy Statement (PORPS) is under appeal, including the inclusion of “ski area infrastructure” under that definition. “Ski area infrastructure” as defined in the NPSFM and in the PORPS does not include transport for mountain biking.

Te Rūnanga o Moeraki reserve the right to provide further comment if the application is referred to the fast-track process.

Note: All comments will be made available to the public and the applicant when the Ministry for the Environment proactively releases advice provided to the Minister for the Environment.



Te Rūnanga o NGĀI TAHU

Wednesday 30 April 2025

Stephanie Frame, Acting General Manager Delivery and Operations
Ministry for the Environment
WELLINGTON

Uploaded through the Fast-track Portal

Tēnā koe Stephanie,

Te Rūnanga o Ngāi Tahu comments on referral application under the Fast-track Approvals Act 2024 – Powerhouse Funicular Railways Queenstown Regional Development Project [FTAA-2502-1025]

1. Introduction

- 1.1 Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) welcomes the opportunity to provide comments on the referral application made by Bowen Peak Limited (the **Applicant**) for the Powerhouse Funicular Railways Project, in Tāhuna (Queenstown) (the **Project**).
- 1.2 Te Rūnanga seeks that the referral application is **declined** by the Minister on the basis that it does not provide adequate information to determine the Projects potential impacts on Ngāi Tahu Treaty settlements as well as the environment, and due to the applicant's failure to meet the general application requirements and consultation requirements (prior to lodging the application) prescribed under the Fast-track approvals Act 2024¹ (**Fast-track approvals Act**). Our full comments on the Project are set out below (see **Section 3**). Te Rūnanga also supports the comments made on behalf of respective Papatipu Rūnanga.

2. Te Rūnanga o Ngāi Tahu

- 2.1 These comments are made on behalf of Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) which is the statutorily recognised representative tribal body of Ngāi Tahu Whānui, as provided by section 15 of the Te Rūnanga o Ngāi Tahu Act 1996 (**TRONT Act**).
- 2.2 Te Rūnanga encompasses five hapū, Kati Kurī, Ngāti Irakehu, Kati Huirapa, Ngāi Te Ruahikihiki, Ngāi Tūāhuriri and 18 Papatipu Rūnanga, who uphold the mana whenua and mana moana of their respective rohe.
- 2.3 Papatipu Rūnanga who have shared interests in Tāhuna are:

¹ Section 11(1)(b) consultation requirements with iwi authorities and hapū for referral application and section 13(4)(k) (i) & (ii) referral application general requirements

- Te Rūnanga o Moeraki;
- Kati Huirapa Rūnaka ki Puketeraki;
- Te Rūnanga o Ōtākou;
- Waihōpai Rūnaka;
- Te Rūnaka o Awarua;
- Te Rūnanga o Ōraka-Aparima; and
- Hokonui Rūnanga.

2.4 Ngāi Tahu holds and exercises rangatiratanga within the Ngāi Tahu Takiwā (see **Appendix One**) and has done so since before the Crown began exercising its powers in New Zealand from 1840. The Takiwā covers most of Te Waipounamu and its surrounding islands, constituting over half of New Zealand’s landmass, coastlines and waterways. The Crown and Parliament recognise and affirm Ngāi Tahu rangatiratanga in our Takiwā through:

- a) Article II of Te Tiriti o Waitangi (**Te Tiriti**);
- b) the 1997 Deed of Settlement between Ngāi Tahu and the Crown; and
- c) the Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**).

2.5 As recorded in the Crown Apology to Ngāi Tahu (see **Appendix Two**), the Ngāi Tahu Settlement marked a turning point, and the beginning of a “new age of co-operation”. The Crown apologised for its “past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries” and confirmed that “it recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui”. Those commitments are fundamental to the fast-track regime.

2.6 Te Rūnanga requests that the Minister accord these comments with the status and weight of the tribal collective of Ngāi Tahu Whānui comprising over 80,000 registered iwi members. Notwithstanding its statutory status as the representative voice of Ngāi Tahu whānui “for all purposes”, Te Rūnanga accepts and respects the right of Papatipu Rūnanga to make their own comments. Te Rūnanga understands that respective Papatipu Rūnanga (and their Regional Environmental Entities) have been separately invited to comment on the Project.

Comments

2.1. Our comments on the referral application for the Project are set out below and are guided by the relevant principles and provisions of the Ngāi Tahu Treaty settlements.

Ngāi Tahu Settlement principles

2.2. Te Rūnanga considers the following Ngāi Tahu settlement principles are applicable for this referral application:

- Ngāi Tahu holds and exercises rangatiratanga within the Ngāi Tahu Takiwā².

² Further details are set out paragraph 2.5 above.

- The Crown and agents of the Crown must act in good faith³.
- The Crown committed to a new age of co-operation with Ngāi Tahu.
- All areas and places within the Ngāi Tahu takiwā are important and form part of an intertwined network of values, places and resources that are relevant to Ngāi Tahu tribal history, contemporary values and the future of the tribe.
- Settlement is a platform from which Ngāi Tahu can rebuild⁴.
- Settlement provided a basis for the continuing evolution from which Ngāi Tahu as a tribe and as a people⁵.

Consultation on the referral application

2.3. Te Rūnanga is deeply concerned about the applicant's misrepresentation of consultation that was undertaken with papatipu rūnanga and Te Rūnanga, prior to lodging the referral application. The following summary of consultation is provided at page 30 of the referral application:

'The Applicant contacted the Ngai Tahu head office in Christchurch seeking a connection to the seven Rūnaka of Te Rūnanga o Ngāi Tahu. The Applicant was directed to meet with and subsequently met with the CEO of Te Rūnanga o Ōtākou via Teams Meeting on Friday 17 January 2025. The outcome of this meeting was that the CEO would distribute the development concept to all seven Rūnaka of Te Rūnanga o Ngāi Tahu. The Applicant has since been keeping the CEO of Te Rūnanga o Ōtākou updated with concept plan developments while awaiting formal Iwi/Rūnaka feedback. The Applicant subsequently visited the Ōtākou Marae on the Otago Peninsula on Tuesday 25 February 2025, met the administration team and received in writing confirmation that there was no negative feedback from the seven Rūnaka of Te Rūnanga o Ngāi Tahu. However, the Applicant remains committed to long term engagement with local Iwi/Rūnaka and is looking forward to incorporating local Rūnaka/Iwi concepts into the overall Powerhouse Funicular Railways Queenstown Regional Development.'

2.4. Te Rūnanga confirms that whilst some initial contact did occur between the applicant and staff employed by Te Rūnanga o Ōtākou, this **did not** constitute consultation for all respective papatipu rūnanga, and it **did not** result in written advice on the project being issued on behalf of all respective papatipu rūnanga. Te Rūnanga has also been unable to find any information to support the applicants' comments that contact was made with Te Rūnanga on the Project, and we first became aware of this referral application when we were invited to comment on it⁶.

³ The Crown's Apology recognises that previously the Crown failed to act in good faith, and left Ngāi Tahu in a state of poverty and deprived Ngāi Tahu the opportunity to develop.

⁴ For example through the mechanisms which enable the purchase of Crown lands (Right of First Refusal) and enabling Ngāi Tahu to exercise their kaitiaki responsibilities through the engagement template created by Statutory Acknowledgements.

⁵ The settlement is acknowledging that Ngāi Tahu will continue to develop, create an economic footprint for the benefit of Ngāi Tahu people, form a basis from which Ngāi Tahu can express its ancestral relationship with the Ngāi Tahu takiwā into the future.

⁶ Through the Fast-Track Portal

- 2.5. Based on the above comments, Te Rūnanga does not consider that the applicant has met the pre-lodgement consultation requirements and consequently has not met the general information requirements for a referral application as prescribed under the Fast-track approvals Act⁷. As such, Te Rūnanga is unable to determine whether the Project will be consistent with Ngāi Tahu Treaty settlements and understands the Minister may decline the referral application for this reason⁸.

Statutory Acknowledgement

- 2.6. The project site (specifically the 'Powerhouse Precinct') is adjacent to the Whakatipu-Wai-Māori (Lake Wakatipu) Statutory Acknowledgement. Ngāi Tahu association with Whakatipu-wai-māori is detailed in schedule 75 of the NTCSA (refer to **Appendix Three**) and includes important Ngāi Tahu histories and traditions relating to the lake. Whakatipu-wai-māori is an important source of freshwater, with the lake itself being fed by hukawai (melt water). These waters hold the highest level of purity and were accorded traditional classifications by Ngāi Tahu that recognised this value. Thus, the lake sustains many ecosystems important to Ngāi Tahu.
- 2.7. Given the immense significance the lake holds for Ngāi Tahu, it is critical that any potential discharging activities generated by the Project are undertaken in a manner that does not degrade the purity of this source of freshwater. Te Rūnanga is acutely aware of the problems that Queenstown Lakes District Council is facing with its existing wastewater infrastructure, with wastewater discharges currently going directly into the Shotover River to address uncontrolled discharges⁹. As such, Te Rūnanga is concerned about the ability of the Councils existing infrastructure to handle current and future needs. This concern is further compounded by a lack of information provided by the applicant regarding potential servicing arrangements for the project.

Right of First Refusal

- 2.8. Te Rūnanga note that some of the project site¹⁰ is "relevant land" as defined in the NTCSA. That land is therefore subject to the right of first refusal set out in the Act in favour of Ngāi Tahu. If there is a disposal of any of this "relevant land" then this will trigger the right of first refusal. We understand no disposal of relevant land is proposed, however note the requirements of the Act must be upheld, including the requirement to issue a "Disposal notice" before any attempt is made to dispose of relevant land.

Taonga Species

- 2.9. The special association Ngāi Tahu have with taonga species within the Ngāi Tahu Takiwā has been acknowledged by the Crown in the NTCSA¹¹, with a list of taonga species provided in Schedule 97 (refer to **Appendix Four**) which includes 49 bird species, 54 plant species and 6 marine mammals. Te Rūnanga understands that the project requires approval under the Wildlife Act 1953, and whilst the applicant has not provided information about the types of activities that necessitate the need for approval under the Act, Te Rūnanga is concerned that the project could adversely impact on taonga species within Tāhuna.

⁷ Section 11(1)(b) consultation requirements with iwi authorities and hapū for referral application and section 13(4)(k) (i) & (ii) referral application general requirements.

⁸ Section 21 (5) (a)(i)

⁹ through the use of emergency powers under the RMA

¹⁰ 'relevant land' pertains to parcels associated with titles OT109/95 (C98 5587844.1) and OT124/234 (C98 5587830.1)

¹¹ Section 288 of the NTCSA. Ngāi Tahu association includes cultural, spiritual, historic, and traditional.

3. Decision Sought

- 4.1 Te Rūnanga thanks the Minister for the opportunity to comment on the referral application.
- 4.2 Te Rūnanga considers that the referral application does not provide adequate information to determine the projects potential impacts on Ngāi Tahu Treaty settlements, as well as potential adverse effects on the environment. Further, Te Rūnanga does not consider that the applicant has met the referral application requirements (specifically general information and consultation requirements) prescribed under the Fast-track approvals Act. As such, Te Rūnanga does **not support** the referral application in its current form and seeks that the application is **declined** by the Minister.

Nāku noa nā,



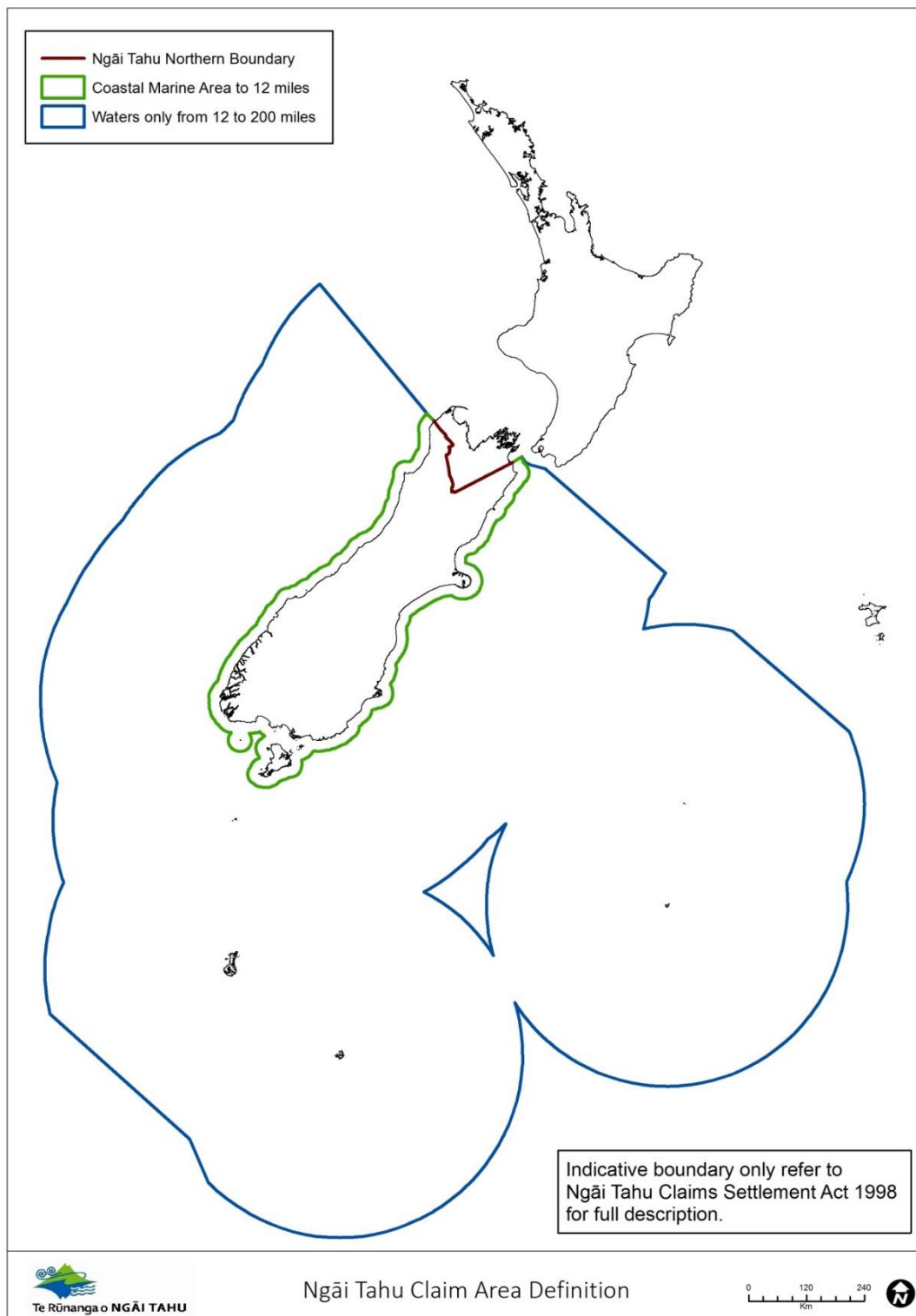
Maru Rout
Programme Leader- Mauri, Te Ao Tūroa
Te Rūnanga o Ngāi Tahu

Address for Service:
Amy Beran
Senior Environmental Advisor
Te Rūnanga o Ngāi Tahu
Email: ttw@ngaitahu.iwi.nz
Ph s 9(2)(a)

Cc: Aukaha and Te Ao Marama Inc

Appendices:
Appendix One – Map of takiwā of Ngāi Tahu
Appendix Two – Crown Apology to Ngāi Tahu
Appendix Three- Statutory Acknowledgement- Whakatipu-Wai-Māori
Appendix Four- Taonga Species Schedule

APPENDIX ONE: NGĀI TAHU TAKIWĀ



APPENDIX TWO: TEXT OF CROWN APOLOGY

The following is text of the Crown apology contained in the Ngāi Tahu Claims Settlement Act 1998.

Part One – Apology by the Crown to Ngāi Tahu

Section 5: Text in Māori

The text of the apology in Māori is as follows:

1. Kei te mōhio te Karauna i te tino roa o ngā tūpuna o Ngāi Tahu e totohe ana kia utu mai rātou e te Karauna—tata atu ki 150 ngā tau i puta ai tēnei pēpeha a Ngāi Tahu arā: “He mahi kai tākata, he mahi kai hoaka”. Nā te whai mahara o ngā tūpuna o Ngāi Tahu ki ngā āhuatanga o ngā kawenga a te Karauna i kawea ai e Matiaha Tiramōrehu tana petihana ki a Kuini Wikitoria i te tau 1857. I tuhia e Tiramōrehu tana petihana arā: ‘Koia nei te whakahau a tōu aroha i whiua e koe ki runga i ēnei kāwana... tērā kia whakakotahitia te ture, kia whakakotahitia ngā whakahau, kia ōrite ngā āhuatanga mō te kiri mā kia rite ki tō te kiri waitutu, me te whakatakoto i te aroha o tōu ngākau pai ki runga i te iwi Māori kia noho ngākau pai tonu ai rātou me te mau mahara tonu ki te mana o tōu ingoa.’ Nā konei te Karauna i whakaae ai tērā, te taumaha o ngā mahi a ngā tūpuna o Ngāi Tahu, nā rēira i tū whakaiti atu ai i nāiane i mua i ā rātou mokopuna.
2. E whakaae ana te Karauna ki tōna tino hēanga, tērā i takakino tāruaruatia e ia ngā kaupapa o te Tiriti o Waitangi i roto i āna hokonga mai i ngā whenua o Ngāi Tahu. Tēnā, ka whakaae anō te Karauna tērā i roto i ngā āhuatanga i takoto ki roto i ngā pukapuka ā-herenga whakaatu i aua hokonga mai, kāore te Karauna i whai whakaaro ki tāna hoa nā rāua rā i haina te Tiriti, kāore hoki ia i whai whakaaro ki te wehe ake i ētahi whenua hei whai oranga tinana, whai oranga ngākau rānei mō Ngāi Tahu.
3. E whakaae ana te Karauna tērā, i roto i tāna takakino i te wāhanga tuarua o te Tiriti, kāore ia i whai whakaaro ki te manaaki, ki te tiaki rānei i ngā mauanga whenua a Ngāi Tahu me ngā tino taonga i hiahia a Ngāi Tahu ki te pupuri.
4. E mōhio ana te Karauna tērā, kāore ia i whai whakaaro ki a Ngāi Tahu i runga i te ngākau pono o roto i ngā tikanga i pūtake mai i te mana o te Karauna. Nā tāua whakaaro kore a te Karauna i puaki mai ai tēnei pēpeha a Ngāi Tahu: “Te Hapa o Niu Tīreni”. E mōhio ana te Karauna i tāna hē ki te kaipono i ngā āhuatanga whai oranga mō Ngāi Tahu i noho pōhara noa ai te iwi ia whakatupuranga heke iho. Te whakatauāki i pūtake mai i aua āhuatanga: “Te mate o te iwi”.
5. E whakaae ana te Karauna tērā, mai rāno te piri pono o Ngāi Tahu ki te Karauna me te kawa pono a te iwi i ā rātou kawenga i raro i te Tiriti o Waitangi, pērā anō tō rātou piri atu ki raro i te Hoko Whitu a Tū i ngā wā o ngā pakanga nunui o te ao. E tino mihi ana te Karauna ki a Ngāi Tahu mō tōna ngākau pono mō te koha hoki a te iwi o Ngāi Tahu ki te katoa o Aotearoa.

6. E whakapuaki atu ana te Karauna ki te iwi whānui o Ngāi Tahu i te hōhonu o te āwhitu a te Karauna mō ngā mamaetanga, mō ngā whakawhiringa i pūtake mai nō roto i ngā takakino a te Karauna i takaongetia ai a Ngāi Tahu Whānui. Ewhakaae ana te Karauna tērā, aua mamaetanga me ngā whakawhiringa hoki i hua mai nō roto i ngā takakino a te Karauna, arā, kāore te Karauna i whai i ngā tohutohu a ngā pukapuka ā-herenga i tōna hokonga mai i ngā whenua o Ngāi Tahu, kāore hoki te Karauna i wehe ake kia rawaka he whenua mō te iwi, hei whakahaere mā rātou i ngā āhuatanga e whai oranga ai rātou, kāore hoki te Karauna i hanga i tētahi tikanga e maru motuhake ai te mana o Ngāi Tahu ki runga i ā rātou pounamu me ērā atu tāonga i hiahia te iwi ki te pupuri. Kore rawa te Karauna i aro ake ki ngā aurere a Ngāi Tahu.
7. E whakapāha ana te Karauna ki a Ngāi Tahu mō tōna hēanga, tērā, kāore ia i whai whakaaro mō te rangatiratanga o Ngāi Tahu, ki te mana rānei o Ngāi Tahu ki runga i ōna whenua ā-rohe o Te Wai Pounamu, nā rēira, i runga i ngā whakaritenga me ngā herenga a Te Tiriti o Waitangi, ka whakaae te Karauna ko Ngāi Tahu Whānui anō te tāngata whenua hei pupuri i te rangatiratanga o roto i ōna takiwā.
8. E ai mō ngā iwi katoa o Aotearoa e hiahia ana te Karauna ki te whakamārie i ngā hara kua whākina ake nei—otirā, ērā e taea i nāianei - i te mea kua āta tau ngā kōrero tūturu ki roto i te pukapuka ā-herenga whakaritenga i hainatia i te 21 o ngā rā o Whitu hei tīmatanga whai oranga i roto i te ao hōu o te mahinga tahi a te Karauna rāua ko Ngāi Tahu.

Section 6: Text in English

The text of the apology in English is as follows:

1. The Crown recognises the protracted labours of the Ngāi Tahu ancestors in pursuit of their claims for redress and compensation against the Crown for nearly 150 years, as alluded to in the Ngāi Tahu proverb 'He mahi kai takata, he mahi kai hoaka' ('It is work that consumes people, as greenstone consumes sandstone'). The Ngāi Tahu understanding of the Crown's responsibilities conveyed to Queen Victoria by Matiaha Tiramorehu in a petition in 1857, guided the Ngāi Tahu ancestors. Tiramorehu wrote:

“This was the command thy love laid upon these Governors ... that the law be made one, that the commandments be made one, that the nation be made one, that the white skin be made just equal with the dark skin, and to lay down the love of thy graciousness to the Māori that they dwell happily ... and remember the power of thy name.”
2. The Crown hereby acknowledges the work of the Ngāi Tahu ancestors and makes this apology to them and to their descendants.
3. The Crown acknowledges that it acted unconscionably and in repeated breach of the principles of the Treaty of Waitangi in its dealings with Ngāi Tahu in the purchases of Ngāi Tahu land. The Crown further acknowledges that in relation to the deeds of purchase it has failed in most material respects to honour its obligations to Ngāi Tahu as its Treaty partner, while it also failed to set aside adequate lands for Ngāi Tahu's use, and to provide adequate economic and social resources for Ngāi Tahu.
4. The Crown acknowledges that, in breach of Article Two of the Treaty, it failed to preserve and protect Ngāi Tahu's use and ownership of such of their land and valued possessions as they wished to retain.

5. The Crown recognises that it has failed to act towards Ngāi Tahu reasonably and with the utmost good faith in a manner consistent with the honour of the Crown. That failure is referred to in the Ngāi Tahu saying 'Te Hapa o Niu Tirenī' ('The unfulfilled promise of New Zealand'). The Crown further recognises that its failure always to act in good faith deprived Ngāi Tahu of the opportunity to develop and kept the tribe for several generations in a state of poverty, a state referred to in the proverb 'Te mate o te iwi' ('The malaise of the tribe').
6. The Crown recognises that Ngāi Tahu has been consistently loyal to the Crown, and that the tribe has honoured its obligations and responsibilities under the Treaty of Waitangi and duties as citizens of the nation, especially, but not exclusively, in their active service in all of the major conflicts up to the present time to which New Zealand has sent troops. The Crown pays tribute to Ngāi Tahu's loyalty and to the contribution made by the tribe to the nation.
7. The Crown expresses its profound regret and apologises unreservedly to all members of Ngāi Tahu Whānui for the suffering and hardship caused to Ngāi Tahu, and for the harmful effects which resulted to the welfare, economy and development of Ngāi Tahu as a tribe. The Crown acknowledges that such suffering, hardship and harmful effects resulted from its failures to honour its obligations to Ngāi Tahu under the deeds of purchase whereby it acquired Ngāi Tahu lands, to set aside adequate lands for the tribe's use, to allow reasonable access to traditional sources of food, to protect Ngāi Tahu's rights to pounamu and such other valued possessions as the tribe wished to retain, or to remedy effectually Ngāi Tahu's grievances.
8. The Crown apologises to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfilment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.
9. Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the historical grievances finally settled as to matters set out in the Deed of Settlement signed on 21 November 1997, to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu."

Schedule 97 Taonga species

s 287

Birds

Name in Māori	Name in English	Scientific name
Hoiho	Yellow-eyed penguin	<i>Megadyptes antipodes</i>
Kāhu	Australasian harrier	<i>Circus approximans</i>
Kākā	South Island kākā	<i>Nestor meridionalis meridionalis</i>
Kākāpō	Kākāpō	<i>Strigops habroptilus</i>
Kākāriki	New Zealand parakeet	<i>Cyanoramphus</i> spp
Kakaruai	South Island robin	<i>Petroica australis australis</i>
Kakī	Black stilt	<i>Himantopus novaezelandiae</i>
Kāmana	Crested grebe	<i>Podiceps cristatus</i>
Kārearea	New Zealand falcon	<i>Falco novaeseelandiae</i>
Karoro	Black-backed gull	<i>Larus dominicanus</i>
Kea	Kea	<i>Nestor notabilis</i>
Kōau	Black shag	<i>Phalacrocorax carbo</i>
	Pied shag	<i>Phalacrocorax varius varius</i>
	Little shag	<i>Phalacrocorax melanoleucos brevirostris</i>
Koekoeā	Long-tailed cuckoo	<i>Eudynamys taitensis</i>
Kōparapara or Korimako	Bellbird	<i>Anthornis melanura melanura</i>
Kororā	Blue penguin	<i>Eudyptula minor</i>
Kōtare	Kingfisher	<i>Halcyon sancta</i>
Kōtuku	White heron	<i>Egretta alba</i>
Kōwhiowhio	Blue duck	<i>Hymenolaimus malacorhynchos</i>
Kūaka	Bar-tailed godwit	<i>Limosa lapponica</i>
Kūkupa/Kererū	New Zealand wood pigeon	<i>Hemiphaga novaeseelandiae</i>
Kuruwhengu/Kuruwhengi	New Zealand shoveller	<i>Anas rhynchotis</i>

Name in Māori	Name in English	Scientific name
Mātā	Fernbird	<i>Bowdleria punctata</i> <i>punctata</i> and <i>Bowdleria punctata</i> <i>stewartiana</i> and <i>Bowdleria punctata</i> <i>wilsoni</i> and <i>Bowdleria punctata</i> <i>candata</i>
Matuku moana	Reef heron	<i>Egretta sacra</i>
Miromiro	South Island tomtit	<i>Petroica macrocephala</i> <i>macrocephala</i>
Miromiro	Snares Island tomtit	<i>Petroica macrocephala dannefaerdi</i>
Mohua	Yellowhead	<i>Mohoua ochrocephala</i>
Pākura/Pūkeko	Swamp hen/Pūkeko	<i>Porphyrio porphyrio</i>
Pārera	Grey duck	<i>Anas superciliosa</i>
Pateke	Brown teal	<i>Anas aucklandica</i>
Pīhoihoi	New Zealand pipit	<i>Anthus novaeseelandiae</i>
Pīpīwharau	Shining cuckoo	<i>Chrysococcyx lucidus</i>
Pīwakawaka	South Island fantail	<i>Rhipidura fuliginosa fuliginosa</i>
Poaka	Pied stilt	<i>Himantopus himantopus</i>
Pokotiwaha	Snares crested penguin	<i>Eudyptes robustus</i>
Pūtakitaki	Paradise shelduck	<i>Tadorna variegata</i>
Riroriro	Grey warbler	<i>Gerygone igata</i>
Roroa	Great spotted kiwi	<i>Apteryx haastii</i>
Rowi	Ōkārito brown kiwi	<i>Apteryx mantelli</i>
Ruru koukou	Morepork	<i>Ninox novaeseelandiae</i>
Takahē	Takahē	<i>Porphyrio mantelli</i>
Tara	Terns	<i>Sterna</i> spp
Tawaki	Fiordland crested penguin	<i>Eudyptes pachyrhynchus</i>
Tete	Grey teal	<i>Anas gracilis</i>
Tīeke	South Island saddleback	<i>Philesturnus carunculatus</i> <i>carunculatus</i>

Name in Māori	Name in English	Scientific name
Tītī	Sooty shearwater/Muttonbird/Hutton's shearwater Common diving petrel South Georgian diving petrel Westland petrel Fairy prion Broad-billed prion White-faced storm petrel Cook's petrel Mottled petrel	<i>Puffinus griseus</i> and <i>Puffinus huttoni</i> and <i>Pelecanoides urinatrix</i> and <i>Pelecanoides georgicus</i> and <i>Procellaria westlandica</i> and <i>Pachyptila turtur</i> and <i>Pachyptila vittata</i> and <i>Pelagodroma marina</i> and <i>Pterodroma cookii</i> and <i>Pterodroma inexpectata</i>
Tītītipounamu	South Island rifleman	<i>Acanthisitta chloris chloris</i>
Tokoeka	South Island brown kiwi	<i>Apteryx australis</i>
Toroa	Albatrosses and Mollymawks	<i>Diomedea</i> spp
Toutouwai	Stewart Island robin	<i>Petroica australis rakiura</i>
Tūī	Tūī	<i>Prothemadera novaeseelandiae</i>
Tutukiwi	Snares Island snipe	<i>Coenocorypha aucklandica huegeli</i>
Weka	Western weka	<i>Gallirallus australis australis</i>
Weka	Stewart Island weka	<i>Gallirallus australis scotti</i>
Weka	Buff weka	<i>Gallirallus australis hectori</i>

Plants

Name in Māori	Name in English	Scientific name
Akatorotoro	White rata	<i>Metrosideros perforata</i>
Aruhe	Fernroot (bracken)	<i>Pteridium aquilinum</i> var <i>esculentum</i>
Harakeke	Flax	<i>Phormium tenax</i>
Horoeka	Lancewood	<i>Pseudopanax crassifolius</i>
Houhi	Mountain ribbonwood	<i>Hoheria lyalli</i> and <i>H. glabata</i>
Kahikatea	Kahikatea/White pine	<i>Dacrycarpus dacrydioides</i>
Kāmahi	Kāmahi	<i>Weinmannia racemosa</i>
Kānuka	Kānuka	<i>Kunzia ericoides</i>
Kāpuka	Broadleaf	<i>Griselinia littoralis</i>
Karaeopirita	Supplejack	<i>Ripogonum scandens</i>

Name in Māori	Name in English	Scientific name
Karaka	New Zealand laurel/Karaka	<i>Corynocarpus laevigata</i>
Karamū	Coprosma	<i>Coprosma robusta, coprosma lucida, coprosma foetidissima</i>
Kātote	Tree fern	<i>Cyathea smithii</i>
Kiekie	Kiekie	<i>Freycinetia baueriana</i> subsp <i>banksii</i>
Kōhia	NZ Passionfruit	<i>Passiflora tetrandia</i>
Korokio	Korokio bush Wire-netting	<i>Corokia cotoneaster</i>
Koromiko/Kōkōmuka	Koromiko	<i>Hebe salicifolia</i>
Kōtukutuku	Tree fuchsia	<i>Fuchsia excorticata</i>
Kōwahi Kōhai	Kōwhai	<i>Sophora microphylla</i>
Mamaku	Tree fern	<i>Cyathea medullaris</i>
Mānia	Sedge	<i>Carex flagellifera</i>
Mānuka Kahikātoa	Tea-tree	<i>Leptospermum scoparium</i>
Māpou	Red matipo	<i>Myrsine australis</i>
Mataī	Mataī/Black pine	<i>Prumnopitys taxifolia</i>
Miro	Miro/Brown pine	<i>Podocarpus ferrugineus</i>
Ngaio	Ngaio	<i>Myoporum laetum</i>
Nīkau	New Zealand palm	<i>Rhopalostylis sapida</i>
Pānako	(Species of fern)	<i>Asplenium obtusatum</i>
Pānako	(Species of fern)	<i>Botrychium australe</i> and <i>B. biforme</i>
Pātōtara	Dwarf mingimingi	<i>Leucopogon fraseri</i>
Pīngao	Pīngao	<i>Desmoschoenus spiralis</i>
Pōkākā	Pōkākā	<i>Elaeocarpus hookerianus</i>
Ponga/Poka	Tree fern	<i>Cyathea dealbata</i>
Rātā	Southern rātā	<i>Metrosideros umbellata</i>
Raupō	Bulrush	<i>Typha angustifolia</i>

Name in Māori	Name in English	Scientific name
Rautāwhiri/Kōhūhū	Black matipo/Māpou	<i>Pittosporum tenuifolium</i>
Rimu	Rimu/Red pine	<i>Dacrydium cypressinum</i>
Rimurapa	Bull kelp	<i>Durvillaea antarctica</i>
Taramea	Speargrass, spaniard	<i>Aciphylla</i> spp
Tarata	Lemonwood	<i>Pittosporum eugenioides</i>
Tawai	Beech	<i>Nothofagus</i> spp
Tētēaweka	Muttonbird scrub	<i>Olearia angustifolia</i>
Tī rākau/Tī Kōuka	Cabbage tree	<i>Cordyline australis</i>
Tīkumu	Mountain daisy	<i>Celmisia spectabilis</i> and <i>C. semicordata</i>
Tītoki	New Zealand ash	<i>Alectryon excelsus</i>
Toatoa	Mountain Toatoa, Celery pine	<i>Phyllocladus alpinus</i>
Toetoe	Toetoe	<i>Cortaderia richardii</i>
Tōtara	Tōtara	<i>Podocarpus totara</i>
Tutu	Tutu	<i>Coriaria</i> spp
Wharariki	Mountain flax	<i>Phormium cookianum</i>
Whīnau	Hīnau	<i>Elaeocarpus dentatus</i>
Wī	Silver tussock	<i>Poa cita</i>
Wīwī	Rushes	<i>Juncus</i> all indigenous <i>Juncus</i> spp and <i>J. maritimus</i>

a) *Marine mammals*

Name in Māori	Name in English	Scientific name
Ihupuku	Southern elephant seal	<i>Mirounga leonina</i>
Kekeno	New Zealand fur seals	<i>Arctocephalus forsteri</i>
Paikea	Humpback whales	<i>Megaptera novaeangliae</i>
Parāoa	Sperm whale	<i>Physeter macrocephalus</i>
Rāpoka/Whakahao	New Zealand sea lion/Hooker's sea lion	<i>Phocarctos hookeri</i>
Tohorā	Southern right whale	<i>Balaena australis</i>

Schedule 75

Statutory acknowledgement for Whakatipu-wai-māori (Lake Wakatipu)

ss 205, 206

Statutory area

The statutory area to which this statutory acknowledgement applies is the lake known as Whakatipu-wai-māori (Lake Wakatipu), the location of which is shown on Allocation Plan MD 39 (SO 24720)

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 Whakatipu-wai-māori, as set out below.

Ngāi Tahu association with the Hakataramea River

The name Whakatipu-wai-māori originates from the earliest expedition of discovery made many generations ago by the tupuna Rakaihautu and his party from the Uruao waka. Rakaihautu is traditionally credited with creating the great waterways of the interior of the island with his famous kō (a tool similar to a spade), known as Tū Whakaroria and renamed Tuhiraki at the conclusion of the expedition.

There are many traditions relating to the lake. One of the most famous tells that the hollow which forms the bed of the lake was created when the people known as Te Rapuwai came upon the giant tipua (ogre) Matau as he lay there in a deep sleep. Matau had been responsible for the disappearance of many small hunting parties and had entrapped a beautiful maiden, Manatā. The father of Manatā offered her in marriage to the man who could bring her safely home. Matakauri, who was in love with Manatā, ventured forth, discovering that Matau slept when the northwest wind blew. Matakauri selected a day when the wind was blowing the right way and set forth. He found Manatā and, using his mere, he attempted to sever the bonds which held her, but try as he would he failed. Manatā began to sob bitterly, and as her tears fell on the cords, they melted away. Matakauri carried Manatā back to the village where they became man and wife. However, Matakauri knew that while Matau lived no maiden was safe, so he set forth when again the northwest wind blew, and set fire to the large growth of bracken that acted as a bed for the giant. Matau was smothered in flames, the fat from his body augmenting the fire, until the blaze was so fierce that it burned a hole more than 1,000 feet deep. The snow on the surrounding hills melted and filled the hole, which is known today as Lake Wakatipu.

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 continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

Whakatipu-wai-māori once supported nohoanga and villages which were the seasonal destinations of Otago and Murihiku (Southland) whānau and hapū for many generations, exercising ahi kā and accessing mahinga kai and providing a route to access the treasured pounamu located beyond the head of the lake. Strategic marriages between hapū strengthened the kupenga (net) of whakapapa and thus rights to use the resources of the lake. It is because of these patterns of activity that the lake continues to be important to rūnanga located in Murihiku, Otago and beyond. These rūnanga carry the responsibilities of kaitiaki in relation to the area, and are represented by the tribal structure, Te Rūnanga o Ngāi Tahu.

The lake also supported permanent settlements, such as the kaika (village) Tahuna near present-day Queenstown, Te Kirikiri Pā, located where the Queenstown gardens are found today, a Ngāti Mamoe kaika near the Kawarau Falls called Ō Te Roto, and another called

Takerehaka near Kingston. The Ngāti Mamoe chief Tu Wiri Roa had a daughter, Haki Te Kura, who is remembered for her feat of swimming across the lake from Tāhuna, a distance of some three kilometres.

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 the lake, 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.

A key attraction of the lake was the access it provided to seasonal campsites and the pounamu located at the head of the lake at the Dart and Routeburn River catchments, from which countless generations gathered inaka and koko-takiwai pounamu and transported it back to coastal settlements for fashioning into tools, ornaments and weapons.

Waka and mōkihi were the key modes of transport for the pounamu trade, travelling the length and breadth of Whakatipu-wai-māori. Thus there were numerous tauranga waka (landing places) on the lake and the islands upon it (Matau and Wāwāhi-waka). The tūpuna had an intimate knowledge of navigation, river routes, safe harbours and landing places, and the locations of food and other resources on the lake. The lake was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the roto (lake).

Whakatipu-wai-māori is an important source of freshwater, the lake itself being fed by hukawai (melt waters). These are waters with the highest level of purity and were accorded traditional classifications by Ngāi Tahu that recognised this value. Thus it is a puna (spring) which sustains many ecosystems important to Ngāi Tahu. The mauri of Whakatipu-wai-māori 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.

Purposes of statutory acknowledgement

Pursuant to [section 215](#), and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- (a) to require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to [section 207](#) (clause 12.2.3 of the deed of settlement); and
- (b) to require that consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Hakataramea River, as provided in [sections 208 to 210](#) (clause 12.2.4 of the deed of settlement); and
- (c) to empower the Minister responsible for management of the Hakataramea River or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in [section 212](#) (clause 12.2.6 of the deed of settlement); and
- (d) to enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to the Hakataramea River as provided in [section 211](#) (clause 12.2.5 of the deed of settlement).

Limitations on effect of statutory acknowledgement

Except as expressly provided in [sections 208 to 211](#), [213](#), and [215](#),—

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- (b) without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to the Hakataramea River (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Hakataramea River.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, the Hakataramea River.