FORM 5: SUBMISSION

ON NOTIFIED PROPOSED DISTRICT PLAN *OR* PLAN CHANGE *OR* VARIATION *OR* POLICY STATEMENT

QUEENSTOWN LAKES DISTRICT COUNCIL

Clause 6 of Schedule 1, Resource Management Act 1991

TO // Queenstown Lakes District Council

Name of submitter [full name] Advance Terrace/Cotter Avenue Residents Group (see attached)

This is a submission on the following proposed policy statement (*or* on the following proposed plan *or* on a change proposed to the following policy statement *or* plan *or* on the following proposed variation to a proposed policy statement *or* on the following proposed variation to a proposed plan *or* on the following proposed variation to a change to an existing policy statement *or* plan) (the **proposal**):

NAME OF // Proposed or existing policy statement or plan and (where applicable) change or variation

I ☐ could / ☑ could not** gain an advantage in trade competition through this submission.

*I ☑ am / ☐ am not** directly affected by an effect of the subject matter of the submission:
(a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition.

* *Delete entire paragraph if you could not gain an advantage in trade competition through this submission.*
** *Select one.*

SPECIFIC PROVISIONS // Of the proposal that my submission relates to are:

[give details] All of the private plan change 2: Arrowtown South / The Proposed change to the Arrowtown Urban Growth Boundary

MY SUBMISSION

[*Include:* whether you support or oppose the specific provisions or wish to have them amended; and reasons for your view]

Oppose

**If your submission relates to a proposed policy statement or plan prepared or changed using the collaborative planning process, you must indicate the following:*

- whether you consider that the proposed plan or policy statement or change fails to give effect to a consensus position and therefore how it should be modified; or
- in the case that your submission addresses a point on which the collaborative group did not reach a consensus position, how that provision in the plan or policy statement should be modified.

* *This paragraph may be deleted if the proposal is not subject to a collaborative planning process.*

DRAFT

I SEEK THE FOLLOWING DECISION // From the local authority

[give precise details]

- Decline Private Plan Change 2 including any proposal to change the current location of the Arrowtown Urban Growth Boundary (AUGB).

- Consider whether the AUGB should remain in its current location and some lesser scale and density of development should be allowed as part of the subject site east of the creek that disects the subject site.

*I [✔] wish / [ ] do not wish** to be heard in support of my submission.

I [✔] will / [ ] will not** consider presenting a joint case with others presenting similar submissions.

* *In the case of a submission made on a proposed planning instrument that is subject to a streamlined planning process, you need only indicate whether you wish to be heard if the direction specifies that a hearing will be held.*

** *Select one.*

SIGNATURE

**Signature
[or person authorised to sign on behalf of submitter] G. M. Todd as authorised party for submitter.

Date 11th November 2026.

*** A signature is not required if you make your submission by electronic means.*

YOUR DETAILS // Our preferred methods of corresponding with you are by **email** and **phone**.

Electronic address for service of submitter [email] graemetodd58@gmail.com

Telephone [work] | [home] | [mobile] 027 433 0457

Postal Address [or alternative method of service under section 352 of the Act]: PO Box 95, Arrowtown | Post code: 9302

Contact person [name and designation, if applicable] Graeme Todd

NOTE // To person making submission

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

DRAFT

The Submitter

1. The Submitter, the Advance Terrace/Cotter Avenue Residents Group, comprises the following owners and or residents of properties located on the western side of Advance Terrace and Cotter Avenue, Arrowtown

- G & J Turner – No. 20 Advance Terrace
- D & A Brown – No.18 Advance Terrace
- D & V Beeche – No.16 Advance Terrace
- J & D Patterson No 14- Advance Terrace
- G & J Todd & Todd Family Trust – No. 10 Advance Terrace
- J & H Conaglen- No 12 Advance Terrace
- J & H Hamilton – No. 2 Advance Terrace
- L & A Erskine – No 4 Advance Terrace
- C &J Macnicol 105 Cotter Avenue
- M & J Burdon 99 Cotter Avenue
- W & P Sheehy 103 Cotter Avenue
- K & J Buck 101 Cotter Avenue
- J & S Newson 95 Cotter Avenue

2. All of the above-mentioned properties enjoy elevated views of the land the subject of the application(subject land) for Private Plan Change 2 (PPC2).

3. The only consultation in respect of PPC2 was a mail drop to residents in March 2026 from Mr J. Clear, one of the directors of Arrowsouth Properties Limited, the owner of the subject land and applicant for PPC2, noting that the application had been made and a brief summary of what was being applied for.

Background to Submission

4. Currently the subject land is zoned Arrowtown South Special Zone in the Queenstown Lakes District Operative District Plan (ODP). The land was not rezoned as part of the notification of the Proposed District Plan (PDP) as the land, and land further to the south of the subject site being the Monk land, had only recently been the subject of two Environment Court decisions being : *Monk v Queenstown Lakes District Council* [2013] NZ EnvC ("PC29 decision") and *Cook Adam Trustees Limited & R. Monk v Queenstown Lakes District Council* [2014] NZ EnvC 117.(PC 39 decision)

5. These decisions were determined just prior to the PDP being notified. The PC 29 decision related to an appeal against a decision of the Council not to amend the

Arrowtown Urban Growth Boundary (AUGB) a from its then current position to a position south, encompassing the subject land and the Monk land to the south between McDonnell Road and Centennial Drive.

6. The Court in the PC29 decision, after a detailed analysis of the ODP provisions, the existing environment including views of the sites , and a review of the topographical and ecological features of the sites, allowed only a minor extension of the AUGB to the south and a rezoning of such land to allow for residential urban development.

7. The extension subsequently facilitated what is now the Brodie Avenue subdivision, located to the north of the subject land.
8. The decision did not allow for any specific development of the subject land but found it and the balance of land the subject of PC 399 being the Monk property to the south of the subject site , was not suitable for urban scale development, but that some form of rural lifestyle scale development over part of the subject landmight be acceptable subject to a future application being made .

9. One year on, and having confirmed its findings on the location of the AUGB, the Court gave its final determination on Plan Change 39 to the ODP. It seems the owner of the subject land took no further part in the proceedings, presumably being satisfied with the findings of the Court in PC29, which gave them the ability to develop the Brodie Ave subdivision.

10. In terms of the Monk land, the Court in its decision on PC39 approved a Structure Plan(now included on page 10 of the request for PPC2) which indicated approval for 19 lots. Further subdivision of the Monk land was to be precluded for at least one further generation (see Order 3). The submitters understand no resource consent has ever been sought by the Monks to subdivide such lots.

11. The Court in the Plan Change 39 decision also determined the ODP be amended to ensure the balance of the land including the subject land in these proceedings was to be subject to Open Space Management Plans and kept free of houses and other buildings and structures, including fences (Order A(3)(b) and (c)).

12. The decision also imposed requirements for public trails to be created to and along the stream that runs through the subject land, and the trail up along the escarpment connecting up with Advance Terrace and Centennial Avenue (Order A(1)).These trails were subsequently constructed and are now available for public use .

13. As a result of the Court's determination, the majority of the subject land, which PPC2 now seeks to rezone for urban style development (indicative 44 lots), is subject to rules in the ODP which make development of such land a Prohibited Activity.

14. Finally, by way of background, the title for the subject land is subject to a Consent Notice which prevents the site being developed for houses or buildings, consistent with the Court's order in the Plan Change 39 decision.

15. As no application has been made to vary the Consent Notice, even if the Council was to resolve to adopt PPC2, without a variation to the Consent Notice, no development as envisaged by PPC2 could occur.

Reasons for the Submitter's Submission

(a) It is premature to consider PPC2 and submissions to it until such time as and application to vary the Consent Notice is made and determined . The processing of PPC2 should be suspended until such time as an application for the same is made. If the Council does not agree to a subsequent application to vary the Consent Notice, then the zoning which contemplates development would be ineffective.

(b) Subject to any application to vary the Consent Notice as referred to in (a) above, it is submitted that the first determination to be made in terms of consideration of PPC2 is whether the AUGB should be moved to the southern boundary of the subject land to enable the urban scale of development contemplated by PPC2.

(c) If it is determined the AUGB should not be moved, then the urban density of development proposed to be allowed by PPC2 would be inappropriate and the density of development proposed should be refused

(d) To move the AUGB as sought would be contrary to the purpose, objectives and policies of Section 4 – Urban Development of the PDP, and in particular Objectives 4.2.1, 4.2.2.A and 4.2.2.B and Policies 4.2.1.2, 4.2.1.3, 4.2.1.4, 4.2.1.5, 4.2.1.6, 4.2.1.7, 4.2.2.1(a), 4.2.2.2, 4.2.2.3, 4.2.2.4, 4.2.2.5, 4.2.2.[?], 4.2.2.12, 4.2.2.13, 4.2.2.19 and 4.2.2.20.

(e) There has been no change in the subject land or the surrounding environment since the determination of the PC29 & 30 decisions that justifies moving the AUGB as proposed . Indeed, since that time the aforementioned Objectives and Policies have strengthened the matters to be considered in determining an application to move the AUGB and which should prevent the same.

(f) The Court in the PC29 and the PC39 decisions determined that the land currently zoned Arrow South was not suitable for urban scale development. It is submitted that, as nothing has changed which would provide grounds to differentiate those findings and as the Council is bound by the decisions of the Court there should be no movement in the AUGB.

(g) If it was determined the AUGB should be moved to the southern boundary of the subject land , then such would not be defendable from future applications to move it further south,

especially over the Monk land where again the Court has found such land, given its characteristics, is not suitable for urban scale development.

(h) If it is accepted that the AUGB should not be moved, then it would be contrary to the objectives and policies previously referred to, to allow urban scale development as contemplated by the suggested rules of PPC2 on the subject land.

(i) Any decision to allow such would create a precedent for further rezoning applications, which would inevitably follow, again especially on the Monk land.

(j) Any development as contemplated by PPC2 would result in adverse visual, construction noise(albeit temporary) and general amenity effects on the submitters' land, as well as the public when viewed from McDonnell Road, Cotter Avenue, Tobins Track and the public trails between McDonnell Road and Cotter Avenue.It is acknowledged that views from the escarpment trail through the subject land and up to Advance Terrace cannot be taken into consideration as such trail is not deemed to be a public place as per the definition in the PDP .

(k) The infrastructure reports submitted in support of PPC2 confirm connections for existing wastewater infrastructure are "feasible" but do not comment on the cumulative adverse effects of further connections to the Shotover Wastewater Treatment facility, which is currently unable to treat existing levels in a sustainable manner.

(l) Further, such infrastructure reports confirms that the servicing of the development contemplated by PPC2 would have further adverse effects on the existing levels of water pressure experienced by the submitters and other residents on the western urban edge of Arrowtown including Advance Terrace . Without a commitment by Council(or the applicant) to provide measures to improve such pressure issues, it would clearly not be prudent to allow for further development and connections .

(m) PPC2 is contrary to the provisions of the QLDC Spatial Plan and the specific provisions of such relating to Future Urban Areas, Small Settlements, Protective Areas and Open Space. Further, PPC2 does not relate to any priority development area identified in the Spatial Plan.

(n) PPC2 is also contrary to a number of the desired outcomes and recommendations recorded in the Shaping our Futures – Arrowtown Community Visioning Report 2022 compiled following a review of earlier comprehensive consultation with the Arrowtown community . The document notes

"This report is intended to provide 'decision makers'(from community groups to statutory bodies) with direction to guide their decision making and is hoped, in particular, that QLDC staff will actively respect and utilize its content ."

(o) There is adequate land zoned or consented to meet the short and medium term demand for housing in the Wakatipu Basin, even ignoring areas that have been accepted for consideration under the Fast Track legislation.

(p) No provision is made in PPC2 for Affordable Housing.

DECISION SOUGHT

(16) In summary, based on the above, PPC2 in its current form should be declined. It is accepted and suggested by the submitters that some form of lesser scale and density of development may be suitable, and within scope of PPC2, being it is suggested on that part of the subject land east of the creek that runs through the subject land . This would enable a setback from McDonnell Road consistent with the findings of the Court in the Plan Change 39 decision and the Boxer Hill and Banco Trustee /Guthrie decisions relating to rezoning of land on the western side of McDonnell Road for Lifestyle Precinct scale development .