

Form 7

Notice of appeal to Environment Court against decision on proposed policy statement or plan or change or variation

Clause 14(1) of Schedule 1, Resource Management Act 1991

To: The Registrar
Environment Court
Auckland, Wellington, and Christchurch

1. **Arthurs Point Outstanding Natural Landscape Society Incorporated (“APONLS”)** appeal against a part of the decision of the Queenstown Lakes District Council (“**the Respondent**”) in relation to the variation to introduce Landscape Schedules 21.22 and 21.23 into Chapter 21 Rural Zone of the Queenstown Lakes Proposed District Plan (“**PDP**”).
2. APONLS made a submission (#122) and further submission (#241) on the Variation.
3. APONLS is not a trade competitor for the purposes of section 308D of the Act.
4. APONLS received notice of the Decision on 21 June 2024.
5. The Decision was made by the Queenstown Lakes District Council.
6. APONLS is appealing the decision as it relates to the Kimiākau Shotover River Priority Area (PA), the West Wakatipu Basin PA, the Central Wakatipu Basin Coronet Area PA, Queenstown Hill/Ferry Hill PA, and the associated schedules and mapping.
7. The reasons for the appeal are as follows:

Background

8. APONLS provided feedback on 3 April 2020 in response to a call for public feedback to help inform the schedules prior to the notification of the Variation. The feedback from the APONLS was thorough and detailed, covering:
 - a. Shotover River ONF;
 - b. Queenstown Hill and Ferry Hill ONF;
 - c. Central Wakatipu Basin, Coronet Area ONL
 - d. West Wakatipu Basin ONL

9. This is reflected in the figure below from the APONLS' feedback submission:



Figure 1- ONF's and ONL's at Arthurs Point

10. At this time, APONLS raised the issue of the mapping error and that it is “misleading and extremely confusing to APONLS members and other interested parties who know that the land has, by court order, now been zoned ‘Rural’ and is ONL as shown on the notified 2015 plan map 39a”.

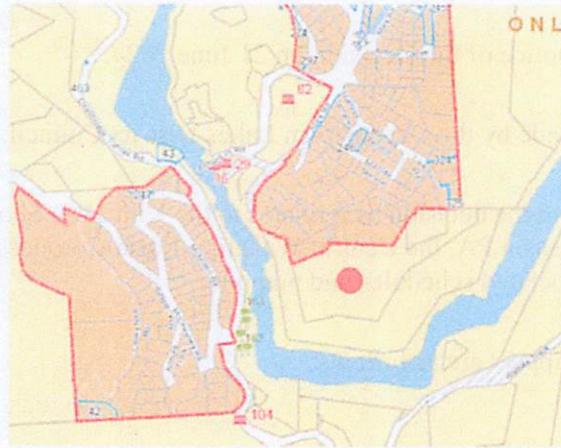


Figure 4 - Excerpt from 2015 QLDC Notified Map 39a. Red dot added to show the location of land subject to C150/2019 decision

11. APONLS made a submission on the Variation, dated 26 August 2022, citing its interest in the Variation as a whole and a particular interest with respect to the ONL and ONF (Shotover River) at Arthurs Point “which is continuing to experience significant pressures from development both within it and on its fringes, including the Shotover Loop around Atley Road”.¹

¹ [8] of Submission of APONLS dated 26 August 2022

12. The submission further stated at [9]:

“The Society understands that the Priority Areas at Arthurs Point are part of both an ONL and ONF, and should therefore be addressed under Schedule 21.22.3 (Shotover River PA ONF), Schedule 21.22.12 (Western Wakatipu Basin PA ONL), and Schedule 21.22.15 (Central Wakatipu Basin Coronet PA ONL). This submission relates to these schedules, and any other schedules that relate to the subject matter pertaining to this submission, and ultimately seeks the protection of the values of both the ONL and ONF from inappropriate subdivision, use and development.”

(emphasis added).

13. APONLS participated in the hearing and provided evidence (including expert evidence) on the subject matter.

Decision

14. The Decision on the Variation:

- a. determined submission points seeking amendments to the PA, ONF, ONL and Rural Character Landscape (**RCL**) boundaries were not “on” the Variation and that there was no jurisdiction to make recommendations in respect of those submission points;
- b. accepted that the Respondent will use clause 16(2) to correct PA boundaries, including the boundary of the Kimiākau Shotover River PA;
- c. accepted that the landscape schedule 21.22.3 Kimiākau Shotover River is to be amended to change the boundary line of the Shotover ONF and the priority area around the Shotover loop “is confirmed as the boundary line that was determined in Council Decisions on Stage 1 of the Proposed District Plan”²; and
- d. adopted the version of the preambles and schedules included as Appendix 4 to the Decision.

Reasons for the Appeal

15. APONLS has a particular interest in the land (“**the subject land**”) contained at 113 Atley Road (Lot 1 DP 518803), 163 Atley Road (Lot 2 DP 398656) and Sec 92 Blk XIX Shotover SD, as generally indicated in the figure below.



² OS200.5, Gurtrude’s Saddlery Ltd (Appendix B, Page 561 of Variation Decision)

16. The Council notified PAs that included the subject land, and submissions were made, including by the Appellant and numerous other parties, on those schedules and on that land. The values and attributes of the subject land are that of a landscape of national significance under section 6(b) of the Act, however the Decision does not correctly provide for this within the schedules and mapping.
17. The Commissioners for the Respondent erred that clause 16(2) of Schedule 1 of the Act can be used to remove land from the PA schedules without considering the significance of that decision, the implications of that decision on the landscapes, and importantly, remedying the “error” by extending the West Wakatipu PA over that land – in recognition of that land being within an ONL.
18. APONLS is of the view that if the Respondant considers that it is “minor” to use clause 16(2) to remove the Shotover River PA from the land in question, it must be “minor” to rectify the error by extending the West Wakatipu PA over that land to reflect its status as a section 6(b) landscape, with *priority* status given it is under immense pressure from urban sprawl.

Relief

19. APONLS seek the following:
 - a. that the land in question is included within a PA and afforded appropriate status as a s6(b) landscape;
 - b. as primary relief, the land in question is identified within the West Wakatipu Basin PA; or failing that
 - c. as secondary relief, the land in question remains in the Kimiākau Shotover River PA; and
 - d. the values of the PA relating to the land in question include the range of values and attributes noted by the APONLS in their submissions, and any related and consequential changes that are necessary; and
 - e. that the PA over the land in question correctly confirms that the land has no capacity for urban expansion; and
 - f. any other alternative, consequential, or necessary additional relief to maps or PDP provisions to give effect to the matters raised generally in this appeal or such other changes that give effect to the outcomes sought in submission (#122) and further submission (#241); and
 - g. costs.
20. We attach the following documents* to this notice:
 - a. a copy of my submission *or* further submission (with a copy of the submission opposed or supported by my further submission);
 - b. a copy of the relevant decision (*or* part of the decision);
 - c. any other documents necessary for an adequate understanding of the appeal;
 - d. a list of names and addresses of persons to be served with a copy of this notice.

Date: 27 September 2024



The Secretary

On behalf of Arthurs Point Outstanding Natural Landscape Society

Address for service of appellant:

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