

In the Environment Court
at Christchurch

ENV-2021-CHC-

I Mua I Te Kōti Taiao o Aotearoa
Ōtautahi Rohe

In the Matter

of the Resource Management Act
1991 (**Act**)

And

In the Matter

of the Queenstown Lakes
Proposed District Plan – Stage 3

And

In the Matter

of an appeal under Clause 14(1),
Schedule 1 of the Act

Between

Arthurs Point Trustee Limited as
Trustee of the Arthurs Point Land
Trust

Appellant

And

Queenstown Lakes District
Council

Respondent

Notice of Appeal by Arthurs Point
Trustee Limited as the Trustee of the
Arthurs Point Land Trust against a
decision on the Proposed Queenstown
Lakes District Plan – Stage 3

Dated: 18 May 2021

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To: The Registrar
Environment Court
Christchurch

Notice of Appeal

1. Arthurs Point Trustee Limited as trustee of the **Arthurs Point Land Trust (Appellant)** appeal against part of a decision of the Queenstown Lakes District Council (**Council**) on the Queenstown Lakes Proposed District Plan – Stage 3 (**PDP**).
2. The Appellant made a submission on the PDP (submission #31042).
3. The Appellant is not a trade competitor for the purposes of section 308D of the Act.
4. The Appellant received notice of the Council's decision on 1 April 2021.
5. The decision was made by the Council through adopting the recommendations of the Independent Hearings Panel (**Panel**) on 18 March 2021.
6. The Appellant is appealing the parts of the Council's decision that reject parts of the Appellant's submission as it relates to the zoning of Arthurs Point North and the Building Restriction Areas that have been applied. These parts of the decision are contained in Stream 18 – Arthurs Point North, Report 20.9 and the associated text and maps.

Background

7. The Appellant owns 14.17 hectares of land at 182 Arthurs Point Road (**Property**). This Property comprises of three terraces that step down towards the Shotover River as shown on **Appendix 1**. The upper terrace is the land at the same level as Arthurs Point Road, and with the exception of a roadside knoll is mostly flat. The mid terrace comprises of approximately 2.5 hectares of flat land and is accessed via a formed driveway access that extends around the western side boundary. The lower terrace is comprised of reasonably steep forested land that adjoins the Shotover River. This lower terrace (9.964 hectares) contains an existing undeveloped residential building platform at the north-east end and is accessed from Littles Road.

8. The mid and lower terrace of the Property was included in Stage 1 of the Proposed Plan. This Stage 1 decision zoned the mid terrace Medium Density Residential (**MDRZ**) with the remainder being Rural Zone. The Appellant filed a notice of appeal dated 18 June 2018 in relation to the Stage 1 decision. The Appellant's Stage 1 appeal did not challenge the Rural Zoning over the Property but sought that the MDRZ over the Property be rezoned Rural Visitor – Arthurs Point or High-Density Residential Zone (**HDRZ**).
9. This notice of appeal relates to the upper terrace and the interface with the mid terrace, being the parts of the Property that were subject to Stage 3 of the PDP.
10. The Council's decisions rejected parts of the Appellants submission that sought the deletion of BRA 2 and BRA 3 . The Council also rejected the proposed rezoning of parts of the Property and other parts of the Arthurs Point North neighbourhood to High Density Residential Zone (**HDRZ**).
11. In rejecting the parts of the Appellant's submission, the Council supported the HDR/MDRZ recommended by the Council's section 42A report and recommended a Visitor Accommodation Sub Zone overlay apply to the MDRZ.

General reasons for the appeal

12. The part of the Council's decision appealed:
 - (a) does not give effect to the higher order strategic directions, objectives and policies in the PDP;
 - (b) does not give effect to the National Policy Statement on Urban Development 2020 (**NPS-UD**);
 - (c) does not represent an efficient use of land under section 7(b) of the Resource Management Act 1991 (**RMA**); and
 - (d) overall, fails to promote sustainable management of natural and physical resources and therefore, does not achieve the purpose of the RMA.

Particular Reasons for the Appeal

National Policy Direction

13. The NPS-UD would be better implemented by zoning the entirety of the Arthurs Point area included in Stage 3, including the Appellants Property, HDRZ. This northern part of Arthurs Point has been recognised as an urban area (contained within the Urban Growth Boundary), is well serviced by existing public transport and is an area of high demand.
14. HDRZ would give better effect to Policy 6(c) of the NPS-UD which requires decision makers to have particular regard to whether the benefits of urban development are consistent with well-functioning urban environments.

Proposed District Plan

15. HDRZ is the most appropriate zone to achieve the relevant objectives and policies of the PDP including:
 - (a) managing urban growth in a strategic and integrated manner;
 - (b) promoting a compact, well designed and integrated urban form building on historical urban settlement patterns; and
 - (c) achieving a built environment that provides desirable, healthy and safe places to live, work and play.

Surrounding Environment

16. HDRZ is the most appropriate zoning when considered against the existing and legal environment around the Property. The receiving environment of Arthurs Point has been influenced by the permissive nature of the OPD zone. As such, the Property and surrounding Arthurs Point area is capable of absorbing the development that the Appellant's relief would enable.

Building Restriction Areas

17. It has not been appropriately demonstrated that the BRAs are the most appropriate means of controlling development to ensure that it is sensitively designed. Instead the BRA's act to sterilise the land. Given

both BRAs on the Property are within the Urban Growth Boundary they do not represent efficient use of land.

Amendments to provisions in Chapter 9 - High Density Residential Zone and Chapter 29 - Transport

18. The combination of the Appellant's proposed zoning along with the proposed amendments to Chapter 9 and Chapter 29 of the PDP set out at **Appendix 2** are the most appropriate way to give effect to the RMA and high order planning documents.

Relief Sought

19. The Appellant seeks that the following relief:
- (a) that the BRAs that are shown in **Appendix 1** and identified with the numbers 2 and 3 be removed from the PDP maps;
 - (b) that all land owned by the Appellant at 182 Arthurs Point Road (contained in the certificates of title listed below) and contained within Stage 3 of the PDP as generally shown at **Appendix 1** be zoned to HDRZ – Arthurs Point Terrace with the associated amendments to the Chapter 9 HDRZ provisions as are set out at **Appendix 2**:
 - (i) Lot 1 DP 300462;
 - (ii) Lot 2 DP 300462;
 - (iii) Lot 3 DP 300462; and
 - (iv) Lot 2 DP 24233;
 - (c) that the balance of the land currently proposed as MDRZ at Arthurs Point through Stage 3 of the PDP be zoned as HDRZ – Arthurs Point Terrace with amendments to the Chapter 9 HDRZ provisions as are set out at **Appendix 2**;
 - (d) that the amendments set out at **Appendix 2** are made to the Chapter 9 HDRZ and Chapter 29 Transport provisions; and
 - (e) any other additional or consequential relief to the PDP text or maps that will give effect to the matters raised in this appeal.

Procedural History

20. The Appellant's Stage 1 Appeal was put on hold pending Council's decisions on Stage 3. The intention was to allow the Stage 1 and Stage 3 zoning of the Property to be dealt with together to allow for a more cohesive outcome. The Appellant therefore seeks that the Stage 1 Appeal is mediated and/or heard in conjunction with this Stage 3 Appeal.

Attached Documents

21. The following documents are **attached** to this notice:
- (a) location of the BRAs and general outline of the Appellants land and the location of the terraces as **Appendix 1**;
 - (b) amendments sought to Chapter 9 HDRZ and Chapter 29 Transport provisions as **Appendix 2**;
 - (c) a copy of the Appellant's Stage 3 submission as **Appendix 3**;
 - (d) a copy of the relevant part of the Decision as **Appendix 4**;
 - (e) a list of names and addresses of persons to be served with a copy of this notice as **Appendix 5**.

Dated this 18th day of May 2021



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