

Notice of person's wish to be party to proceedings
Section 274, Resource Management Act 1991

To the Registrar
Environment Court
Christchurch

1. We, Rebecca Wolt and Andrew Hyland, wish to be a party to the following appeal:
 - a. ENV-2023-CHC-88, being an appeal (**Appeal**) under clause 14(1) of the First Schedule to the Act by Gertrude's Saddlery Limited (**Appellant**) against a decision by the Queenstown Lakes District Council (**QLDC**) in relation to Stage 1 of the Queenstown Lakes Proposed District Plan, concerning the zoning of land at 111-115 and 163 Atley Road, Arthurs Point (**Appeal land**).
2. We made a further submission about the subject matter of the Appeal. We are also persons with an interest in the Appeal that is greater than the interest the general public has as we own and reside on land that is immediately adjacent to (shares a boundary with) the Appeal land.
3. We are NOT a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
4. We are interested in ALL of the Appeal.
5. Without limiting the generality of the above, we are interested in issues including, but not limited to, the following:
 - a. Identification of the Shotover River ONF and adjacent ONL boundaries and their values;
 - b. Protection of these ONFLs and their values from inappropriate subdivision, use and development;
 - c. The location of the UGB;
 - d. The proposed extension of the Low Density Residential Zone;
 - e. Protection of landscape values, character and amenity of the Arthurs Point and wider area;

- f. The impact of development that would be enabled by the Appeal relief on the Shotover River and its margins, and users of the Shotover River and its margins;
- g. Impacts of development on and potential conflicts with key future active transport links that will connect Arthurs Point to Queenstown and the wider Wakatipu Basin;
- h. Proposed pedestrian/cycle trail routes through the Appeal land to and through adjacent reserves;
- i. Privacy and amenity effects, as the closest neighbours;
- j. Construction effects, including but not limited to noise, earthworks, dust and traffic;
- k. Traffic effects and related roading upgrades;
- l. Impacts on the night sky, in terms of lighting and glare;
- m. The relevance of various unlawful activities on the Appeal land to the Appeal relief;
- n. The relevance of preceding legal processes to the Appeal relief;
- o. The permitted and consented receiving environment;
- p. Purported positive effects;
- q. Contribution to housing supply;
- r. Highly productive soils.

6. We OPPOSE the relief sought for reasons including, but not limited to, the following:

- a. The Independent Hearing Panel (**IHP**) in their report and recommendations to QLDC on the matter (which QLDC accepted and ratified) identified much or all of the Appeal land as ONL and some ONF and found that the impacts of the rezoning on the landscape values of the Appeal land, the Shotover River ONF, and the wider area would be unacceptable, and further, that even development at lower densities than sought by the Appellant would give rise to substantial and unacceptable effects. The IHP found the Rural Zone to be the most appropriate and only zone that would achieve the necessary protection of the landscape and its values, and that repositioning of the UGB in any way would be inappropriate. We agree with and support these IHP's findings in their entirety for all the reasons stated in the decision, as well as those stated in our further submission and submissions presented at the first instance hearing.
- b. The Appeal land is prominently located and highly visible from numerous public viewpoint and roads. Since the recent removal of the conifers it is open and highly legible. Views to this prominent and mostly undeveloped land are valued by the

Arthurs Point and wider community. Development of the Appeal land would be obvious and prominent in these views, which would be significantly impacted and irreversibly degraded.

- c. The Appeal land sits beside but outside of the Arthurs Point settlement and provides a critical breathing space between the ONL/ONF and the urban area of Arthurs Point, which the undeveloped Appeal land backdrops and contains. Development of the Appeal land will present as sprawl from the currently contained urban area into the rural landscape, undermining the existing clear and defensible edge.
- d. The Shotover River has wilderness qualities, despite its proximity to the Arthurs Point urban area. Development on the Appeal land will be visible from the River and its margins, and will degrade the unique and special wilderness characteristics and values of this ONF.
- e. The Appellant (or their predecessor) has undertaken and then endeavoured to rely on various unlawful activities as a baseline against which to assess the effects of the rezoning, which is both inappropriate and wrong at law.
- f. The Appellant's structure plan identifies cycle/pedestrian connections through the Appeal land to reserve land and across our property. We do not consent to and oppose these. It is unclear how these connections will be otherwise achieved, or meaningful.
- g. The rezoning relief would allow residential dwellings and curtilage areas adjacent to and overlooking our property, which will give rise to amenity and privacy effects.
- h. Construction effects, including land preparatory works, will be significant, prolonged and as the closest neighbours, will impact us acutely.
- i. Development and associated activities enabled by the rezoning, including roading upgrades and traffic, both during construction and subsequently, may adversely impact planned and future active transport links between Arthurs Point and Queenstown.

- j. It is not clear that the necessary roading upgrades can be undertaken without encroaching on and adversely impacting adjacent properties and users of Atley Road. There is a paucity of information and reporting in this regard.
- k. The Appeal land has an LUC 3 classification in the NZLRI and may be highly productive land under the NPS-HPL. The rezoning is not necessary for, and will not materially contribute to, housing supply within Queenstown and its environs. The NPS-HPL may preclude the rezoning.
- l. In terms of sections 5, 6, 7, 31 and 32 of the Act, the rezoning relief, and any comparable or alternative relief:
 - i. Will not preserve, as a matter of national importance, the natural character of the Shotover River margins, nor protect them from inappropriate subdivision, use and development;
 - ii. Does not provide, as a matter of national importance, for the appropriate protection of, and avoidance of inappropriate and unacceptable adverse effects on the Shotover River ONF and the adjacent ONL;
 - iii. Pays insufficient regard to the ethic of stewardship, in so far as it would not protect this important mostly undeveloped and natural landscape for future generations;
 - iv. Will not maintain or enhance amenity values or the quality of the environment, but will adversely affect and degrade it;
 - v. Pays insufficient regard to the finite characteristics of the natural landscape resource;
 - vi. Does not represent sound resource management practice, particularly in regards to protecting the landscape resource;
 - vii. Will give rise to significant adverse effects that cannot adequately be remedied or mitigated;
 - viii. Does not achieve the integrated management of the effects of the use, development and protection of the natural resource;

- ix. Is not necessary to ensure sufficient housing development capacity;
- x. Does not promote the sustainable management of natural and physical resources;
- xi. Is not the most appropriate way to achieve and is at odds with the objectives and policies of the Proposed District Plan, including the strategic Chapters 3 and 6, and the purpose of the Act.

7. We AGREE to participate in mediation or other alternative dispute resolution of the proceedings.



R Wolt

For myself and on behalf of Andrew Hyland

Dated 15 September 2023

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