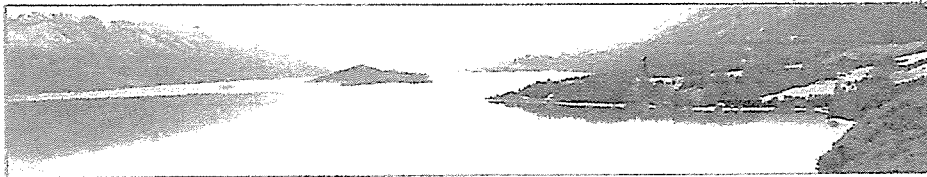


Appendix / ⁽⁶⁾
Notice of Appeal Dame Elizabeth Hanan
9 Mr Murray Hanan (8 pages)



 QUEENSTOWN
LAKES DISTRICT
COUNCIL

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DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	J Guthrie, R Newman, Banco Trustees Ltd & McCulloch Trustees 2004 Ltd and Others
RM reference:	RM180637
Location:	112 McDonnell Road, Arrowtown
Proposal:	To undertake a 14 lot subdivision involving the identification of 12 new residential building platforms; the identification of a residential building platform around the existing dwelling; and the creation of an access lot. In addition land use consent is sought to breach internal boundary setbacks.
Type of Consent:	Subdivision and Land Use
Legal Description:	Section 1 Survey Office Plan 23541 held in Computer Freehold Register OT14A/295
Zoning:	Rural General - Operative District Plan N/A - Proposed District Plan (Stage 1 Decisions Version) Wakatipu Basin Rural Amenity / Wakatipu Basin Lifestyle Precinct - Proposed District Plan Stage 2
Activity Status:	Discretionary Activity
Public Notification:	23 August 2018
Commissioners:	David Mead and Jane Sinclair
Date of Decision:	1 April 2019

Appendix 7 (6)
Notice of Appeal Dame Elizabeth Hanan
& Mr Murray Hanan
(p2)

Decision: CONSENT IS REFUSED

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of an Application to QUEENSTOWN LAKES
DISTRICT COUNCIL by E GUTHRIE, R
NEWMAN, BANCO TRUSTEES LTD &
McCULLOCH TRUSTEES 2004 LTD and
OTHERS

Council Reference: RM180637

DECISION OF COMMISSIONERS DAVID MEAD AND JANE SINCLAIR APPOINTED BY
QUEENSTOWN LAKES DISTRICT COUNCIL PURSUANT TO SECTION 34A OF THE RMA
ACT 1991

The Hearing and Appearances

Hearing Date:

Wednesday 20 February 2019, in
Queenstown

Appearances for the Applicant:

Mr Graeme Todd, Legal
Counsel; Mr Richard Newman, representing
the
owners of the site;
Mr Stephen Skelton, Landscape Architect
and Director of Patch; and
Mr Nicholas Geddes, Planning Consultant of
Paterson Pitts Limited Partnership.

Appearances for Submitters

Dame Elizabeth Hanan & Mr John Hanan;
Mr Dave Hanan;
Mr Swain; and
Mrs Barrowclough.

Appearances for the Council:

Ms Erin Stagg, Senior Planner;
Ms Kris MacPherson, consultant Landscape
Architect of Helen Mellsop Landscape
Architect;

Mr Cameron Jones, Resource Management
Engineer; and
Ms Charlotte Evans, Hearings Secretary.

Appendix 7 (6)
Notice of Appeal

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Dame Elizabeth Hanan & Mr Murray Hanan (P3)

The unit displays a low level of naturalness as a consequence of the level of existing and anticipated built development together with the golf course patterning. The relatively wild and unkempt character of the escarpment counters this to a limited degree.

Generally, the unit reads as part of the swathe of golf courses and rural residential development that frame the western and southern edges of Arrowtown and effectively function as a 'greenbelt' to the village. However, this 'greenbelt' effect, together with the legibility of the escarpment as a robust defensible edge to Arrowtown has been significantly compromised by the Arrowtown Lifestyle Retirement Village SHA which confers a distinctly urban character in a prominent and sizeable part of the unit.

118. Our reading of these passages is that there is a degree of ambivalence to the assessment of the landscape character of the area. There is reference to a greenbelt, but at the same time it is noted that this greenbelt role is being eroded. This ambivalence does not help with assessment. Having considered the matter, we are of the view that, given that the PDP is not yet settled, we cannot make a finding that the 'greenbelt' role of the Arrowtown South area has been eroded to the point implied by the applicant.
119. Having said that, we agree that the site is one that is suitable for a rural-residential development. The WBLUPS points in this direction, as does the PDP's revised zoning. However, the Lifestyle Precinct zoning is one that is designed to maintain rural character and amenity. In short we do not consider that the current proposal meets the intent of the recommended Lifestyle Precinct zone. The development is a step too far in terms of density and layout. Application of the 1ha average lot size would lead to a discernible decrease in intensity, and with it a landscape character that more clearly sits on the non-urban side of the density continuum.

PART 2 ASSESSMENT

120. Mr Todd was of the view that it was appropriate for us to undertake a Part 2 assessment. This was on the basis that the ODP is now well passed its review date, while the PDP was not yet settled.
121. In his view, Part 2 of the RMA did not present any barriers to granting consent. No matters of national importance are transgressed by the development. Section 7 of the RMA is relevant, as it relates to amenity values. The evidence of the applicant is that effects on pastoral character and rural amenity were not significant, given the changing context of the site and its surrounds. Ms Stagg's opinion was that there would be amenity effects that were not mitigated.
122. In considering the matter we do not consider that a separate Part 2 assessment would overturn our finding that the development will generate adverse landscape effects and is contrary to the objectives and policies of the ODP and PDP.

DECISION

