
**SUBMISSION ON A PUBLICLY NOTIFIED
PROPOSAL FOR POLICY STATEMENT OR PLAN**

To: Queenstown Lakes District Council ('QLDC')
Private Bag 50072
Queenstown 9348

Submitter: **Arthurs Point Outstanding Natural Landscape Society Incorporated ('Submitter')**

Introduction:

1. The Arthurs Point Outstanding Natural Landscape Society was incorporated to protect the internationally recognised outstanding natural landscape, outstanding natural features and amenity that the members of the Society enjoy as residents of Arthurs Point. The Society's members are concerned that, if unchecked, insensitive development in Arthurs Point will not only ruin the outstanding landscape and compromise the Shotover River (as an outstanding natural feature) but will severely compound the problems we already see with our over-stretched local transport network and infrastructure.
2. The purposes of the Arthurs Point Outstanding Natural Landscape Society are to:
 - a. Pursue and protect the landscape values generally and in particular within the vicinity of the Wakatipu Basin and address matters arising as a consequence of the Resource Management Act 1991 and all matters incidental thereto;
 - b. Do anything necessary or helpful to the above purposes.
3. Stage 3b of the Proposed Queenstown Lakes District Plan ('PDP') was notified on 31 October 2019 and:

"... introduces a new Chapter 46 Rural Visitor Zone and a series of zoning proposals, mapping notations, and variations and amendments to parts of zones and chapters that were decided through Stages 1 and 2 (including variations to the following Proposed District Plan Chapters: Chapter 25 Earthworks; Chapter 27 Subdivision and Development; Chapter 31 Signs; and Chapter 36 Noise)".
4. The Submitter has an interest in the PDP as a whole, and as such, the submission relates to the PDP in its entirety, including those chapters listed in the public notice.
5. The Submitter could not gain an advantage in trade competition through this submission.

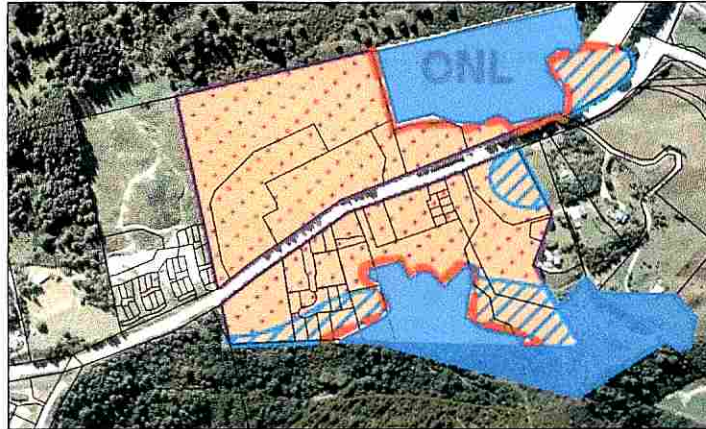
Submission:

6. The Submitter **supports** the removal of the Rural Visitor Zone ('RVZ') at Arthurs Point, the introduction of 'no build' areas to protect sensitive parts of the landscape, and the relocation of the Outstanding Natural Landscape ('ONL') and Urban Growth Boundary ('UGB') to avoid

¹ <https://www.qldc.govt.nz/assets/Uploads/Planning/District-Plan/Proposed-District-Plan/PDP-Stage-3b/FINAL-Stage-3b-Public-Notice.pdf>

inappropriate subdivision, use and development within landscapes of national importance under section 6(b) of the Resource Management Act 1991 ('RMA'), subject to:

- a. further amendments to the location of the proposed Medium Density Residential Zone ('MDRZ') at Arthurs Point to ensure that the MDRZ is not located within or directly adjoining an ONL and Outstanding Natural Feature ('ONF', namely the Shotover River);
- b. the inclusion of appropriate controls within the planning provisions to ensure that development within the MDRZ will avoid adverse effects on the ONL and ONF;
- c. the extension of the proposed building restriction over the additional locations shown in 'blue' in [Figure 1](#) below;



[Figure 1](#)

- d. inclusion of a rule (or rules) within the commensurate zones in the PDP that requires subdivision, use and development within the no build areas as a prohibited activity;
- e. the zoning of all properties within the ONL and ONF, and those within the 'no build areas', rural;
- f. amendment to the ONL and UGB locations on the PDP Planning Map 39a (and any other relevant maps) to protect the ONL and ONF, to the location marked as 'light blue' in [Figure 2](#) below (noting the current order from the Environment Court to reinstate the ONL boundary at the Shotover Loop);

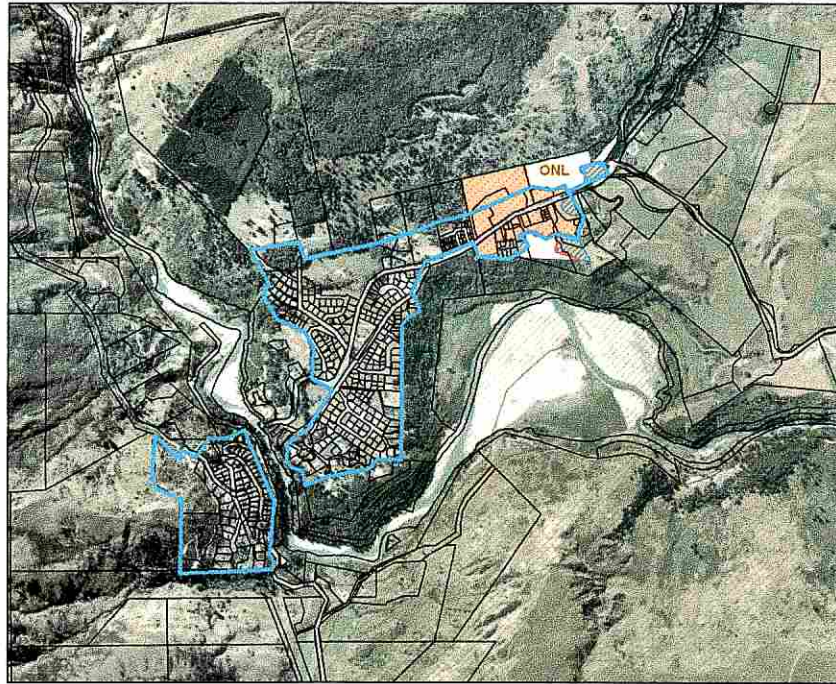


Figure 2

- g. any consequential amendments or refinements to the provisions of the PDP to better achieve the purpose of sustainable management, and the protection of the ONL and ONF within and around Arthurs Point.

Reasons for the Submission:

7. The reasons for the Submission include, but are not limited to, the following:

- a. The RVZ at Arthurs Point (including its provisions and location on the Planning Maps) is inappropriate for the reasons set out in the Council's section 32 report and accompanying reports. The retention of the RVZ does not give effect to section 6 (b) of the RMA.
- b. The ONL and ONF within and around Arthurs Point cannot absorb further development and is highly sensitive to change.
- c. As set out in the landscape report that accompanies the Council's section 32 report:

"The landscape area containing the Arthurs Point RV zone has a moderately high level of naturalness and has values that mean it is outstanding at a district level. It is appropriately categorised as an ONL in the PDP. The Shotover River from the crest of the first enclosing cliffs (and in particular the river gorges), is in my view an Outstanding Natural Feature (ONF) within the wider ONL. Under the provisions of the Decisions Version PDP, the landscape categorisations do not apply to the land zoned Lower Density Residential or Medium Density Residential".² [emphasis added]

and

"The ONL setting of the zone, particularly the mountain slopes and Shotover River corridor, is highly valued ... by the local community and by tourists. The character and values of these

² Section 3.2.4, Page 15 of QLDC Rural Visitor Zone Review – Landscape Assessment

*parts of the landscape are sensitive to changes that degrade perceived naturalness and coherence, scenic quality, memorability and shared and recognised values”.*³

and

“...the lower slopes of Mt Dewar within the zone are widely visible from Arthurs Point settlement and public roads (refer Photograph 5 in Appendix B). Both topographically and in terms of landscape character they are part of the Mt Dewar landform...

*... I consider the mountain slopes within the zone are highly sensitive to development, which could lead to elevated visible buildings and a rectilinear pattern of land use or land management that could significantly detract from the coherence and naturalness of the landscape”.*⁴

and

*“The whole of the Shotover River escarpment, which forms the legible edge of the river as a feature, is sensitive to development which degrades its legibility and natural character. The escarpments are clearly visible from the Shotover River, Big Beach, and parts of suburban Arthurs Point (refer Photograph 8 in Appendix B). Development within the RV Zone has already spilled over this escarpment in places and a narrow intermediate terrace to the east is within a site that has been part zoned Medium Density Residential in the PDP. These parts of the zone have some capacity to absorb development that is recessive and well integrated by vegetation. The remaining steep unmodified parts of the cliffs that are within the zone do not have any absorption capacity for development”.*⁵

- d. The Submitter supports the Council’s amendment to the location of the ONL (and UGB, noting this consequential change because urban development within an ONL would be “inappropriate development”). The Submitter understands this amendment is a necessary requirement of the variation of Stage 3B of the PDP because of the underlined statement in point 7 (c) above from the landscape assessment that informed the section 32 report, meaning that the new MDRZ would effectively determine the location of the ONL and UGB if the ONL and UGB boundary themselves were not re-evaluated.
- e. To give effect to section 6 (b) of the RMA, the Submitter believes that greater protection needs to be afforded to the ONL and ONF within and around Arthurs Point from inappropriate subdivision and development, and further refinement of the ONL and UGB is needed.
- f. The MDRZ, in the location proposed, does not give effect to section 6 (b) of the RMA. For example, enabling buildings at a density of 1 unit per 200m² would provide for around 100 residential or visitor accommodation units to be established at a height of 8m on Lot 3 DP 331294, a site which sits high and prominent on the slopes of Mount Dewar. Likewise, a similar effect would result from allowing urban zones near to and along the margins of the Shotover River, an ONF.
- g. The proposed ‘no build area’, while a useful method to avoid the adverse effects of built form within or near an ONL and ONF, has no effect within the PDP provisions as notified. The Submitter seeks that subdivision, use and development within the no build areas (as identified in Figure 1 above as amended by the Submitter) are afforded prohibited activity status within their respective zones.

³ Section 3.2.6, Page 16 of QLDC Rural Visitor Zone Review – Landscape Assessment

⁴ Section 3.2.6, Page 16 of QLDC Rural Visitor Zone Review – Landscape Assessment

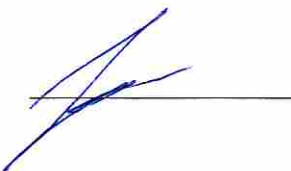
⁵ Section 3.2.6, Page 17 of QLDC Rural Visitor Zone Review – Landscape Assessment

- h. The Strategic Objectives and Policies in Chapter 3 of the PDP – Strategic Direction, are relevant.
- i. **Issue 2** sets out that growth pressure impacts on the functioning and sustainability of urban areas, and risks detracting from rural landscapes, particularly its outstanding landscapes. High growth rates can challenge the qualities that people value in their communities (**Issue 3**) and **Issue 4** sets out that the District’s natural environment, particularly its outstanding landscapes, has intrinsic qualities and values worthy of protection in their own right, as well as offering significant economic value to the District.
 - ii. Urban growth is to occur in a logical manner that protects the District’s rural landscapes from sporadic and sprawling development (**SO 3.2.2.1**). **SO 3.2.5.1** requires that the landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected from adverse effects of subdivision, use and development that are more than minor. **SO 3.3.19** seeks to manage subdivision and / or development that may have adverse effects on the natural character and nature conservation values of the District’s lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity and natural character is maintained or enhanced. **SO 3.3.23** requires that areas that are not within Outstanding Natural Landscapes or Outstanding Natural Features and that cannot absorb further change are identified, and residential development in those areas is avoided.
- i. Turning to the policies within Chapter 6 of the PDP – Landscapes and Rural Character:
- i. **Policy 6.3.13** recognises that subdivision and development is inappropriate in almost all locations in Outstanding Natural Landscapes and on Outstanding Natural Features, meaning successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes will be reasonably difficult to see from beyond the boundary of the site the subject of application. The open landscape character of Outstanding Natural Features and Outstanding Natural Landscapes is to be maintained where it is open at present (**Policy 6.3.16**).
- j. In terms of section 32AA of the RMA:
- i. the amended “Proposal” is set out in this Submission.
 - ii. the objectives of the Proposal align with those within Chapter 3 and 6, and as set out above, are the most appropriate way to achieve the purpose of the RMA.
 - iii. the Proposal is the most reasonably practicable option to achieve the objectives, and the provisions are efficient and effective to give effect to the higher order strategic objectives and policies.
 - iv. in terms of the costs and benefits [section 32(2)], an ONL and ONF is a matter of national importance. The Proposal protects such landscapes and features from inappropriate, use and development.
- k. Granting the relief as sought will:
- i. protect an ONL and ONF from inappropriate subdivision, use and development;
 - ii. meet the reasonably foreseeable needs of future generations;
 - iii. represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means; and
 - iv. promote the sustainable management of natural and physical resources, will be consistent with Part 2 of the RMA and ultimately achieve its purpose.

Relief sought:

8. The Submitter requests the following decision:
 - a. remove the RVZ from Arthurs Point;
 - b. further amendments to the location of the MDRZ to ensure that it is not located within or directly adjoining an ONL and ONF;
 - c. the inclusion of appropriate controls within the planning provisions to ensure that development within the MDRZ (or any other subsequent zone that is adopted) will not have adverse effects on an ONL and ONF;
 - d. the extension of the proposed building restriction areas and inclusion of a rule (or rules) within the commensurate zones in the PDP that requires building and all activities within the no build areas as a prohibited activity;
 - e. the zoning of all properties within the ONL and ONF being rural;
 - f. amendment to ONL and UGB locations on the PDP Planning Map 39a (and any other relevant maps) to protect the ONL and ONF to the location set out in Figure 2 of this Submission;
 - g. any other additional or consequential relief to the PDP, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations that will fully give effect to the matters raised in this submission.
9. The suggested revisions contained in this Submission do not limit the generality of the reasons for the submission.
10. The Submitter wishes to be heard in support of its submission.
11. If others make similar submissions, the Submitter will consider presenting a joint case at any hearing.

Dated: 2 December 2019

**Address for service:**

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