

# Appendix D

## QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Stage 3 Proposed District Plan

Report and Recommendations of Independent Commissioners

**Report 20.9: Arthurs Point North Mapping  
Informal Airports**

### Commissioners

**Trevor Robinson (Chair)**

**Sarah Dawson**

**Greg Hill**

**Calum Macleod**

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## 1. PRELIMINARY

### 1.1 Subject Matter of this Report

1. In this Report, the Stream 18 Hearing Panel addresses the submissions and further submissions lodged in respect of variations to the planning maps as they apply to the Arthurs Point North area. To the extent that those mapping changes prompted submissions on the text of the zones that now apply in Arthurs Point North, we address those issues also. Lastly, as a result of the acceptance of a late submission by Arthurs Point Protection Society Inc, we considered the status of informal airports in the Arthurs Point North area.

### 1.2 Relevant Background

2. This Report needs to be read in conjunction with Report 20.1 which provides a list of abbreviations that we will use in this Report, together with background detail on:
  - a) The appointment of commissioners to this Hearing Panel;
  - b) Procedural directions made as part of the hearing process;
  - c) Site visits;
  - d) The hearings;
  - e) The statutory considerations bearing on our recommendations;
  - f) General principles applied to rezoning requests;
  - g) Our approach to issues of scope.
3. We do not therefore repeat that matters although the recognition of Arthurs Point North as an urban area means that the NPSUD, and the now finalised policies of Chapter 4 of the PDP assume significant importance to the resolution of the issues before us. We also note the relevance of Policy 4.5.1 of the RPS.

### 1.3 Section 32 Evaluation

4. The Arthurs Point North area was zoned Rural Visitor Zone in the ODP. As part of the review of that zone, the relevant Section 32 Report identified urban growth at Arthurs Point as an issue requiring to be addressed.
5. The Section 32 evaluation noted the then National Policy Statement on Urban Development 2016 and Chapter 4 of the PDP as being relevant to the review of this area.
6. In the specific discussion of the Arthurs Point Area, the Section 32 evaluation noted that it is approximately 20 hectares in area and adjoins an area of MDRZ to the west, on the northern side of Arthurs Point Road, and to the south-east.
7. The Section 32 evaluation also noted that Arthurs Point North is approximately 6 kilometres from Queenstown and is on a public transport route. The Arthurs Point North area was identified as containing a mix of medium to high density residential activity, visitor accommodation and ancillary service and facilities and commercial office activities.
8. In the view of the author of the Section 32 evaluation, the existing development at Arthurs Point North, while fitting as part of the existing environment present today, illustrated the failure of the operative RVZ *"to achieve an outcome that manages landscape values or provides what is understood to have been visitor-related activities in the rural environment"*<sup>1</sup>.
9. Responding to these considerations, the Section 32 evaluation discounted retention of the RVZ zoning over the area. It considered the potential to rezone it to HDRZ but ultimately,

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<sup>1</sup> Section 32 Evaluation for Rural Visitor Special Zone at 8.25

recommended rezoning MDRZ with a Visitor Accommodation Sub-zone (VASZ) overlay. The point identified as being of particular concern with the HDRZ option was the potential for adverse effects on landscape values and residential amenity<sup>2</sup>.

10. Within the Arthurs Point North area, however, four separate areas were identified where a Building Restriction Area (BRA) should be applied as an overlay on the MDRZ. The VASZ was not applied to those areas. In addition, two areas were excluded from the proposed urban zoning with a Rural zoning and ONL classification applied to them, one on the north-east side of Arthurs Point North and the other on the southern margin of Arthurs Point North.



Notified PDP Zoning of Arthurs Point North as part of 3b of the Proposed District Plan.

## 2. SECTION 42A RECOMMENDATIONS

11. Ms Emma Turner was the reporting officer who prepared the Section 42A Report in relation to the Arthurs Point North area. Ms Turner's Report reviewed submissions under five topics:
  - (a) Landscape and building restriction areas;
  - (b) Rezoning;
  - (c) HDRZ – amenity and urban design provisions;
  - (d) MDRZ provision requests;
  - (e) General.
12. Addressing each in turn, Ms Turner relied on the expert landscape evidence of Ms Helen Mellsop in relation to the first topic. This prompted her to recommend that the BRA on the western side of the ONL to the south be deleted, and that on the eastern side be amended. She did not recommend the other two BRAs be altered or that the ONL boundaries be altered.
13. Reconsideration of the zonings in response to a large number of submitters, however, prompted Ms Turner to recommend that a significant proportion of the notified MDRZ be rezoned HDRZ. The area to be rezoned was largely based on contour mapping (following the

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<sup>2</sup> Ibid at Table 2

edge of a flat area either side of Arthurs Point Road). In Ms Turner's view, the area she identified has the ability to absorb greater densities than the notified zoning and rezoning using multiple zones is the most efficient and effective way to achieve the strategic objectives of Chapters 3, 4 and 6<sup>3</sup>.

14. The end result is that Ms Turner recommended a mix of zonings as shown in the figure following.



Recommended mapping (zoning and overlays) of Emma Turner for Arthurs Point North. Snip taken

15. Addressing HDRZ provisions, Ms Turner recommended reference to Arthurs Point North be inserted into Chapter 9.1 (consequential on her recommended rezoning) and a new policy be inserted in as Chapter 9.2.2.3 promoting Arthurs Point North specific design outcomes.
16. Ms Turner did not identify any additional amendments to the MDRZ provisions in response to submissions. Similarly, she did not identify any additional amendments required on general matters.
17. The extent of the changes recommended by Ms Turner from the zoning pattern as notified meant that, understandably, her recommendations became the focus of submitters' evidence and legal submissions. We have therefore only briefly summarised Ms Turner's reasoning, as above. We will address the basis for her recommendations in greater detail in the context of the evidence and legal submissions that we heard.
18. Adopting the same breakdown as Ms Turner, we therefore start with our consideration of landscape classifications.

<sup>3</sup> Refer Section 42A Report at 4.33

### 3. ONL CLASSIFICATIONS

19. The background to identification of ONL boundaries in the vicinity of Arthurs Point North is a landscape report prepared by Ms Mellsoy dated June 2019 attached to her evidence in chief. In her Figure 6, Ms Mellsoy identified two areas within the ODP RVZ area as having high landscape sensitivity. The first was on the lower foothills of Mount Dewar on the northern side of Arthurs Point North. The second was in the centre of the southern part of Arthurs Point North, where the land falls steeply down towards the Shotover River.



20. Koia Architects Queenstown Ltd, Koia Investments Queenstown Ltd and Rakau Queenstown Ltd<sup>4</sup> made a general submission suggesting that the ONL lines be refined and adjusted but provided no details to enable the point to be taken further.
21. Ms Turner noted that the notified ONL boundaries for Arthurs Point North were determined based on Ms Mellsoy's report, but with a material variation in that the ONL line was effectively drawn around the property at 155 Arthurs Point Road (Lot 3, DP331294) along with a small and adjacent property to the east due to a resource consent having been granted for an urban style subdivision extending up the lower slopes of Mount Dewar.
22. We note that we heard from representatives of the owner of that property, Arthurs Point Woods Limited. The Company's planning advisor, Mr Freeman, provided us with a copy of an initial subdivision plan approved 11 June 2019, and an alternative plan substituting it, approved 21 April 2020. Ms Turner's description is accurate. The revised subdivision plan provides for 34 residential allotments and Mr Freeman told us that the overall density restriction was set at 75 residential dwellings across the subdivision. We note that there is a row of relatively small allotments at the very top boundary of the site, with lot sizes varying from 250m<sup>2</sup> down to 104m<sup>2</sup>, which would certainly qualify as an urban density subdivision.
23. The pragmatic decision to draw the ONL boundary around the Arthurs Point Woods consented subdivision was the subject of two submissions. The first, from Arthurs Point Outstanding

<sup>4</sup> Submission #31004

Natural Landscape Society Inc<sup>5</sup> sought that revised ONL boundaries be defined around the entire Arthurs Point area. Ms Turner considered that submission out of scope insofar as it sought to define ONL boundaries other than around the Arthurs Point North area. Insofar as the Society sought a new boundary on the north side of Arthurs Point North, it appears to largely follow Ms Mellsoy's identified high landscape sensitivity boundary, that is to say including the Arthurs Point Woods Property within the ONL.

24. On the south side of Arthurs Point North, the Society's proposed ONL line would exclude an area on the south-east corner of Arthurs Point North with a notified MDRZ zoning.



Location of ONL boundaries as proposed by Arthurs Point Outstanding Natural Landscape Incorporated (Figure 2 of their submission).

25. The second submission is that of Robert Stewart<sup>6</sup>, the owner of the property immediately to the east of the Arthurs Point Woods property who sought that the ONL boundary be drawn around the property in association with a request for its rezoning.
26. We do not entirely agree with Ms Turner's reasoning that an ONL boundary could not be placed on land that was not notified as part of Stage 3B of the PDP process. It seems to us, drawing on the principles discussed in Section 3.1 of Report 20.1, that just as land adjacent to a rezoned area might validly be the subject of submission as a consequential or incidental change, so too, could a proposal to place an ONL line in close proximity to a newly applied ONL line.

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<sup>5</sup> Submitter #31041

<sup>6</sup> Submitter #31038

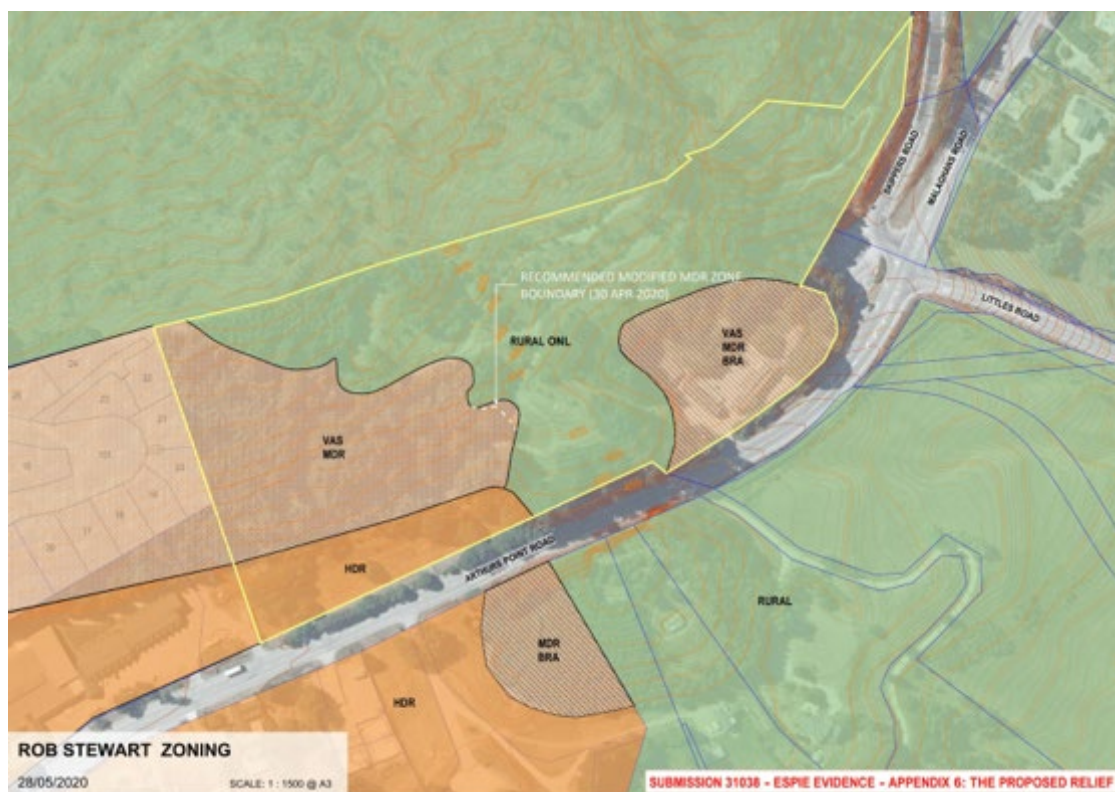
27. We would therefore at least entertain consideration of ONL lines near Arthurs Point North. However, the scale of the Society's relief, seeking to draw ONL lines around all of the Arthurs Point urban area, clearly stretches far further than the consequential/incidental amendments that Kos J discussed in the *Motor Machinists* decision discussed at length in Report 20.1. Moreover, the Society did not appear before us and produced no evidence to support its submission. It follows in our view that the only place where a substantive change to the ONL boundary might be justified is if we prefer to rely on Ms Mellso's June 2019 assessment and rejected the pragmatic decision to draw the ONL line around the Arthurs Point Woods property.
28. As it happens, we do not disagree with the stance that Ms Turner and Ms Mellso have adopted as regards the Arthurs Point Woods property. In our view, it would be a futile exercise to base the location of the ONL boundary on the character of the land as it currently is, as opposed to the landscape character which will shortly exist with development of the Arthurs Point Woods subdivision.
29. We note in that regard that during our site visit, we observed 'For Sale' signs at the entrance to the Arthurs Point Woods subdivision on Arthurs Point Road.
30. We note also in passing that this particular site is a clear example of the flaws of the ODP RVZ. Ms Mellso told us frankly that she would not have supported the Arthurs Point Woods development if it had not been within the enabling framework of the ODP Zone.
31. We do not see, however, any point in bemoaning past outcomes. Our task is to look forward realistically as to how best to manage the resources in issue. In this case, that means accepting the Arthurs Point Woods subdivision as a reality and working around it.
32. The problem with literally going around the Arthurs Point Woods property is that it produces the very odd ONL boundary notified, that runs perpendicular to the contours of the lower slopes of Mount Dewar. One side of the line is identified by the Plan as not being within the ONL and having a MSRZ zoning, and the other side of the line is identified as being within the ONL and having a Rural Zoning. While any line on the ground has the potential to be somewhat arbitrary, this is more arbitrary than most.
33. Mr Ben Espie provided expert landscape evidence for Mr Stewart. Mr Espie observed that if one were to ignore all existing zoning and development when separating areas suitable for development and areas not suitable for development, the line would most likely be drawn along the toe of the Mount Dewar slopes, that is to say at the edge of the zone Ms Mellso identified as above, as having high landscape sensitivity. Mr Espie, however, was of the view that the consented subdivision on the Arthurs Point Woods site cannot be ignored<sup>7</sup> and therefore the question was, having taken it into account, where an appropriate ONL line should be drawn. He described the current line, accurately in our view, as a "*geometric cadastral line rather than a line that relates to topography or landscape*".
34. Mr Espie identified an alternative line across the Stewart property, below the crest of an enclosing bluff/headland landform, which he supported as an appropriate demarcation line.
35. Ms Mellso largely agreed with Mr Espie's logic, suggesting only a very minor change to better follow the contour that Mr Espie had identified.

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<sup>7</sup> We note that Mr Stephen Skelton made a similar observation in his landscape evidence for Arthurs Point Woods Ltd, describing it (at paragraph 37) as a "real world analysis".



36. When Mr Espie appeared before us, he confirmed that he did not take issue with Ms Mellsop's suggested slight revision of his ONL line.
37. Ms Turner, however, continued to maintain her recommendation that the ONL line should remain as notified. It appeared to us that Ms Turner may have been led astray by the fact that both Mr Espie and Ms Mellsop considered the issue primarily as one of rezoning, with the ONL line marking the boundary of the area able to absorb development. Ms Turner, however, did not support rezoning, based on the natural hazard evidence of Mr Bond.
38. We will discuss the rezoning issue in due course, but it seems to us that following the guidance of the Court of Appeal in *Man O'War Station Limited v Auckland Council*<sup>8</sup> the decisions on ONL lines need to be made on landscape grounds, rather than by a reference to their planning implications. In this particular situation, we do not consider that fixing the ONL line in the location Ms Mellsop identified (and Mr Espie agreed with) implies that all land on the Arthurs Point Roadside of the ONL line is able to be developed. If natural hazard considerations preclude development, that does not mean that the ONL line should move on that ground alone.
39. It follows that we do not accept Ms Turner's recommendation in this regard. We recommend that the ONL line be positioned on the Stewart property in the location recommended by Ms Mellsop, as shown below.



40. The only other submission on ONL lines was that of Mandalea Properties Limited and Goldstream Properties Limited<sup>9</sup>, who opposed the ONL classification of 146 Arthurs Point Road. This submitter appeared before us, represented by Mr Blair Devlin, who was an expert

<sup>8</sup> [2017] NZCA 24

<sup>9</sup> Submitter #31028

planner. Mr Devlin identified that the submitters' property includes most of the southern ONL notified within the Arthurs Point North area. He described the position as one where development on either side of the property has produced a situation where the proposed Rural Zone forms a peninsular extending into the site and suggested a revised ONL line that would follow the 427 masl contour line rather than as notified (which reaches what has been identified as a terrace edge). That would have the ONL still extending into the property, but to a lower level than that notified.

41. The difficulty Mr Devlin had, as he frankly admitted, was that he was not an expert landscape witness and was seeking to put a planning lens around a landscape argument. In our view, as we suggested to him, he was effectively relying on the Council experts to reflect upon his reasoning and adopt it. This did not occur. In her reply evidence, Ms Turner advised that she had discussed the matter with Mr Devlin and had undertaken an additional site visit. However, she considered that in the absence of any landscape evidence to the contrary, the most appropriate location for the ONL boundary in order to protect the landscape values in the area was that notified<sup>10</sup>.
42. We share Ms Tuner's view of the matter. ONL lines are fundamentally a landscape issue. In the absence of any landscape evidence calling Ms Mellsop's opinion into question, we have no basis to disagree with her.

#### **4. BUILDING RESTRICTION AREAS**

43. As summarised above, the notified planning maps for Arthurs Point North identified four BRAs. Koia Architects Ltd, Koia Investments Queenstown Ltd and Rakau Queenstown Ltd<sup>11</sup> made a general submission suggesting that the BRAs are incorrectly identified over land that had been subdivided or consented for building, but did not provide detail to enable the point to be taken further.
44. The first BRA, to the south-west of the Arthurs Point North area, was the subject of specific submission by Matt and Yuko Baumfield<sup>12</sup> that the BRA be removed from their property at 7 Powder Terrace. This is the land that Mr Blair Devlin identified as having been development for the purposes of Onsen hot pools.
45. This BRA is the subject of a separate submission, from Totally Tourism Limited<sup>13</sup> seeking both that the existing BRA be retained, and that it be extended to the south and east. The area over which the BRA sought to be extended is currently identified as part of the ONL discussed above. This submitter did not appear, but it is evident from the lengthy explanation in its submission that the purpose of the relief sought is to recognise rights of way granted to protect the use of the submitter's existing consented informal airport at 160 Arthurs Point Road, from which it operates helicopters in conjunction with its tourism business.
46. Ms Turner mistakenly identified the Totally Tourism submission as relating to the second BRA, which we will come to shortly. However, she addressed the substance of the submission. She considered that enforcement of private arrangements with neighbouring properties to protect their activity is a civil matter best dealt with privately by the relevant parties. We would assume that Ms Turner would apply the same logic to the actual relief sought.

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<sup>10</sup> E Turner Reply at 6.1-6.2

<sup>11</sup> Submission #31004

<sup>12</sup> Submitter #31017

<sup>13</sup> Submitter #31026

47. We do not agree that the sole purpose of BRAs is to protect landscape values. In an appropriate case, we can envisage that planning mechanism being used to protect aircraft flight paths from incursions into their air space. However, in this case, the submitter's concern appears to be principally one of excessive noise (i.e. reverse sensitivity arising from development under its flight paths). It has protected its position through negotiation of the rights of way (and land covenants) over the relevant titles. We needed to hear clear evidence from the submitter as to why additional protection, in the form of a BRA, was both required and appropriate, given the impact it creates on private property rights to the extent they are not already compromised by the private arrangements as above. And if the effect of the BRA is merely to duplicate private property arrangements, we needed clearer justification for the need to do that too.
48. We also would have needed clear justification to recommend a BRA over an ONL which, by definition, is required to be protected from inappropriate use and development. We can understand the submitters desire for a 'belts and braces' approach given the somewhat tortuous planning history described in the submission, but the relief sought appears to go several steps too far in the absence of clearer justification.
49. Accordingly, we recommend rejection of the Totally Tourism submission to extend the BRA.
50. Turning to whether the existing overlay should be retained, Ms Turner noted that the land covered by the BRA has already been subdivided into smaller lots. She considered in the circumstances that a non-complying activity status for buildings on already established lots and non-complying activity status for visitor accommodation was overly onerous. She relied on Ms Mellsop's evidence that the area had some capacity to absorb development notwithstanding her having previously identified it as being of moderate landscape sensitivity<sup>14</sup>.
51. Ms Mellsop also identified topographical limitations on intensive development as providing an additional layer of protection.
52. We did not hear from the submitters, but based on the evidence of Ms Mellsop and Ms Turner, we agree with their recommendation that this BRA might be uplifted. We recommend rejection of Totally Tourism Ltd's submission that it be retained for the same reasons as above.
53. The second BRA identified on the notified planning maps was in the south-east of the Arthurs Point North area principally overlying a property owned by Arthurs Point Land Trustee Limited<sup>15</sup> who we heard from at the hearing.
54. There was one submission on this BRA. Arthurs Point Land Trustee Limited sought that it be amended to more accurately reflect the terrace edge; more specifically, that it accurately represents the terraced edge at the western end of the mid-terrace only. Ms Mellsop discussed this submission her evidence. She identified<sup>16</sup> that the BRA included a relatively level terrace that adjoins land to the south-east that has been zoned MDRZ in the Stage 1 mapping decisions relating to the balance of the Arthurs Point Land Trustee property not previously zoned ODP RVZ. She recommended revised BRAs in two locations. The first location sought to identify the escarpment between the terrace Ms Mellsop had referred to, and an upper terrace also forming part of the Arthurs Point Land Trustee property i.e. reducing

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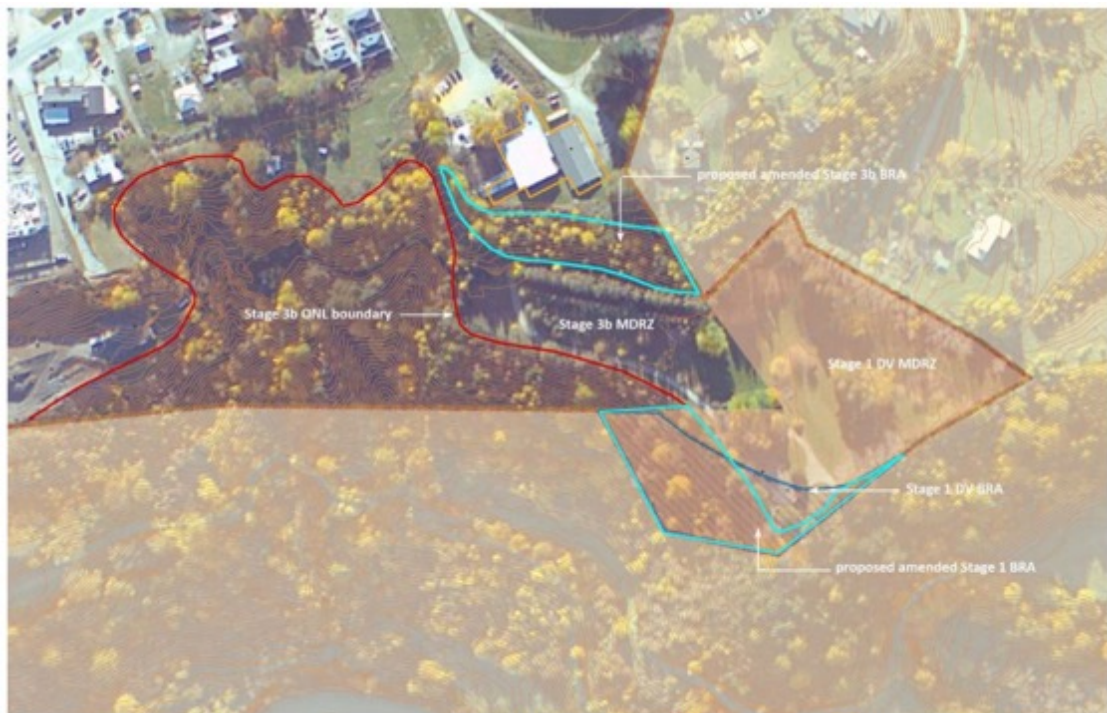
<sup>14</sup> M Mellsop evidence in chief at 7.7

<sup>15</sup> Submitter #31042

<sup>16</sup> H Mellsop Evidence in Chief at 7.19

the notified BRA so it only covered the escarpment. The second recommendation involved an amendment to the BRA imposed as part of the Stage 1 decisions of the adjacent land, in order that it more correctly follows the lower edge of the terrace Ms Mellsop had identified.

55. Ms Turner discussed the latter aspect of Ms Mellsop's recommendation in her Section 42A Report, recording that the submitter had requested that the Stage 1 BRA on the balance of the property be amended. She considered that relief to be out of scope.
56. Having reviewed the submission, we do not think that the submitter actually requested that relief, and that was also the evidence of Ms Ryder, the planning witness for the submitter. Mr Leckie, counsel for the submitter, confirmed in his legal submissions that it was not seeking any relief in respect of the portion of the property addressed in Stage 1.
57. Accordingly, we agree with Ms Turner's conclusion (that the relief recommended by Ms Mellsop in this respect is out of scope, but not for the reason she gives). Our reason is that no submitter sought that relief. That is not to say that it is not an appropriate outcome and we recommend that Council consider whether a variation of the Plan is required in this respect after the Stage 1 appeals are resolved.
58. Arthurs Point Land Trustee Limited largely accepted Ms Mellsop's recommendation to restrict the notified BRA to the escarpment area, but sought that it be further confined to the western side of the escarpment. Ms Ryder's reasoning for this suggested change was to allow the submitter to have access to the lower terrace without the need for a non-complying resource consent that would cause development on the balance of the property likewise to be bundled as non-complying. She considered that that would better provide for development on the site and would accurately represent the terrace edge.
59. While the first is obviously correct, we find that Ms Ryder is in a poor position to be providing essentially landscape evidence on the second, so as to contradict Ms Mellsop's opinion.
60. When Ms Ryder appeared at the hearing, she advised that she continued to pursue the point, but in the alternative, she sought an amendment to the status of development within the identified BRA. We will come to that point in due course. However, as regards the location of the BRA, we accept Ms Mellsop's evidence in the absence of any expert landscape evidence to contradict it.
61. Accordingly, we recommend that the BRA be amended to encompass the area Ms Mellsop identified in her Figure 2 as shown below, but not the second amendment, related to land outside the notified Arthurs Point North area.



Recommended revised BRAs in south-eastern area of Arthurs Point (base map QLDC GIS with 0.5m LiDAR contours).

62. The third BRA is also located on the Arthurs Point Land Trustee Limited property, but at the north-west margin of the property at the frontage with Arthurs Point Road. This BRA is over a small mound that forms part of the entrance to Arthurs Point North for traffic coming down from the Coronet Peak Road, and from Malaghans Road.
63. The submission sought removal of the BRA. The case for the submitter relied on Ms Mellsop having identified the area covered by this BRA as one of moderate landscape sensitivity in her June 2019 Assessment Report. Ms Ryder, in her planning evidence, and Mr Leckie, in his legal submissions, submitted that this was inconsistent with a BRA.
64. Ms Mellsop did not specifically address this submission in her evidence in chief but did provide us with expert commentary in her rebuttal evidence. She described the knoll landform that is covered by the BRA as forming part of the eastern 'bookend' to Arthurs Point North. While she did not resile from her evidence that the area was one of moderate sensitivity, she did not regard the MDRZ sought by the submitter as ensuring an appropriate level of development given that level of sensitivity. In particular, Ms Mellsop's opinion<sup>17</sup> was that *"the density of development enabled by this zone would not maintain the naturalness of the landform feature and building development is unlikely to be effectively integrated by landscaping"*. She also noted that development on the upper part of the knoll was likely to be visible from rural areas to the east of Arthurs Point and that visibility would adversely affect the landscape and visual amenity values of eastern part of the Arthurs Point basin ONL.
65. In her planning evidence, Ms Ryder reasoned from a premise that HDRZ sought by the submitter for all of its site (other than the revised second BRA discussed above) would enable the kind of sensitive development Ms Mellsop had identified.
66. Clearly that was not Ms Mellsop's opinion, and Ms Turner agreed with her, as do we.

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<sup>17</sup> H Mellsop Rebuttal at 6.3

67. Ms Ryder presented us with a number of previous resource consents granted for development of the property, and a consent application which has been made for the lower area (which the submitter's representatives described as the mid-terrace). None of these development plans have yet been exercised and it was unclear to us from the information Ms Ryder provided, how it was proposed that the area occupied by the third BRA would be treated as part of these development plans. We will come back to discuss the relevance of the existing resource consents and the resource consent application Ms Ryder described in the context of broader zoning issues.
68. For present purposes it is sufficient to say that we accept the reasoning of the Council's witnesses. If Ms Ryder sought to persuade us otherwise, she needed landscape evidence and a clearer explanation of why we could be satisfied that the development of the notified BRA an HDRZ would facilitate would be appropriate.
69. The fourth BRA identified in the notified Plan was at the north-eastern edge of Arthurs Point North, on the opposite side of Arthurs Point Road from the Arthurs Point Land Trustee land. It is owned by Robert Stewart<sup>18</sup> whose submission requested its deletion. This BRA is currently occupied by a heritage building and Ms Turner described the BRA as having a dual purpose of also protecting the heritage values of that building.
70. When the submitter appeared at the hearing, we were advised that the submission seeking deletion of this BRA was not pursued. The concern of the submitter was rather, as to the underlying zoning, which we will discuss shortly.
71. Accordingly, our formal response to this submission is that it be rejected in this regard.

## **5. REZONING**

### **5.1 General Submissions**

72. In her Section 42A Report, Ms Turner noted 11 submissions on the zoning of Arthurs Point North. Excluding submissions that supported the notified proposals, she identified a small number of submissions seeking more general relief, along with a group of submissions seeking relief that is specific to their properties. We address the more general submissions first in the context of Ms Turner's recommendation, summarised as above that the flat area of Arthurs Point North be rezoned to HDRZ, with the balance of areas identified as suitable for development zoned MDRZ with a Visitor Accommodation Sub-zone overlay.
73. Of the general submissions, the first that we need to consider is that of Goldstream Properties Limited and Mandalea Properties Limited<sup>19</sup> who sought that the ODP RVZ be retained, in particular as related to their property at 146 Arthurs Point Road. Ms Turner did not recommend acceptance of that relief and when Mr Blair Devlin appeared for the submitters, he confirmed that they supported Ms Turner's recommendation for a mix of HDRZ and MDRZ.
74. The Section 32 Report summarised above provides, in our view, every justification for moving on from the ODP RVZ. We also record our observation that the ODP Zone did not achieve its objectives - among other things, the land is no longer rural and the ODP zone did not protect the ONLs on the lower slopes of Mount Dewar in particular from incursion by urban development.

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<sup>18</sup> Submitter #31038

<sup>19</sup> Submission #31042

75. We recommend rejection of that submission, and of related submissions<sup>20</sup> seeking reconsideration of identification of Arthurs Point as an urban area.
76. Ms Turner noted the submission of Koia Architects Queenstown Limited, Koia Investments Queenstown Limited and Rakau Queenstown Limited<sup>21</sup> that the entire area be rezoned to accommodate a mix of local commercial, visitor accommodation and higher density residential activities.
77. Ms Turner noted that the submission did not expressly request imposition of the Business Mixed Use Zone (BMUZ). That appears to be the closest zoning concept to what the submission was describing. However, Ms Turner considered HDRZ or the Local Shopping Centre Zone as possible alternatives.
78. Ms Turner's view was that the BMUZ could allow intensification of land use on a scale that might undermine the Queenstown Town Centre, contrary to strategic policies in Chapter 3. We note that the Environment Court has now<sup>22</sup> largely confirmed the form of those strategic provisions, but with a focus on outcomes that are likely, rather than those could occur (as per the Stage 1 Decisions Version). We would have needed economic evidence before concluding there was a likelihood of such effects occurring.
79. However, Ms Turner also noted that the BMUZ allowed significantly higher buildings than either the notified MDRZ or the HDRZ provisions that she was considering and think what Ms Mellsop's opinion of what the landscape was capable of absorbing.
80. She therefore did not recommend that option. Ms Turner also identified the Local Shopping Centre Zone as having less flexibility in terms of the uses it provides for and being more restrictive for residential use with a lower height limit than the HDRZ. She also noted that the existing areas with that zoning have a different character, being more focussed on local community needs and less on visitor accommodation. She did not recommend that option and when the representatives of the submitter appeared, they did not pursue either of these possibilities either. Rather, they supported Ms Turner's recommendation of HDRZ, but sought amendments to the provisions of that zone as they would apply in the Arthurs Point North area.
81. Accordingly, we agree with Ms Turner's reasoning and thus, we do not take those possibilities any further.
82. Before addressing the potential for HDRZ rezoning, either as Ms Turner recommended, or more broadly, we note the submission of Arthurs Point Outstanding Natural Landscape Society Inc<sup>23</sup> that requested that MDRZ not be utilised adjacent to an ONL Boundary.
83. Ms Turner considered that MDRZ adjacent to the ONL boundary is appropriate in an alpine village setting such as Arthurs Point North. She also considered that it was not inconsistent with the strategic provisions and that there were a number of other instances elsewhere in the District where both MDRZ and HDRZ are adjacent to the ONL boundary.

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<sup>20</sup> Submission #31044

<sup>21</sup> Submission #31004

<sup>22</sup> Darby Planning Limited Partnership & Ors v QLDC [2019] NZEnvC 133 and [2019] NZEnvC 142

<sup>23</sup> Submission #31041

84. The Society did not appear and provide evidence to support its submission and we agree with Ms Turner's reasons for recommending its rejection.
85. We also note that if accepted, the consented development already permitted to the existing ONL boundary on the Arthurs Point Woods property would require the ONL boundary to be set back from the location Ms Mellsoy has recommended. We do not regard that an acceptable outcome.
86. Accordingly, we recommend that this submission be rejected.
87. The Society also sought appropriate controls on MDRZ development adjacent to ONLs, but did not identify what controls it considered necessary, other than the set-back just discussed. We can therefore take that point no further.
88. Ms Turner noted the submissions of Arthurs Point Land Trustee Limited<sup>24</sup> and Coronet Peak Properties Limited<sup>25</sup> as seeking rezoning of the notified MDRZ land in Arthurs Point North to HDRZ.
89. Her review of that possibility occupies several pages of her Section 42A Report. She considered that Arthurs Point North is an appropriate location for greater intensification. It is on an existing public transport network and greater density would increase the viability of that network. Ms Turner referred to a number of aspects of Chapters 3 and 4 supporting greater density. She regarded the consideration of natural hazards as a neutral consideration, but she accepted submissions from the Koia parties and Arthurs Point Land Trust Limited that the area is not homogeneous in terms of character and issues.
90. This prompted in turn, consideration of the possibility of a mix of MDRZ and HDRZ which, ultimately, she recommended as being the most appropriate course.
91. We heard no evidence seeking to persuade us that Ms Turner's recommendation was unsound although some parties sought that the area of HDRZ be extended in specific locations. We will address those specific submissions shortly. And as already noted, the Koia parties sought amendments to the HDRZ provisions that would apply in Arthurs Point North.
92. We now also have to consider the implications of the NPSUD which, in our view, supports Ms Turner's recommendation. It is something of a stretch to say, as was suggested to us by some submitters, that Arthurs Point North is near the Queenstown Centre Zone for the purpose of Objective 3(a) of the NPSUD, but we agree that it is both well serviced by existing public transport and an area of high demand.
93. In summary, for all of these reasons, we recommend that the notified MDRZ be amended to HDRZ, broadly as recommended by Ms Turner so as to focus on the flat areas either side of Arthurs Point Road. We consider in the following sections those submissions seeking to enlarge the area of HDRZ from that which Ms Turner recommended.

## **5.2 Baumfield**

94. Matt and Yuko Baumfield<sup>26</sup> sought that all of Lot 7, DP520106 be rezoned from MDRZ to HDRZ.

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<sup>24</sup> Submission #31042

<sup>25</sup> Submission #31040

<sup>26</sup> Submission #31017



95. Ms Turner noted that Ms Mellsop had assessed part of the property as being of low landscape sensitivity and part as being of medium landscape sensitivity; the latter being the area notified with the BRA over it as discussed above. While the assessment of low landscape sensitivity might support upzoning of part of the site, Ms Turner's view was that the site is small and that a split zone across it would be inefficient for plan administration. She recommended, however, that consequent on the uplifting of the BRA, the Visitor Accommodation Sub-zone should be extended over the property (and the other MDRZ land in the same position).
96. The submitters did not appear at the hearing to explain to us why we should depart from Ms Turner's recommendation and we see no reason to do so ourselves. The online information available to us indicates that this property is 0.0995 hectares in area. On the face of the matter, a split zoning is impractical. Certainly, we would have needed evidence to explain how the property could sensibly be developed with such a zoning arrangement.
97. In summary, we recommend rejection of the rezoning aspects of the submission, save as it might be considered accepted in part by adding of a Visitor Accommodation Sub-zone overlay.

### **5.3 Coronet Peak Properties**

98. This submission<sup>27</sup> sought that Lots 1 and 2, DP376236 located on the north side of Arthurs Point Road be rezoned as HDRZ. There is an existing Hotel development on the site.
99. As she acknowledged in her Section 42A Report, Ms Turner's recommendation left a small triangular section of these properties as MDRZ where the land starts to slope up Mount Dewar from its toe. Mr John Edmonds gave planning evidence for the submitter, seeking to persuade us that this triangle of land should have the same zoning as the balance of the site. He pointed to the complexity a split zoning created for future development of the site. In his view, the visual effect would be very similar irrespective of which zone the triangle of land had, and having a split zone would result in a more stringent activity status for the entire site due to the most restrictive activity status applying.
100. Ms Turner reassessed the position in rebuttal evidence. She identified that the triangle of land left as MDRZ if her recommendations were accepted is approximately 2450m<sup>2</sup>. In her view, the difference in zoning would make a substantial difference to the yield from that part of the site.
101. We accept that the split zoning increases the complexity of potential development of the site, however, this is not like the Baumfield situation. The combined site is almost 1.5 hectares and the triangle of land affected is 2450m<sup>2</sup> on Ms Turner's calculation (Mr Edmonds estimated it at 3500m<sup>2</sup> when he appeared before us). This is not an insubstantial area, even in the context of the site as a whole.
102. Ms Turner's recommendation is firmly based on the landscape evidence of Ms Mellsop. It utilises topographical boundaries which, inevitably, are not going to coincide with cadastral boundaries in all cases.
103. If Mr Edmonds was going to suggest that the HDRZ and MDRZ on this triangle of land was immaterial on landscape grounds, then we think he needed landscape evidence to support that view.

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<sup>27</sup> Submission #31040

104. In summary, we recommend that this submission be accepted in part, to the extent that Ms Turner has recommended upzoning, but that the balance of the site remain as MDRZ.

#### 5.4 Arthurs Point Land Trustee Limited

105. We have already addressed the aspects of this submission related to the two BRAs on the property. The submission sought rezoning of four specified lots to HDRZ. Two of those lots include land outside the area notified in Stage 3B. Ms Turner suggested that to that extent, the submission was out of scope. Having read the submission, it does not appear that this was the intention. The submission states that it opposes the Proposed Plan “*as it relates to the Medium Density Residential Zone (MDRZ) and the ‘Building Restriction Area’ at Arthurs Point in their entirety*”. The focus of the case presented for the submitter was similarly on the area notified as part of Stage 3B. We proceed on that basis.
106. It follows that the areas in contention are those underlying the now recommended BRAs on the property, together with the area of mid-terrace, in respect of which Ms Turner recommended the BRA overlay be uplifted.
107. We consider that would be inconsistent with our recommendation to retain the BRA over this land to also recommend that the land be upzoned to HDRZ. One says the land is not suitable for development. The other says it is suitable for the densest form of development. We do not consider that possibility further.
108. As regards the mid-terrace area, that is a different matter. The submitter presented an extensive case seeking to persuade us of the merits of HDRZ zoning. A substantial part of that case rested on a series of resource consents that had previously been granted for the site. Thus Ms Ryder told us of a resource consent granted in 2008 which included 22 residential apartments contained within two buildings proposed to be located on the slope of the site between the upper and mid-terrace where Ms Turner has recommended (and we have accepted) that the BRA should be retained. Ms Ryder noted that this consent was not implemented, but she considered it provided evidence of accepted form and type of development for the site. We do not agree. We will discuss in greater detail shortly the relevance of the ‘existing environment’ in a plan setting, but whatever view might be taken of that matter, we do not think a 12 year old lapsed consent proves anything, particularly one granted in a zone that we consider has had unsatisfactory landscape outcomes.
109. The second resource consent Ms Ryder told us about was granted in 2018 for construction of a 12 metre high, 106 room hotel with ancillary centralised facilities and 80 serviced apartments to be used for visitor accommodation purposes located on the upper terrace section of the site. Again, she noted that this consent had not been implemented. However, she considered that having been granted in the last two years, it demonstrated an appropriate development on the site, including that the site “*is deemed to be appropriate for high density development*”. Again, we do not think that that inference can be drawn. The resource consent was granted under the ODP RVZ provisions with all the implications of that that we have already identified.
110. We discussed with Mr Leckie whether this consent forms part of the ‘existing environment’. The High Court’s decision in *Shotover Park Limited v QLDC*<sup>28</sup> is relevant to that question. We read that decision as authority for the fact that where, as here, an RMA decision-maker is considering a plan, it has a discretion to take into account the ‘existing environment’. We refer to our discussion of the relevant principles in Section 5.6 of Report 20.8. Mr Leckie

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<sup>28</sup> [2013] NZHC 1712

advanced a similar argument to that considered in that Report, that the High Court's decision was distinguishable by reason of the likelihood that the consent in question would be able to be exercised (being under appeal).

111. We did not accept that argument in Report 20.8 and we do not accept it here; we think that Fogarty J put that as an alternative basis for the conclusion that he had reached.
112. Moreover, even if we are wrong in that regard, Mr Leckie accepted that he could not say that it was likely the resource consent in question would be exercised. Thus, we cannot see how it forms part of the 'existing environment' so as to be potentially relevant to our consideration of the appropriate zoning of the land.
113. Lastly, we note that Ms Ryder advised us that the property is the subject of two consent applications. The first was lodged in December 2019 and sought approval under the ODP RVZ to construct 297 visitor accommodation units. From the site plan in Ms Ryder's evidence it appears that part of this development is on the mid-terrace land which remains in contention. We have not been advised that this resource consent has been granted (Ms Ryder recorded in her evidence that it was being processed at time of writing) and even if it had been, we were not provided with sufficient detail of the proposed development to know what we should take from it. Even assuming it had been relevant, we would not have been inclined to place great weight on a development consented under the ODP RVZ in terms of future planning options, for the reasons discussed above.
114. More generally, Ms Mellsop's original assessment of the mid-terrace was that it was an area of moderate landscape sensitivity. While uplifting of the BRA over the flat part of the terrace gives a clear signal that it is appropriate for some level of development, that is a far cry, in our view, from support for an HDRZ, particularly in the absence of landscape evidence for the submitter calling Ms Mellsop's assessment of its landscape sensitivity into question.
115. We do not therefore recommend zoning of the mid-terrace as HDRZ. Ms Turner did not, as far as we can identify, consider more limited relief, in the form of a Visitor Accommodation Sub Zone overlay covering the area of MDRZ in respect of which the BRA is recommended to be uplifted. As discussed above in section 5.2, in the context of the Baumfield submission, she considered that to be appropriate relief consequential on uplifting the BRA. We consider that the same logic applies to the Arthurs Point Land Trustee site
116. In summary, we recommend acceptance of this aspect of the submitter's relief in part.

## **5.5 Robert Stewart**

117. The Stewart submission<sup>29</sup> sought rezoning of a large section on the north-east corner of the Arthurs Point North area as variously MDRZ with a Visitor Accommodation Sub-zone, ODP RVZ or PDP RVZ. As part of her more general recommendation for upzoning of MDRZ land, Ms Turner recommended that a small flat area of the site with frontage to Arthurs Point Road be zoned HDRZ, but otherwise that the rezoning submissions be rejected.
118. By the hearing, the submitter had refined his relief. As above, he sought a varied ONL line following a landform on the site, with the hillside land below the varied ONL boundary zoned MDRZ with a Visitor Accommodation Zone overlay.

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<sup>29</sup> Submission #31038

119. In addition, and as already noted, Mr Stewart withdrew his opposition to the BRA over part of the property, but sought that the underlying MDRZ land have a Visitor Accommodation Sub-zone overlay.
120. As regards to the latter point, Ms Turner addressed this in her rebuttal evidence. She considered the combination of BRA and Visitor Accommodation Sub-zone to be inconsistent, and that the Visitor Accommodation Sub-zone overlay would undermine the restrictive intention of the BRA.
121. As regards to the suggested rezoning, she opposed rezoning, essentially on natural hazard grounds. In her rebuttal evidence Ms Turner noted that the preliminary geotechnical appraisal authored by Mr Forrest<sup>30</sup> the submitter had produced and attached to Mr Vivian's planning evidence assessed the active schist landslide risk to be the most significant hazard feature, with an assessed moderate to high level of risk, and stated that the desk study analysis undertaken to date would require further substantiation which may influence potential residential development. She gave particular emphasis to the author's acknowledgement that infrastructure costs required to stabilise the site to allow development may be prohibitive<sup>31</sup>. Ms Turner recorded also that Mr Bond's hazard evidence for Council came to similar conclusions.
122. Ms Turner drew our attention to relevant provisions of Chapter 28 and to the RPS on these matters.
123. She did not consider Mr Vivian's suggestion of a site specific rule requiring consideration of any building within the proposed MDRZ as a Restricted Discretionary Activity with discretion over hazard issues to be an adequate solution. She regarded it as inefficient and ineffective when the Rural Zone more appropriately manages hazard risk and does not carry any presumption that urban development is anticipated.
124. On the face of the matter, Ms Turner's reasoning appears sound and well supported by the geotechnical report produced by the submitter, and the evidence of Mr Bond. However, what she did not address in her rebuttal evidence was the evident inconsistency of the Council's position opposing MDRZ with its previous actions approving the Arthurs Point Woods subdivision immediately adjacent to the Stewart property and granting a resource consent to Treescape Queenstown Ltd for a 55 lot subdivision with 30 identified building platforms to the north of the Stewart property, that is to say immediately uphill from the property. Mr Vivian quoted extracts from the geotechnical assessment for both applications. In the case of the Treescape application, that assessment was that there had been no movement on the feature for the last 20,000 years and that subject to stormwater management and specific design of foundations and earthworks, the front faces were geotechnically suitable for the proposed development.
125. In the hearing, we sought to explore these issues with Mr Bond. The thrust of our questions was designed to establish whether Mr Bond was being overly pedantic relying on the absence of a site-specific hazard assessment when the sites above and alongside the Stewart property had been assessed and that assessment had been accepted by Council.
126. Mr Bond remained of the opinion that there was a risk. He accepted that there were possible similarities in hazard risk as compared for instance to the adjacent Arthurs Point Woods' site,

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<sup>30</sup> Ground Consulting Ltd letter dated 27 May 2020 addressed to Mr Stewart.

<sup>31</sup> E Turner Rebuttal at 3.3(ff)

but equally, said it was possible that the risk profile was materially different. It would depend on local conditions including drainage.

127. Ms Turner returned to the issue in her reply evidence. Her view and that of Mr Bond that the level of assessment undertaken for the resource consents on the adjacent sites was not of a standard that should be applied in a rezoning setting. We consider that view highly questionable. We would have thought that the position was the inverse to that which Mr Bond and Ms Turner suggested; namely, that provided sufficient evidence was provided in a rezoning context to satisfy the decision maker that natural hazard risk was manageable, more detailed assessment might occur in a subsequent resource consent setting.
128. We consider Ms Turner was on rather stronger ground suggesting that the previous resource consents had been assessed under the more permissive ODP RVZ. That might explain the Council's decision to grant consent, but even so, the quotations Mr Vivian provided from the geotechnical assessments appeared reasonably robust.
129. Ultimately, however, we had to assess the situation on the basis of the evidence before us. Mr Bond's evidence is the only expert evidence we have, and Mr Forrest's preliminary geotechnical assessment that the submitter produced is consistent with it.
130. Mr Bond has explained that we cannot assume that the hazard risk is exactly the same as on the adjacent sites and Ms Turner makes a convincing case in her reply evidence that the application of the now finalised provisions of Chapter 28 suggests that the rezoning should not be approved.
131. We agree with Ms Turner that if the natural hazard risk is unacceptable then the rule requiring its assessment in a subsequent resource consent is not an adequate answer. Merely by rezoning, and even more so by shifting the Urban Growth Boundary, which would be a necessary corollary of rezoning, we would be sending a message that development at a medium density is appropriate on this site. Given the natural hazard risk, we do not think that we can properly do that.
132. We considered the possible alternative of a lower density zoning (LDSRZ perhaps) with its accompanying corollary of a reduced exposure to natural hazard risk, but we determined that that was potentially inefficient. If the submitter were to produce a site specific natural hazard assessment that confirmed that natural hazard risk was manageable, then the landscape evidence of Ms Mellsop and Mr Espie would indicate that MDRZ is the appropriate zone within the redefined ONL boundary.
133. In summary, we have determined that the appropriate response is to recommend rejection of the submitter's rezoning relief (and the accompanying request that Urban Growth Boundary be shifted to coincide with the ONL boundary), for the reasons set out above.
134. Turning to the issues around the activities able to be undertaken within the identified BRA, we asked Ms Turner whether having a Visitor Accommodation Sub-zone overlay on an area of land with a BRA was any more inconsistent than having a MDRZ zoning overlaid by a BRA. Her initial reaction was that so long as new buildings were constrained by the BRA, the use to which those buildings were put was not a material issue. She confirmed that view in her reply evidence<sup>32</sup>.

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<sup>32</sup> E Turner Reply at 5.1

135. We agree. Particularly in this case, with the existing building on the site having heritage status, we think it is important to encourage use of the building, rather than place unnecessary restrictions around the nature of that use.
136. We therefore agree with Ms Turner’s revised recommendation that a Visitor Accommodation Sub-zone overlay be placed on the BRA located on the Stewart property.

## 6. CONSEQUENTIAL TEXT CHANGES

### 6.1 HDRZ Provisions

137. In her Section 42A Report Ms Turner noted submissions from Coronet Peak Properties Limited<sup>33</sup> and Arthurs Point Land Trustee Limited<sup>34</sup> proposing a series of text changes. This included a new objective and associated policies addressing amenity and urban design in the HDRZ specific to Arthurs Point North together with amended rules related to the status of visitor accommodation (proposing controlled activity status) and a 12 metre height limit for Arthurs Point North.
138. Ms Turner reviewed the suggested objective and new policies, finding that between the existing provisions of Chapter 9 and the Residential Design Guide and related provisions (considered in Report 20.6) most of the matters suggested are already well covered. She did, however, recommend a new policy for one aspect that is not currently dealt with in Chapter 9, worded as follows:
- “Promote a distinct streetscape for the Arthurs Point North neighbourhood that is based on a shared and integrated public realm.”*
139. As regard the suggested rule changes, Ms Turner did not recommend either change. In her view, the purpose of HDRZ focuses on residential activity with a scale of other activities that complements that residential component. She did not consider Restricted Discretionary Activity status either overly onerous or difficult to comply with.
140. As regards height limits, she did not consider a new height limit for sloping sites zoned HDRZ necessary as the recommended HDRZ areas in Arthurs Point North are mostly flat. More generally, she supported the existing 10 metre maximum height limit on the basis of landscape considerations.
141. However, Ms Turner did recommend specific reference to Arthurs Point North in Chapter 9.1, stating the zone purpose. At present, that purpose refers to land near town centres and she considered the clarification that HDRZ is located within Arthurs Point North would avoid future questions as to whether it qualified in that regard.
142. The submitters also sought a variation to Chapter 29 seeking to clarify the calculation for parking requirements. Ms Turner noted that there was a scope issue, because the submitters relief was not framed in a way that was specific to Arthurs Point North, but in any event, considered that the amendments suggested were not required.
143. Neither submitter addressed the aspects of their relief related to design considerations.

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<sup>33</sup> Submission #31040

<sup>34</sup> Submission #31042

144. In our view, the fact that the Stream 17 Hearing Panel has recommended a softening of the role of the Design Guidelines in Report 20.6 provides an additional reason for Ms Turner's suggested new policy. We accept that recommendation.
145. Mr Edmonds addressed the status of visitor accommodation in Arthurs Point North in his evidence suggesting that controlled activity status would provide for existing and anticipated visitor accommodation activities that are occurring and expect to occur within Arthurs Point North. Ms Turner had partly based her reason for rejecting controlled activity status on the basis that it would make the zone more similar to BMUZ. In her evidence for Arthurs Point Land Trustee Ltd, Ms Ryder did not consider that to be the case, pointing to the BMUZ anticipating service-based activities, commercial and retail activities, whereas, in her view, HDRZ does not.
146. Ms Ryder also addressed the height issue. She pointed out that the height limit under the ODP RVZ was 12 metres for visitor accommodation activity. Given that and the existing high-density character of the area, she considered a 12 metre height limit would be appropriate within sloping parts of a site.
147. Ms Turner responded to Mr Edmonds' reasoning regarding the status of visitor accommodation in her rebuttal evidence, suggesting that there may be times when it might not be appropriate to grant a consent for visitor accommodation. She noted that a Restricted Discretionary Activity status is consistent across all of the residential zones and applies to other HDRZ areas with existing visitor accommodation activity, such as along SH6A.
148. We agree with Ms Turner's reasoning in relation to the status of visitor accommodation. It seems to us that one of the reasons why HDRZ is appropriate in Arthurs Point North is because the character of the area has changed. While visitor accommodation was a primary focus in ODP RVZ, that is not the case in the HDRZ. While the zone does not discourage visitor accommodation, equally, discretion is required to consider the potential incompatibility of visitor accommodation and the ancillary activities and services that go with it with nearby intensive residential activities. Similarly, standards applied to visitor accommodation need to reflect the changed character of the area.
149. Put simply, these submitters cannot have it both ways.
150. As regards the height limit, this appears to us to be linked to the submitters' requests to upzone sloping land to HDRZ. We have recommended rejection of those submissions, with the result that as far as we are aware, there is no situation where an increased height limit for HDRZ on sloping sites would apply.
151. Even if the suggested change had not been unnecessary, we would have required supportive landscape evidence before we could seriously have entertained that possibility and neither submitter provided same.
152. We recommend that those submissions be rejected.
153. Both Coronet Properties Ltd and Arthurs Point Land Trustee Ltd also suggested an amendment to Chapter 29 related to the calculation of minimum parking requirements. While Ms Turner opposed the relief sought on the basis that it was more efficient and effective to have one set of standard plan provisions, the entire issue has been overtaken by the NPSUD. As discussed in Section 2.2 of Report 20.1, the provisions the submitters seek to amend will need to be

deleted from the District Plan. We do not therefore recommend any amendments to them. We note also the submission of Arthurs Point Outstanding Landscape Society Inc<sup>35</sup> seeking that development in BRAs be prohibited i.e. to push the rule in the opposite direction.

154. During the course of her evidence for Arthurs Point Land Trustee Limited, Ms Ryder introduced the potential for a changed (more enabling) activity status for buildings within BRA, should the submitter's request for deletion and/or reduction in the size of the BRA be rejected. Ms Ryder was not specific as to what rule status she suggested was appropriate and we do not agree with her reasoning. A BRA is applied in circumstances where building will likely have more than minor adverse effects, generally on landscape values, but potentially on other values also. That was certainly the basis on which Ms Turner supported retention of the BRAs recommended by Ms Mellsop. It follows, in our view, that a high degree of regulation is required. However, we think prohibited status would go too far, certainly in the absence of evidence assessing its costs and benefits. We therefore consider non-complying activity status is appropriate to govern building development within the identified BRAs. While, as Ms Ryder noted, that may cause broader development of the site to be 'bundled' as a non-complying activity, outside the BRAs, development can take advantage of more favourable objectives and policies to get through the gateway in Section 104D of the RMA.
155. Nor do we accept the argument implicit in Ms Ryder's reasoning, that the previous grant of resource consents for development, including on the now notified BRAs, indicates that such development is appropriate against the changed regulatory framework of the PDP; the strategic objectives and policies in particular.
156. Ms Ryder suggested more broadly that the notification of the Residential Design Guidelines created greater assurance of acceptable outcomes, meaning that BRAs were not necessary on the site. Whatever might have been the view based on the notified provisions in relation to Residential Design Guidelines, the recommendation of the Stream 17 Hearing Panel in Report 20.6 is that the relevant provisions be significantly softened, so as to treat the Residential Design Guideline as an information resource, and removing the requirement in relevant policies and rules for development to be consistent with those Guidelines.
157. It follows that we do not think that we can rely on the Residential Design Guidelines in lieu of BRAs and/or non-complying status for building within identified BRAs.
158. In summary, we do not accept Ms Ryder's evidence in this regard.
159. The Koia group of submitters<sup>36</sup> were represented at the hearing by Mr Tony Koia and his colleague Mr David Happs, who we understand to be architects. Their evidence addressed the GFA of commercial activities in the Arthurs Point North Area, setbacks from state highways and recession planes. As regards GFA, their view was that 100m<sup>2</sup> is a very small area for commercial uses, particularly given that anything in excess of that defaults to non-complying status.
160. Messrs Koia and Happs also sought a 2 metre setback from Arthurs Point Road.
161. Lastly, Mr Koia and Mr Happs considered the existing recession plane rules flawed and proposed a height in relation to boundary rule as an alternative, so as to permit stepped building developments.

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<sup>35</sup> Submission #31041

<sup>36</sup> Submission #31004



162. Ms Turner addressed this evidence in her rebuttal brief. While she accepted that there are existing commercial operations in the Arthurs Point North area that are greater than 100m<sup>2</sup>, she considered that that trigger was consistent with the objectives and policies of the HDRZ that direct that commercial development is small scale and generates minimal amenity value impacts.
163. Ms Turner considered that she had insufficient information to recommend an upper level GFA, noting that the submitter had not provided economic evidence to support their proposed increase. However, even if increased provision were made for commercial activities (e.g. as a Restricted Discretionary Activity), she continued to consider that at some point, it would be appropriate for commercial developments in the HDRZ to default to non-complying status.
164. Ms Turner advised that because Arthurs Point Road is not a State Highway, the existing setback from the road under a HDRZ Zoning would be 2 metres (as the submitters sought).
165. Considering the evidence on recession planes, Ms Turner agreed that there are flaws in using recession planes to manage some effects and that there could be benefits in using the sliding scale method the witnesses had outlined. However she was concerned about the efficiency and complication which would result if this particular method were applied at Arthurs Point North when the effect of buildings on adjacent properties is managed in the HDRZ and in other residential zones through use of recession planes.
166. She noted that recession planes do not apply to site boundaries adjoining a road, reducing the potential constraint on development, and that the breach of the recession plane standard is a Restricted Discretionary activity when HDRZ is on both sides of the boundary. She did not consider this to be particularly onerous.
167. We agree with Ms Turner's reasoning, but like her, we consider that there is merit in the suggestions Messrs Koia and Happs have made for an alternative method of controlling cross boundary effects. We recommend Council consider it further with a view to potentially incorporating it into a further variation to the HDRZ in particular. For the moment however, we do not recommend its adoption.
168. When she appeared at the hearing, we asked Ms Turner what the evidential basis for a 100m<sup>2</sup> GFA rule was, and she undertook to investigate that point further.
169. She returned to it in her reply evidence noting that a 100m<sup>2</sup> limit was determined through Stage 1 of the PDP review and as a result, had not been specifically considered in relation to rezoning at Arthurs Point North.
170. Considering the matter afresh, while a 100m<sup>2</sup> GFA limit in Arthurs Point North would provide consistency across the District, Ms Turner noted Strategic Directive 3.2.3 seeking a quality built environment taking into account the character of individual communities and Policy 9.2.5.2 providing direction to ensure that any commercial development is compatible with the existing surrounding context. She noted that many of the existing commercial activities along Arthurs Point Road were approximately 200m<sup>2</sup> in area and, in her view, larger commercial GFAs (than 100m<sup>2</sup>) fit with the existing activities and character in the area. She considered making provision for commercial activities between 100m<sup>2</sup> and 200m<sup>2</sup> as a Restricted Discretionary activity would be consistent with those provisions and would also result in positive economic impacts for the Arthurs Point North Area and still meet the policies of the

HDRZ focussing on small scale developments. However, she recommended that such a rule be restricted to nominated properties on the south side of Arthurs Point Road, rather than all of Arthurs Point North, that being the focus of the evidence that had been given.

171. We accept Ms Turner's reasoning on this issue. We think it also needs to be born in mind that the revised Chapter 4 policies recently confirmed by the Environment Court have softened the policy direction around potential adverse effects on the Queenstown Town Centre. The question is now whether such adverse effects are likely.
172. Ms Turner placed some emphasis on the fact that the submitter had not called economic evidence, but it seems to us that neither has the Council considered the GFA limit in the HDRZ against this changed high level policy direction.
173. Certainly, in relation to Arthurs Point North, we think that there is a case for greater recognition of commercial activities. We agree with Ms Turner that given the site-specific rule is tied to the character of Arthurs Point North, the focus of that rule needs to be on the area of Arthurs Point North where commercial activities have currently established.
174. In summary, we agree with the rule Ms Turner recommended in her reply evidence at paragraph 4.9.

## **6.2 MDRZ Provisions**

175. Addressing submissions seeking changes to MDRZ provisions, Ms Turner noted a submission in her Section 42A Report from Arthurs Point Woods Limited<sup>37</sup> requesting amendments to the MDRZ provisions for building height, building setbacks and the density standard to make development more permissive. This submitter was represented at the hearing, along with a related company, QRC Shotover Limited<sup>38</sup>, by counsel (Mr Leckie), an expert landscape witness (Mr Skelton) and a planning witness (Mr Freeman). QRC Shotover Limited owns the property immediately below the Arthurs Point Woods property.
176. Mr Freeman advised that the submitters were not seeking to pursue relief as regards road building setbacks, but sought provision for buildings between 8 metres and 12 metres in height as a Restricted Discretionary activity. Arthurs Point Woods Ltd also sought an amendment to the density provisions within the MDRZ to provide for one residential unit on any site less than 250m<sup>2</sup> net site area.
177. Mr Skelton provided landscape evidence on height issues. He addressed the visibility of the site, noting the extent to which it is screened from a number of relevant viewpoints. In his view, while it is visible from some viewpoints, the site is seen in the context of the existing urban settlement and is dominated by the surrounding visible and natural landscape. He considered that the site is able to absorb buildings over 8 metres in height from existing ground level, up to 12 metres<sup>39</sup>.
178. Ms Mellsop addressed Mr Skelton's evidence in her rebuttal brief. She did not agree with Mr Skelton's assessment of the absorption capacity of the site. She noted that in the absence of the consented development and MDRZ zoning, the site would have formed part of the ONL of the mountain. She considered them visible and in close proximity from the Arthurs Point North area and from residential areas within the lower sections of Arthurs Point.

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<sup>37</sup> Submission #31031

<sup>38</sup> Submission #31032

<sup>39</sup> S Skelton Evidence in Chief at 30

179. In Ms Mellsoy's view, a maximum height of 12 metres even as a restricted discretionary activity, "*would increase the bulk and dominance of built form on a prominent visible slope that is currently surrounded on three sides by an ONL*"<sup>40</sup>. In her view, this change would have additional adverse effects on the natural character and visual coherence of Mount Dewar.
180. For her part, Ms Turner did not consider that the bespoke provisions for these particular sites were either appropriate or required. She considered it more efficient and effective to have Plan provisions applying to the whole zone. She also noted<sup>41</sup> that the level of development provided by MDRZ is already above that which Ms Mellsoy considered was able to be absorbed.
181. We regard this as a situation where the submitter has been able to utilise favourable ODP provisions in a manner which is inconsistent with the strategic objectives and policies of the PDP. We have recognised the reality of a situation in our recommendation regarding the location of the ONL boundary. However, the submitter is now attempting to leverage the consents already granted to retain the development rights provided by the ODP RVZ.
182. Mr Skelton acknowledged that, but for the consents that had been granted, the site would have qualified as an ONL, agreeing with Ms Mellsoy in that regard. We struggle with the concept that a site might move from being appropriately considered an ONL to one providing for 12 metre high buildings, albeit as a restricted discretionary activity.
183. While we accept that visibility of this particular site is relatively limited, it is not invisible, and we prefer Ms Mellsoy's view as to the absorptive capacity of the site for development.
184. We also have concerns about the efficiency and appropriateness of a site specific height limit in this case. While we do not suggest that there is any jurisdictional hurdle to making a site specific provision of this kind, we consider that there needs to be good reason why it is appropriate in this case and not in others. Understandably, the submitters' evidence focussed only on its own sites, but that left the broader question unanswered.
185. In summary, we do not recommend a site-specific rule governing height on these sites.
186. As regard the requested relief in relation to density, the background to this is, as Mr Freeman explained, that a number of the lots in Arthurs Point Woods Ltd's consented subdivision are less than 250m<sup>2</sup>. He advised that there are 12 lots in this category. While the existing resource consent permits development of those lots within the next eight years, the submitter was seeking to ensure that the right to build on the lots is not lost, if the consent is not exercised before it expires.
187. We observe that the resource consent that the submitter has obtained provides for at least six lots less than 200 m<sup>2</sup>, down to a minimum of 104 m<sup>2</sup>. These lots are at the top end of the site. On any view, this is a highly dense development and we do not consider that the Plan should be endorsing it, even on a site specific basis out into the future. The submitter and its successors in title have eight years in which to exercise that consent. It is difficult to understand why that should not be enough.
188. In summary, we do not recommend the amendment to the density rule sought.

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<sup>40</sup> Mellsoy Rebuttal at 7.4

<sup>41</sup> E Turner Section 42A Report at 11.2

189. Lastly, Ms Turner noted the submission of Public Health South<sup>42</sup> supporting the notified rezoning but submitting that Three Waters infrastructure should be mandated for new development and that access to public and active transport should support the growth of Arthurs Point North. As Ms Turner noted<sup>43</sup>, the submitter sought no specific relief in terms of amended provisions. We agree with her assessment that the existing provisions of the PDP address the matters the subject of submission already and therefore the submission might be considered to be accepted on that basis.
190. We note that Robert Stewart<sup>44</sup> also made submissions on the activity status for subdivision, buildings and visitor accommodation in the MDRZ, but did not pursue these matters in evidence.

## **7. INFORMAL AIRPORTS**

191. In Minute 19, the Chair accepted the late submission of Arthurs Point Protection Society seeking provisions related to informal airports in the Arthurs Point North RVZ – non complying activity status and varied noise rules. That submission was nominally allocated to be part of Stream 20 and separately notified. It attracted two further submissions seeking, out of an abundance of caution, that the amended provisions not apply in other specified RVZs.
192. Ms Turner prepared a separate section 42 A report and the submission was listed for hearing on 12 August. We did not need to hear from Ms Turner, but Mr Michael Clarke appeared briefly for the Society.
193. In her s42A report, Ms Turner observed that there was no longer an Arthurs Point RVZ and that the rules of both the notified MDRZ and the HDRZ she recommended be applied list Informal Airports, other than those used for emergency landings, rescues and firefighting, as a Prohibited Activity.
194. When we advised Mr Clarke of that fact, understandably, he confirmed that that outcome would satisfy the Society's submission.
195. Given our recommendations as above, no additional amendments are therefore required either to the Plan Maps or the text of the PDP

## **8. OVERALL RECOMMENDATIONS**

196. For the reasons set out above, we are satisfied that:
- the amendments we have recommended to the maps of the Arthurs Point North area are the most efficient and effective way to achieve the objectives of the relevant residential zones, and the higher order strategic objectives and policies;, including those of the NPSUD;
  - the consequential changes recommended to the purpose and policies of Chapter 9. are the most efficient and effective way to achieve the objectives of the relevant residential zones, and the higher order strategic objectives and policies.

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<sup>42</sup> Submitter #31009

<sup>43</sup> E Turner Section 4A Report at 12.3

<sup>44</sup> Submitter #31038

197. We have attached a revised version of Chapter 9 that includes our recommended amendments to the text in underline. Our recommendations as to mapping have been captured in revisions to the electronic maps supplied separately to Council.
198. In Appendix 2, we have summarised our recommendations in relation to submissions. As foreshadowed in Report 20.1, we have not separately itemized further submissions. Our recommendations on further submissions reflect our position on the relevant primary submission.
199. In section 4 of our Report, we noted the advice we received from Ms Mellsop that the BRA overlay placed on the Arthurs Point Land Trustee land in Stage 1 of the PDP process was not an accurate representation of the landform requiring protection. We found that we had no scope to recommend its correction, but we recommend Council consider addressing the issue in a future variation should it not be corrected in the appeal of the Stage 1 decisions related to the property.
200. Lastly, we draw Council's attention to our recommendations as to the potential merit of an alternative approach to cross boundary effects currently managed by recession planes that is discussed in section 6.1 of our report, and which in our view Council might consider incorporating in a future variation of the HDRZ in particular.



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**Trevor Robinson**  
**Chair**  
**Stream 18 Hearing Panel**

**Dated: 12 January 2021**

**Attached:**

**Appendix 1: Recommended variations to Chapter 9**

**Appendix 2: Summary of recommendations on submissions**

## **Appendix 1: Recommended variations to Chapter 9**

# ARTHURS POINT NORTH REZONING

## Changes to the Proposed District Plan

**Key:**

Underlined text for additions and ~~strike through~~ text for deletions

### Amendments to Chapter 9 – High Density Residential

#### 9.1 Zone Purpose

The High Density Residential Zone provides for efficient use of land within close proximity to town centres and Arthurs Point that is easily accessible by public transport, cycle and walk ways. In conjunction with the Medium Density Residential Zone, the zone plays a key planning role in minimising urban sprawl and consolidating growth in existing urban areas.

In Queenstown, the High Density Residential zone enables taller buildings than in the other residential zones, subject to high design quality. In Wanaka, lower building heights are anticipated, accounting for its distinctive urban character, however relatively high densities are still achievable. Such development will result in a greater diversity of housing supply, help support the function and vibrancy of town centres, and reduce reliance on private transport. Over time, low-rise apartments and terraced housing are envisaged to become commonplace within the zone.

Development in the zone will facilitate effective non-vehicular connections and access to high quality public open space.

Development controls provide minimum protections for existing amenity values, and are otherwise prioritised towards enabling the community's wellbeing by promoting growth and development. Given the focus on intensification, moderate to substantial change is anticipated including to both public and private views as the character of land within the zone develops into one that is characteristically urban.

Small scale commercial activities are enabled, either to support larger residential developments, or to provide low impact local services.

Small scale community facilities are anticipated, given the need for community activities within residential areas. However, large scale community facilities are not anticipated as this will reduce the effectiveness of the zone at its primary purpose of accommodating housing.

Visitor accommodation, residential visitor accommodation and homestays are anticipated and enabled in this zone, which is located near the town centres and within Arthurs Point, to respond to projected growth in visitor numbers, provided that adverse effects on the residential amenity values of nearby residents is avoided, remedied or mitigated.

#### Policies

9.2.2.3 Promote a distinct streetscape for the Arthurs Point High Density Residential neighbourhood that is based upon a shared and integrated public realm.

# ARTHURS POINT NORTH REZONING

## 9.4 Rules – Activities

	Activities located in the High Density Residential Zone	Activity status
9.4.5	<p><u>At 158, 164, 170 and 172 Arthurs Point Road, Commercial Activities comprising between 101m<sup>2</sup> and 200m<sup>2</sup> gross floor area.</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"><li>a. <u>Economic impact on the Queenstown town centre;</u></li><li>b. <u>Effects on residential amenity;</u></li><li>c. <u>Hours of operation;</u></li><li>d. <u>Traffic generation and access;</u></li><li>e. <u>Location, design, scale and appearance.</u></li></ul>	<u>RD</u>



## Appendix 2: Summary of recommendations on submissions

No.	Submitter	Submission Summary	Recommendation	Section where Addressed
31004	Tony Koia, Koia Architects Queenstown LTD, Koia Investments Queenstown LTD and Rakau Queenstown LTD	That the residential density proposed for Arthurs Point (medium residential) be increased.	Accept in Part	5.1
31004	Tony Koia, Koia Architects Queenstown LTD, Koia Investments Queenstown LTD and Rakau Queenstown LTD	That the objective to increase residential in the Queenstown Area be retained.	Accept	5.1
31004	Tony Koia, Koia Architects Queenstown LTD, Koia Investments Queenstown LTD and Rakau Queenstown LTD	That the area next to Arthurs Point Road should lean towards commercial development that supports the residential and visitor accommodation in the area.	Accept in part	6.1
31004	Tony Koia, Koia Architects Queenstown LTD, Koia Investments Queenstown LTD and Rakau Queenstown LTD	That the outstanding natural landscape lines be refined and adjusted following more detailed analysis.	Accept in Part	3
31004	Tony Koia, Koia Architects Queenstown LTD, Koia Investments Queenstown LTD and Rakau Queenstown LTD	That more analysis and consideration be undertaken to arrive at a cohesive strategy for the development of Arthurs Point.	Accept in part	5.1, 6.1
31004	Tony Koia, Koia Architects Queenstown LTD, Koia Investments Queenstown LTD and Rakau Queenstown LTD	That the current Rural Visitor Zone at Arthurs Point be changed to a mixed-use zone with both commercial and visitor activities and higher density residential activities.	Accept in part	5.1
31009	Southern District Health Board	That the re-zoning of the Rural Visitor Zone at Arthurs Point to medium density residential with a visitor accommodation subzone be retained as notified.	Accept in part	5.1
31009	Southern District Health Board	That the zoning of Mount Dewar and the Shotover River as Rural Zone be retained as notified.	Accept	5
31009	Southern District Health Board	That Plan Change 3b ensures that access to public and active transport supports the growth of Arthurs Point and a reduction in the use of cars.	Accept	6.2
31009	Southern District Health Board	That appropriate three waters infrastructure is mandated for any new developments at Arthurs Point.	Accept	6.2
31017	Matt and Yuko Baumfield	That the Building Restriction Area be entirely removed from Lot 7 DP 520106 (7 Powder Terrace).	Accept	4
31017	Matt and Yuko Baumfield	That Lot 7 DP 520106 (7 Powder Terrace, Arthurs Point), being approximately 995 m2), be re-zoned High Density Residential rather than the notified zone of Medium Density Residential (Visitor Accommodation Sub-Zone).	Reject	5.2
31026	Totally Tourism Limited	That the Arthurs Point Medium Density Residential Zone and applicable provisions be retained as notified.	Accept in part	5.1
31026	Totally Tourism Limited	That the Arthurs Point Visitor Accommodation Sub-Zone and applicable provisions be retained as notified.	Accept in part	5.1, 5.2

No.	Submitter	Submission Summary	Recommendation	Section where Addressed
31026	Totally Tourism Limited	That the provisions for Visitor Accommodation to be undertaken within the proposed Medium Density Residential Sub-Zone and the Visitor Accommodation Sub- Zone in Arthurs Point as a Restricted Discretionary Activity be retained as notified.	Accept	6.2
31026	Totally Tourism Limited	That the Rural Outstanding Natural Landscape Zoning and applicable provisions in Arthurs Point be retained as notified.	Accept	3
31026	Totally Tourism Limited	That the Arthurs Point Building Restriction Area be extended to align with the Right of Way easement areas on Lot 3 DP 376799 and Lot 1 DP 20925 (identified in Figure 2 of this submission) and provides for all built form in these areas to be treated as a non-complying activity.	Reject	4
31026	Totally Tourism Limited	That any similar alternative, consequential and/or other relief as necessary to address the issues raised in this submission be provided.	Consequential	Consequential
31028	Goldstream Properties Limited	That the notified zoning and standards as they relate to Arthurs Point be rejected.	Accept in part	5.1
31028	Goldstream Properties Limited	That the Operative District Plan Rural Visitor Zone at Arthurs Point be retained.	Reject	5.1
31028	Goldstream Properties Limited	That the standard for glare (Rule 46.5.3) be retained as notified.	Reject	5.1
31028	Goldstream Properties Limited	That 46.5.4 (setback of buildings from waterbodies) be retained as notified.	Reject	5.1
31028	Goldstream Properties Limited	That Rule 46.5.5 (setback of buildings) be retained as notified.	Reject	5.1
31028	Goldstream Properties Limited	That zoning standards in Arthurs Point focus on enabling both residential and visitor accommodation of varying scale that supports the existing character, amenity and environment.	Reject	5.1, 6.1
31028	Goldstream Properties Limited	That the Operative District Plan Rural Visitor Zone and standards be retained on the submitter's property at 146 Arthurs Point Road.	Reject	5.1
31031	Arthurs Point Woods Limited Partnership	That the Medium Density Residential Zone and Visitor Accommodation Sub-zone on 155 Arthurs Point Road (Lot 3 DP 331294) be retained as notified.	Accept	5.1
31031	Arthurs Point Woods Limited Partnership	That the zone purpose (8.1) for the Medium Density Residential Zone that deals with increased densities for residential development be retained.	Accept	6.2
31031	Arthurs Point Woods Limited Partnership	That Objective 8.2.1 and associated policies that support the residential density provisions within the Medium Density Residential Zone be retained.	Accept	6.2
31031	Arthurs Point Woods Limited Partnership	That Objective 8.2.2 and associated policies that support the residential density provisions within the Medium Density Residential Zone be retained.	Accept	6.2
31031	Arthurs Point Woods Limited Partnership	That Objective 8.2.3 and associated policies that support the residential density provisions within the Medium Density Residential Zone be retained.	Accept	6.2
31031	Arthurs Point Woods Limited Partnership	That Rule 8.4.6.2 that provides for three or more residential units as a permitted activity within the Medium Density Residential Zone be retained.	Accept	6.2

No.	Submitter	Submission Summary	Recommendation	Section where Addressed
31031	Arthurs Point Woods Limited Partnership	That the seventh paragraph of the zone Purpose (8.1) of the Medium Density Residential Zone about visitor accommodation be retained.	Accept	6.2
31031	Arthurs Point Woods Limited Partnership	That Objective 8.2.11 and relevant supporting policies that seek to enable visitor accommodation in the Medium Density Residential Area be retained.	Accept	6.2
31031	Arthurs Point Woods Limited Partnership	That Rule 8.4.11 that provides for visitor accommodation as a restricted discretionary activity within the Visitor Accommodation Sub-zone be retained.	Accept	6.2
31031	Arthurs Point Woods Limited Partnership	That Rule 8.6.1.2 that provides for visitor accommodation within the Visitor Accommodation Sub-Zone to be processed without limited or public notification and no written approval of affected persons be retained as notified.	Accept	6.2
31031	Arthurs Point Woods Limited Partnership	That the permitted height of 8 m for the Medium Density Residential Zone in Rule 8.5.1.2 be retained for Arthurs Point.	Accept	6.2
31031	Arthurs Point Woods Limited Partnership	That a restricted discretionary activity resource consent be required to build between 8 m and 12 m on 155 Arthurs Point Road, with matters of discretion for buildings being building design, appearance, sunlight access, and amenity/privacy effects.	Reject	6.2
31031	Arthurs Point Woods Limited Partnership	That buildings which exceed 12 m in the Medium Density Residential Zone at 155 Arthurs Point Road require a non-complying resource consent.	Reject	6.2
31031	Arthurs Point Woods Limited Partnership	That a 20 m setback from the northern boundary of 155 Arthurs Point Road be imposed for buildings the exceed 8 m in height.	Reject	6.2
31031	Arthurs Point Woods Limited Partnership	That Rule 8.5.5 is amended as it relates to 155 Arthurs Point Road as follows: The maximum site density shall be one residential unit per 250 m <sup>2</sup> net site area, "or one residential unit per site for any site less than 250 m <sup>2</sup> net site area".	Reject	6.2
31031	Arthurs Point Woods Limited Partnership	That Rule 8.5.8 be amended so that the minimum road setback requirement is 1.5 m for the Medium Density Residential Zone at Arthurs Point.	Reject	6.2
31031	Arthurs Point Woods Limited Partnership	That such further or consequential or alternative amendments are made that are necessary to give effect to the submission.	Consequential	Consequential
31032	QRC Shotover Limited	That the proposed Medium Density Residential Zone and Visitor Accommodation Sub-Zone on the submitter's land at 157 Arthurs Point Road (Lot 2 DP 331294) be retained as notified.	Accept in part	5.1
31032	QRC Shotover Limited	That the zone purpose (8.1) for the Medium Density Residential Zone that deals with increased densities for residential development be retained.	Accept	6.2
31032	QRC Shotover Limited	That Objective 8.2.1 and its associated policies which support residential density within the Medium Density Residential Zone be retained.	Accept	6.2
31032	QRC Shotover Limited	That Objective 8.2.2 and its associated policies which support residential density within the Medium Density Residential Zone be retained.	Accept	6.2

No.	Submitter	Submission Summary	Recommendation	Section where Addressed
31032	QRC Shotover Limited	That Objective 8.2.3 and its associated policies which support residential density within the Medium Density Residential Zone be retained.	Accept	6.2
31032	QRC Shotover Limited	That Rule 8.4.6.2 that provides for three or more residential units as a permitted activity within the Medium Density Residential Zone be retained.	Accept	6.2
31032	QRC Shotover Limited	That the seventh paragraph of the Medium Density Residential Zone Purpose (8.1) be retained.	Accept	6.2
31032	QRC Shotover Limited	That Objective 8.2.11 and its associated policies be retained.	Accept	6.2
31032	QRC Shotover Limited	That Rule 8.4.11 be retained.	Accept	6.2
31032	QRC Shotover Limited	That Rule 8.6.1.2 be retained.	Accept	6.2
31032	QRC Shotover Limited	That Rule 8.5.1.2 be amended to provide for a permitted building height of 8 m for the Medium Density Residential Zone at Arthurs Point.	Accept	6.2
31032	QRC Shotover Limited	That Rule 8.5.1.2 be amended to provide for buildings between 8 m and 12 m in height as a restricted discretionary activity with matters of discretion relating to building design, appearance, sunlight access, amenity/privacy effects.	Reject	6.2
31032	QRC Shotover Limited	That Rule 8.5.1.2 be amended to specify buildings greater than 12 m in height as non-complying activities.	Reject	6.2
31032	QRC Shotover Limited	That such further or consequential or alternative amendments necessary to give effect to the submission be provided.	Consequential	Consequential
31038	Robert Stewart	That the Arthurs Point Outstanding Natural Landscape (ONL) boundary be amended so that the entirety of Lot 1 DP 515200 at 201 Arthurs Point Road is excluded from the ONL classification (i.e. the deletion of the ONL boundary as amended by Stage 3 of the PDP and the re-instatement of the ONL boundary as per the Stage 1 Decision Version of the PDP as it applies to Lot 1).	Accept in Part	3
31038	Robert Stewart	That the Arthurs Point Urban Growth Boundary (UGB) be amended so that the entirety of Lot 1 DP 515200 at 201 Arthurs Point Road is included within the UGB (i.e. the deletion of the UGB as amended by Stage 3 of the PDP and the re-instatement of the UGB as per the Stage 1 Decisions Version of the PDP as it applies to Lot 1).	Reject	5.5
31038	Robert Stewart	That the Building Restriction Area over part of Lot 1 DP 515200 at 201 Arthurs Point Road be rejected.	Reject	4
31038	Robert Stewart	That the Rural zoning proposed over part of Lot 1 DP 515200 at 201 Arthurs Point Road be deleted.	Reject	5.5
31038	Robert Stewart	That the default activity status for subdivision in the Arthurs Point Medium Density Residential Zone Visitor Accommodation Sub-zone be a controlled activity .	Reject	6.2
31038	Robert Stewart	That the construction of all buildings in the Arthurs Point Medium Density Residential Zone Visitor Accommodation Sub-zone be made a controlled activity.	Reject	6.2

No.	Submitter	Submission Summary	Recommendation	Section where Addressed
31038	Robert Stewart	That all Visitor Accommodation and Residential Visitor Accommodation activities be made a controlled activity in the Arthurs Point Medium Density Residential Zone Visitor Accommodation Sub-zone.	Reject	6.2
31038	Robert Stewart	That if submission point 31038.10 is not accepted, Lots 1 and 2 DP 515200 at 201 Arthurs Point Road be rezoned to the Operative District Plan Rural Visitor Zone, or in the alternative rezoned to the Proposed District Plan Rural Visitor Zone subject to amendments to the Rural Visitor Zone to recognise the level of existing and consented residential and visitor development in Arthurs point and the ability of Lots 1 and 2 to absorb additional development.	Reject	5.1
31038	Robert Stewart	That alternative, consequential, or necessary additional changes be made to give effect to the matters raised in the submission.	Consequential	Consequential
31038	Robert Stewart	That Lots 1 and 2 DP 515200 at 201 Arthurs Point Road be rezoned Medium density Residential Zone with a Visitor Accommodation subzone, subject to the amendments to the MDRZ as set out in submission points 31038.5, 31038.6 and 31038.7.	Accept in part	5.5
31040	Coronet Peak Properties Limited	That 161 Arthurs Point Road, that contains the Swiss- Belresort Coronet Peak and 10-pin bowling alley, contained within Lot 1 DP 376236 and Lot 2 DP 3762362 with a land area of approximately 1.5ha, be rezoned to High Density Residential Zone with that land referenced as the Arthurs Point Terrace precinct or neighbourhood.	Accept in part	5.1, 5.3
31040	Coronet Peak Properties Limited	That the balance of the Arthurs Point neighbourhood notified as Medium Density Residential be zoned High Density Residential, with reference to that land as the Arthurs Point Terrace precinct or neighbourhood.	Accept in part	5.1
31040	Coronet Peak Properties Limited	That any additional or consequential relief to the Proposed Plan, including but not limited to the maps, issues, objectives, policies, rules, matters of control or discretion, assessment criteria and explanations that will fully give effect to the matters raised in this submission be made.	Consequential	Consequential
31040	Coronet Peak Properties Limited	That 46.1 be amended as follows: (...) Visitor accommodation, residential visitor accommodation and homestays are anticipated and enabled in this zone, which is located near the town centres and within Arthurs Point Terrace, to respond to projected growth in visitor numbers, provided that adverse effects on the residential amenity values of nearby residents is avoided, remedied or mitigated.	Accept in part	5.1, 5.3
31040	Coronet Peak Properties Limited	That a new objective be added to 9.2 as follows; 9.2.X Objective - Arthurs Point Terrace: Enhance and develop the amenity, character and unique streetscape qualities of the Arthurs Point Terrace neighbourhood.	Reject	6.1
31040	Coronet Peak Properties Limited	That a new policy be added to 9.2 as follows; 9.2.X.X To provide a range of residential and visitor accommodation options within the neighbourhood that positively contribute to the amenity and character of the area.	Reject	6.1

No.	Submitter	Submission Summary	Recommendation	Section where Addressed
31040	Coronet Peak Properties Limited	That a new policy be added to 9.2 as follows; 9.2.X.X To promote a distinct streetscape for the neighbourhood that is based upon a shared and integrated public realm.	Accept in part	6.1
31040	Coronet Peak Properties Limited	That a new policy be added to 9.2 as follows: 9.2.X.X To develop a high density residential neighbourhood that is characterised by 4-5 level buildings, and where the effects of additional building height is offset by topography.	Reject	6.1
31040	Coronet Peak Properties Limited	That a new policy be added to 9.2 as follows: 9.2.X.X Encourage buildings to be located to address the street, with car parking generally located behind or between buildings	Reject	6.1
31040	Coronet Peak Properties Limited	That a new policy be added to 9.2 as follows: 9.2.9.5 Ensure that the design of buildings contribute positively to the visual quality of the environment through the use of connection to the street, interesting built forms, landscaping, and response to site context.	Reject	6.1
31040	Coronet Peak Properties Limited	That a new rule be added to 9.4.6 as follows: 9.4.6X Visitor Accommodation including licensed premises within a visitor accommodation development in Arthurs Point Terrace Activity Status: Controlled Control is restricted to: a. The location, nature and scale of activities; b. Parking and access; c. Landscaping; d. Noise; e. Hours of operation, including in respect of ancillary activities; and f. The external appearance of buildings.	Reject	6.1
31040	Coronet Peak Properties Limited	That a new rule be added to 9.5.3.4 as follows: 9.5.3.4a Except sites within the Arthurs Point Terrace where a maximum building height of 12m applies.	Reject	6.1
31040	Coronet Peak Properties Limited	That the following be added to 29.8.41.1: (...) f. When calculating the overall parking requirements for a development, the separation of area into different activities (for the purposed of b. above) will be required where the gross floor area of an activity (or public floor space or other such measurement that the standards for the relevant activity is based upon) exceeds 10% of the total gross floor space of the development. The total parking requirement for any development shall be the sum of the requirements for each area.	Reject	6.1
31041	Arthurs Point Outstanding Natural Landscape Society Inc	That the removal of the Rural Visitor Zone from Arthurs Point be retained as notified.	Accept	5.1
31041	Arthurs Point Outstanding Natural Landscape Society Inc	That the location of the [Arthurs Point] Medium Density Residential Zone is amended so that it is not within, or directly adjoining Outstanding Natural Features or Outstanding Natural Landscapes.	Reject	5.1
31041	Arthurs Point Outstanding Natural Landscape Society Inc	That appropriate controls are included to ensure development within the Medium Density Residential Zone (or any other subsequent zone adopted) will not have adverse effects on Outstanding Natural Features and Outstanding Natural Landscapes.	Accept	5.1
31041	Arthurs Point Outstanding Natural Landscape Society Inc	That the Proposed Building Restriction areas are extended.	Reject	4

No.	Submitter	Submission Summary	Recommendation	Section where Addressed
31041	Arthurs Point Outstanding Natural Landscape Society Inc	That all properties within Outstanding Natural Landscapes and containing Outstanding Natural Features are zoned Rural.	Accept	5
31041	Arthurs Point Outstanding Natural Landscape Society Inc	That the locations of the Outstanding Natural Landscape and Urban Growth Boundaries on the planning maps be amended to protect the Outstanding Natural Landscapes and Outstanding Natural Features of Arthurs Point.	Reject	3
31041	Arthurs Point Outstanding Natural Landscape Society Inc	That any other additional or consequential relief is made to fully give effect to the matters raised in the submission.	Consequential	Consequential
31041	Arthurs Point Outstanding Natural Landscape Society Inc	That rules be included which make buildings and all other activities within Building Restriction Areas a prohibited activity.	Reject	6.1
31042	Arthurs Point Land Trustee Limited	That the Building Restriction Area be removed from Lot 1-3 DP 300462, Lot 2 DP 24233 and Lot 1 DP 384462 (182 Arthurs Point Road) and replace it with a BRA that accurately represents the terrace edge at the western end of the mid-terrace only.	Accept	4
31042	Arthurs Point Land Trustee Limited	That the upper and mid-terraces at 182 Arthurs Point Road, located between Arthurs Point Road and Shotover River, contained within Lot 1-3 DP 300462, Lot 2 DP 24233 that have a total area of 14.17ha, be rezoned to High Density Residential Zone with that land referred to as the Arthurs Point Terrace precinct or neighbourhood.	Accept in part	5.4
31042	Arthurs Point Land Trustee Limited	That the balance of the land currently proposed as Medium Density Residential in the Arthurs Point community be zoned High Density Residential and refer to that land as the Arthurs Point Terrace precinct or neighbourhood.	Accept in part	5.4, 6.1
31042	Arthurs Point Land Trustee Limited	That 46.1 be amended as follows: (...) Visitor accommodation, residential visitor accommodation and homestays are anticipated and enabled in this zone, which is located near the town centres and within Arthurs Point Terrace, to respond to projected growth in visitor numbers, provided that adverse effects on the residential amenity values of nearby residents is avoided, remedied or mitigated.	Accept in part	5.1
31042	Arthurs Point Land Trustee Limited	That a new objective be added to 9.2 as follows: 9.2.X Objective - Arthurs Point Terrace Enhance and develop the amenity, character and unique streetscape qualities of the Arthurs Point Terrace neighbourhood.	Reject	6.1
31042	Arthurs Point Land Trustee Limited	That a new Arthurs Point Terrace policy be added to 9.2 as follows: 9.2.X.X To provide a range of residential and visitor accommodation options within the neighbourhood that positively contribute to the amenity and character of the area.	Reject	6.1
31042	Arthurs Point Land Trustee Limited	That a new Arthurs Point Terrace policy be added to 9.2 as follows: 9.2.X.X To promote a distinct streetscape for the neighbourhood that is based upon a shared and integrated public realm.	Accept in part	6.1
31042	Arthurs Point Land Trustee Limited	That a new Arthurs Point Terrace policy be added to 9.2 as follows: 9.2.X.X To develop a high density residential neighbourhood that is characterised by 4-5 level buildings, and where the effects of	Reject	6.1

No.	Submitter	Submission Summary	Recommendation	Section where Addressed
		additional building height is offset by topography.		
31042	Arthurs Point Land Trustee Limited	That a new Arthurs Point Terrace policy be added to 9.2 as follows: 9.2.X.X Encourage buildings to be located to address the street, with car parking generally located behind or between buildings	Reject	6.1
31042	Arthurs Point Land Trustee Limited	That a new Arthurs Point Terrace policy be added to 9.2 as follows: 9.2.9.5 Ensure that the design of buildings contribute positively to the visual quality of the environment through the use of connection to the street, interesting built forms, landscaping, and response to site context.	Reject	6.1
31042	Arthurs Point Land Trustee Limited	That a new rule be added to 9.4.6 as follows: 9.4.6X Visitor Accommodation including licensed premises within a visitor accommodation development in Arthurs Point Terrace Activity Status: Controlled Control is restricted to: a. The location, nature and scale of activities; b. Parking and access; c. Landscaping; d. Noise; e. Hours of operation, including in respect of ancillary activities; and f. The external appearance of buildings.	Reject	6.1
31042	Arthurs Point Land Trustee Limited	That a new rule be added to 9.5.3.4 as follows: 9.5.3.4a Except sites within the Arthurs Point Terrace where a maximum building height of 12m applies.	Reject	6.1
31042	Arthurs Point Land Trustee Limited	That the following be added to 29.8.41.1: (...) f. When calculating the overall parking requirements for a development, the separation of area into different activities (for the purposed of b. above) will be required where the gross floor area of an activity (or public floor space or other such measurement that the standards for the relevant activity is based upon) exceeds 10% of the total gross floor space of the development. The total parking requirement for any development shall be the sum of the requirements for each area.	Reject	6.1
31042	Arthurs Point Land Trustee Limited	That any additional or consequential relief to the Proposed Plan, including but not limited to the maps, issues, objectives, policies, rules, matters of control or discretion, assessment criteria and explanations that will fully give effect to the matters raised in this submission be made.	Consequential	Consequential
31044	Nicola Roth-Biester	That further consideration be given in regard to the inclusion of Arthurs Point within the urban area of Queenstown.	Reject	5.1