

Submission on Queenstown Lakes Proposed District Plan Stage 3B

Under Clause 6 of the First Schedule, Resource Management Act 1991

To: Queenstown Lakes District Council

Submitter: Robert Stewart

1. This is a submission on the Queenstown Lakes Proposed District Plan – Stage 3B (**PDP**).
2. Robert Stewart (**Submitter**) could not gain a trade competition advantage through this submission (clause 6(4) of Part 1 of Schedule 1 of the RMA 1991).
3. The specific provisions this submission relates to are:
 - a) Chapter 8 Medium Density Residential Zone;
 - b) Medium Density Residential - Visitor Accommodation Sub-Zone;
 - c) Building Restriction Area;
 - d) The Outstanding Natural Landscape (**ONL**) boundary around Arthurs Point and ONL classification over part of the Submitter's land;
 - e) The Urban Growth Boundary (**UGB**) around Arthurs Point and the exclusion of part of the Submitter's land from the UGB;
 - f) Planning Maps 39a and 13;
 - g) Chapter 46 Rural Visitor Zone;
 - h) Operative District Plan Section 12 Rural Visitor Zone.
4. The Submitter has an interest in the land at 201 Arthurs Point Road, legally described as:
 - a) Lot 1 DP 515200 - 5.091900 Ha, CT- 803168 (**Lot 1**).
 - b) Lot 2 DP 515200 - 0.486500 Ha, CT- 803169 (**Lot 2**).

Summary of Submission

5. The Submitter opposes the following parts of Stage 3B of the PDP:
 - a) The re-zoning of part of Lot 1 from Operative District Plan Rural Visitor Zone (**OPD-RVZ**) to Rural Zone;
 - b) The amendment to the ONL boundary around Arthurs Point to run through Lot 1 and the classification of part of Lot 1 as ONL.
 - c) The amendment to the UGB around Arthurs Point to run through Lot 1 and the exclusion of part of Lot 1 from the UGB.
 - d) The introduction of the Building Restriction Area (**BRA**) over part of Lot 1 rezoned to Medium Density Residential Zone (**MDRZ**), and the fact that the Visitor Accommodation Sub-Zone (**VASZ**) is not identified over this part of Lot 1.
6. The Submitter supports the identification of the land previously within the ODP-RVZ (including Lot 1) as MDRZ – VASZ in the PDP, subject to amendments to the provisions of the MDRZ to better recognise the established visitor accommodation activities in the area and the dominant visitor character that exists alongside residential character, and to provide for further visitor accommodation activities.

7. Alternatively, the Submitter would support the retention of the ODP-RVZ over the whole of the Arthurs Point ODP-RVZ, including Lot 1 and Lot 2.
8. Alternatively, the Submitter would support the re-zoning of the whole of the Arthurs Point ODP-RVZ to RVZ under the PDP, including over Lot 1 and Lot 2, subject to amendments to the provisions of the PDP-RVZ to recognise the nature and scale of both visitor and residential development already established and consented in the surrounding area, and the ability to absorb additional development.
9. The Submitter seeks such amendments to the PDP that are required to address the Submitter's concerns set out below.

Reasons for the Submission

Lot 1 zoning

10. There is insufficient justification in the Section 32 Report for the re-zoning of most of Lot 1 to Rural Zone. Given the landscape values of Lot 1 and the surrounding developed or consented environment it is considered that the PDP MDRZ - VASZ (with amendments to provisions), or the ODP-RVZ, or the PDP-RVZ (with amendments to provisions) would be more appropriate zonings for Lot 1.
11. The Council's proposal to re-zone most of Lot 1 to Rural is inconsistent with the zoning of land immediately adjacent to Lot 1 to the south-west to MDRZ. Lot 1 shares similar landscape values and servicing, infrastructure, and access opportunities with the adjacent land.
12. The Section 32 Report did not have the opportunity to consider recently consented development to the north of Lot 1 within the ONL. This consented development will alter the existing rural landscape to the north changing its character from rural to a mixture of rural-residential and rural visitor.
13. Re-zoning Lot 1 to Rural despite the zoned and consented development surrounding Lot 1 will result in arbitrary planning outcomes that will not adequately provide for the growth of Arthurs Point and will not protect perceived landscape values.
14. Similarly, the split zoning of Lot 1 is arbitrary and inefficient and will result in adverse planning outcomes, as split-zoning prevents effective use of land and locks up valuable land from appropriate development opportunities.
15. Accordingly, given the context and location of Lot 1, the MDRZ zoning of land to the south-west, and the consented development to the north, it is most appropriate that Lot 1 is re-zoned to MDR or PDP-RVZ, or that the ODP-RVZ be retained.

ONL boundary and UGB

16. The Submitter opposes the amendments to the Arthurs Point ONL boundary and UGB, to the extent that they apply to Lot 1. It is considered that the delineation of the ONL boundary and UGB as per the Stage 1 PDP Decisions Version (i.e. excluding Lot 1 from the ONL and including Lot 1 in the UGB) is the appropriate delineation.
17. The Council's Landscape Assessment¹ was incorrect to determine that Lot 1 is part of the Mount Dewar ONL. While Lot 1 sits on the lower slopes of Mt Dewar it is distinguishable based on landscape character and surrounding environment from the Mt Dewar ONL. This was

¹ Queenstown Lakes District Council Rural Visitor Zone Review Landscape Assessment June 2019, Appendix 2 of Section 32 Report for the Rural Visitor Special Zone.

recognised by the Council in the Stage 1 PDP Decisions Version which determined the ONL boundaries District wide and should not be revisited as part of Stage 3 of the PDP.

18. The Submitter has undertaken significant work on Lot 1 which has contributed to the landscape values of Lot 1, including removing Wilding Pines and re-planting native vegetation. This work has positively affected the landscape values and natural character of Lot 1 but does not undermine its capacity to absorb additional development, nor does it mean Lot 1 should be classified as ONL. Instead, the Wilding Pine removal and native re-planting is preliminary work that will enable the future development of visitor accommodation activities that works sensitively with the surrounding environment.
19. Lot 1 is capable of absorbing further appropriate development similar to the surrounding urban environment of Arthurs Point and should be included within the UGB. Inclusion of Lot 1 within the UGB is important to address the rapid growth of Arthurs Point and the housing needs of the District.

Medium Density Residential Zoning

20. The Submitter would support the re-zoning of the Arthurs Point ODP-RVZ to MDRZ-VASZ (subject to the inclusion of Lot 1 in the MDRZ-VASZ), as the re-zoning reflects the established density of residential development in Arthurs Point.
21. However, the MDRZ-VASZ does not reflect the established visitor character of Arthurs Point and the existing visitor accommodation activities in operation, as the provisions of the MDRZ are not enabling of visitor activities. The central location of Arthurs Point to Queenstown Town Centre and Coronet Peak makes it ideal for visitor accommodation. It is obviously a popular location for visitors to stay and has the capacity to absorb further visitor growth.
22. As such, amendments are sought to the MDRZ so that it is enabling of visitor activities, and to reflect the level of development previously enabled in Arthurs Point under the ODP-RVZ, including:
 - a) Make the default activity status of subdivision Controlled in the Arthurs Point MDRZ-VASZ;
 - b) Make the construction of all buildings in the Arthurs Point MDRZ-VASZ Controlled; and
 - c) Make all Visitor Accommodation and Residential Visitor Accommodation activities Permitted in the Arthurs Point MDRZ-VASZ.

Building Restriction Overlay

23. The introduction of a BRA over part of Lot 1 is inappropriate as it will unnecessarily restrict future development on Lot 1 which could be appropriately accommodated.
24. The introduction of the BRA fails to consider the findings of the Landscape Assessment which identified the site as having moderate capacity to absorb sensitively designed and low density visitor facility development, subject to building and landscaping controls. Despite this, the Council has applied a BRA without further justification provided in the Section 32 Report.
25. While the BRA does not preclude further development, the BRA necessitates resource consent as a Non-Complying Activity for any new buildings on that part of Lot 1. This is an unduly restrictive approach by the Council and does not reflect the type of development anticipated by the Council's Landscape Assessment.

26. Accordingly, the proposal to apply a BRA over part of Lot 1 does not achieve Part 2 of the Resource Management Act, as it does not promote the efficient use and development of natural a physical resources.

Relief Sought

27. The Submitter seeks the following decision:

- a) That the Arthurs Point ONL boundary be amended so that the entirety of Lot 1 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, to the extent applicable to Lot 1); and
- b) That the Arthurs Point UGB be amended so that the entirety of Lot 1 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, to the extent applicable to Lot 1); and
- c) The deletion of the BRA over that part of Lot 1 to which it is proposed; and
- d) That the Rural zoning proposed over part of Lot 1 be deleted and the entirety of Lot 1 and Lot 2 be rezoned to:
 - i. Medium Density Residential Zone within the Visitor Accommodation Sub-Zone, subject to amendments to the MDRZ to better provide for and enable visitor accommodation activities; or in the alternative
 - ii. ODP Rural Visitor Zone; or in the alternative
 - iii. PDP Rural Visitor Zone, subject to amendments to the RVZ 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;
- e) Alternative, consequential, or necessary additional relief to give effect to the matters raised generally in this submission.

General

28. The Submitter wishes to be heard in support of this Submission.

29. The Submitter will consider presenting a joint case with others presenting similar submissions.



Robert Stewart

Signed by its duly authorised agents

Anderson Lloyd

Per: **Vanessa Rob**

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