

In the Environment Court of New Zealand
Christchurch Registry

I Mua I Te Kōti Taiao O Aotearoa
Ōtautahi Rohe

ENV-2023-CHC-~~88~~

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal under clause 14(1) of Schedule 1 of the RMA in relation to Stage 1 of the Queenstown Lakes Proposed District Plan (**PDP**)

Between **Gertrude's Saddlery Limited**
Appellant

And **Queenstown Lakes District Council**
Respondent

Amended Notice of Appeal on behalf of Gertrude's Saddlery Limited

25 August 2023 / 11 December 2024

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To: The Registrar

Environment Court

Christchurch

- 1 Gertrude's Saddlery Limited (**GSL / Appellant**) appeals against the decision of Queenstown Lakes District Council (**Respondent**) on the re-hearing of two submissions on Stage 1 of the PDP (**Decision**).
- 2 The Appellant is the successor to the submission lodged by Michael Swan (#494) and Larchmont Developments Limited (now Larchmont Enterprises Limited) (**LEL**) (#527) on Stage 1 of the PDP, as well as a further submitter (#60) in support of both #494 and #527.¹
- 3 The Appellant is not a trade competitor for the purposes of section 308D of the RMA.
- 4 The Appellant received notice of the Decision on 13 July 2023.
- 5 The Decision was made by the Respondent.
- 6 The Decision that is being appealed relates principally to the following parts of the PDP (however additional chapters / maps may be affected by alternative or consequential relief within the scope of this appeal):
 - (a) Chapters 7 and ~~11–22~~ of the PDP (Lower Density Suburban Residential (**LDSR**) and ~~Large Lot Residential (LLR)~~ Rural Residential and Rural Lifestyle (RR));
 - (b) Chapter 27 of the PDP (Subdivision and Development);
 - (c) Land at 111 Atley Road, Arthurs Point, Queenstown, legally described as Lot 1 DP 518803, held in Record of Title 814337 which was notified as Rural Zone² and 163 Atley Road, legally described as Lot 2 DP 398656 held in Record of Title 393406 (the **Site**);

¹ GSL was identified as the 'Submitter' for the purposes of the Respondent's 'addendum to summary of decisions requested', and (re)notified on 31 March 2022. As part of the renotification process, GSL made a further submission (FS #60) on submissions #494 and #527 (by Larchmont Enterprises Limited (**LEL**)). GSL has the authority of LEL to be a successor to the LEL submission, and to pursue any appeal based upon the scope of the LEL submission. This appeal is lodged on the basis of collective scope of all original and further submissions of both GSL and LEL.

² Save for a small portion of 111 Atley Road which is LDSR ~~and proposed to be included within a building restriction area as denoted on the proposed structure plan at Appendix [B] to this appeal. The primary relief~~

~~attached to this appeal also incorporates Lot 2 DP 518803 as part of 111 Atley Road.~~

- (d) The PDP planning maps identifying the Site, including the zoning and mapping overlay polygons, being the Urban Growth Boundary (**UGB**), Outstanding Natural Landscape (**ONL**) and Outstanding Natural Feature (**ONF**), and the Kimiākau (Shotover River) Priority Area ONF (**PA**);
 - (e) The higher order and district wide chapters which are relevant to the Site and the relief sought within this appeal, including, but not limited to: Chapter 3 (Strategic Direction), Chapter 4 (Urban Development) and Chapter 6 (Landscapes – Rural Character) that may require consequential amendments.
- 7 In particular, this appeal relates to, and opposes, the decision by the Respondent to:
- (a) Identify the Site as part of any ONL shown on relevant PDP planning maps;
 - (b) Fail to identify the location, or extent of, the Kimiākau / Shotover River ONF and / or the Kimiākau Shotover River PA on relevant PDP planning maps;
 - (c) Identify the Site as outside the UGB on relevant PDP planning maps; and
 - (d) Identify the Site as Rural Zone.

Background

- 8 In August 2015, as part of Stage 1 of the PDP, the Respondent notified 111 and 163 Atley Road with split zoning, as follows:
- (a) The north western part of 111 Atley Road was zoned LDSR Zone within the UGB and not ONL or ONF; and
 - (b) The southern and north eastern parts of 111 Atley Road, and all of 163 Atley Road, were zoned Rural Zone, outside of the UGB; and
 - (c) The Rural Zoned part of 111 and 163 Atley Road sat within a wider area classified as ONL. No brown dashed line³ denoted any boundary of the ONL between the Rural Zone and the LDSR Zone. No brown

³ The PDP maps include a brown dashed line indicating the boundary of the ONL/ONF/Rural Character Landscapes and referred to as 'Landscape Classification' in the map legend,
18000080 | 8171157v3

dashed line identified any boundary between the ONL and the Shotover River ONF.

- 9 In October 2015 LEL lodged a submission⁴ seeking the Site be rezoned to LDSR Zone, the landscape classification (referred to in the submission as 'Rural Landscape Classification') be removed, and the site included within the UGB. Michael Swan also lodged a submission seeking part of the Site be excluded from the ONL, rezoned to LDSR Zone, and included in the UGB⁵.
- 10 In July 2017 the Appellant and LEL presented evidence and legal submissions in support of the relief sought in their respective submissions to an Independent Hearing Panel appointed to hear stage 1 rezoning submissions on the PDP. The Hearing Panel's recommendation was accepted by Council, which issued its decision in May 2018 and made the requested changes to the zoning of the Site, including by determining:
 - (a) The Site was not within any ONL or ONF (save for two small incursions of ONF);
 - (b) The Site was included within the Arthurs Point UGB; and
 - (c) The Site was rezoned LDSR Zone.
- 11 There were no submitters or further submitters in opposition. There were no appeals to the Environment Court against the Respondent's decision.
- 12 In June 2018, the Arthurs Point Outstanding Natural Landscape Society (**APONLS**) was formed. APONLS had not made a submission on the PDP so with no standing to make an appeal (and being out of time to do so), it sought to have the Respondent's decision overturned including by applying to the Environment Court for an enforcement order challenging the validity of the way in which the Respondent had notified Michael Swan's and LEL's submissions on the PDP.
- 13 In September 2019, Judge Jackson's division of the Environment Court determined that the Respondent had failed to meet its obligations under the RMA in its Summary of Submissions⁶. The Environment Court ordered that the Respondent re-notify an amended version of the Summary, and that

⁴ Submission #527.

⁵ Submission #494

⁶ Arthurs Point Outstanding Natural Landscape Society Inc v QLDC [2019] NZEnvC 150 At [119].

the original decision to amend the ONL boundary and zone the property LDSR Zone be suspended.⁷

- 14 The Appellant and Respondent appealed the Environment Court decision to the High Court. Justice Clark upheld the Environment Court decision.⁸
- 15 The Appellant sought leave to appeal the High Court decision to the Court of Appeal. APONLS opposed the leave application. The Respondent supported the appeal but did not itself appeal the High Court decision. The Court of Appeal declined the application on 24 August 2021.⁹
- 16 Following the direction of the Environment Court, the Respondent re-notified the Swan and LEL submissions in March 2022. GSL further submitted in support of (re-notified) submissions 494 and 527.¹⁰ A differently constituted Independent Hearings Panel (IHP) heard the submissions and further submissions in February 2023 and issued its Report and Recommendations on 8 June 2023. The Respondent's Decision to adopt the IHP's Report and Recommendations is the subject of this appeal.

Specific reasons for the appeal

- 17 The Appellant provided significant and detailed expert evidence in support of its relief at the hearing before the IHP. This included expert evidence relating to soils, engineering, transport, ecology, landscape, and planning. The Appellant also tabled a suite of proposed changes to implement rezoning the Site as a combination of LDSR and LLR B. The bespoke planning regime for the LLR B portion of the Site, included an Arthurs Point LLR B Structure Plan and associated site-specific rules, policies, and objectives, within PDP Chapters 11 and 27 to control development of the Site.
- 18 The IHP declined to recommend any rezoning or other relief sought by the Appellant, including by determining:¹¹

The notified PDP LDSR zone and Rural zone boundaries, the UGB boundary, and the ONL boundary shown on Map 39 of the (notified) PDP

⁷ [2019] NZEnvC 150.

⁸ [2021] NZHC 147.

⁹ [2021] NZCA 398.

¹⁰ Further submission #60

¹¹ IHP Report and Recommendations at 128.

shown across 111 and 163 Atley Road Arthurs Point should be retained as notified without change.

- 19 The IHP failed to appropriately consider the evidence provided by the Appellant in respect of its rezoning, and further made the following incorrect and / or unsubstantiated findings:

Landscape

- 20 The IHP placed insufficient weight on the landscape evidence provided on behalf of the Appellant. Detailed and comprehensive landscape evidence supporting the relief sought was provided by two landscape experts, however, was not properly analysed or weighted in the IHP Report and Recommendations. The Decision's reasoning and finding that the Site is ONL was therefore flawed and incorrect.
- 21 The Decision failed to establish what particular ONL the Site was considered to be part of (in particular with reference to the identified priority area ONLs within the Council's Landscape Schedules Variation, namely the Western Whakātipu Basin ONL or the Central Whakātipu Basin Coronet ONL).
- 22 The Decision failed to make a determination on the boundary of the Kimiākau (Shotover River) ONF and / or the Kimiākau (Shotover River) PA, despite unanimous agreement from all landscape witnesses appearing in the hearing, that the Site was not within the ONF.
- 23 The Decision incorrectly concluded that the Appellant's landscape experts failed to undertake a first principles analysis of landscape values for the Site, where in fact those experts had undertaken such an evaluation.
- 24 The Decision incorrectly placed material weight on lay evidence over expert evidence on landscape values, character, and naturalness.
- 25 The Decision incorrectly determined that the "adverse effects arising from any of the rezoning alternatives identified by the Council, submitters, or further submitters, including effects on the values of the ONL, would be generally substantial and in all cases unacceptable".¹²
- 26 The Respondent's experts identified an alternative 'reduced LDSR zone' proposal (and which was largely supported / aligned with expert evidence for the Appellant). In respect of that alternative, the Decision incorrectly determined there was no landscape assessment basis on which to support

¹² At [102 iv]

the Respondent's expert landscape and planning witness recommendations to rezone a portion of the Site as LDSR Zone and not Rural and within the ONL.¹³

- 27 The Decision inadequately considered or weighted extensive expert evidence provided by the Appellant in terms of visual simulation and modelling of visibility to the Site, and proposed mitigation controls. The Decision's statement that, there was a failure by the Appellant to provide "any arrangement of mitigation or limitation on density that could address [its] concerns relating to alternatives"¹⁴ was incorrect and disregarded the detailed mitigation proposed to be embedded in the bespoke provisions and Structure Plan. The Decision's findings that there would be 'regularly visible' dwellings was incorrect and failed to refer to, and take into account, the visual simulation model that illustrated that the Site (and proposed built form to be identified within it by way of structure plan) are not visible from the Shotover River Gorge (Appendix D to this appeal), and of only limited visibility from other public places.
- 28 The Decision was misdirected, by the Respondent's (incorrect) notification / identification of the Site on planning maps, as within part of the Kimiākau (Shotover River) PA, including both in terms of weighting the notified values schedule of Kimiākau (Shotover River) PA / other notified ONL schedules, despite those being at an early stage in the Schedule 1 planning process, and despite GSL having lodged separate and related declaratory proceedings in respect of the incorrect identification of the Site within the (Shotover River) PA mapping.¹⁵
- 29 The Decision failed to accurately identify and assess the relevant permitted and consented receiving environment.

Planning

- 30 The Decision failed to appropriately consider the planning evidence provided by the Appellant, and in particular the section 32 analysis. The Decision contained very limited planning analysis.

¹³ At [82]

¹⁴ At [78].

¹⁵ ENV-2022-CHC-063 - Gertrude's Saddlery Ltd v Queenstown Lakes District Council.

- 31 The Decision incorrectly identified the Appellant's planning expert's position as agreeing that it was not credible to say the "Kimiākau Shotover River ONF is 'disconnected' from the surrounding underlying ONL".¹⁶
- 32 The Decision failed to take account of any alternative rezoning and landscape classification of the Site that would best give effect to higher-order objectives of the PDP, including without due regard to policy direction from:
- (a) The Respondent's Spatial Plan July 2021; and
 - (b) The National Policy Statement on Urban Development 2020.
- 33 The Decision failed to weight material positive benefits of the proposal including enhanced recreation and access opportunities, revegetation and conservation enhancement, upgraded reticulated services and transport upgrades for the wider Arthurs Point Community. It also failed to properly consider the benefits of additional residential housing in proximity to developed residential land in the medium term as aligned with the Respondent's Spatial Plan and associated policies.
- 34 The Decision failed to accurately identify and assess the relevant permitted and consented receiving environment.

Conclusion

- 35 Due to the above, the IHP Report and Recommendations (and therefore the Decision) erred procedurally and substantively in:
- (a) Failing to consider or give appropriate weight to expert evidence and visual modelling/simulations;
 - (b) Finding that the Site forms part of a continuous and coherent ONL, related closely to and containing the adjacent Kimiākau Shotover River ONF (but without particularising which ONL the Site was considered to be a 'part of');
 - (c) Failing to identify the boundary extent of the Kimiākau (Shotover River) ONF and / or the Kimiākau (Shotover River) PA and inappropriately weighting the notified landscape schedules for this PA and other ONL PAs;

¹⁶ At [69](b); upon further review of the hearing transcript, the relevant discussion between Mr Brown (for the Appellant) and Commissioners, was discussing whether the Site was disconnected from the surrounding ONL, not the River ONF.

- (d) Finding that the adverse effects arising from any of the rezoning alternatives identified by the Council, Appellant, other submitter, or further submitters, including effects on the values of the ONL, would be generally substantial and in all cases unacceptable;
 - (e) Finding that the proposed rezoning options would be inconsistent with the strategic objectives of Chapter 3 of the PDP and section 6(b) of the RMA;
 - (f) Determining that the notified PDP LDSR Zone and Rural Zone boundaries, the UGB boundary, and the ONL boundary should be retained as notified without change as the most appropriate way to give effect to higher order objectives of the PDP.
- 36 The Appellant considers the zoning as set out in its primary ~~and secondary~~ relief below is the most appropriate way to achieve the objectives of the PDP.

General reasons for appeal

- 37 The general reasons for this appeal are that the Decision:
- (a) Fails to appropriately evaluate and weight expert landscape and planning evidence;
 - (b) Fails to correctly identify the landscape classification for the site;
 - (c) Fails to achieve or implement the relevant higher order and district-wide objectives and policies of the PDP;
 - (d) Fails to promote the efficient use and development of the land, a matter to have particular regard to under section 7(b) of the RMA;
 - (e) Fails to promote sustainable management of resources, including the enabling of people and communities to provide for their social and economic well-being, and will not achieve the section 5 purpose of the RMA;
 - (f) Fails to achieve the Respondent's functions under section 31 of the RMA of integrated management of the effects of the use and development of land and physical resources; and
 - (g) Fails to correctly apply section 32 of the RMA.

Relief sought

- 38 The Appellant seeks the following relief:

Primary relief:

(a) That the Kimitiākau (Shotover River) ONF and / or the Kimitiākau (Shotover River) ONF PA be identified on relevant PDP planning maps as per the brown dashed line denoted on Plan A in Attachment B to this appeal; and

(b) That the Site be excluded from any ONL overlay;

~~(b)~~, and included within the Arthurs Point UGB, on relevant PDP planning maps; and

(c) That the Rural zoning over the Site be removed; and

(d) That the Site be rezoned to a combination of LDSR Zone and ~~LLR~~ Rural Residential Zone (with associated bespoke structure plan and provisions), as ~~set out~~ described and shown on Plan B in Appendix B to this appeal; and

~~(e)~~(e) That the LDSR portion of the Site be included within the Arthurs Point UGB on relevant PDP planning maps; and

~~(f)~~(f) That amendments to the provisions of Chapters ~~11-22~~ and 27 of the PDP, specific to the Site, ~~as set out into~~ the effect described in Appendix B, be ~~accepted~~ approved.

Secondary relief:

~~(e)~~ In addition to the relief at 36(a) and (b) above, that in the alternative the Rural zoning over the Site be removed and the Site be rezoned to LDSR Zone as sought in the original submissions #494 and #527;

Consequential, alternative or other necessary relief

~~(f)~~(g) In addition to relief at 36(a) and (b) above that the Site be rezoned any other appropriate zoning which would give effect to relevant higher order provisions of the PDP, including (but not limited to) a rural lifestyle, rural residential, or rural visitor zone, identification of building platforms around existing houses / development within the Site, or other bespoke or identified exception zone.

~~(g)~~(h) Any other alternative, consequential, or necessary additional relief to maps or PDP provisions to give effect to the matters raised generally in this appeal or such other changes that give effect to the outcomes sought ~~in the submissions #494 / #527 and further submission #60~~ in the Primary Relief above.

Attachments

39 The following documents are attached to this notice:

- (a) **Appendix A** – a map identifying 111 and 163 Atley Road;
- (b) **Amended Appendix B** – 'primary relief' sought (including brown dashed line indicating Shotover River ONF boundary);
- (c) **Appendix C** - copies of the relevant submissions (#494 and #527 and further submission #60);
- (d) **Appendix D** – a copy of the Appellant's visual assessment modelling from the Shotover River gorge;
- (e) **Appendix E** - a copy of the relevant decision and IHP recommendation report;
- (f) **Appendix F** - a list of names and addresses of persons to be served with a copy of this notice.

Dated this ~~25th day of August 2023~~ 11th day of December 2024



Maree Baker-Galloway
-Counsel for the Appellant

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Contact person: Maree Baker-Galloway, Partner

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends,

lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and

- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Act.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (see form 38).

Appendix A – a map identifying 111 and 163 Atley Road



Map Prepared



Map identifying 111 and 163 Atley Road

- 111 and 163 Atley Road**
- Lot 1 DP 518803
 - Lot 2 DP 518803
 - Lot 2 DP 398656

DISCLAIMER: This map/plan is illustrative only and all information should be independently verified on site before taking any action. Whilst due care has been taken, Grip gives no warranty as to the accuracy and plan completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

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Amended Appendix B – primary relief sought.

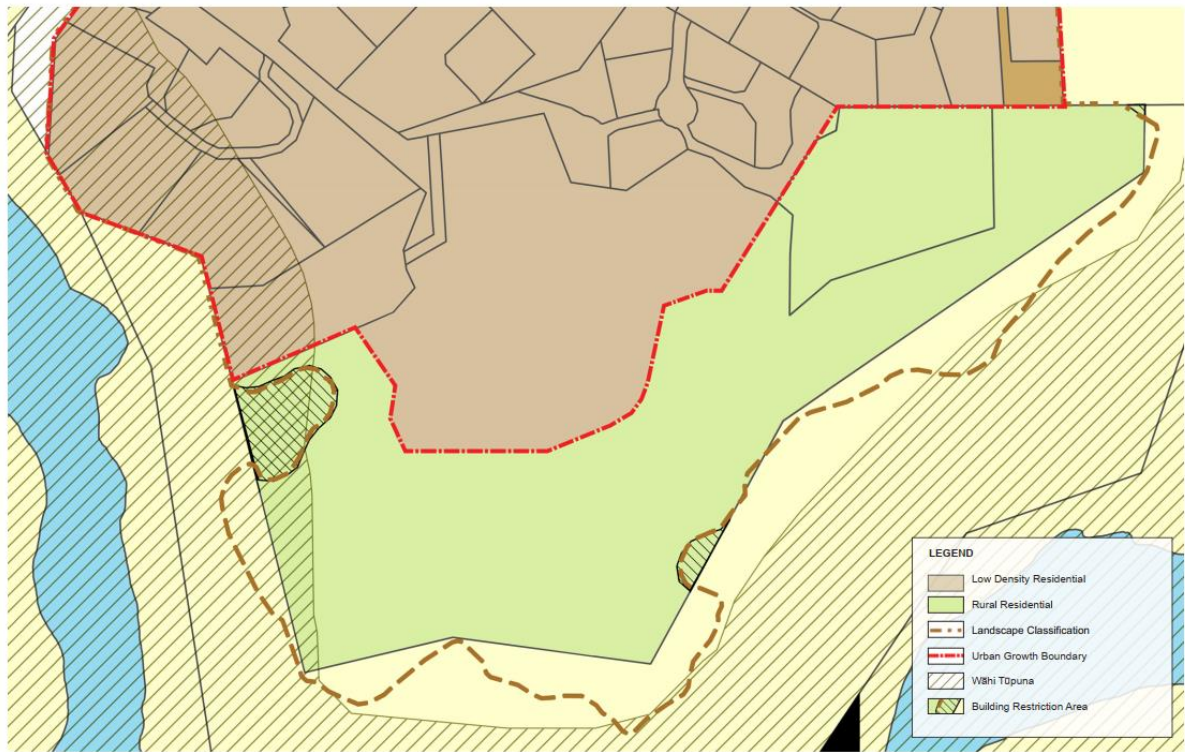
- 1 That the PDP planning maps be amended as per **Plan A** below, with the following changes:
 - (a) That the Kimiākau (Shotover River) ONF and / or the Kimiākau (Shotover River) ONF PA be identified on relevant PDP planning maps as per the brown dashed line.
 - (b) That the Site be excluded from any ONL overlay;
 - (c) That the Rural zoning over the Site be removed and replaced with the combination of Lower Density Suburban Residential Zone (**LDSR Zone**) and Rural Residential Zone; and
 - (d) That the LDSR portion of the Site be included within the Arthurs Point UGB on relevant PDP planning maps.
- 2 In terms of the part of the Site to be rezoned LDSR, no bespoke changes are sought to the PDP Chapter 7 LDSR provisions.
- 3 For the part of the Site to be rezoned to Rural Residential, the Appellant seeks changes to Chapters 22 (Rural Residential and Rural Lifestyle) and 27 (Subdivision) that will have the following effect:
 - (a) The balance land (outside the LDSR extension) would be zoned **Arthurs Point Rural Residential Sub-Zone**.
 - (b) The objective and policies promote a predominance of indigenous forest within the Sub-Zone while avoiding adverse effects of built development on the values of the Shotover River ONF.
 - (c) Development must conform with the Structure Plan, included as **Plan B** below. The Structure Plan locks in the locations of:
 - the vegetation areas (dominated by “Tall Tier Structural Native Planting” areas, and complemented by “Mid Tier Structural Native Planting areas);
 - the access road;
 - the proposed walking / mountain biking trail;
 - the five building platforms (two on the Murphy Family Trust land Lot 2 DP 398656 (in the flat area that currently accommodates the dwelling and castle structures), and three on the GSL land Lot 1 DP 518803.
 - (d) The building platforms are located so that the indigenous planting

areas will screen visibility of the built development and access and curtilage when viewed from the river gorge and, along with the design controls (including building heights, materials, colours and site treatments including curtilage controls), will either screen or significantly soften visibility of the buildings from all other locations.

(e) The provisions will require that:

- The indigenous planting is in species specifically listed, with requirements for specific minimum densities and ongoing management (irrigation, pest management), monitoring and auditing / reporting regimes so that the objective of an indigenous forest (to replace the former exotic forest) is fulfilled;
 - The required planting will be implemented by way of a detailed Ecological Management Plan and Revegetation Strategy or similar instrument required to be certified as a prerequisite to any subdivision consent.
 - the required planting is fully established and certified by the Council, and will fulfil its screening role, prior to any building commencing.
 - The required planting is protected in perpetuity, both legally and practically.
 - The trail route shown in the Structure Plan is secured by way of easement in favour of QLDC or the Queenstown Trails Trust to enable joining Arthurs Point to the Queenstown Trails Trust network.
-

Plan A Modified PDP Planning Map



Boffa Miskell
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This plan has been prepared by Boffa Miskell Limited on the specific instructions of our Client. It is issued for our Client's use in accordance with the signed scope of work. Any use or reliance by a third party is at that party's own risk. Where information has been supplied by the Client or obtained from other external sources, it has been checked for its accuracy. The Client is responsible for ensuring that the information is up to date for any use or reliance on the information provided by the Client or any external source.



ATLEY ROAD REZONING - ENVIRONMENT COURT APPEAL
Proposed District Plan

Date: 11 December 2024 | Revision:
Plan prepared for Gertrude's Sackbery Ltd by Boffa Miskell Limited
Project Manager: yvonne.phu@boffamiskell.co.nz | Drawn: MAJ | Checked: YPF

Figure 6

Plan B Arthurs Point Rural Residential Sub-Zone Structure Plan.



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This plan has been prepared by Boffa Miskell Limited on the specific instructions of our Client. It is issued for our Client's use in accordance with the signed scope of work. Any use or reliance by a third party is at that party's own risk. Where information has been supplied by the Client or obtained from other external sources, it has been checked for its accuracy. The Client is responsible for ensuring that the information is up to date for any use or reliance on the information provided by the Client or any external source.



ATLEY ROAD REZONING - ENVIRONMENT COURT APPEAL
Arthurs Point Rural Residential Sub-Zone Structure Plan

Date: 11 December 2024 | Revision: E
Plan prepared for Gertrude's Sackbery Ltd by Boffa Miskell Limited
Project Manager: yvonne.phu@boffamiskell.co.nz | Drawn: MAJ | Checked: YPF

Figure 2

Proposed Provisions – GSL Environment Court Appeal – Large Lot Residential B-Zone at Arthurs Point, including Zoning map and Arthurs Point Structure Plan

[Underlined text shows additions and strikethrough text shows deletions]

A. — Modify Chapter 11 – Large Lot Residential as follows:

11.1 — Zone Purpose

~~The Large Lot Residential Zone provides low density living opportunities within defined urban growth Boundaries. The zone also serves as a buffer between higher density residential areas and rural areas that are located outside of urban growth Boundaries.~~

~~The zone generally provides for a density of one residence every 2000m² to provide for a more efficient development pattern to utilise the Council's water and wastewater services while maintaining opportunities for a variety of housing options, landscaping and open space. Identified areas have a residential density of one residence every 4000m² reflecting landscape or topographical constraints such as around Mt Iron in Wanaka, and 2000m² at Arthurs Point.~~

~~The potential adverse effects of buildings are controlled by bulk and location, colour and lighting standards and in respect of the lower density (4,000m²) part of the zone, design and landscaping controls imposed at the time of subdivision.~~

...

11.2 — Objectives and Policies

11.2.1 — ~~Objective - A high quality of residential amenity values are maintained within the Large Lot Residential Zone.~~

Policies

11.2.1.1 — ~~Maintain low density residential character and amenity through minimum allotment sizes that efficiently utilize the land resource and infrastructure (Area A), and require larger allotment sizes in those parts of the zone that are subject to significant landscape and/or topographical constraints (Area B).~~

11.2.1.2 — ~~Maintain or enhance residential character and high amenity values by controlling the scale, location and height of buildings and in addition within Area B by requiring landscaping, colour and vegetation controls.~~

11.2.1.3 — ~~Control lighting to avoid glare to other properties, roads, public places and views of the night sky.~~

11.2.1.4 — ~~Have regard to hazards and human safety, including fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision, development and landscaping in Area B.~~

...

11.2.4 — Objective – Implement a structure plan for the LLRB at Arthurs Point to ensure adverse effects on the values of the Kimiākau Shotover River ONF are avoided.

11.2.4.1 — Require subdivision, land use and development in accordance with the structure plan for the LLRB Zone at Arthurs Point to:

(a) mitigate the visibility of buildings and development when viewed from outside the zone;

(b) integrate with underlying topography and revegetation; and

(c) protect the values of the adjoining Kimiākau Shotover River Gorge ONF.

...

11.4 — Rules – Activities

| Table 1 | Activities located in the Large Lot Residential Zone | Activity |
|---------|--|----------|
|---------|--|----------|

| | | status |
|----------------|--|---------------|
| 11.4.1 | Residential Unit | P |
| --- | --- | --- |
| <u>11.4.12</u> | <u>Residential domestic elements outside of Building Platforms in the Arthurs Point LLRB:</u> <u>For the purpose of this rule, residential domestic elements include clotheslines, play equipment, water tanks, external lighting, and carparking areas (but exclude boundary fencing and permitted planting):</u> <u>Discretion is restricted to:</u> <u>a. The location and scale of the residential domestic elements;</u> <u>b. Landscape and visual effects;</u> <u>c. Mitigation landscaping.</u> | RD |
| <u>11.4.13</u> | <u>Buildings outside approved Building Platforms in the Arthurs Point LLRB.</u> | D |

11.5 Rules - Standards for Activities

| Table 2 | Standards for Activities | Non-compliance status |
|----------------|---|---|
| 11.5.1 | Building Height 11.5.1.1 Except where limited by Rules 11.5.1.2 to 11.5.1.4 a maximum height limit of 8 metres. 11.5.1.2 A maximum height of 7 metres: a. on sites located between Beacon Point Road and the margins of Lake Wanaka; and b. on sites located between Studholme Road and Meadowstone Drive. c. Above the RL of building platforms identified on the Arthurs Point LLRB Structure Plan 11.5.1.3 A maximum height of 6 metres: a. on sites located at Mt Iron West (as identified on the District Plan web mapping application) 11.5.1.4 A maximum height of 5.5 metres above a floor level of 283 masl: a. on the site(s) located at the northern end of Beacon Point Road (as identified on the District Plan web mapping application). | NC NC NC NC |
| 11.5.2 | Building Coverage 11.5.2.1 The maximum building coverage shall be 45% of the net site area. 11.5.2.2 The maximum building coverage at Mt Iron West (as identified on the District Plan web mapping application) shall be 500m² net site area. 11.5.2.3 The maximum building coverage at LLRB Zone at Arthurs Point (as identified on the District Plan web mapping application) | RD Discretion is restricted to: a. the effect on openness and spaciousness; b. effects on views and outlook from neighbouring |

| Table 2 | Standards for Activities | Non-compliance status |
|---------|---|--|
| | shall be 500m². | properties; e.—visual dominance of buildings; d.—landscaping. |
| 11.5.3 | Setback from internal boundaries 11.5.3.1—Large Lot Residential Area A: the minimum setback of any building from internal boundaries shall be 4 metres. 11.5.3.2—Large Lot Residential Area B: the minimum setback of any building from internal boundaries shall be 6 metres. | RD Discretion is restricted to: a.—the effect on openness and spaciousness; b.—effects on privacy, views and outlook from neighbouring properties; c.—visual dominance of buildings; d.—landscaping. |
| 11.5.4 | Setback from roads The minimum setback of any building from a road boundary shall be 10m. | NG |
| 11.5.5 | Setback of buildings from water bodies The minimum setback of any building from the bed of a river, lake or wetland shall be 20m. | RD Discretion is restricted to: a.—any indigenous biodiversity values; b.—visual amenity values; c.—landscape character; d.—open space including public access; e.—whether the waterbody is subject to flooding or natural hazards and any mitigation to manage the location of the building. |
| 11.5.6 | Building Length The length of any facade above the ground floor level shall not exceed 20m. | RD Discretion shall be restricted to: a.—external |

| Table 2 | Standards for Activities | Non-compliance status |
|---------|--|--|
| | | appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties. |
| 11.5.7 | <p>Home Occupation</p> <p>Home occupation activities shall comply with the following:</p> <p>11.5.7.1 No more than 1 full time equivalent person from outside the household shall be employed in the home occupation activity.</p> <p>11.5.7.2 The maximum number of vehicle trips shall be:</p> <p style="padding-left: 40px;">a. heavy vehicles: 2 per week;</p> <p style="padding-left: 40px;">b. other vehicles: 10 per day.</p> <p>11.5.7.3 Maximum net floor area of not more than 60m².</p> <p>11.5.7.4 Activities and the storage of materials shall be indoors.</p> | D |
| 11.5.8 | <p>Glare</p> <p>a. All exterior lighting shall be directed away from the adjacent sites and roads and downward to limit effects on the night sky.</p> <p>b. No activity on any site shall result in greater than a 3.0 lux spill (horizontal or vertical) of lights onto any other site measured at any point inside the boundary of the other site.</p> | D |
| 11.5.9 | <p>Residential Density</p> <p>11.5.9.1 Large Lot Residential Area A:</p> <p style="padding-left: 40px;">(a) a maximum of one residential unit per site;</p> <p style="padding-left: 80px;">or</p> <p style="padding-left: 40px;">(b) a maximum of one residential unit per 2000m² (total area).</p> <p>11.5.9.2 Large Lot Residential Area B: a maximum of one residential unit per 4000m² net site area, except in the Arthurs Point LLRB Zone.</p> <p>11.5.9.3 In addition to Rule 11.5.9.2, at Mt Iron West (as identified on the District Plan web mapping application), a maximum of four residential units.</p> <p>11.5.9.4 In the Arthurs Point LLRB Zone, a maximum of one residential unit per site.</p> | D |
| 11.5.10 | <p>Building Materials and Colours</p> <p>For sites within Large Lot Residential Area B:</p> <p>a. all exterior surfaces shall be coloured in the range of black, browns, greens or greys;</p> <p>b. pre-painted steel, and all roofs shall have a reflectance value not greater than 20%;</p> <p>c. surface finishes shall have a reflectance value of not</p> | RD Discretion is restricted to: a. landscape and visual effects, including the extent to |

| Table 2 | Standards for Activities | Non-compliance status |
|---------|---|---|
| | greater than 30%. | which the physical scale of the building(s) make a proposed building's materials and colours more or less visually prominent. |
| 11.5.11 | <p>Recession plane</p> <p>The following applies to all sites with a net site area less than 4000m².</p> <p>11.5.11.1 Northern boundary: 2.5m and 55 degrees.</p> <p>11.5.11.2 Western and eastern boundaries: 2.5m and 45 degrees.</p> <p>11.5.11.3 Southern boundary: 2.5m and 35 degrees.</p> <p>Exemptions:</p> <p>a. gable end roofs may penetrate the building recession plane by no more than one third of the gable height.</p> <p>b. recession planes do not apply to site boundaries fronting a road or a reserve.</p> | NC |
| 11.5.12 | <p>Building Restriction Area</p> <p>No building shall be located within a building restriction area as identified on the District Plan web mapping application.</p> | NC |
| 11.5.13 | --- | --- |

~~B. Modify Chapter 27 – Subdivision and Development as follows:~~

~~27.3 Location-specific objectives and policies~~

~~In addition to the district wide objectives and policies in Part 27.2, the following objectives and policies relate to subdivision in specific locations.~~

~~Arthurs Point Large Lot Residential B~~

~~**27.3.XX Objective – Subdivision and development that avoids adverse effects on the values of the Kimitiākau Shotover River ONE and mitigates visibility of buildings from beyond the zone.**~~

Policies

- ~~27.3.XX.1~~ ~~Require that subdivision is in accordance with the Arthurs Point LLRB Structure Plan.~~
- ~~27.3.XX.2~~ ~~Require that structural planting areas shown on the Structure Plan are established prior to construction of residential units and are maintained to ensure the long-term effectiveness in protecting the values of the Shotover River ONF.~~
- ~~27.3.XX.3~~ ~~Avoid buildings within the Building Restriction Areas shown on the Structure Plan and planning maps.~~
- ~~27.3.XX.4~~ ~~Require the provision of public walkway and cycleway access through the Zone to the adjoining Lower Density Suburban Residential Zone, and to adjacent public land in the location generally shown on the Structure Plan contained in Section 27.13~~
- ~~27.3.XX.5~~ ~~Require siting of buildings and associated earthworks, accessways and landscaping to occur in a way that mitigates visual effects from beyond the zone.~~
- ~~27.3.XX.6~~ ~~Avoid subdivision where road access to the boundary of the Zone has not been completed.~~

...

27.6 Rules – Standards for Minimum Lot Areas

- ~~27.6.1~~ ~~No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, an average net site area less than the minimum specified.~~

| Zone | | Minimum Lot Area |
|--------------------|-------------------------|--|
| ... | | |
| Residential | High-Density | 450m ² |
| | ... | ... |
| | Large Lot Residential A | 1500m ² providing that the average lot size is not less than 2000m ² (total area) |
| | Large Lot Residential B | 4000m ² , except within the LLRB Zone at Arthurs Point where the minimum lot area is 2000m² |
| | ... | ... |

27.7 Zone – Location Specific Rules

| | | |
|--------------------|--|--------------|
| 27.7.XX | <p>Arthurs Point Large Lot Residential B</p> <p>27.7.XX.1 Subdivision (other than a subdivision to separate the Arthurs Point LLRBZ land from the adjoining LDSRZ land) in the Arthurs Point LLRB Zone in accordance with the Structure Plan provided that the road may vary from the location shown on the Structure Plan by +/- 10m.</p> <p>Control is reserved to:</p> <p>(a) The matters listed under Rule 27.7.1;</p> <p>(b) The content of a Structural Planting Areas Plan for the Structural</p> | C |
|--------------------|--|--------------|

| | | |
|--|---|----------------------|
| | <p><u>Planting Areas shown on the Structure Plan:</u></p> <p>(c) The methods to ensure that the planting required by the <i>Structural Planting Areas Plan</i> will be established prior to the issue of Section 224(c) certification;</p> <p>(d) The methods to ensure that the <i>Structural Planting Areas Plan</i> will be complied with on an ongoing basis;</p> <p>(e) The methods to ensure public walking and cycling access through the Zone and to the adjoining Lower Density Suburban Residential Zone connecting to public land to the south; and</p> <p>(f) The methods to ensure the ongoing maintenance of any private roading;</p> <p>(g) The methods to ensure that at least 30% of the planting implemented in accordance with the <i>Structural Planting Areas Plan</i> within each lot are an average of 2m in height prior to the construction of any buildings.</p> <p><u>Information requirements:</u></p> <p>1. Any application for subdivision (other than a subdivision to separate the Arthurs Point LLRBZ land from the adjoining LDSRZ land) shall include a <i>Structural Planting Areas Plan</i> for the Structural Planting Areas shown on the Structure Plan. The purpose of the <i>Structural Planting Areas Plan</i> is to integrate built development with the landscape, enhance nature conservation values, and protect the landscape values of the adjacent Kimiākau Shotover River ONF. The <i>Structural Planting Areas Plan</i> shall:</p> <p>(a) Be prepared by a suitably qualified landscape architect;</p> <p>(b) Identify details of planting including:</p> <p style="padding-left: 40px;">i. The species to be used, based on the species list at Schedule 1 to the Structure Plan, to achieve indigenous ecological restoration of the planting areas and visual integration of future development into the site and surrounding landscape. At least 30% of plants used shall be of species within the "Tall Tier" list in Schedule 1 to achieve more than 5m height at maturity;</p> <p style="padding-left: 40px;">ii. Grades of plants to be used;</p> <p style="padding-left: 40px;">iii. Spacings of plants to achieve at least one plant per 1.5m² on average over the total area of the Structural Planting Areas shown on the Structure Plan.</p> <p>(c) Identify locations of accesses to residential lots and any planting required to visually soften and integrate these from views outside of the Zone;</p> <p>(d) Specify ongoing maintenance and monitoring requirements, including irrigation and methods to control animal and plant pest species on an ongoing basis, and the replacement of any dead, diseased or dying specimen.</p> <p><u>27.7.XX.2</u> Any subdivision (other than a subdivision to separate the Arthurs Point LLRBZ land from the adjoining LDSRZ land) which does not comply with Rule <u>27.7.XX.1</u></p> | <p>NC</p> |
|--|---|----------------------|

| | | |
|--|---|-----------|
| | <p>27.7.XX.3 — Any subdivision (other than a subdivision to separate the Arthurs Point LLRBZ land from the adjoining LDSRZ land) that precedes the completion of a road formed to the boundary of the Arthurs Point LLRBZ and that has accounted for the traffic generation of the yield proposed by the Arthurs Point LLRB Zone.</p> <p>For the avoidance of doubt, any subdivision to separate the Arthurs Point LLRBZ land from the adjoining LDSRZ land would be a Restricted Discretionary Activity under Rule 27.5.7.</p> | <p>NC</p> |
|--|---|-----------|

~~27.13 — Structure Plans~~

~~...~~

~~27.13.XX — Arthurs Point (Large Lot Residential B Zone)~~



Figure 2

Schedule 1:

| <u>Stature of species</u> | <u>Colloquial species name</u> | <u>Latin species name</u> |
|---------------------------|--|---|
| <u>Low Tier</u> | <u>Snow tussock</u> | <u><i>Chionochloa rigida</i></u> |
| | <u>Red tussock</u> | <u><i>Chionochloa rubra</i></u> |
| | <u>Keromike</u> | <u><i>Hobe salicifolia</i> 'Snowdrift'</u> |
| | <u>Wharariki – Mountain Flax</u> | <u><i>Phormium cookianum</i></u> |
| | <u>Ornamental Kowhai</u> | <u><i>Sophora molloyii</i> 'Dragons Gold'</u> |
| | <u>NZ Olearia</u> | <u><i>Olearia x oleifolia</i></u> |
| <u>Mid Tier</u> | <u>Kōhūhū – Black Matipo</u> | <u><i>Pittosporum tenuifolium</i></u> |
| | <u>Mingimingi</u> | <u><i>Coprosma propinqua</i></u> |
| | <u>Harakeke – NZ Flax</u> | <u><i>Phormium tenax</i></u> |
| | <u>South Island Toetoe</u> | <u><i>Austroderia richardii</i></u> |
| | <u>Mikimiki</u> | <u><i>Coprosma virescens</i></u> |
| | <u>Akiraho – Golden Ake Ake</u> | <u><i>Olearia paniculata</i></u> |
| <u>Tall Tier</u> | <u>Mānuka</u> | <u><i>Leptospermum scoparium</i></u> |
| | <u>Tawhai Rauriki – Mountain beech</u> | <u><i>Fuscospora cliffortioides</i></u> |
| | <u>Kōwhai</u> | <u><i>Sophora microphylla</i></u> |
| | <u>Ti Kōuka – Cabbage tree</u> | <u><i>Cordyline australis</i></u> |
| | <u>Houhi Puruhi – Narrow-leaved Lacebark</u> | <u><i>Hoheria angustifolia</i></u> |
| | <u>Tarata – Lemonwood</u> | <u><i>Pittosporum eugenoides</i></u> |

C. Modify planning maps by adding LLRBZ on Site as follows:

