

**In the Environment Court
at Christchurch**

In the Matter of the Resource Management Act
1991 (**Act**)

And

In the Matter of an appeal under Clause 14(1),
First Schedule of the Act

Between

**ARTHURS POINT TRUSTEE
LIMITED AS TRUSTEE OF THE
ARTHURS POINT LAND TRUST**

Appellant

And

**QUEENSTOWN LAKES DISTRICT
COUNCIL**

Respondent

**Notice of Appeal by Arthurs Point Trustee
Limited as the trustee of the **Arthurs
Point Land Trust** against the Proposed
Queenstown Lakes District Plan - Stage**

1

Dated: 18 June 2018

To: The Registrar
Environment Court
Christchurch

Notice of Appeal

1. Arthurs Point Trustee Limited as trustee of the **Arthurs Point Land Trust (APL Trust)** appeal against the decision of the Queenstown Lakes District Council (**Respondent**) on the Proposed Queenstown Lakes District Plan - Stage 1 (**Proposed Plan**).
2. APL Trust is the successor to Darryl Sampson and Louise Cooper who made a submission on the Proposed Plan.
3. APL Trust received notice of the Respondent's decision on 7 May 2018 (**Decision**).
4. The Decision was made by the Respondent through ratification of the Independent Hearing Panel's recommendations.
5. APL Trust is not a trade competitor for the purposes of section 308D of the Act.
6. The part of the Decision APL Trust appeals is contained within Report 17- 4, Report and Recommendations of Independent Commissioners Regarding Mapping of Arthurs Point and Decisions Version Map 39 as it relates to 182D Arthurs Point Road, Arthurs Point which is legally described as Lot 2 DP 24233 (**the Site**).
7. The Decision rejects APL Trust's submission to re-zone the Site Rural Visitor – Arthurs Point, and instead re-zoned parts of the Site as Medium Density Residential.

General Reasons for the Appeal

8. The general reasons for this appeal are that the Decision fails to appropriately provide for rural visitor activities on the Site, including by and/or to the extent that the Decision:
 - (a) fails to promote sustainable management of resources and will not achieve the purpose of the Act;

- (b) fails to achieve the functions of the Council under section 31 of integrated management of the effects of the use and development of land and physical resources; and
- (c) fails to meet the requirements of section 32.

Particular Reasons for the Appeal

9. The particular reasons for the Appeal are as follows:
- (a) The Rural Visitor – Authors Point Zone was included on a portion of the Site in the Proposed District Plan Map 39.
 - (b) APL Trust sought in its original submission that the remaining portion of the Site proposed to be zoned Rural be re-zoned to Rural Visitor – Arthurs Point and that the Urban Growth Boundary and Outstanding Natural Landscape (**ONL**) boundary be amended accordingly.
 - (c) The Site was not coloured white on the relevant Proposed District Plan Map 39 and APL Trust’s submission is therefore “on” Stage 1 of the Proposed Plan.
 - (d) Mr Espie for APL Trust and Dr Read for the Council agreed that visual effects of development on the property would be seen as a small extension to existing development or too distant to be significant.
 - (e) Rural Visitor – Authors Point is the most appropriate zone to achieve the relevant Objectives and Policies in the Proposed Plan including:
 - (i) Managing urban growth in a strategic and integrated manner;
 - (ii) Promoting a compact, well designed and integrated urban form building on historical urban settlement patterns;
 - (iii) Achieving a built environment that provides desirable, healthy and safe places to live, work and play; and
 - (iv) Minimising natural hazard risk and protecting the District’s rural landscapes.
 - (f) It is more appropriate that these parts of the Site are re-zoned from Rural to Rural Visitor – Arthurs Point as it is an extension to the

existing Rural Visitor Zone – Arthurs Point that applies to the remainder of the Site.

- (g) Development enabled by the re-zoning of the land to Rural Visitor– Arthurs Point can be adequately serviced and would provided much needed visitor accommodation in the Queenstown District.

Relief Sought

10. APL Trust supports the Decision to not zone the relevant portion of the Site Rural.
11. APL Trust supports the intent of the Decision to intensify the Site through re-zoning as it facilitates appropriate development of the Site.
12. APL Trust supports the Decision to re-draw the ONL and Urban Growth Boundary around the Site’s boundary.
13. Notwithstanding that, APL Trust seeks the following relief:
 - (a) The portion of APL Trust’s site zoned Medium Density Residential in the Decision be re-zoned to Rural Visitor – Arthurs Point;
 - (b) Alternatively;
 - (i) The relevant portion of the Site be zoned High Density Residential on the basis that a further stage of the Proposed Plan is notified providing for the Site to be zoned Rural Visitor – Arthurs Point; or
 - (ii) the relevant portion of the Site be zoned Medium Density Residential in accordance with the Decision on the basis that a further stage of the Proposed Plan is notified providing for the Site to be zoned Rural Visitor – Arthurs Point; and
 - (c) Any other similar, consequential, or other relief as is necessary to address the issues raised in APL Trust’s appeal or otherwise raised in APL Trust’s submission.

Attached Documents

14. APL Trust attaches the following documents to this appeal:
- (a) APL Trust's (as successors) submission (**Annexure A**);
 - (b) The relevant parts of the Respondent's decisions (**Annexure B**); and
 - (c) A list of the names and addresses of the persons to be served with a copy of this notice of appeal (**Annexure C**).

Dated this 18th day of June 2018



Joshua Leckie

Counsel for Arthurs Point Trustee Limited as trustee of the Arthurs Point Land Trust

Address for Service for the Appellant:

Lane Neave
Level 1, 2 Memorial Street
PO Box 701
Queenstown 9300
Phone: 03 372 6307
Email: Joshua.Leckie@laneneave.co.nz and Sam.Chidgey@laneneave.co.nz

Contact person: Joshua Leckie / Sam Chidgey