

In the Environment Court of New Zealand
Christchurch Registry

I Mua I Te Kōti Taiao o Aotearoa
Ōtautahi Rohe

ENV-

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 3B of the Queenstown Lakes Proposed District Plan

Between **Mandalea Properties Limited**
Appellant

And **Queenstown Lakes District Council**
Respondent

Notice of Appeal

18 May 2021

Appellant's planning consultant:

C/- Blair Devlin
Vivian and Espie Ltd
PO Box 2514, Wakatipu, Queenstown 9349
1/211B Glenda Drive
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To: The Registrar
Environment Court
Christchurch

- 1 Mandalea Properties Ltd (**Mandalea**) appeals against part of the decision of Queenstown Lakes District Council on Stage 3B of the Queenstown Lakes Proposed District Plan (**PDP**).
- 2 Mandalea made Submission #31028 on Stage 3B the PDP.
- 3 Mandalea is not a trade competitor for the purpose of section 308D of the RMA.
- 4 Mandalea received notice of the decision on 1 April 2021.
- 5 The decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the decision appealed relates to:
 - (a) The PDP Planning Map for 164 Arthurs Point Road and surrounds (including small portions of 162 and 160 Arthurs Point Road), and the application of the following zoning and annotations to the southern part of the land;
 - (i) Chapter 21 – Rural (Outstanding Natural Landscape - **ONL**) and Urban Growth Boundary (**UGB**)
- 7 The reasons for appeal and general relief sought by Mandalea are summarised below.

Background

- 8 This appeal relates to the Mandalea land located at 164 Arthurs Point Road. The land measures 2.83 hectares and is legally described as Lot 1 DP 20925 (Record of Title OT16B/305). The land is shown in Figure 1 below:



Figure 1: 164 Arthurs Point Road

- 9 The site is one of the largest predominantly vacant sites remaining in Arthurs Point. It has been in the appellants ownership for 20 years. The site was originally purchased as three separate lots that have been amalgamated. It comprises flat land closest to Arthurs Point Road, and sloping land to the south. Vehicle access is already formed and available to the sloping parts of the site.
- 10 The land was almost entirely zoned Rural Visitor (**RVZ**) under the Operative District Plan, with a small portion of Rural General zoning, as shown in the image below:

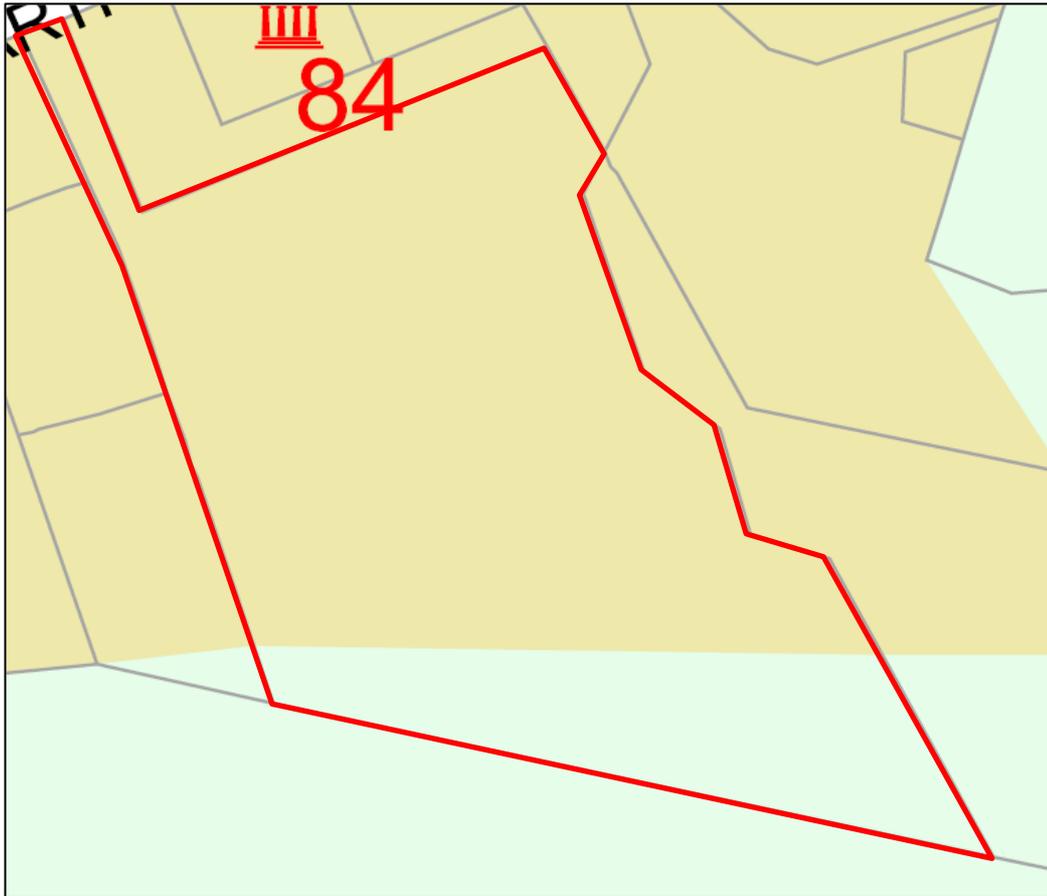


Figure 2: ODP map for 164 Arthurs Point Road (brown = Rural Visitor zone, Green = Rural General zone)

- 11 In Stage 3B decisions version, the Arthurs Point RVZ was removed, and replaced with other zones from the PDP, including for the subject site:
 - (a) High Density Residential (within the Urban Growth Boundary)
 - (b) Medium Density Residential (Visitor Accommodation Sub-Zone) (within the Urban Growth Boundary)
 - (c) Rural (Outstanding Natural Landscape) (outside of the Urban Growth Boundary)
- 12 The Decisions Version Planning Map for the site is shown below:

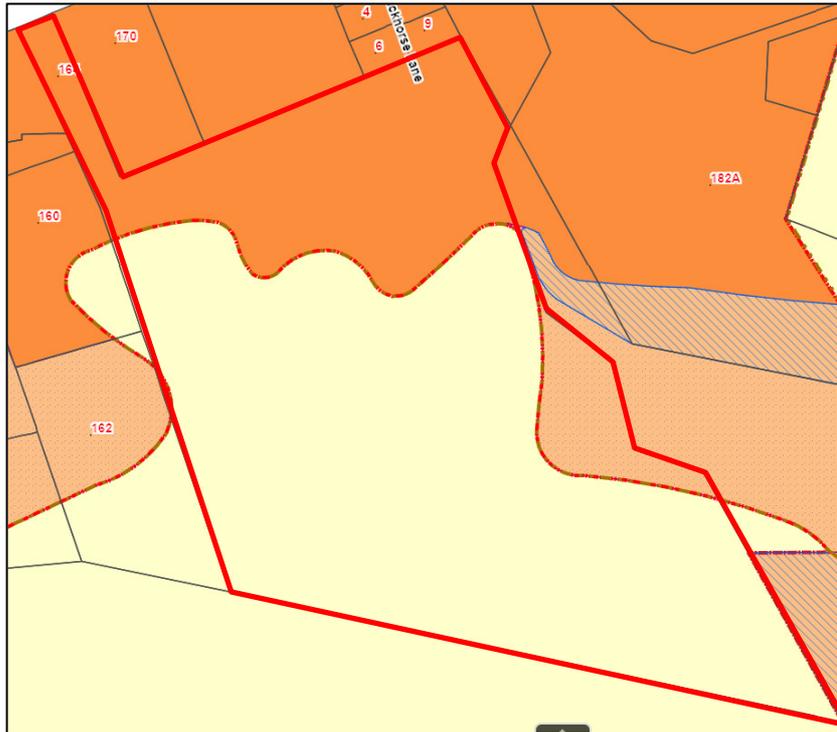


Figure 3: Stage 3B PDP Decisions Map

- 13 One residential unit has been constructed on the property; however the submitter has been working on a range of development concepts for some time. The submitter has turned down lucrative joint venture hotel offers that maximised the operative RVZ provisions to find a better balance and fit for the development of the property. Over the years the submitter has also kept on top of pests and is slowly re-introducing native vegetation to the site.
- 14 Under the ODP, almost the full extent of their property is zoned for Rural Visitor activity, whereas under the PDP a large part of the land has been 'down-zoned' to Rural (ONL). The submitters land is one of the properties most affected in Arthurs Point by the Stage 3b zoning.
- 15 In its submission Mandalea sought to retain the development rights afforded by the Operative RVZ.
- 16 At the Hearing, Mandalea supported the Council's recommended approach of zoning the upper part of the site Medium and High Density Residential, but continued to seek the more enabling zoning extend further down the site as it had under the ODP Rural Visitor zoning.
- 17 The Council's decision (as shown in Figure 3 above) did confirm the enabling High Density Residential zoning on the upper part of the site, and a small area of Medium Density Residential (Visitor Accommodation Sub-Zone), but did not extend these enabling residential zones down the site as was the case with the Operative District Plan RVZ.
- 18 On appeal, Mandalea seeks that the PDP maps be amended as per the statement presented at the PDP hearings, with the peninsula of Rural (ONL land) that extends into the site reduced in extent, and the extension of the High Density Residential zoning down the slope OR Medium Density Residential zoning across the slope, to approximately the 427 masl contour or thereabouts.

Reasons for appeal

19 The reasons for the appeal are:

- (a) Recognising the existing development below the Shotover River escarpment, including the location of the Onsen Hot Pools to the west, and the residential unit located at 182D Arthurs Point Road, the submitter considers a more pragmatic approach to the site would be to extend the HDR or MDR zoning to the green line shown in Figure 4 below, approximately following the 427 masl contour.

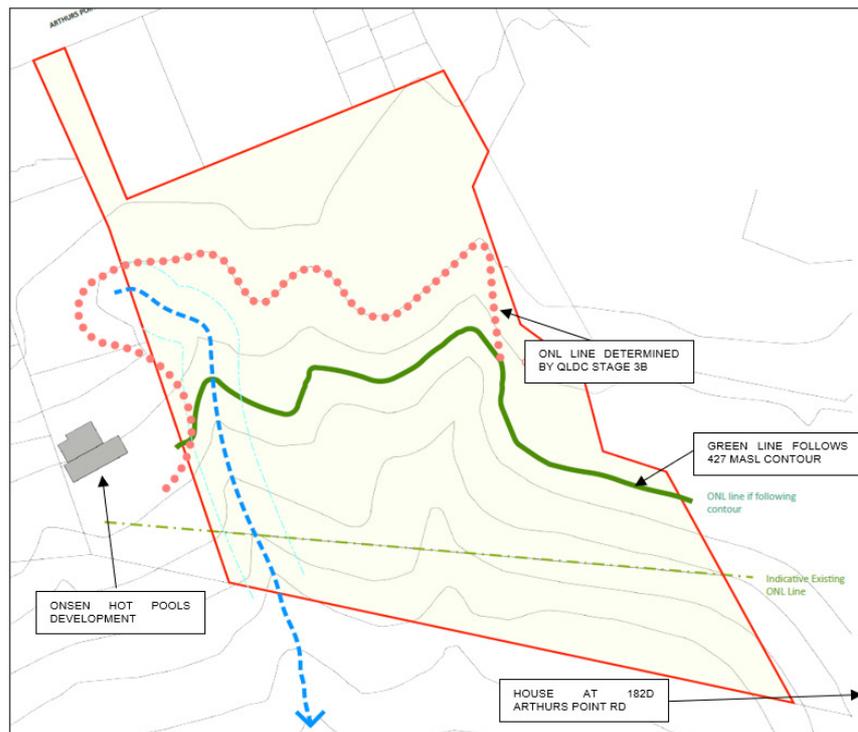


Figure 4 – Proposed ONL line (green) compared to QLDC ONL line (pink dots)

- (b) The green line follows the 427 masl contour line, whereas the QLDC line tracks up the contour to reach what has been identified as the terrace edge.
- (c) If the MDR or HDR zoning aligned with the green ONL line shown in Figure 4 above (or thereabouts), Mandalea considers it would enable more development on the site, be more consistent with the operative RVZ, be more consistent with the existing built form on either side of the site, and reduce the impact of the down-zoning on Mandalea. Visually the submitter considers it would also appear to align better with the existing development on either side of the site. While the land is sloping in this area development is feasible as evidenced by the Onsen Hot Pools building.
- (d) Council's Hazard Register does not identify any new hazard on the sloping part of the site compared to the flat part of the site, all of which is identified as being possibly susceptible to liquefaction.

Relief sought

20 Mandalea seeks the following relief:

- (a) Amend the planning map for the site at 164 Arthurs Point Road to extend the Urban Growth Boundary and Outstanding Natural Landscape boundary to the south, to approximately the 427masl contour or thereabouts.
- (b) Within the extended area incorporated within the revised ONL location, zone the land either MDR (by extending the existing MDR zoning located to the east and west across the site, OR, HDR, by extending the existing HDR down from the upper terrace of the site, as shown in Figure 5 below:

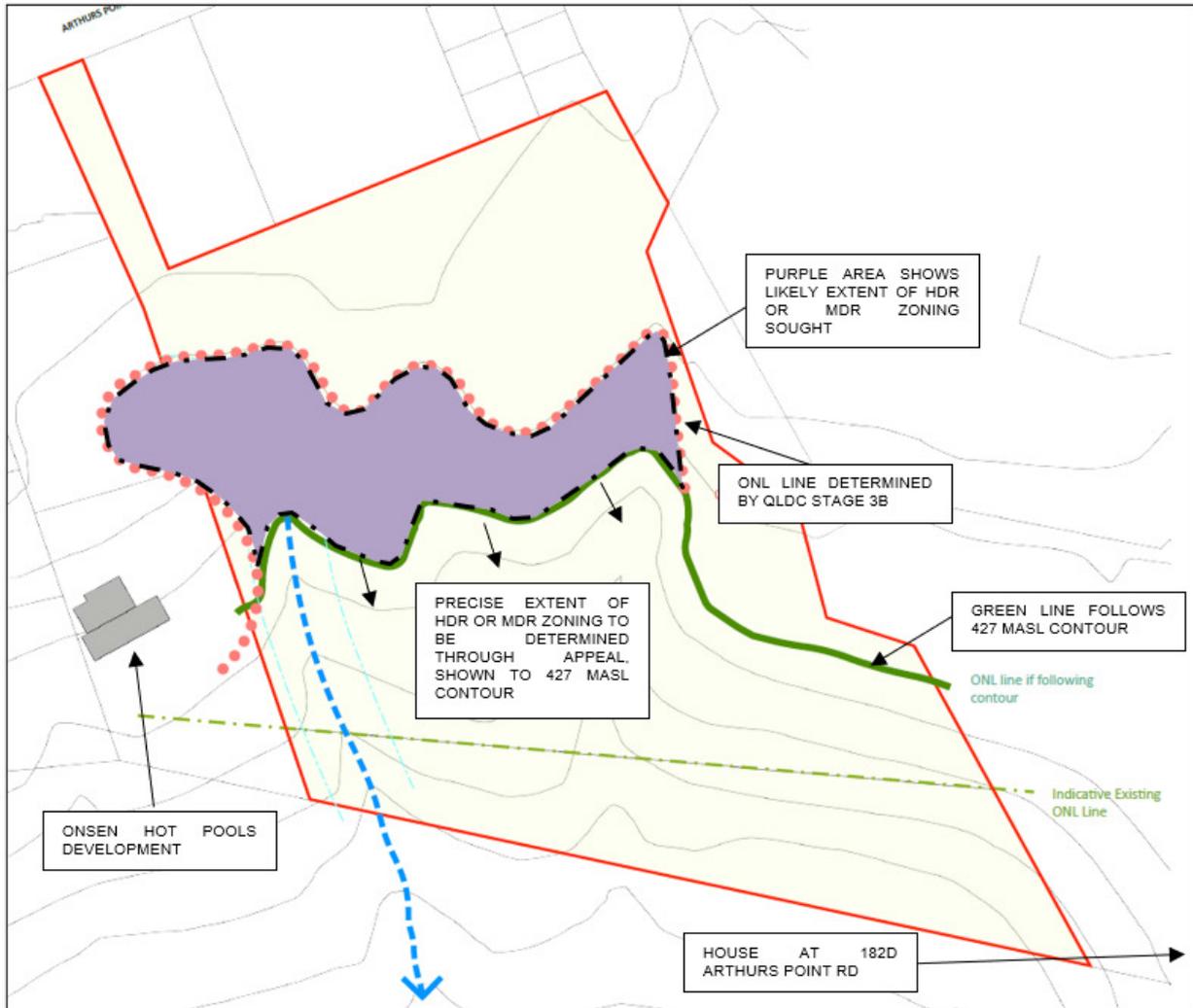


Figure 5 – Approximate extent of additional HDR or MDR zoning shown purple.

Further and consequential relief sought

21 Mandalea seeks alternative, consequential, or necessary additional relief to that set out in this appeal to give effect to the matters raised generally in this appeal or such other changes that give effect to the outcomes sought in Mandalea's submission.

Attachments

22 The following documents are **attached** to this notice:

- (a) **Appendix 1** – A copy of Mandalea's Stage 3B submission #31028;

- (b) **Appendix 2** – A copy of Mandalea’s statement presented to the Hearings Panel
- (c) **Appendix 3** – A copy of the decision appealed; and
- (d) **Appendix 4** – A list of names and addresses of persons to be served with this notice as per the Minute of the Environment Court of 1 April 2021 (ENZ-2021-CHC-14)

Dated this 18th day of May 2021



Blair Devlin
Planning Consultant for the Appellant

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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 Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Christchurch.