

**In the Environment Court  
at Christchurch**

**ENV-2021-CHC**

**I Mua I Te Kōti Taiao o Aotearoa  
Ōtautahi Rohe**

**In the Matter**

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

**And**

**In the Matter**

of the Queenstown Lakes  
Proposed District Plan – Stage 3

**And**

**In the Matter**

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

**Between**

Bush Creek Investments Limited

**Appellant**

**And**

Queenstown Lakes District  
Council

**Respondent**

**Notice of Appeal by **Bush Creek  
Investments Limited** against a  
decision on the Proposed Queenstown  
Lakes District Plan – Stage 3**

Dated: 18 May 2021

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To: The Registrar  
Environment Court  
Christchurch

### **Notice of Appeal**

1. Bush Creek Investments Limited (**Appellant**) appeal against part of a decision of the Queenstown Lakes District Council (**Council**) on the Queenstown Lakes Proposed District Plan – Stage 3 (**PDP**).
2. The Appellant made a submission on the PDP (submission 3354).
3. The Appellant is not a trade competitor for the purposes of section 308D of the Act.
4. The Appellant received notice of the Council's decision on 1 April 2021.
5. The decision was made by the Council through adopting the recommendations of the Independent Hearings Panel (**Panel**) on 18 March 2021.
6. The Appellant is appealing the part of the Council's decision that zones the Bush Creek Road area at Arrowtown as General Industrial Zone (**GIZ**) and any associated text contained in the PDP. This part of the decision is contained in Stream 17 – General Industrial and Service Zone, Report 20.3 and the associated text and maps.

### **Background**

7. Most of the Bush Creek Road area at Arrowtown is zoned Industrial A under the Operative District Plan (**ODP**) with two sites zoned Rural General.
8. Under the Stage 3 Notified Proposed District Plan (**Stage 3**) the Bush Creek Road area at Arrowtown was included in the General Industrial Zone (**GIZ**). The Appellant lodged a submission (submission #3354) opposing this zoning and seeking a rezoning to Business Mixed Use Zone (**BMUZ**) or an alternate zone that allows for more mixed use commercial and residential activities.

## General reasons for the appeal

9. The part of the Council's decision appealed:
  - (a) does not give effect to the higher order strategic directions, objective and policies in the PDP;
  - (b) does not give effect to the National Policy Statement on Urban Development 2020 (**NPS-UD**);
  - (c) does not represent an efficient use of land under section 7(b); and
  - (d) overall, fails to promote sustainable management of natural and physical resources and therefore, does not achieve the purpose of the Act.

## Particular Reasons for the Appeal

### *National Policy Direction*

10. The NPS-UD would be better implemented by zoning the Bush Creek Road area BMUZ or an alternative zoning that provides for more mixed use commercial and residential activities.
11. The BMUZ is the more appropriate zoning in terms of existing use, future demand and management of adverse effects. A BMUZ would give better effect to Policy 6(c) of the NPS-UD which requires decision maker to have particular regard to whether the benefits of urban development are consistent with well-functioning urban environments.
12. The decision fails to have appropriate regard to the location and size of the proposed Bush Creek Road GIZ (being 4.27 ha). It fails to address the lack of demand for heavy industrial activity in an area of the size, location and proximity to residential activities of the proposed Bush Creek Road GIZ. Accordingly, the decision does not give effect to Policy 6(d) of the NPS-UD as it fails to acknowledge that the GIZ zoning is an inappropriate size and location to provide meaningful capacity for industrial activities.
13. The decision fails to have appropriate regard to the general character of the Bush Creek Road area, which is a mix of service, light industrial,

commercial, office, retail and residential more appropriately suited to a BMUZ.

14. Given the current mix of activities at the Bush Creek Road area, the proposed GIZ fails to give effect to Strategic Policy 3.3.8, which seeks to avoid non-industrial activity in industrial zones.
15. A BMUZ with provision for the expansion of existing 'industrial' activity better reflects the balance of activities currently present in the area and is most appropriate for future development. A BMUZ would better provide for a well-functioning urban environment. Further, given the location and size of the land, a BMUZ would allow for activities better suited to the area and would make a more appropriate contribution to the capacity of business zoned land in the District in accordance with policy 6(d) of the NPS-UD.

*Effects on receiving environment and reverse sensitivity*

16. The decision fails to appropriately address the impacts on the receiving environment. The decision does not adequately address the proximity of the proposed Bush Creek Road GIZ to existing residential development.
17. As a result of the above, the decision fails to address reverse sensitivity in a manner that provides for the efficient use of business land in the District. The setbacks and noise restrictions required to address the interface between the proposed GIZ and the surrounding existing residential uses results in inappropriate restrictions on the land. The requirement for such restrictions demonstrates the inappropriate nature of the GIZ zoning at Bush Creek.
18. The decision does not appropriately address the traffic effects of the GIZ at Bush Creek. In particular, the GIZ at Bush Creek does not appropriately address the distance of the area from an arterial road and the traffic effects on residential amenity.

**Relief Sought**

19. The Appellant seeks that:
  - (a) all of the land zoned GIZ at Arrowtown be rezoned to:

- (i) BMUZ; or
  - (ii) an amended BMUZ or GIZ with provision for more mixed use commercial and residential activities; and
- (b) any other additional or consequential relief to the PDP text (including relevant definitions, objectives and policies) or maps that will give effect to the matters raised in this appeal including any required amendment to Strategic Policy 3.3.8 to clarify that non-industrial activities can be carried out.

### **Attached Documents**

20. The following documents are **attached** to this notice:

- (a) A copy of the Appellant's Stage 3 submission as **Appendix 1**;
- (b) A copy of the relevant part of the Mapping Decision as **Appendix 2**; and
- (c) A list of names and addresses of persons to be served with a copy of this notice as **Appendix 3**.

Dated this 18th day of May 2021



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Joshua Leckie / Katharine Hockly  
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