# IN THE ENVIRONMENT COURT AT CHRISTCHURCH

# I TE KŌTI TAIAO O AOTEAROA KI ŌTAUTAHI

# Decision No. [2023] NZEnvC 279

IN THE MATTER of the Resource Management Act 1991

AND of appeals under clause 14 of the First

Schedule of the Act against decisions of the Queenstown Lakes District Council on Stage 2 of the Proposed Queenstown Lakes District Plan

BETWEEN TRUSTEES OF SPRUCE GROVE

TRUST

(ENV-2019-CHC-34)

AND TRUSTEES OF THE BOUNDARY

TRUST

(ENV-2019-CHC-35)

**Appellants** 

AND QUEENSTOWN LAKES DISTRICT

**COUNCIL** 

Respondent

Court: Environment Judge J J M Hassan

Environment Commissioner J T Baines

Hearing: 17 October 2022

Appearances: J M G Leckie and M J J Turner for the appellants

M G Wakefield and R P Mortiaux for the Respondent

I M Gordon for Millbrook Country Club L C Ford for the Millbrook Residents

J E Macdonald for Walrus Jack Trustees Ltd

Last case event: 20 October 2023

Date of Decision: 21 December 2023

Date of Issue: 21 December 2023



SPRUCE GROVE TRUST & THE BOUNDARY TRUST v QLDC – STAGE 2, TOPIC 31, SUBTOPIC 4 GROUP 3 – MILLBROOK – DECISION

# INTERIM DETERMINATION OF THE ENVIRONMENT COURT

# Topic 31, subtopic 4, group 3: Spruce Grove Trust & The Boundary Trust – LCU 23: Millbrook

- A: Subject to the modification we direct be made to Pol 24.2.1.1B.f.ii, the Agreed Modified Relief in the Annexure is the most appropriate.
- B: To that extent, the relevant appeal points are allowed in part and otherwise declined.
- C: Directions are made for the updating of the proposed plan accordingly.
- D: Costs are reserved and timetable directions are made.

#### **REASONS**

#### Introduction

- [1] This proceeding concerns Topic 31 in the staged determination of appeals in the review of the Queenstown Lakes District Plan ('PDP'). Topic 31 concerns site-specific relief pursued in regard to the Wakatipu Basin Rural Amenity zone ('WBRAZ') including its 'Lifestyle Precinct' subzone ('Precinct').
- [2] It concerns appeals by the Trustees of Spruce Grove Trust ('SGT') and the Trustees of the Boundary Trust ('BT') (together 'the Trusts') against QLDC's decision to zone their land WBRAZ. Both blocks of land are near to Millbrook:
  - (a) the SGT land is at 1124 Malaghans Road, ('SGT Site'); and
  - (b) the BT land is at 29 Butel Road<sup>2</sup> and 459 Arrowtown-Lake Hayes Road ('Butel Road Site', 'Arrowtown-Lake Hayes Road Site', together

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Subject to the Spruce Grove Trust's appeal.

Subject to both appeals.

### 'BT Sites').3

[3] A hearing of the appeals commenced on 17 October 2022. Following the testing of the appellants' evidence, at the request of the parties, the hearing was adjourned and directions were made to allow for parties to endeavour to resolve their differences. Parties subsequently reported that they had reached agreement on the basis upon which the appeals could be determined ('Agreed Modified Relief'). The court made follow up inquiries on some aspects of the proposed settlement, including as to the need for evidence in support of some aspects. The court is now satisfied that it can finally determine the appeals on the evidence. With the exception of the wording of one policy, that is in accordance with the Agreed Modified Relief.

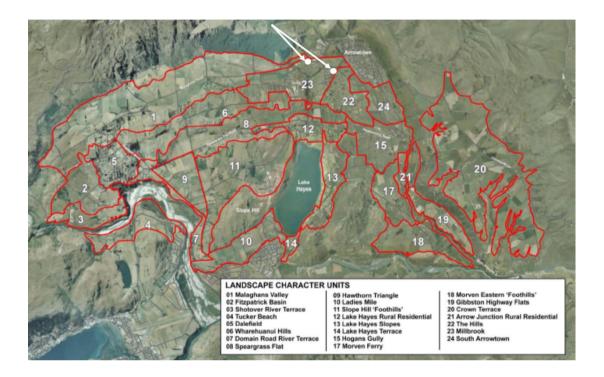
#### The sites and environs

- [4] The Malaghan's Road Site is an approximately 9 ha triangular section of land surrounded on two sides by the Millbrook Resort ('Millbrook').
- [5] The BT Sites also border Millbrook. The Butel Road Site is an approximately 2 ha rectangular block on the southern side of Butel Road (a short road between Arrowtown-Lake Hayes Road and a service entrance to Millbrook). The Arrowtown-Lake Hayes Road Site is an approximately 1.8 ha rectangular block essentially just to the south of the Butel Road Site.
- [6] As is reported in other decisions in appeals on PDP Topics 30 and 31, the *Wakatipu Basin Land Use Study* is an important underpinning of the variation by which the WBRAZ was included in the PDP.<sup>4</sup> An author of that study, landscape expert Ms Bridget Gilbert, was called as a witness for QLDC in these appeals. The Study originated Sch 24.8 which identifies some 24 Landscape Character Units

<sup>&</sup>lt;sup>3</sup> Subject to the Boundary Trust's appeal.

Wakatipu Basin Land Use Planning Study, Final Report March 2017, prepared for Queenstown Lakes District Council by Barry Kaye, Kelvin Norgrove and Bridget Gilbert. See Barnhill Corporate Trustee Limited & Ors v Queenstown Lakes District Council [2022] NZEnvC 58 at [4]-[12].

('LCU') across the Basin. Those LCUs have an important relationship to WBRAZ objectives, policies and other provisions, as we have also reported in various Topic 30 and 31 decisions.<sup>5</sup> The SGT Site and BT Sites each sit within LCU 23: Millbrook, as is generally shown by the two white dots added to the below reproduction of the PDP LCU map in Sch 24.8.



[7] Schedule 24.8 includes descriptions of the identified landscape characteristics and visual amenity and other attributes of each LCU. This narrative also includes a rating of each LCU's "capability to absorb additional development" (in some cases with separate ratings for identified parts of a LCU). This is according to a six point qualitative rating scale ("Very Low", "Low", "Moderate-Low", "Moderate-High" and "High").

For example, we refer to Barnhill Corporate Trustee Limited & Ors v Queenstown Lakes District Council [2022] NZEnvC 58 at [136]-[137]; Feeley v Queenstown Lakes District Council [2023] NZEnvC 189 at [17]-[21]; Hanan v Queenstown Lakes District Council [2023] NZEnvC 200 [19]-[20]; Donaldson v Queenstown Lakes District Council [2023] NZEnvC 190 at [23]-[36].

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[8] In the decision version of the PDP, Sch 24.8 specifies a Moderate capability rating for much of LCU 23 (including the Sites). That rating is not challenged in the appeals.

#### The relief

## Summary of original relief now abandoned

- [9] The original relief pursued by SGT and BT in their appeals was for their respective Sites to be rezoned from WBRAZ to Millbrook Resort Zone ('MRZ'). That was opposed by QLDC and other parties.
- [10] Even in their evidence-in-chief, the appellants sought to narrow and modify that original relief. As was conveyed to counsel prior to the requested adjournment, the testing of their evidence brought to light a number of concerns as to that original relief even in its modified form.

# The Agreed Modified Relief

- [11] At the close of the hearing, the parties reported they had reached agreement on a path forward for the settlement of the appeals. This centres on a modified WBRAZ zoning ('Agreed Modified Relief') and draws from other evidence before the court including from the landscape experts. Recognising the place of LCU 23 Millbrook in the design of the WBRAZ, the Agreed Modified Relief proposes, as a modification to the WBRAZ, bespoke density and minimum and average lot size controls as would pertain to the SGT Site and the BT Sites as components of the LCU 23 respectively described as 'Malaghans Road South' and 'Arrowtown Lake Hayes East'. These would be as follows:6
  - (a) for LCU 23 Millbrook: Malaghans Road South (encompassing the SGT Site) a minimum lot size of 4,000m<sup>2</sup> and minimum average lot

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Memorandum of counsel for SGT and BT dated 29 May 2023 at [5]. Further legal submissions for SGT and BT as to scope dated 29 May 2023 at [2].

- size of 1.5 ha; and
- (b) for LCU 23 Millbrook: Arrowtown Lake Hayes East, encompassing the BT Sites, a minimum lot size of 6,000m<sup>2</sup> and minimum average lot size of 1ha.
- [12] The parties propose an associated set of amendments to PDP Chs 24 and 27.7
- [13] Therefore, we determine that the original relief, now abandoned, is not appropriate and decline those aspects of the appeals. The balance of this determination concerns the Agreed Modified Relief.

# Jurisdictional scope and procedural fairness

- [14] As noted, the original relief was that WBRAZ zoning of the Sites be changed to MRZ, whereas the Agreed Modified Relief seeks that a modified WBRAZ zoning apply. In view of the extent to which the Agreed Modified Relief differs from the original relief, the court directed parties to provide submissions on jurisdiction. There are two related dimensions to consider in terms of jurisdictional scope and procedural fairness, namely:
  - (a) is the Agreed Modified Relief within the jurisdictional scope of cl 10, Sch 1 RMA?
  - (b) would granting the Agreed Modified Relief, on the basis of the parties' agreement but without allowing opportunity for others with potential interests to join the appeal, be procedurally unfair or contrary to the RMA's participatory intentions?
- [15] In his closing submissions for SGT and BT, Mr Leckie describes the Agreed Modified Relief as fitting comfortably within jurisdictional limits. He traverses

Memorandum of counsel for SGT and BT dated 29 May 2023 at [6].

relevant principles and contextual matters pertaining to them.8

[16] In their joint submissions for Millbrook Country Club Ltd and Walrus Jack Trustee Ltd, as s274 parties, Mr Gordon and Ms Macdonald support the Modified Relief as being largely consistent with the landscape evidence filed by those parties and QLDC. Nevertheless, they record that they wish to be heard on costs.<sup>9</sup>

[17] The commonly described jurisdictional scope for relief on an appeal under cl 10, Sch 1 RMA is what is fairly and reasonably within the general scope of the PDP as notified, an original submission (or appeal), or somewhere in between.<sup>10</sup>

[18] As notified, the Wakatipu Basin proposed WBRAZ zoning for the Sites. At the time of notification, that was by reference to the 80 ha minimum lot size regime. The appellants' submissions sought that be changed to MRZ. MRZ is a resort zone designed to provide for a visitor resort allowing for recreational activities (including golf), commercial, residential and visitor accommodation, together with support facilities and services. In that sense, the MRZ stands apart from the PDP's general rural and urban zone classes. However, its development controls, according to a structure plan approach, can be broadly characterised as enabling of planned development that includes residential enclaves to an urban density. It is that aspect of the MRZ that the original relief primarily pursued for the Sites. Considered in those terms, the Agreed Modified Relief proposes to allow a density of residential development within the spectrum between WBRAZ as notified and the structure planned residential enclaves enabled as part of the MRZ.

[19] Therefore, we find the Agreed Modified Relief is within the jurisdictional scope of cl 10, Sch 1 RMA.

Further legal submissions for SGT and BT as to scope dated 29 May 2023, including at [12]-[23].

Joint memorandum of counsel for Millbrook and Walrus Jack, dated 20 October 2023, at [4].

Countdown Properties (Northlands) Ltd v Dunedin City Council [1994] NZRMA 145 (HC); Re Vivid Holdings Ltd [1999] NZRMA 467 at [19]; Gertrude's Saddlery Limited v Queenstown Lakes District Council [2020] NZHC 3387 at [58].

[20] Furthermore, we are satisfied we do not need to allow for opportunity for those not already before the court to join as a party under s274. The Agreed Modified Relief is within the available spectrum of outcomes in the determination of the appeal. As such, the notices of appeal gave fair notice of it to anyone who had the ability to seek to join the appeals under s274. There is no jurisdictional fairness reason why that opportunity now needs to be reopened.

## Statutory framework and principles

[21] In the context of the agreement reached between the parties, we do not need to traverse the statutory framework and related principles other than to record that we adopt our related findings in the footnoted Topic 31 decisions.<sup>11</sup> In summary, our evaluative approach centres on the determination of the most appropriate zoning outcome for achievement of relevant PDP objectives. The relevant policy directives are as to maintaining or enhancing the landscape character and visual amenity values of the Basin and its LCUs.<sup>12</sup>

[22] Our determination of the most appropriate zoning outcome is by reference to the available options within the scope of the appeals. Those options are in the spectrum between:

- (a) confirmation of the status quo WBRAZ zoning of the Sites according to the appealed PDP decisions; or
- (b) confirmation of the Agreed Modified Relief.

[23] The fact of agreement does not dictate that the Agreed Modified Relief is to be preferred, although that agreement has significant weight particularly in the fact that it includes QLDC as the respondent planning authority.

Donaldson v Queenstown Lakes District Council [2023] NZEnvC 190 at [6] and Annexure 1; Feeley v Queenstown Lakes District Council [2023] NZEnvC 189 at [13] and Annexure 1.

We refer, in particular, to SO 3.2.5.8, Obj 24.2.1, Pols 24.2.1.3, 24.2.1.4. There are other objectives and policies, for example as to the enhancement of the water quality in the Lake Hayes catchment, but these do not arise on the facts in the present appeals.

[24] We are to have regard to the appealed decision. However, we do not accord it significant weight mindful that the WBRAZ regime has been significantly modified in various ways by our Topic 30 decisions.

# Evidence

[25] Our evaluation is by reference to both the agreement reached between the parties and the evidence before the court from the following witnesses (including in written statements, oral testimony<sup>13</sup> and affidavit evidence filed following the adjournment):

|                            | Client/other                      | Landscape       | Planning         |
|----------------------------|-----------------------------------|-----------------|------------------|
| SGT/BT                     | Alastair Spary, John<br>McCartney | Tony Milne      | Amanda Leith     |
| QLDC                       |                                   | Bridget Gilbert | Marcus Langman   |
| Millbrook Country Club     | Bernard O'Malley                  | James Bentley   | Kenneth Gimblett |
| Walrus Jack Trustee<br>Ltd |                                   | Anne Steven     | Chris Ferguson   |

### **Evaluation**

[26] The changes sought to Chs 24 and 27 provisions are set out in a 29 May 2023 memorandum of counsel for SGT and BT. Rather than showing changes as against the decisions version PDP provisions, it does so against the provisions since updated by various decisions on Topic 30 and 31 appeals. The full set of changes is set out in the Annexure. Where we do not comment, it is because we find the proposed changes to the PDP provisions appropriate.

# Initial issues raised with parties are satisfactorily addressed

[27] In an initial response to the Agreed Modified Relief, the court raised two

<sup>13</sup> As recorded on the transcript.

matters pertaining to the BT Sites, namely:14

(a) whether a modified Precinct rezoning treatment would be better in keeping what the development envisaged than modified WBRAZ; and

(b) whether a structure plan would be needed to define a building restriction area for all land outside the indicative lots and accessways.

[28] As for the first of those matters, we accept counsel's explanation that a modified WBRAZ is more in keeping with the overall design intentions in Ch 24.<sup>15</sup>

[29] The issue we raised concerning structure planning was in view of Ms Gilbert's evidence to the court. However, we are sufficiently satisfied, on the evidence of Mr Milne and Ms Leith, that a structure plan is unwarranted.

[30] Mr Milne explains that it was his opinion also that structure planning would have been important if the original MRZ relief had been maintained. That was especially for the purposes of ensuring visual integration with Millbrook Resort. Subject to the refinement we make to Pol 24.2.1.1B.f.ii, we accept his opinion that the Agreed Modified Relief allows for the effective management of all matters through the consenting process by reference to the WBRAZ policy intentions in Chs 24 and 27.16

#### Refinements to Pol 24.2.1.1B

Pol 24.2.1.1B.e of the Agreed Modified Relief is appropriate

[31] We find all recommended changes to Pol 24.2.1.1B.e to be supported on the evidence and appropriate.

Minute dated 31 July 2023.

Joint Memorandum of counsel dated 15 September 2023 at [4], [8]-[16].

Leith affidavit, at [20], Milne affidavit, at [23]-[28].

Deletion of reference to visual integration with the MRZ is appropriate

[32] As for Pol 24.2.1.1B.f, we find the evidence to support the recommended deletion of the words "provide for visual integration with the Millbrook Resort Zone". In essence, that imperative falls aside with the abandonment of the original pursuit for extension of the MRZ.

### Pol 24.2.1.1B.f.ii needs some clarification

[33] The visual exposure of the BT Sites to viewpoints from Arrowtown-Lake Hayes Road carries with it some risk that development there could degrade the visual amenity values of LCU 23 and the wider Basin. There are currently some five existing dwellings on these Sites and we treat that as a benchmark against which the maintenance of visual amenity values should be evaluated in the consenting of any development. As for the potential development yield of those Sites, we understand, on the evidence of Mr Milne and Ms Gilbert, that this could be in the order of 12–20 additional house sites.

[34] As originally framed, Pols 24.2.1.1B.f.i and ii acknowledge the visual exposure of the BT Sites and the associated need to manage development there to maintain visual amenity values. In particular, with the modification that the Agreed Modified Relief proposes to Pol 24.2.1.1B.f.ii, these provisions would read:

- avoid built development on the low-lying land adjacent to Butel Road and Arrowtown Lake Hayes Road;
- ii confine development to locations where existing landform or vegetation features serve to limit visibility.

[35] However, Pol 24.2.1.1B.f.ii is unnecessarily vague as to its intentions in simply referring to "limit visibility". As to what this intends, it is plain on the evidence that the goal should be to limit visibility of additional dwellings on the Sites when viewed from Arrowtown-Lake Hayes Road. Therefore, we find that to achieve more appropriately the relevant PDP objectives, Pol 24.2.1.1B.f.ii should be refined to read:

confine development to locations where existing landform or vegetation features serve to limit visibility of additional dwellings when viewed from the Arrowtown Lake Hayes Road.

[36] We appreciate that the maintenance of visual amenity values does not equate to avoiding visual change. As there is no natural intervening topographical feature to hide new dwellings, nor is it realistic to adopt equivalent wording to Pol 24.2.1.1B.e.i (i.e. "... ensure no development is visible from ..."). Realistically, users of Arrowtown-Lake Hayes Road would not interpret the addition of some dwellings in the locality as degrading visual amenity values. It is a question of degree, and we find that best reflected in the revised wording we direct be included in this policy.

# The Agreed Modified Relief is otherwise the most appropriate

[37] The Agreed Modified Relief is further supported by the further s32AA evaluation undertaken by Ms Leith.<sup>17</sup> Her opinions are properly founded in the evidence, subject to the minor noted changes we make to the Agreed Modified Relief.

### Outcome

#### [38] Therefore:

- (a) subject to the modification we direct be made to Pol 24.2.1.1B.f.ii, we find the Agreed Modified Relief in the Annexure is the most appropriate;
- (b) on the points of appeal in this Topic 31, subtopic 4, group 3, the appeals are allowed to that extent and are otherwise declined;
- (c) QLDC is directed to update the PDP and associated planning maps accordingly, subject to the following directions;
- (d) QLDC is directed to confer with parties and, within 20 working

<sup>17</sup> Leith affidavit, at [16]–[30].

# days of the date of this decision, either:

- (i) provide for the court's final approval for inclusion in the PDP a full set of updated provisions, including planning maps; or
- (ii) proposed timetabling directions for those purposes.

[39] Costs are reserved. Any party seeking costs must confer with parties and file a proposed timetable for those purposes within 20 working days of the date of this decision.

For the court

J J M Hassan

**Environment Judge** 

#### Annexure

# Changes sought to the current PDP provisions by the Agreed Modified Relief

[1] The following shows as tracked changes how the Agreed Modified Relief seeks to change the current PDP provisions in Chs 24 and 27.

# Changes sought to Chapter 24: Wakatipu Basin

#### Pol 24.2.1.1B

- [2] PDP Pol 24.2.1.1B.e and f. as confirmed by court decisions in Topic 30 currently read:
  - 24.2.1.1B Ensure the following outcomes in the consideration of any proposal for subdivision or residential development:

. . .

- e. in the part of the LCU 23 described in Schedule 24.8 as 'Millbrook Malaghans Road South':
  - i. ensure no development is visible from Malaghans Road;
  - ii. confine development to the flat land on the south side of the roche moutonnée near Malaghans Road;
  - iii. ensure all access is only from Millbrook Resort Zone; and
  - iv. visually integrate any development with the Millbrook Resort Zone.
- f. in the part of LCU 23 described in Schedule 24.8 as 'Millbrook Arrowtown Lake Hayes East':
  - avoid built development on the low-lying land adjacent to Butel Road and Arrowtown Lake Hayes Road;
  - ii. confine development to locations where existing landform or vegetation features serve to limit visibility and provide for visual integration with the Millbrook Resort Zone.
- [3] The Agreed Modified Relief would:
  - (a) replace sub-policy e as follows:

- e. in the part of LCU 23 described in Schedule 24.8 as 'Millbrook Malaghans Road South':
  - i. ensure no development is visible from Malaghans Road;
  - ii. confine development to the lower, flatter land on the south side of the roche moutonnée;
  - iii. ensure any vehicle access from Malaghans Road is located to the west of the roche moutonnée and has a discrete rural lane character that can visually integrate into the landscape setting when viewed from Malaghans Road and Millbrook Resort Zone. Encourage any vehicle access from the Millbrook Resort Zone to be located to the west of the roche moutonnée;
  - iv. the maintenance and management of non-developed areas of the site is to occur in a manner that both reinforces the legibility and expressiveness of the roche moutonnée and is visually consistent with the wider landscape setting, including the adjacent Resort Zone.
- (b) amend sub-policy f.ii by deleting the words "and provide for visual integration with the Millbrook Resort Zone".

# Rule 24.5.1.6 as to density standards

[4] In terms of the design of Ch 24 as updated by the court's Topic 30 and 31 decisions, 18 r 24.5.1.6 prescribes various density standards that apply to identified LCUs or parts of LCUs. Placeholders were included for relevant parts of LCU 23, pending determination of these appeals, as follows:

Any site located within a Landscape Character Unit or area identified on the District Plan web mapping application a maximum of one residential unit per net site area and average area:

. . .

24.5.1.6.9 LCU 23 limited to the area identified as Malaghans Road South: XX minimum and 1.5 ha average.

Barnhill Corporate Trustee Limited & Ors v Queenstown Lakes District Council [2022] NZEnvC 58; [2023] NZEnvC 41; [2023] NZEnvC 91; Feeley v Queenstown Lakes District Council [2023] NZEnvC 189; Hanan v Queenstown Lakes District Council [2023] NZEnvC 200; Donaldson v Queenstown Lakes District Council, [2023] NZEnvC 190.

- 24.5.1.6.10 LCU 23 Limited to the area identified as Arrowtown Lake Hayes Road East: XX minimum and 1 ha average.
- [5] The Agreed Modified Relief seeks that the minimum site areas be prescribed as follows (with the average areas remaining unchanged):
  - (a) for standard 24.5.1.6.9, 4,000m<sup>2</sup>; and
  - (b) for standard 24.5.1.6.10, 6000m<sup>2</sup>.

# Changes sought to Sch 24.8: LCU 23: Millbrook

[6] The Agreed Modified Relief proposes the following tracked changes to the narrative in the table in Sch 24.8 concerning LCU 23: Millbrook:

| Landform                               | The unit predominantly comprises an elevated moraine  |  |  |  |
|--|---|--|--|--|
| patterns                               | landform with plateaus, hummocky hills and remnant  |  |  |  |
|  | kettle lakes. The exceptions to this are a band of flat   |  |  |  |
|  | land (effectively part of Malaghans Valley) running   |  |  |  |
|  | along the northern margins, a roche [moutonnée]   |  |  |  |
|  | ( <del>ONF</del> ) in the north-eastern quadrant adjacent   |  |  |  |
|  | Malaghans Road and a small flat triangular parcel at the  |  |  |  |
|  | eastern end of the unit.  |  |  |  |
|  |   |  |  |  |
| Proximity to                           | Unit includes an ONF (roche [né]). Mid to long-range  |  |  |  |
| ONL/ONF                                | views to surrounding ONL mountain context.  |  |  |  |
| •••                                    |   |  |  |  |
| Potential                              | Existing density of development and the issue of absorbing  |  |  |  |
| landscape issues                       | additional development without compromising existing  |  |  |  |
| and constraints                        | (urban) parkland feel.  |  |  |  |
| associated with additional development | Ensuring existing development character does not sprawl westwards and southwards into the existing, 'more rural' areas.   |  |  |  |
|  | Private golf course and previous (recent) resource consent processes suggests limited further capability for development. |  |  |  |

Where development is proposed on the south side of the roche [moutonnée] adjacent to Malaghans Road, any built form is to be located below the 406.0 masl contour line to maintain the legibility of the landform.

Where additional built development is proposed along the western side of Arrowtown Lake Hayes Road, maintain a minimum setback from roads of 65m unless an application ensures a more effective outcome through ensuring that built

development is visually integrated with existing landform

# Changes sought to Chapter 27: Subdivision & Development

[7] Paralleling the density standards in Ch 24, Ch 27 prescribes minimum lot area standards in a table of r 27.6.1. For the WBRAZ, placeholder standards are included in the current PDP pending the determination of these appeals, as follows:

and/or vegetation features.

| Zone  |  | Minimum Lot Area   |  |
|-------|--|--------------------|--|
| Rural |  | No minimum         |  |
|       |  | 80 ha              |  |
|       | Within the following areas of the Wakatipu Basin                             | Rural Amenity Zone |  |
|       | identified on the district plan web mapping application the minimum net site |                    |  |
|       | area and the average area of all lots in the subdivision is not less than:   |                    |  |
|       | LCU 23 limited to the area identified as Malaghans                           | XX minimum and     |  |
|       | Road South   | 1.5ha average      |  |
|       | LCU 23 limited to the area identified as Arrowtown                           | XX minimum and     |  |
|       | Lake Hayes Road East   | 1ha average        |  |

- [8] Consistent with what is sought for standards 24.5.1.6.9 and 24.5.1.6.10, the Agreed Modified Relief seeks that the respective minimum lot areas be as follows (leaving unchanged the specified averages):
  - (a) for "LCU 23 limited to the area identified as Malaghans Road South", 4,000m<sup>2</sup>; and

(b) for "LCU 23 limited to the area identified as Arrowtown Lake Hayes Road East", 6,000m².

