

**IN THE MATTER** of the Resource Management Act  
1991 (the Act)

**AND**

**IN THE MATTER** of appeals under clause 14 of  
Schedule 1 of the Act against  
decisions of the Queenstown  
Lakes District Council on Stage 1  
of the Proposed Queenstown  
Lakes District Plan

**BETWEEN**

**AURORA ENERGY LIMITED  
CLARK FORTUNE MCDONALD  
AND ASSOCIATES  
DARBY PLANNING LIMITED  
PARTNERSHIP  
FII HOLDINGS LIMITED  
FRIENDS OF WAKATIPU  
GARDENS AND RESERVES  
AND ASSOCIATED RESIDENTS  
QUEENSTOWN AIRPORT  
CORPORATION LIMITED  
QUEENSTOWN PARK LIMITED  
REMARKABLES PARK LIMITED  
TRANSPower NEW ZEALAND  
LIMITED  
WATERFALL PARK  
DEVELOPMENTS LIMITED**  
Appellants

**AND**

**QUEENSTOWN LAKES  
DISTRICT COUNCIL**  
Respondent

*(Continued over)*

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**JOINT MEMORANDUM OF PARTIES IN SUPPORT OF CONSENT ORDER  
TOPIC 3: URBAN DEVELOPMENT**

**14 March 2019**

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Barristers & Solicitors

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**BETWEEN**

**ALEXANDER AND JAYNE  
SCHRANTZ  
AURORA ENERGY LIMITED  
BOARD OF AIRLINE  
REPRESENTATIVES NEW ZEALAND  
CONEBURN PRESERVE HOLDINGS  
LIMITED  
DARBY PLANNING LIMITED  
PARTNERSHIP  
FII HOLDINGS LIMITED  
GREENWOOD GROUP LIMITED  
HANSEN FAMILY PARTNERSHIP  
HENLEY DOWNS FARMS HOLDINGS  
LIMITED  
HENLEY DOWNS LAND HOLDINGS  
LIMITED  
JACKS POINT DEVELOPMENTS  
LIMITED  
JACKS POINT LAND LIMITED  
JACKS POINT LAND NO. 2 LIMITED  
JACKS POINT MANAGEMENT  
LIMITED  
JACKS POINT RESIDENTIAL NO. 2  
LIMITED  
JACKS POINT VILLAGE HOLDINGS  
LIMITED  
OTAGO REGIONAL COUNCIL  
QUEENSTOWN AIRPORT  
CORPORATION LIMITED  
QUEENSTOWN COUNTRY CLUB  
QUEENSTOWN PARK LIMITED  
REAL JOURNEYS LIMITED  
REAL JOURNEYS LIMITED  
(TRADING AS GO ORANGE  
LIMITED)  
REMARKABLES PARK LIMITED  
SOUTHERN DISTRICT HEALTH  
BOARD  
STEVE XIN  
TE ANAU DEVELOPMENTS LIMITED  
TRANSPower NEW ZEALAND  
LIMITED  
UNIVERSAL DEVELOPMENTS  
LIMITED  
WATERFALL PARK  
DEVELOPMENTS LIMITED  
WILLOW POND FARM LIMITED  
Section 274 parties**

## MAY IT PLEASE THE COURT

### *Introduction*

1. The Queenstown Lakes District Council (**Council**) notified its decisions on Stage 1 of the Proposed Queenstown Lakes District Plan (**PDP**) on 7 May 2018.
2. The following parties lodged appeals with the Environment Court, parts of which were allocated to Strategic Topic 3 - Urban Development:
  - 2.1 Aurora Energy Ltd (**Aurora**)<sup>2</sup>;
  - 2.2 Clark Fortune McDonald and Associates (**Clark Fortune**)<sup>3</sup>;
  - 2.3 Darby Planning Limited Partnership (**Darby**)<sup>4</sup>;
  - 2.4 FII Holdings Limited (**FII Holdings**)<sup>5</sup>;
  - 2.5 Friends of Wakatipu Gardens and Reserves and Associated Residents (**Friends of Wakatipu Gardens**)<sup>6</sup>;
  - 2.6 Queenstown Airport Corporation (**QAC**)<sup>7</sup>;
  - 2.7 Queenstown Park Limited (**QPL**)<sup>8</sup>;
  - 2.8 Remarkables Park Limited (**RPL**)<sup>9</sup>;
  - 2.9 Transpower New Zealand Limited (**Transpower**)<sup>10</sup>; and
  - 2.10 Waterfall Park Developments Limited (**Waterfall Park**)<sup>11</sup>.
3. A total of sixty-two (62) parties gave notice of their intention to join the parts of the above appeals allocated to Topic 3.<sup>12</sup> Twenty-nine (29) of those parties withdrew their interest in Topic 3 either before or during mediation (by way of email or memorandum).<sup>13</sup>
4. The Environment Court directed that Court-assisted mediation for Topic 3 take place across 29 January to 1 February 2019.<sup>14</sup> The provisions directed

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1 Universal Developments Limited lodged an appeal (ENV-2018-CHC-101) which sought relief in relation to provisions allocated to Topic 3, but withdrew those appeal points by way of memorandum dated 2 November 2018.

2 ENV-2018-CHC-108.

3 ENV-2018-CHC-065.

4 ENV-2018-CHC-150.

5 ENV-2018-CHC-084.

6 ENV-2018-CHC-098.

7 ENV-2018-CHC-093.

8 ENV-2018-CHC-127.

9 ENV-2018-CHC-126.

10 ENV-2018-CHC-114.

11 ENV-2018-CHC-124.

12 In accordance with section 274 of the Resource Management Act 1991.

13 This includes Halfway Bay Lands Limited, which withdrew its interest in the Darby Planning Limited Partnership appeal during mediation.

14 Minute dated 5 October 2018; Notice of Mediation dated 21 December 2018.

to be mediated were as follows (the new provisions sought to be added are shown in red text):

- 4.1 Objectives 3.2.2 and 3.2.2.1 (new subparagraph (i) into 3.2.2.1)
- 4.2 Objective 3.2.3 and 3.2.3.1 (new objective under 3.2.3, new objective 3.2.3.2);
- 4.3 Policies 3.3.13 - 3.3.15;
- 4.4 Purpose 4.1;
- 4.5 Objective 4.2.1;
- 4.6 Policies 4.2.1.1 – 4.2.1.7;
- 4.7 Objectives 4.2.2A – 4.2.2B (new objective under 4.2.2B and 4.2.2C); and
- 4.8 Policies 4.2.2.1 – 4.2.2.23.

5. Thirty-five (35) parties gave notice of their intention to participate in mediation:

- 5.1 Alexander and Jayne Schrantz;
- 5.2 Aurora (appellant and section 274 party);
- 5.3 Board of Airline Representatives New Zealand;
- 5.4 Clark Fortune (appellant);
- 5.5 Coneburn Preserve Holdings Limited;
- 5.6 Darby (appellant and section 274 party);
- 5.7 FII Holdings (appellant and section 274 party);
- 5.8 Friends of Wakatipu Gardens;
- 5.9 Greenwood Group Limited;
- 5.10 Halfway Bay Lands Limited;
- 5.11 Hansen Family Partnership;
- 5.12 Henley Downs Farms Holdings Limited;
- 5.13 Henley Downs Land Holdings Limited;
- 5.14 Jacks Point Developments Limited;
- 5.15 Jacks Point Land Limited;
- 5.16 Jacks Point Land No. 2 Limited;
- 5.17 Jacks Point Management Limited;
- 5.18 Jacks Point Residential No. 2 Limited;
- 5.19 Jacks Point Village Holdings Limited;
- 5.20 Otago Regional Council;
- 5.21 QAC (appellant and section 274 party);
- 5.22 Queenstown Country Club;

- 5.23** Council;
- 5.24** QPL (appellant and section 274 party);
- 5.25** Real Journeys Limited;
- 5.26** Real Journeys Limited (trading as Go Orange Limited);
- 5.27** RPL (appellant and section 274 party);
- 5.28** Southern District Health Board;
- 5.29** Steve Xin;
- 5.30** Te Anau Developments Limited;
- 5.31** Terri Anderson;
- 5.32** Transpower (appellant and section 274 party);
- 5.33** Universal Developments Limited;
- 5.34** Waterfall Park (appellant and section 274 party); and
- 5.35** Willow Pond Farm Limited.

**6.** Terri Anderson, a section 274 party to the FII Holdings appeal, lodged an attendance form but did not attend Court-assisted mediation. In accordance with the Court's Minute dated 22 January 2019,<sup>15</sup> the parties have treated Terri Anderson as no longer having an interest in the appeal point allocated to this topic (ENV-2018-CHC-084-006).

**7.** Two parties recorded as section 274 parties did not attend mediation and did not seek leave of the Court for their non-attendance, or otherwise advise of the withdrawal of all future interest in Topic 3, being:

**7.1** Alps Investments Limited, a section 274 party to the FII Holdings Appeal; and

**7.2** Jandel Trust, a section 274 party to the FII Holdings appeal.

**8.** Consistent with the approach recorded in paragraph 6 of this memorandum, the parties have treated Alps Investments Limited and Jandel Trust as no longer having an interest in the appeal points allocated to Topic 3.

*Agreement reached at mediation*

**9.** During mediation, the parties in attendance identified a means by which a number of the appeal points allocated to Topic 3 could be resolved by

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<sup>15</sup> At paragraph [4].

consent. This included agreement on appropriate amendments to a number of the provisions allocated to Topic 3, including the new provisions sought to be added.<sup>16</sup> The section 274 parties have agreed as far as they have an interest in the appeal points subject to this agreement.

10. The amended provisions agreed by the parties are set out in **Appendix 1** to the draft consent order attached to this memorandum.
  
11. For completeness and the avoidance of any doubt, the appeal points<sup>17</sup> resolved by way of this memorandum and draft consent order, and the amended provisions agreed by the parties (where required to resolve appeal points), are as follows (listed in the same sequence as paragraph 4 above):
  - 11.1 Appeal point recorded at paragraph 15 of the notice of appeal filed by **Transpower** (and as set out in the further particulars dated 27 July 2018), allocated reference ENV-2018-CHC-114-004, in relation to SO 3.2.2.1;
  - 11.2 Appeal point recorded at paragraph 23(e) of the notice of appeal filed by **QPL**, allocated reference ENV-2018-CHC-127-007, which sought relief in relation to SO 3.2.2.1(e);
  - 11.3 Third appeal point relating to Chapter 3 recorded on page 2 of Appendix A to the amended notice of appeal filed by **Darby**, allocated reference ENV-2018-CHC-150-004, in relation to SO 3.2.2.1(h);
  - 11.4 Appeal point recorded at paragraph 18(b)(iii) of the notice of appeal filed by **QAC**, allocated reference ENV-2018-CHC-093-009, in relation to Policy 3.2.2.1 (to clarify, all parties to this appeal point agreed no amendment was required);
  - 11.5 First appeal point relating to Chapter 3 recorded on page 3 of Appendix A to the amended notice of appeal filed by **Darby**, allocated reference ENV-2018-CHC-150-005; first appeal point relating to Chapter 3 recorded on page 1 of Appendix A to the notice of appeal filed by **Friends of Wakatipu Gardens**, allocated reference ENV-2018-CHC-098-003, which sought the addition of

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<sup>16</sup> As recorded in paragraph 4 of this memorandum.

<sup>17</sup> As allocated in a Memorandum of Counsel for Queenstown Lakes District Council regarding Strategic Topics, dated 23 July 2018.

a new strategic objective to Chapter 3 and resulted in addition of new strategic policy 3.2.3.2;

- 11.6** First appeal point relating to Chapter 3 recorded on page 1 of Appendix A to the amended notice of appeal filed by **Clark Fortune**, allocated reference ENV-2018-CHC-065-003, in relation to Strategic Policy 3.3.13;
- 11.7** Appeal point recorded at paragraph 18(c)(i) of the notice of appeal filed by **QAC**, allocated reference ENV-2018-CHC-093-013, in relation to 4.1 - Purpose Statement;
- 11.8** First appeal point relating to Chapter 4 recorded on page 3 of Appendix A to the notice of appeal filed by **Waterfall Park**, allocated reference ENV-2018-CHC-124-007, in relation to 4.1 - Purpose Statement;
- 11.9** First appeal point relating to Chapter 4 recorded on page 10 of Appendix A to the amended notice of appeal filed by **Darby**, allocated reference ENV-2018-CHC-150-052, in relation to amendments to Chapter 4 required to give effect to the National Policy Statement on Urban Development Capacity (including 4.1 Purpose Statement);
- 11.10** First appeal point relating to Chapter 4 recorded on page 10 of Appendix A to the amended notice of appeal filed by **Darby**, allocated reference ENV-2018-CHC-150-021, which sought new objectives and policies that resulted in amendments to Objective 4.2.1;
- 11.11** Second appeal point relating to Chapter 4 recorded on page 4 of Appendix A to the notice of appeal filed by **Waterfall Park**, allocated reference ENV-2018-CHC-124-009, in relation to Objective 4.2.1;
- 11.12** Appeal point recorded at paragraph 24(a) of the notice of appeal filed by **QPL**, allocated reference ENV-2018-CHC-127-020, in relation to Objective 4.2.1 (to clarify, all parties to this appeal point agreed no amendment was required);
- 11.13** Third and fourth appeal points relating to Chapter 4 recorded on page 4 of Appendix A to the notice of appeal filed by **Waterfall Park**, allocated reference numbers ENV-2018-CHC-124-010 and ENV-2018-CHC-124-011, respectively, in relation to Policies 4.2.1.1 and 4.2.1.2, which resulted in amendments to Policy 4.2.1.2;

- 11.14** Appeal point recorded at paragraph 24(c) of the notice of appeal filed by **QPL**, allocated reference ENV-2018-CHC-127-022, which sought relief in relation to Policy 4.2.1.4.f (to clarify, all parties to this appeal point agreed no amendment was required);
- 11.15** First appeal point relating to Chapter 4 recorded on page 10 of Appendix A to the amended notice of appeal filed by **Darby**, allocated reference, ENV-2018-CHC-150-021; second appeal point relating to Chapter 4 recorded on page 3 of Appendix A to the notice of appeal filed by **Waterfall Park**, allocated reference ENV-2018-CHC-124-008, which related in amendments to Policy 4.2.1.6;
- 11.16** Appeal points recorded at paragraph 18(c)(ii) and (iii) of the notice of appeal filed by **QAC**, allocated reference numbers ENV-2018-CHC-093-015 and ENV-2018-CHC-093-016; and appeal point recorded at paragraph 20 of the notice of appeal filed by **Transpower** (and as set out in the further particulars filed by Transpower dated 27 July 2018), allocated reference ENV-2018-CHC-114-011, which resulted in amendments to Objective 4.2.2A;
- 11.17** First appeal point relating to Chapter 4 recorded on page 1 of Appendix A to the notice of appeal filed by **Friends of Wakatipu Gardens**, allocated reference ENV-2018-CHC-098-004, which sought the addition of a new objective to Chapter 4 and resulted in amendments to Objective 4.2.2A;
- 11.18** Appeal point recorded at paragraph 27(a) of the notice of appeal filed by **Aurora**, allocated reference ENV-2018-CHC-108-006; appeal point recorded at paragraph 21 of the notice of appeal filed by **Transpower** (and as set out in the further particulars dated 27 July 2018), allocated reference ENV-201-CHC-114-012; first appeal point relating to Chapter 4 recorded on page 9 of Appendix A to the amended notice of appeal filed by **Darby**, allocated reference ENV-2018-CHC-150-017, in relation to Policy 4.2.2.1;
- 11.19** Appeal point recorded at paragraph 29 of the notice of appeal filed by **Aurora**, allocated reference ENV-2018-CHC-108-012, in relation to Policy 4.2.2.2.g;
- 11.20** First appeal point relating to Chapter 4 recorded on page 2 of Appendix A to the notice of appeal filed by **Friends of Wakatipu Gardens**, allocated reference ENV-2018-CHC-098-005, in relation to Policy 4.2.2.3 and which resulted in the addition of a new subclause to Policy 4.2.2.2 (4.2.2.2.fa);

- 11.21** Second appeal point relating to Chapter 4 recorded on page 9 of Appendix A to the amended notice of appeal filed by **Darby**, allocated reference ENV-2018-CHC-150-018, in relation to Policy 4.2.2.7 (to clarify, all parties to this appeal point agreed no amendment was required);
- 11.22** First appeal point relating to Chapter 4 recorded on page 4 of Appendix A to the notice of appeal filed by **FII Holdings Limited**, allocated reference ENV-2018-CHC-084-006; first appeal point relating to Chapter 4 recorded on page 5 of Appendix A to the notice of appeal filed by **Waterfall Park**, allocated reference ENV-2018-CHC-124-012; third appeal point relating to Chapter 4 recorded on page 9 of Appendix A to the amended notice of appeal filed by **Darby**, allocated reference ENV-2018-CHC-150-019, in relation to Policy 4.2.2.12;
- 11.23** Second appeal point relating to Chapter 4 recorded on page 5 of Appendix A to the notice of appeal filed by **Waterfall Park**, allocated reference ENV-2018-CHC-124-013, in relation to Policy 4.2.2.21; and
- 11.24** In so far as they relate to Chapter 4, the appeal points recorded at paragraphs 18(c)(ii), 18(n) and (o) of the notice of appeal filed by **QAC**, which resulted in amendments to the definition of “Urban Development” in Chapter 2 – Definitions.

*Appeal points resolved in part*

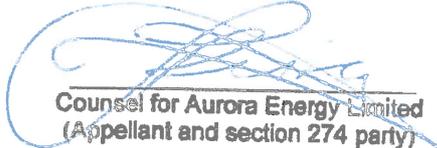
- 11.25** Appeal point recorded at paragraph 24(d) of the notice of appeal filed by **QPL**, allocated reference ENV-2018-CHC-127-023; first appeal point relating to Chapter 4 recorded on page 8 of Appendix A to the amended notice of appeal filed by **Darby**, allocated reference ENV-2018-CHC-150-016, which have resulted in the inclusion of new Policy 4.2.1.5.a. These appeal points remain live in relation to the remainder of Policy 4.2.1.5.
- 11.26** Third appeal point relating to Chapter 4 recorded on page 2 of Appendix A to the amended notice of appeal filed by **Clark Fortune**, allocated reference ENV-2018-CHC-065-001, in relation to amendments to Policy 4.2.2.23. This appeal points remain live in relation to the remaining relief sought.

12. For the avoidance of doubt, the parties to this memorandum have agreed to resolve the above appeal points on the basis that the consent documentation addressing the matter of Regionally Significant Infrastructure (allocated to Topics 1 and 2) will be endorsed by the Court without substantive amendment.

*Amendments meet the relevant RMA requirements*

13. All of the parties to this memorandum are satisfied that the agreed amended provisions, proposed for the Court's endorsement, are within the scope of relief sought in the appellants' notices of appeal, fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act, including in particular Part 2.
14. The parties therefore respectfully request that the Court dispose of the following appeal points allocated to Topic 3 by approving the agreed amended provisions set out in Appendix 1 to the attached draft consent order.
15. No party has any issue as to costs.

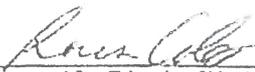
DATED this 14th day of March 2019

  
Counsel for Aurora Energy Limited  
(Appellant and section 274 party)

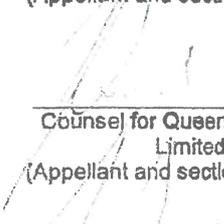
  
Counsel for Clark Fortune  
McDonald and Associates  
(Appellant)

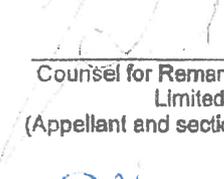
  
Counsel for Darby Planning  
Limited Partnership  
(Appellant and section 274 party)

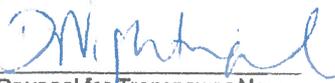
  
Counsel for FII Holdings Limited  
(Appellant and section 274 party)

  
Counsel for Friends of Wakatipu  
Gardens Gardens and Reserves  
and Associated Residents  
(Appellant)

  
Counsel for Queenstown Airport  
Corporation Limited  
(Appellant and section 274 party)

  
Counsel for Queenstown Park  
Limited  
(Appellant and section 274 party)

  
Counsel for Remarkables Park  
Limited  
(Appellant and section 274 party)

  
Counsel for Transpower New  
Zealand Limited  
(Appellant and section 274 party)

  
Counsel for Waterfall Park  
Developments Limited  
(Appellant and section 274 party)

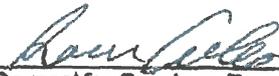
  
M Wakefield / H Baillie  
Counsel for Queenstown Lakes  
District Council (Respondent)



**Counsel for Alexander and Jayne  
Schrantz (section 274 party)**



**Counsel/representative for Board  
of Airline Representatives New  
Zealand Incorporated (section 274  
party)**



**Counsel for Coneburn Preserve  
Holdings Limited, Jacks Point  
Developments Limited, Henley  
Downs Farms Holdings Limited,  
Henley Downs Land Holdings  
Limited, Jacks Point Land  
Limited, Jacks Point Land No. 2  
Limited, Jacks Point  
Management Limited, Jacks  
Point Residential No. 2 Limited,  
Jacks Point Village Holdings  
Limited, Willow Pond Farm  
Limited  
(section 274 parties)**



**Counsel/representative for  
Greenwood Group Limited  
(section 274 party)**



**Counsel/representative for  
Halfway Bay Lands Limited  
(section 274 party)**



**Counsel/representative for  
Hansen Family Partnership  
(section 274 party)**



Counsel/representative for  
Otago Regional Council  
(section 274 party)



Counsel/representative for  
Queenstown Country Club  
(section 274 party)



Counsel/representative for  
Real Journeys Limited, Real  
Journeys Limited (trading as Go  
Orange Limited)  
(section 274 parties)



Counsel/representative for  
Southern District Health Board  
(section 274 party)



Counsel/representative for  
Steve Xin  
(section 274 party)



Counsel/representative for  
Te Anau Developments Limited  
(section 274 party)



Counsel/representative for  
Universal Developments Limited  
(section 274 party)

**Attachment: Draft consent order**

**BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH  
I MUA I TE KOOTI TAIAO O AOTEAROA**

**ENV-2018-CHC-093-150**

**IN THE MATTER** of the Resource Management  
Act 1991 (the Act)

**AND**

**IN THE MATTER** of appeals under clause 14 of  
Schedule 1 of the Act against  
decisions of the Queenstown  
Lakes District Council on Stage  
1 of the Proposed Queenstown  
Lakes District Plan

**BETWEEN**

**AURORA ENERGY LIMITED  
CLARK FORTUNE  
MCDONALD AND  
ASSOCIATES  
DARBY PLANNING LIMITED  
PARTNERSHIP  
FII HOLDINGS LIMITED  
FRIENDS OF WAKATIPU  
GARDENS AND RESERVES  
AND ASSOCIATED  
RESIDENTS  
QUEENSTOWN AIRPORT  
CORPORATION LIMITED  
QUEENSTOWN PARK  
LIMITED  
REMARKABLES PARK  
LIMITED  
TRANSPower NEW  
ZEALAND LIMITED  
WATERFALL PARK  
DEVELOPMENTS LIMITED**

Appellants

**AND**

**QUEENSTOWN LAKES  
DISTRICT COUNCIL**

Respondent

**BEFORE THE ENVIRONMENT COURT**

Environment Judge  
of the Act **IN CHAMBERS** at

sitting alone under section 279

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**DRAFT CONSENT ORDER**

**TOPIC 3 - URBAN DEVELOPMENT**

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## Introduction

1. The Court has read and considered the notices of appeal filed by the following parties against the decisions by the Queenstown Lakes District Council (**Council**) on Stage 1 of the Proposed Queenstown Lakes District Plan (**PDP**), in particular the parts of those appeals allocated into Strategic Topic 3 - Urban Development:
  - 1.1 Aurora Energy Ltd (**Aurora**)<sup>18</sup>;
  - 1.2 Clark Fortune McDonald and Associates (**Clark Fortune**)<sup>19</sup>;
  - 1.3 Darby Planning Limited Partnership (**Darby**)<sup>20</sup>;
  - 1.4 FII Holdings Limited (**FII Holdings**)<sup>21</sup>;
  - 1.5 Friends of Wakatipu Gardens and Reserves and Associated Residents (**Friends of Wakatipu Gardens**)<sup>22</sup>;
  - 1.6 Queenstown Airport Corporation (**QAC**)<sup>23</sup>;
  - 1.7 Queenstown Park Limited (**QPL**)<sup>24</sup>;
  - 1.8 Remarkables Park Limited (**RPL**)<sup>25</sup>;
  - 1.9 Transpower New Zealand Limited (**Transpower**)<sup>26</sup>; and
  - 1.10 Waterfall Park Developments Limited (**Waterfall Park**)<sup>27</sup>.
2. Sixty-two parties gave notice of their intention to become parties to the above appeals under section 274 of the Act.
3. Thirty-four parties attended the Environment Court assisted mediation from 29 January to 1 February 2018, being:
  - 3.1 Alexander and Jayne Schrantz;
  - 3.2 Aurora (appellant and section 274 party);
  - 3.3 Board of Airline Representatives New Zealand;
  - 3.4 Clark Fortune (appellant);
  - 3.5 Coneburn Preserve Holdings Limited;
  - 3.6 Darby (appellant and section 274 party);

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18 ENV-2018-CHC-108.  
19 ENV-2018-CHC-065.  
20 ENV-2018-CHC-150.  
21 ENV-2018-CHC-084.  
22 ENV-2018-CHC-098.  
23 ENV-2018-CHC-093.  
24 ENV-2018-CHC-127.  
25 ENV-2018-CHC-126.  
26 ENV-2018-CHC-114.  
27 ENV-2018-CHC-124.

- 3.7 FII Holdings (appellant and section 274 party);
- 3.8 Friends of Wakatipu Gardens;
- 3.9 Greenwood Group Limited;
- 3.10 Halfway Bay Lands Limited;
- 3.11 Hansen Family Partnership;
- 3.12 Henley Downs Farms Holdings Limited;
- 3.13 Henley Downs Land Holdings Limited;
- 3.14 Jacks Point Developments Limited;
- 3.15 Jacks Point Land Limited;
- 3.16 Jacks Point Land No. 2 Limited;
- 3.17 Jacks Point Management Limited;
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- 3.19 Jacks Point Village Holdings Limited;
- 3.20 Otago Regional Council;
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- 3.28 Southern District Health Board;
- 3.29 Steve Xin;
- 3.30 Te Anau Developments Limited;
- 3.31 Transpower (appellant and section 274 party);
- 3.32 Universal Developments Limited;
- 3.33 Waterfall Park (appellant and section 274 party); and
- 3.34 Willow Pond Farm Limited.

- 4. The Court has considered the memorandum filed by the above parties dated 14 March 2019, in which the parties respectfully requested that the Court approve the agreed amended provisions attached to that memorandum.
  
- 5. The Court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:



## APPENDIX A

(amendments shown in underline and ~~striketrough~~ text)

### Chapter 2 Definitions

<b>Urban Development</b>	Means development which is not of a rural character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. Urban development may also be characterised by a reliance on reticulated services such as water supply, wastewater and stormwater and by its cumulative generation of traffic. For the avoidance of doubt, a resort development in an otherwise rural area does not constitute urban development, <u>nor does the provision of regionally significant infrastructure within rural areas.</u>
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### Chapter 3 Strategic Direction

#### 3.2 Strategic Objectives

##### 3.2.2 **Urban growth is managed in a strategic and integrated manner. (addresses Issue 2)**

- 3.2.2.1 Urban development occurs in a logical manner so as to:
- promote a compact, well designed and integrated urban form;
  - build on historical urban settlement patterns;
  - achieve a built environment that provides desirable, healthy and safe places to live, work and play;
  - minimise the natural hazard risk, taking into account the predicted effects of climate change;
  - protect the District's rural landscapes from sporadic and sprawling urban development;
  - ensure a mix of housing opportunities including access to housing that is more affordable for residents to live in;
  - contain a high quality network of open spaces and community facilities; and.
  - be integrated with existing, and ~~planned~~ proposed future, infrastructure and appropriately manage effects on that infrastructure.

(also elaborates on S.O. 3.2.3, 3.2.5 and 3.2.6 following)

##### 3.2.3 **A quality built environment taking into account the character of individual communities. (addresses Issues 3 and 5)**

- 3.2.3.2 Built form integrates well with its surrounding urban environment.

## 3.3 Strategic Policies

### Urban Development

- 3.3.13 Apply Urban Growth Boundaries (UGBs) around the urban areas in the Wakatipu Basin (including Queenstown, Frankton, Jack's Point and Arrowtown), Wanaka and where required around other townships and ~~Lake Hawea Township~~. (relevant to S.O. 3.2.2.1)

## Chapter 4 Urban Development

### 4.1 Purpose

The purpose of this Chapter is to elaborate on the strategic direction in Chapter 3 and set out the objectives and policies for managing the spatial location and layout of urban development within the District. This chapter forms part of the strategic intentions of this District Plan and will guide planning and decision making for urban growth and development within the District's major urban settlements and smaller urban townships. This chapter does not address site or location specific physical aspects of urban development (such as built form) - reference to zone and District wide chapters is required for these matters.

This chapter gives effect to the National Policy Statement on Urban Development Capacity (NPS-UDC), which requires that local authorities provide sufficient development capacity to meet the current and future needs of the District's community. This chapter provides the strategic planning framework to achieve effective and efficient urban environments that can meet demand for the development of land for housing and businesses. Provision is made for a range of dwelling types and locations and business environments and for the district's urban areas to develop and change over time in response to the changing needs of the District's community.

The District experiences considerable growth pressures, and contains high-growth urban areas as defined in the NPS-UDC. Urban growth within the District occurs within an environment that is revered for its natural amenity values, and the District relies, in large part for its social and economic wellbeing on the quality of the landscape, open spaces and the natural and built environment. If not properly controlled, urban growth can result in adverse effects on the quality of the built environment, with flow on effects to the impression and enjoyment of the District by residents and visitors. Uncontrolled urban development can result in the fragmentation of rural land; and poses risks of urban sprawl, disconnected urban settlements and a poorly coordinated infrastructure network. The roading network of the District is under some pressure and more low density residential development located remote from employment and service centres has the potential to exacerbate such problems.

The objectives and policies for Urban Development provide a framework for a managed approach to urban development that utilises land and resources in an efficient manner, and preserves and enhances natural amenity values. The approach seeks to achieve integration between land use, transportation, infrastructure, services, open space networks, community facilities and education; and increases the viability and vibrancy of urban areas.

Urban Growth Boundaries are established for the key urban areas of the Wakatipu Basin (including Queenstown, Frankton, Jacks Point and Arrowtown) and Wanaka, Arrowtown and where required around other townships Lake Hawea Township, providing a tool to manage anticipated growth while protecting the individual roles, heritage and character of these areas. Specific policy direction is provided for these areas, including provision for increased density to contribute to more compact and connected urban forms that achieve the benefits of integration and efficiency and offer a quality environment in which to live, work and play.

## 4.2 Objectives and Policies

### 4.2.1 Objective - Urban Growth Boundaries used as a tool to manage the growth of ~~larger~~ urban areas within distinct and defensible urban edges. (from Policies 3.3.123 and 3.3.134)

#### Policies

- 4.2.1.1 Define Urban Growth Boundaries, where required, to identify the areas that are available for the growth of ~~the main~~ urban settlements.
- 4.2.1.2 Focus urban development primarily on land within and ~~at selected locations~~ adjacent to the existing larger urban areas settlements and, to a lesser extent, ~~accommodate urban development within and adjacent to~~ smaller urban areas, towns and rural settlements.
- 4.2.1.3 Ensure that urban development is contained within the defined Urban Growth Boundaries, and that aside from urban development within existing towns and rural settlements, urban development is avoided outside of those boundaries.
- 4.2.1.4 Ensure Urban Growth Boundaries encompass, at a minimum, an sufficient area that provides sufficient, feasible development capacity and urban development opportunities consistent with:
- a. the anticipated medium term demand for housing and business land urban development within the District Wakatipu and Upper Clutha Basins over the planning period assuming a mix of housing densities and form;
  - b. ensuring the ongoing availability of a competitive land supply for urban purposes;
  - c. the constraints on development of the land such as its topography, its ecological, heritage, cultural or landscape significance; or the risk of natural hazards limiting the ability of the land to accommodate growth;
  - d. the need to make provision for the location and efficient operation of infrastructure, commercial and industrial uses, and a range of community activities and facilities;
  - e. a compact and efficient urban form;
  - f. avoiding sporadic urban development in rural areas;
  - g. minimising the loss of the productive potential and soil resource of rural land; and
  - h. a future development strategy for the District that is prepared in accordance with the National Policy Statement on Urban Development Capacity.

4.2.1.5.a When locating Urban Growth Boundaries or extending towns and rural settlements through plan changes to provide for urban development, have particular regard to minimising significant adverse effects on the values of open rural landscapes.

4.2.1.6 Review and amend Urban Growth Boundaries ~~over time~~, as required, to address changing community needs, respond to monitoring evidence, or to enable appropriate urban development (having regard to Policy 4.2.1.4).

**4.2.2A Objective - A compact, ~~and integrated and well designed~~ urban form within the Urban Growth Boundaries that:**

**(i) is coordinated with the efficient provision, use and operation of infrastructure and services; and-**

**(ii) is managed to ensure that the Queenstown Airport is not significantly compromised by the adverse effects of incompatible activities.**

## **Policies**

4.2.2.1 Integrate urban development with ~~the capacity of existing or proposed-planned~~ infrastructure so that:

- a. urban development is serviced by infrastructure of sufficient the capacity; and
- b. reverse sensitivity effects of activities on regionally significant infrastructure are minimised; and
- c. in the case of the National Grid, reverse sensitivity effects are avoided to the extent reasonably possible and the operation, maintenance, upgrading and development of the National Grid is not compromised.

4.2.2.2 Allocate land within Urban Growth Boundaries into zones which are reflective of the appropriate land use having regard to:

- a. its topography;
- b. its ecological, heritage, cultural or landscape significance if any;
- c. any risk of natural hazards, taking into account the effects of climate change;
- d. connectivity and integration with existing urban development;
- e. convenient linkages with public transport;
- f. the need to provide a mix of housing densities and forms within a compact and integrated urban environment;
- fa. the level of existing and future amenity that is sought (including consideration of any identified special character areas);
- g. the need to make provision for the location and efficient operation of infrastructure and utilities, including regionally significant infrastructure;
- h. the need to provide open spaces and community facilities that are located and designed to be safe, desirable and accessible;
- i. the function and role of the town centres and other commercial and industrial areas as provided for in Chapter 3 Strategic Objectives 3.2.1.2 - 3.2.1.5 and associated policies; and
- j. the need to locate emergency services at strategic locations.

~~4.2.2.12 Ensure that any transition to rural areas is contained within the relevant Urban Growth Boundary.~~

#### **Wakatipu Basin Specific Policies**

4.2.2.21 Rural land outside of the Urban Growth Boundaries is not used for urban development until further investigations indicate that ~~more land is needed to meet demand for urban development in the Wakatipu Basin and~~ a change to the Plan amends the Urban Growth Boundary and zones additional land for urban development purposes.

#### **Upper Clutha Basin Specific Policies**

4.2.2.23 Rural land outside of the Urban Growth Boundaries is not used for urban development until further investigations indicate that ~~more land is needed to meet demand for urban development in the Upper Clutha Basin and~~ a change to the Plan amends the Urban Growth Boundary and zones additional land for urban development purposes.