

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under Clause 14 of the  
First Schedule to the Act

BETWEEN LAURENT RABOT  
(ENV-2007-CHC-311)

AND SEBASTIAN SMITH  
(ENV-2007-CHC-313)

Appellants

AND QUEENSTOWN LAKES DISTRICT  
COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge J R Jackson sitting alone under section 279 of the Act

In Chambers at Christchurch

### CONSENT ORDER

#### **Introduction**

- [1] The Court has read and considered the appeals and the memorandum of the parties received on 12 June 2009.



- [2] Butterfli Enterprises Limited, Anthony Jones, Koti Limited, Minna Ruski and Bryce Whiting have given notice of an intention to become parties under s274 to both the Smith and Rabot appeals and have signed the memorandum setting out the relief sought.
- [3] IHG Queenstown Limited, Carter Queenstown Limited, Mamma's Soup Kitchen Limited, Chris Adams, Bianca Pohio, Timothy Fulton, and Anna Greenwood also filed Notices under section 274 of the Act of their intention to be a party to the Rabot and Smith Appeals. However, they withdrew as section 274 parties in Memorandums dated 2 September 2008, 1 October 2008, 24 April 2009 and 25 May 2009.
- [4] The Court is making this order under s279(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:
- (a) All parties to the proceedings have executed the memorandum requesting this order;
  - (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

### Order

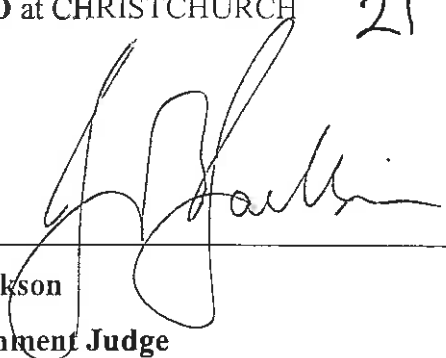
- [5] Therefore the Court orders, by consent, that the appeals are allowed to the extent that the Queenstown Lakes District Council is directed to modify the Partially Operative Queenstown Lakes District Plan as modified by Plan Change 10 in accordance with the amendments set out in **Schedule A** attached to and forming part of this consent order.



[6] The appeals are otherwise dismissed.

[7] There is no order for costs.

DATED at CHRISTCHURCH 21 June 2009.



J R Jackson  
Environment Judge

Issued: 23 JUN 2009



**SCHEDULE A**

The following schedule shows the text as it is to be adopted into the Queenstown Lakes Partially Operative District Plan, as a result of the Smith and Rabot appeals (ENV-2007-CHC-311 and ENV-2007-CHC-313). Text included as a result of the Smith and Rabot appeals are shown as underlined. All other text is to remain as stated in the Council decision as notified.

**NB:** As a result of resolution to all appeals, paragraph numbering may be subject to change.

1. The area comprising the land in the vicinity of Thompson and Glasgow Street and Lomond Crescent shall be classified as High Density Residential Sub-Zone A, B and C as shown on the plan annexed hereto.
2. The "multi-unit" rule will be included in the exceptions to notification and affected party approvals will not be required, so that Rule 7.5.4(ii) reads:

**Rule 7.5.4 Non-Notification of Applications**

Any application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with Section 93 of the Act, unless the Council considers special circumstances exist in relation to any such application:

- (i) All applications for **Controlled Activities**.
- (ii) All applications for the exercise of Council's discretion in respect of the following Restricted Discretionary Activities:
  - (a) Outline Development Plan for Peninsula Bay
  - (b) Multi Unit Developments (pursuant to Rule 7.5.3.3)
- (iii) .....

3. The building coverage rule for residential activities will be down graded from a zone standard to a site standard, Sub-Zone A and Sub-Zone B will be removed from the site standards table for non-residential activities to reflect the plan change as notified, will be rewritten so that it does not apply to underground structures which are not visible from the ground level, and Council's discretion shall be restricted to matters relating to urban design. These rules will now read:

**7.5.5.1(i) Site Standards – Residential Activities and Visitor Accommodation in the High Density Residential Zone – Building Coverage**

Sub-zone	Building Coverage
High Density Residential Sub-Zone A	65%
High Density Residential Sub-Zone B	55%
High Density Residential Sub-Zone C	45%



This rule does not apply to underground structures which are not visible from the ground level.

The Council's discretion is restricted to Assessment Matter 7.7.2(iv)(1) Urban Design Protocol.

**7.5.6.1(xii) Site Standards – Non-Residential Activities (other than Visitor Accommodation in High Density Residential Zone).**

In the High Density Residential Sub-Zones, the maximum building coverage for all activities on any site shall be in accordance with Table 7.8:

**Table 7.8**

<b>Sub-zone</b>	<b>Building Coverage</b>
High Density Residential Sub-Zone C	45%

This rule does not apply to underground structures which are not visible from the ground level.

The Council's discretion is restricted to Assessment Matter 7.7.2(iv)(1) Urban Design Protocol.

**7.5.5.3(ii) Zone Standards – Residential Activities and Visitor Accommodation – Building Coverage**

The maximum building coverage for all activities on any site shall be:

- 40% in the Low Density Residential Zone
- 70% in the High Density Residential Zone

This rule does not apply to underground structures which are not visible from the ground level in the High Density Residential Zone.

4. Rules 7.5.3.3(ii), 7.5.6.1(i), 7.5.5.2(vi) and 7.5.6.2(v) relating to building footprints and continuous building length shall be rewritten so that they do not apply to underground structures which are not visible from the ground level. These rules will now read:

**7.5.3.3(ii) Restricted Discretionary Activities – Residential Activities and Visitor Accommodation - Building Footprint**

The construction of, alteration to, or addition to any building in the High Density Residential Sub-ones that exceeds the maximum building footprint sizes specified in Table 7.1 shall be a Restricted Discretionary Activity in respect of matter 7.7.2(v)



Table 7.1

Sub-zone	Maximum Building Footprint
High Density Residential Sub-Zone A	500m <sup>2</sup>
High Density Residential Sub-Zone B	400m <sup>2</sup>
High Density Residential Sub-Zone C	300m <sup>2</sup>

This rule does not apply to underground structures which are not visible from the ground level.

**7.5.6.1(i) Restricted Discretionary Activities – Non-Residential Activities (other than Visitor Accommodation in the High Density Residential Zone) – Building Footprint**

The construction of, alteration to, or addition to any building in the High Density Residential Sub-ones that exceeds the maximum building footprint sizes specified in Table 7.5 shall be a Restricted Discretionary Activity in respect of matter 7.7.2(v)

Table 7.5

Sub-zone	Maximum Building Footprint
High Density Residential Sub-Zone A	500m <sup>2</sup>
High Density Residential Sub-Zone B	400m <sup>2</sup>
High Density Residential Sub-Zone C	300m <sup>2</sup>

This rule does not apply to underground structures which are not visible from the ground level.

**7.5.5.2(vi) Site Standards – Residential Activities and Visitor Accommodation - Continuous Building Length in the High Density Residential Zone**

- (a) No unbroken building length shall exceed 16m. Breaks in a building length shall be a minimum of 2m in depth and 4m in width for the full height of the wall and shall include a discontinuous eave line and roofline at the break.
- (b) The aggregate length along any true elevation of a building, including breaks, shall not exceed 30m.



## Refer Appendix 4

This rule does not apply to underground structures which are not visible from the ground level.

### 7.5.6.2(v) Site Standards - Non-Residential Activities (other than Visitor Accommodation in the High Density Residential Zone) Continuous Building Length in the High Density Residential Zone

- (c) No unbroken building length shall exceed 16m. Breaks in a building length shall be a minimum of 2m in depth and 4m in width for the full height of the wall and shall include a discontinuous eave line and roofline at the break.
- (d) The aggregate length along any true elevation of a building, including breaks, shall not exceed 30m.

**Refer Appendix 4**

This rule does not apply to underground structures which are not visible from the ground level.

5. Rules 7.5.5.2(iv) and 7.5.6.2(iii) relating to the setback from internal boundaries where they apply between buildings on the same lot shall be rewritten so that the Council's discretion shall be restricted to matters relating to urban design. These rules will now read:

#### 7.5.5.2(iv) Site Standards – Residential Activities and Visitor Accommodation – Setback from Internal Boundaries

- (a) Except as provided for below, the minimum setback internal boundaries/neighbours for any building shall be: .....
- (b) ...
- (c) ...
- (d) ...
- (e) ...
- (f) ...
- (g) ...
- (h) The Council's discretion is restricted to Assessment Matter 7.7.2(iv)(1) Urban Design Protocol.

#### 7.5.6.2(iii) Site Standards – Non-Residential Activities (other than Visitor Accommodation in the High Density Residential Zone) – Setback from Internal Boundaries

- (a) Except as provided for below, the minimum setback internal boundaries/neighbours for any building shall be: .....



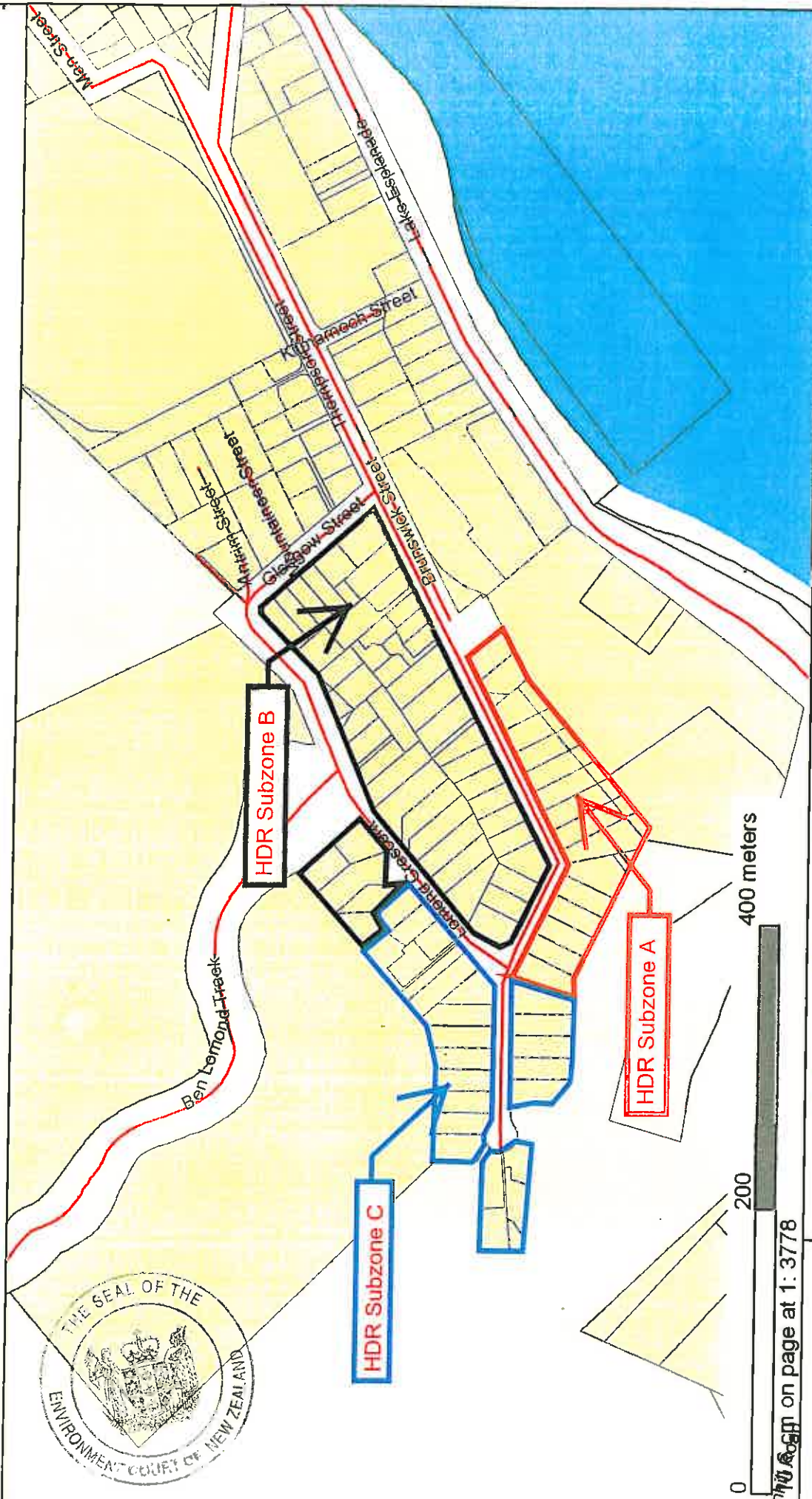
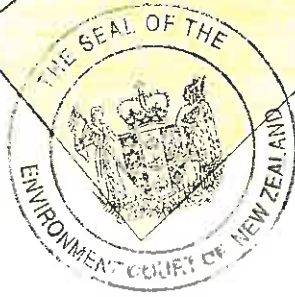
- (b) ...
- (c) ...
- (d) ...
- (e) ...
- (f) ...
- (g) ...
- (h) ...

(i) The Council's discretion is restricted to Assessment Matter 7.7.2(iv)(1) Urban Design Protocol.





# Thompson St. Subzones



The information displayed on this map has been taken from QLDC's databases. While considerable effort has been made to ensure the information provided is accurate, exact and otherwise adequate, QLDC does not accept any responsibility for errors and shall not be responsible for, and exclude all liability, with relation to any claims whatsoever arising from the use of this site and data held within.

- District Plan Zones**
  - Alpen Moor Use
  - Arden Town Centre
  - Burrows
  - Business
  - Centre Shopping Centre
  - Flatland Flats
  - Industrial Character
  - High Density Residential
  - Industrial
- Low Density Residential**
  - Seaside Park
  - Open Space
  - Providence Bay
  - Parth Park
  - Quail Rise
  - Overland Town Centre
  - Pos Am Historic Magnet
  - Parish
  - Rural General
- Rural/Residential**
  - Rural Residential
  - Rural Village
  - Township
  - Water
  - Woodbury Park Estate
  - Women's Town Centre
  - People Parks
- Other**
  - Thresh
  - Contours
  - Land Parcels
  - Unimproved Roads
  - Area Lika 01
  - Area Lika 02
  - MultiBlock 01
  - MultiBlock 06

Map produced from Intermap on: Thu May 21 16:26:04 2009

**QUEENSTOWN LAKES DISTRICT COUNCIL**

Author: For resolution of Appeals only

Scale: 1: 0

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