

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

Decision No. [2025] NZEnvC 393

IN THE MATTER of the Resource Management Act 1991

AND an appeal under clause 14 of the First
Schedule of the Act

BETWEEN BELL GROUP LIMITED
PARTNERSHIP

(ENV-2018-CHC-62)

Appellant

AND QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

Environment Judge J J M Hassan - sitting alone under s279 of the Act

In Chambers at Christchurch

Last case event: 8 October 2025

Date of Determination: 4 December 2025

Date of Issue: 4 December 2025

DETERMINATION OF THE ENVIRONMENT COURT

A: Under s279(1)(b) RMA,¹ the Environment Court, by consent, orders that:

(1) the appeal is allowed to the extent that QLDC is directed to amend



¹ Resource Management Act 1991.

- the PDP by making the changes set out in Annexure 1, attached to, and forming part of this consent order;
- (2) the appeal is otherwise dismissed.

B: As agreed, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns an appeal brought by Bell Group Limited Partnership (BGLP), which supersedes the earlier appeal filed by Jeremy Bell Investments Limited (JBIL). The appeal was filed as part of Stage 1 of the review of the proposed Queenstown Lakes District Plan (PDP or Plan).

[2] The appeal concerns a 3.961ha area at the corner of State Highway 6 (SH6) and Mount Barker Road, opposite the Wānaka Airport.² The site, part of Criffel Station and owned by entities related to BGLP, was zoned Rural under Stage 1 of the PDP. JBIL's submission sought to rezone the land to Wānaka Airport Mixed Use Zone to enable airport-related mixed-use activities, citing its proximity to Wānaka Airport and surrounding rural land. That relief was declined by the Independent Hearing Panel and QLDC. The appellant appealed seeking that the site be rezoned to Wānaka Airport Mixed Use Zone to allow rural support businesses and associated development.

[3] The parties filed a joint memorandum³ stating that, after agreeing to mediate informally, they considered various zoning options for the site, assessing each against its key attributes such as proximity to the airport, connection to Criffel Station and the wider rural environment, potential rural uses, ability to

² Legally described as part of Section 36 Block VIII Lower Hāwea SD and part of Lot 3 DP 300397.

³ Dated 8 October 2025.

accommodate development while preserving landscape values, and feasibility of roading and utility services. The memorandum seeks that the appeal be resolved by consent order.

[4] Alongside the joint memorandum, the parties filed an affidavit of Morgan Shepherd, a principal planner who provided a s32AA evaluation of the proposed rezoning in support of the settlement reached. Effectively the affidavit offers opinion evidence as to why the agreed changes to the status quo decision version provisions in the Plan satisfy relevant requirements under the RMA. As that is effectively calling on the court to make an evaluative judgment supported by expert opinion, I have elected to issue this determination giving reasons (notwithstanding that I find that I agree that the changes pursued are appropriate).

Statutory framework and principles

[5] In view of the settlements reached, I will briefly traverse aspects of the statutory framework that inform my jurisdiction and approach in reaching this determination to endorse the settlements reached.

[6] An Environment Judge sitting alone may make any order that is not opposed or that is in respect of a matter which the parties to the proceedings agree should be heard and decided on that basis.⁴ I rely on both provisions in making this determination in a context where I am satisfied all parties support the agreed outcome and that there are no issues of jurisdictional scope.

[7] Appeals are de novo. In making the determination, I have the powers, duties and discretions that MDC had in regard to those aspects of PC23 and PC26 in issue in these appeals.⁵

[8] Central to the evaluative task in whether what is sought in the settlements

⁴ RMA, s279(1)(b), (c).

⁵ RMA, s290.

by way of changes to the Plan is the most appropriate for achieving relevant Plan objectives.⁶ That is in a context in which no Plan objectives are themselves in issue and nor are any higher order policy instruments. The relevant statutory considerations are traversed in the report appended to Ms Shepherd's affidavit filed alongside the joint memoranda.⁷

[9] I am to have regard to QLDC's decisions, that are the subject of the appeals.⁸ Relevant aspects of that are also traversed in the joint memoranda and Ms Shepherd's affidavit.

The evidence

[10] I draw from Ms Shepherd's evaluation which determined that the Rural Industrial Sub-Zone (RISZ) provisions, adapted for the Criffel location, will be efficient and effective in achieving the PDP's objectives, taking into account environmental, social, and economic costs and benefits, as well as opportunities for economic growth and employment. Importantly, Ms Shepherd's analysis found no risk in acting, whereas the risks of not acting were considered significant for JBIL and the wider community. Overall, in terms of the relevant provisions, Ms Shepherd's evidence provides an evaluative assessment of the agreed changes in terms of s32AA RMA, and provides an opinion that the agreement reached is appropriate. As evidenced by the report appended to her affidavit, I am satisfied Ms Shepherd is independent, duly informed, experienced and reliable.

Agreed changes sought

[11] The parties agreed the site should retain its Rural zoning with the addition of an overlay of the RISZ to allow rural support activities, including development of farm-related buildings and rural retail operations. Accordingly, site-specific

⁶ RMA, ss 290, 32AA, 32.

⁷ Jointly prepared with Jeffrey Brown and Amy Bowbyes.

⁸ RMA, s290A.

provisions and a Structure Plan must be added to the RISZ provisions in Ch 21 (Rural Zone) and Ch 27 (Subdivision & Development), including a Structure Plan to reflect the individual circumstances of the site and its wider landscape context.

[12] Ms Shepherd explained the amended provisions and the addition of the RISZ Overlay is expected to achieve the higher-order objectives of the PDP and give effect to the purpose and principles of the Act, supported by the accompanying assessment of environmental effects and other expert reports.

Other relevant matters

[13] The only s274 party, Queenstown Airport Corporation, withdrew its interest in the appeal on 25 February 2020. Having checked the court record, I accept the assurances in the joint memoranda that all relevant parties have signed the memorandum setting out the relief sought.

[14] The consent memorandum records the parties' assurances that there are no issues of scope and that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the RMA, including, in particular, Pt 2.

[15] No party seeks costs, all parties agreeing that costs should lie where they fall.

Outcome

[16] For those reasons, under s279(1)(b) and (c) the appeal is allowed to the extent that QLDC is directed to amend the PDP by making the changes set out in Annexure 1, attached to, and forming part of this determination.

[17] The appeal is otherwise dismissed.



J J M Hassan
Environment Judge



ANNEXURE 1

Criffel Station – changes to PDP Chapter 21 (Rural / Rural Industrial Sub-Zone) provisions and Chapter 27 (Subdivision) provisions

Agreed modifications are shown in [blue](#).

21.2 Objectives and Policies

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21.2.13 Objective - Rural industrial activities and infrastructure within the Rural Industrial Sub-Zones will support farming and rural productive activities, while protecting, maintaining and enhancing rural character, amenity and landscape values.

Policies

21.2.13.1 Provide for rural industrial activities and buildings within established nodes of industrial development while protecting, maintaining and enhancing landscape and amenity values.

21.2.13.2 Provide for limited retail and administrative activities within the Rural Industrial Sub-Zone on the basis it is directly associated with and ancillary to the Rural Industrial Activity on the site.

21.2.13.3 Manage activities and development within areas of the Rural Industrial Sub-Zone in Luggate [and in the Criffel Rural Industrial Sub-Zone](#) by:

- a. applying development controls and landscaping requirements within Activity Areas and Building Restriction Areas that are spatially defined on the [Criffel Rural Industrial Sub-Zone Structure Plan and on the](#) District Plan web mapping application [and](#) to avoid adverse effects on landscape values and visual amenity; and
- b. applying development controls in relation to the scale of activities within Activity Areas that are spatially defined on the District Plan web mapping application [and on the Criffel Rural Industrial Sub-Zone Structure Plan](#) to avoid adverse effects on the adjoining road and the transport network.

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21.13 Rules – Activities in Rural Industrial Sub-Zone

	Table 10 – Activities in Rural Industrial Sub-Zone Additional to those activities listed in Table 1	Activity Status
21.13.1	Retail activities within the Rural Industrial Sub-Zone that involve the sale of goods produced, processed or manufactured on site or ancillary to Rural Industrial activities that comply with Table 11.	P
21.13.2	Administrative offices ancillary to and located on the same site as Rural Industrial activities being undertaken within the Rural Industrial Sub-Zone that comply with Table 11.	P
21.13.3	Rural Industrial Activities within a Rural Industrial Sub-Zone that comply with Table 11.	P
21.13.4	Buildings for Rural Industrial Activities within the Rural Industrial Sub-Zone that comply with Table 11.	P
21.13.5	Landscaping within the Building Restriction Areas identified on the District Plan web mapping application at Luggate.	RD Discretion is restricted to: a. The development of a landscape planting plan identifying the proposed species, their height at

	Table 10 – Activities in Rural Industrial Sub-Zone Additional to those activities listed in Table 1	Activity Status
		planting and maturity, density and coverage; b. The extent to which any landscaping will screen building and activities, including any goods, materials, vehicles or machinery when viewed from public places; c. The development of a landscape management and maintenance plan identifying the programme of maintenance, including ownership, over no less than a 5 year timeframe; and d. The need for breaks in screening to facilitate access into the site from Church Road.
21.13.5A	Landscaping within the Planting Buffer Area identified on the Criffel Rural Industrial Sub-Zone Structure Plan and within the setback area adjacent to State Highway 6 and Mt Barker Road outside the Planting Buffer Area (as required under Rule 21.14.4).	C Matters of control: a. Species, including species that limit bird attraction (to limit aircraft bird strike), species mix, and ratio of deciduous and evergreen species; b. Density and height at maturity to achieve softening of buildings when viewed from roads and (where relevant) compliance with Wānaka Airport Approach & Protection Measures; c. Ongoing maintenance and management of planting areas; d. Consistency of planting along the length of the road frontages.
21.13.6	Any Building, Outdoor Storage or Outdoor Waste Storage within a Building Restriction Area that is identified on the District Plan web mapping application at Luggate and within the Criffel Rural Industrial Sub-Zone.	NC
21.13.7	Buildings within Activity Area 1 identified on the District Plan web mapping application at Luggate Buildings within Activity Area 4B identified on the Criffel Rural Industrial Sub-Zone Structure Plan.	NC

	Table 10 – Activities in Rural Industrial Sub-Zone Additional to those activities listed in Table 1	Activity Status
21.13.8	<p>Unless otherwise provided for in these rules, development that does not comply with the Criffel Rural Industrial Sub-Zone Structure Plan (at Chapter 27.13.24).</p> <p>For the purposes of this rule the location of the Vehicle Access Connection crossing from Mt Barker Road to the Structure Plan area may be moved by no more than 50m provided that the crossing is not less than 150m from State Highway 6 (when measured between the centreline of each road) and the Planting Buffer Area shall move accordingly.</p>	NC
21.13.9	Any direct vehicle access from the Criffel Rural Industrial Sub-Zone Structure Plan area (at Chapter 27.13.24) to State Highway 6.	NC
21.13.10	The construction and use of buildings prior to the construction of auxiliary lanes for traffic turning left or right into Mt Barker Road from State Highway 6 and auxiliary lanes for traffic turning left or right from State Highway 6 into Airport Way.	RD Discretion is restricted to the efficiency and safety effects at the State Highway 6 / Mt Barker Road and State Highway 6 / Airport Way intersections

21.14 Rules – Standards for Activities within Rural Industrial Sub-Zone

	Table 11 – Standards for activities within the Rural Industrial Sub-Zone These standards apply to activities listed in Table 1 and Table 10.	Non-Compliance Status
21.14.1	<p>Buildings</p> <p>Any building, including any structure larger than 5m², that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:</p> <p>All exterior surface must be coloured in the range of browns, greens or greys (except soffits), including;</p> <p>21.14.1.1 Pre-painted steel and all roofs must have a reflectance value not greater than 20%; and,</p> <p>21.14.1.2 All other surface finishes must have a reflectance value of not greater than 30%</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> external appearance; visual prominence from both public places and private locations; landscape character.
21.14.2	<p>Building size</p> <p>The ground floor area of any building must not exceed 500m².</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> external appearance; visual prominence from both public places and private locations; visual amenity; privacy, outlook and amenity from adjoining properties.

	Table 11 – Standards for activities within the Rural Industrial Sub-Zone These standards apply to activities listed in Table 1 and Table 10.	Non-Compliance Status
21.14.3	<p>Building Height</p> <p>a. The height for of any industrial building must not exceed 10m, except as specified below</p> <p>b. Within Activity Area 2 identified on the District Plan web mapping application at Luggate</p> <p>i. Maximum building height of 6m.</p> <p>c. Within Activity Area 3 identified on the District Plan web mapping application at Luggate</p> <p>i. Maximum building height of 10m.</p> <p>d. Within the Activity Areas identified within the Criffel Rural Industrial Sub-Zone Structure Plan (at Chapter 27.13):</p> <p>Activity Area 1: 6.5m</p> <p>Activity Area 2: 7.5m</p> <p>Activity Area 3A: 7.5m</p> <p>Activity Area 3B: 6.5m</p> <p>Activity Area 4A: 6.5m</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. rural amenity and landscape character; and</p> <p>b. privacy, outlook and amenity from adjoining properties.</p>
21.14.4	<p>Setback from Sub-Zone Boundaries</p> <p>The minimum setback of any building within the Rural Industrial Sub-Zone shall be 10m from the Sub-Zone boundaries, except within the Criffel Rural Industrial Sub-Zone the following setbacks shall apply:</p> <p>a. Minimum setback from State Highway 6 or Mt Barker Road boundaries:</p> <ul style="list-style-type: none"> • Activity Areas 1, 2, 3A and 3B: 7.5m • Activity Area 4A and 4B: 10m <p>b. Minimum setback from the southern and south-eastern boundaries of the sub-zone: 10m</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the requirement for landscaping to act as a buffer between the Rural Industrial Sub Zone and neighbouring properties and whether there is adequate room for landscaping within the reduced setback;</p> <p>b. rural amenity and landscape character;</p> <p>c. Privacy, outlook and amenity from adjoining properties.</p>
21.14.5	<p>Retail Activities</p> <p>Retail activities including the display of items for sale must be undertaken within a building and must not exceed 10% of the building's total floor area.</p>	NC
21.14.6	<p>Development of Land Uses</p> <p>Prior to the construction of any building, or commencement of any activity within Activity Areas 1, 2 or 3 identified on the District Plan web mapping application at Luggate, the landscaping specified in Rule 21.13.5 must be undertaken.</p> <p>Prior to the construction of any building, or commencement of any activity within the Criffel Rural Industrial Sub-Zone, the landscaping specified in Rule 21.13.5A must be completed.</p>	NC
21.14.7	<p>Number of Buildings and Total Building Coverage. (for landscape and visual amenity related matters)</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. External appearance; and</p>

	Table 11 – Standards for activities within the Rural Industrial Sub-Zone These standards apply to activities listed in Table 1 and Table 10.	Non-Compliance Status
	<p>a. There shall be no more than five (5) buildings in total within Activity Areas 2 and 3 identified on the District Plan web mapping application at Luggate; and</p> <p>b. The maximum ground floor area of any building within Activity Areas 2 or 3 identified on the District Plan web mapping application at Luggate shall be 500m².</p> <p>c. The maximum coverage of all buildings within the Activity Areas identified within the Criffel Rural Industrial Sub-Zone Structure Plan (at Chapter 27.13) (as a percentage of the total area of the Activity Area):</p> <ul style="list-style-type: none"> • Activity Area 1: 30% • Activity Area 2: 35% • Activity Area 3A: 25% • Activity Area 3B: 25% • Activity Area 4A: 40% 	<p>b. Landscape effects; and</p> <p>c. Visual amenity effects of the height, scale, location and appearance of the buildings when viewed from adjacent sites, roads and public places; and</p> <p>d. Privacy, outlook and amenity from adjoining properties.</p>
21.14.8	<p>Total Building Coverage (for transport related matters)</p> <p>Total building coverage within the Activity Areas 1, 2 or 3 identified on the District Plan web mapping application at Luggate shall not exceed a cumulative total Gross Floor Area of 10,000m².</p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. Effects on the transport network;</p> <p>b. Access, onsite manoeuvring and loading; and</p> <p>c. Any necessary roading upgrades.</p>
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Chapter 27 Subdivision and Development

27.3 Location-specific objectives and policies

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[Criffel Rural Industrial Sub-Zone Structure Plan \(Schedule 27.13.24\)](#)

[27.3.29 Objective – Subdivision and development of the Criffel Rural Industrial Sub-Zone is consistent with the Structure Plan.](#)

[Policies](#)

[27.3.29.1 Provide for the roading connection between Mt Barker Road and the Criffel Rural Industrial Sub-Zone as shown on the Structure Plan while enabling limited variance in its location and avoiding direct vehicle access from State Highway 6.](#)

[27.3.29.2 Ensure that landscaping within the Planting Buffer Area shown on the Criffel Rural Industrial Sub-Zone Structure Plan and within the setback areas from State Highway 6 mitigates adverse effects of subdivision and development on landscape values and visual amenity.](#)

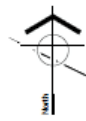
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27.7 Zone - Location Specific Rules

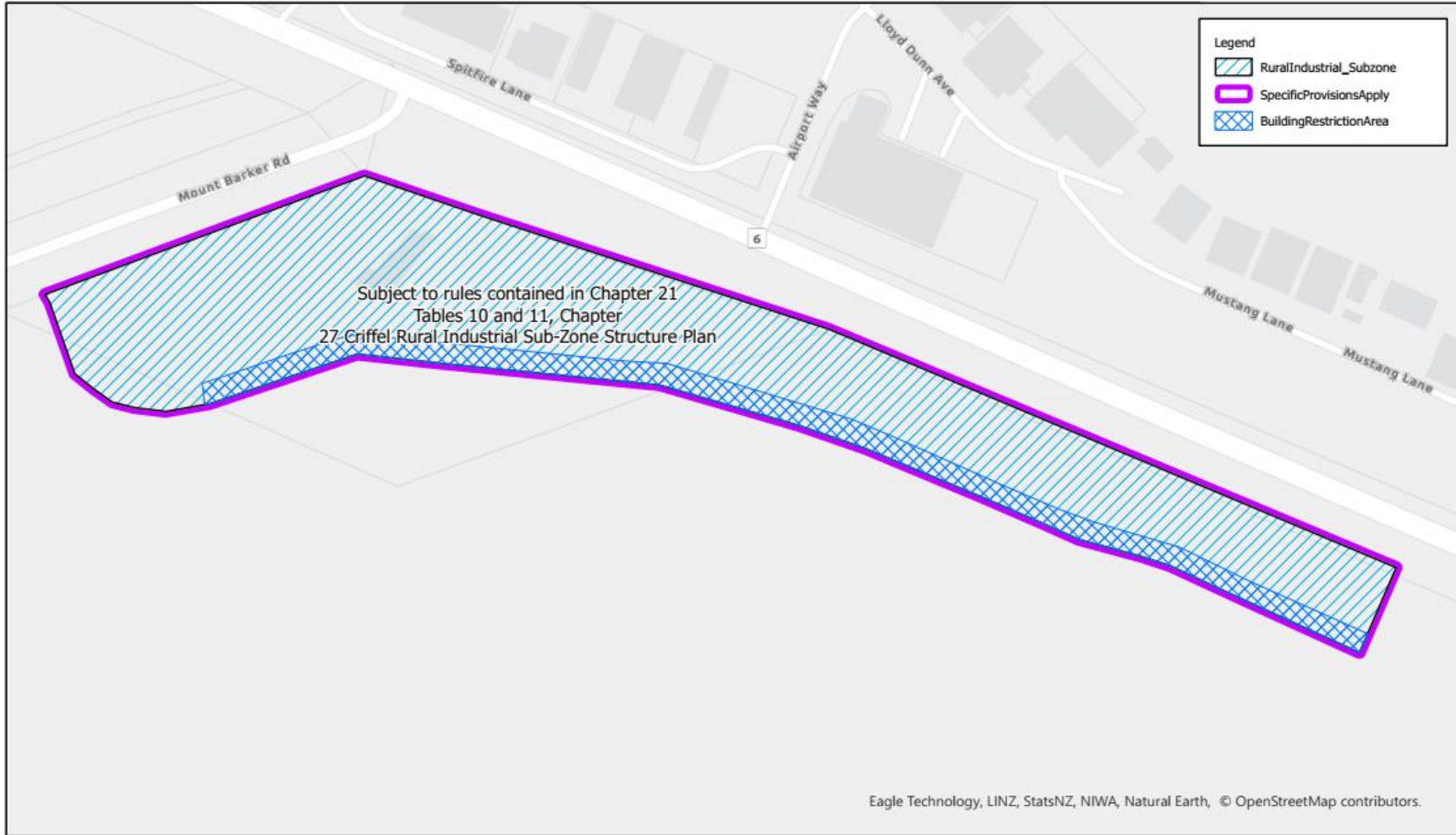
	Zone and Location Specific Rules	Activity Status
...		
27.7.XX	Criffel Rural Industrial Sub-Zone Structure Plan (Schedule 27.13.24) All references to a structure plan in the following rules are to the Criffel Rural Industrial Sub-Zone Structure Plan.	
	27.7.XX.1 In addition to those matters of control listed under Rule 27.7.1 , when assessing any subdivision, the following shall be additional matters of control: <ul style="list-style-type: none"> a. For landscaping within the Planting Buffer Area identified on the Structure Plan and within the required setback area along the State Highway 6 and Mt Barker Road boundaries outside the Planting Buffer Area: <ul style="list-style-type: none"> i. Species, species mix, and ratio of deciduous and evergreen species; ii. Density and height at maturity to achieve softening of buildings when viewed from roads; iii. Ongoing maintenance and management of planting areas; iv. Consistency of planting along the length of the road frontages. 	C
	27.7.XX.2 Any subdivision that occurs prior to the construction of auxiliary lanes for traffic turning left or right into Mt Barker Road from State Highway 6 and auxiliary lanes for traffic turning left or right from State Highway 6 into Airport Way.	RD Discretion is restricted to the efficiency and safety effects at the State Highway 6 / Mt Barker Road and State Highway 6 / Airport Way intersections
	27.7.XX.3 Any subdivision that does not comply with the Structure Plan. For the purposes of this rule the location of the Vehicle Access Connection from Mt Barker Road to the Structure Plan area may be moved by no more than 50m provided that the crossing is not less than 150m from State Highway 6 (when measured between the centreline of each road) and the Planting Buffer Area shall move accordingly.	NC
	27.7.XX.4 Any direct vehicle access from the Structure Plan area to State Highway 6.	NC

27.13 Structure Plans

[27.13.24 Criffel Rural Industrial Sub-Zone Structure Plan](#)



LEGEND	
SYMBOL	DESCRIPTION
	Vehicle Access Connection
	Planting Buffer Area
	Building Restriction Area
	Setback



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