

BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Resource Management Act 1991

AND

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

BETWEEN REMARKABLES PARK LIMITED

(ENV-2012-CHC-0018)

Appellant

AND QUEENSTOWN LAKES DISTRICT  
COUNCIL

Respondent

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

In Chambers at Christchurch

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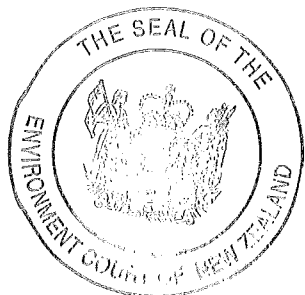
CONSENT ORDER

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[A] Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that the Queenstown Lakes District Council is directed to amend the Queenstown Lakes District Council's Operative District Plan ("the Operative District Plan") in accordance with the Council's decision on Proposed Private Plan Change 34 to the Operative District Plan, subject to those amendments to the decision marked "Appendix A", attached to and forming part of this order;
- (2) the appeal is otherwise dismissed.

[B] Under section 285 of the Resource Management Act 1991, there is no order as to costs.



**REASONS****Introduction**

[1] On 2 February 2012 Remarkables Park Limited lodged an appeal against a decision of the Queenstown Lakes District Council in respect of Proposed Private Plan Change 34 to the Operative District Plan.

[2] The court has now read and considered the consent memorandum of the parties dated 10 October 2012 and the joint memorandum with regard to the draft order received on 16 October 2012, proposing to resolve the appeal.

**Other relevant matters**

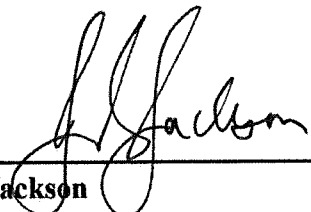
[3] Queenstown Airport Corporation Limited has given notice of an intention to become a party under section 274 of the Resource Management Act 1991 ("the RMA" or "the Act") and has signed the memorandum setting out the relief sought.

**Orders**

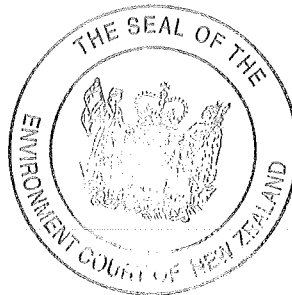
[4] The court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (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 the relevant requirements and objectives of the Act including, in particular, Part 2.

DATED at Christchurch 17 October 2012

  
\_\_\_\_\_  
**J R Jackson**  
**Environment Judge**

Issued: 17 OCT 2012



## APPENDIX A

The Queenstown Lakes District Council is directed to make the following amendments to the Council's decision on Plan Change 34 to the Queenstown Lakes District Council's Operative District Plan (additions underlined and deletions in ~~strikethrough~~):

- (i) The explanation and Principal Reasons for Adoption under Objective 2 be amended as follows:

At page 12-68

### "Activity Area 2 – Riverside Public Recreation

Activity area 2a on the river peninsula adjoining the Kawarau River, to the south covers land owned by the Council and is proposed to be developed for predominantly public open space. This element of the southern Riverside Public Recreation area is the proposed River Access Area. This area will be a public place carefully located on the river's edge in order to take advantage of the opportunities of such a location for river access. It may provide stopping points and a terminal/ticketing facility for water transport between the Frankton locality, Queenstown and other parts of the District as well as focus for limited commercial uses, eg restaurants, ticketing facilities."

and at page 12-69

### "Activity Area 3 – Riverside Peninsula

This riverside development area situated on the river peninsula and adjoining the Riverside Public Recreation Area will enable development for commercial and retail activities, offices, condominiums, visitor facilities and visitor accommodation, church, plaza, restaurants and cafes, educational, recreational and riverside facilities (including ferry-based transport). The intention is for the Riverside Peninsula area to develop as a vibrant mixed use precinct that is pedestrian-oriented that includes vehicle access roads, pedestrian activities and shared pedestrian/vehicle environments within the Activity Area."

- (ii) Policies 2 and 3 under Objective 4 be amended as follows:

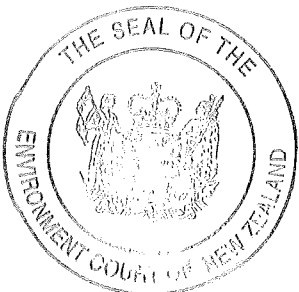
### "Objective 4 – Site Layout, Orientation, Building Design and Streetscape

...

#### Policies:

...

2. To provide variety of built form, scale and height within the Remarkables Park Zone that has regard to development within the locality, which relates well to development within the Zone and to the alpine setting.
3. ~~To enable clusters of buildings and structures to be developed."~~



- (iii) The Implementation Methods under Objective 4 be amended as follows:

**"Implementation Methods**

...

**ii. Remarkables Park Design Review Board**

The Remarkables Park Design Review Board shall be used to evaluate proposals for development and redevelopment within the Remarkables Park Special Zone...

...

- existing and anticipated future development in the immediate neighbourhood;
- the existing and anticipated future streetscape, public open spaces and walkway connections;
- the relevant objectives and policies of the Zone; and
- the Activity Area and adjoining Activity Areas, with reference to an updated Indicative Master Plan ~~to be refined as appropriate by the Remarkables Park Design Review Board.~~

...

The Remarkables Park Design Review Board shall consist of a panel of four independent members, agreed to by the Council and Remarkables Park Limited. Two members are to be nominated by the Council and two members are to be nominated by Remarkables Park Limited. This panel may include the following independent experts: architect; urban designer; resource management planner and landscape architect. An independent developer may also be a member of the panel. The reasonable costs of the Design Review Board shall be met by the applicant."

- (iv) Policy 1 and the Implementation Methods under Objective 5 be amended as follows:

**"Objective 5 – Transport Networks**

...

**Policies:**

1. To provide a network of streets and accessways ~~with physical distinctions~~ based on function, convenience, traffic volumes, vehicle speeds, public safety and amenity."

**"Implementation Methods**

...

**i. District Plan**

...

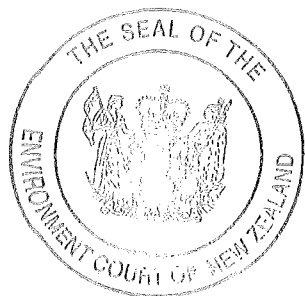
- (b) Provisions for stopping point(s) and a terminal/ticketing facility for water based transport, including public and visitor transport."

- (v) Policy 5 under Objective 8 be amended as follows:

**"Objective 8 – Amenity, Image, Character and Design**

...

**Policies:**



...  
 5. To ensure landscaping contributes to a distinct town centre, identity, and maintains has regard to important viewshafts."

(vi) Rule 12.10.4 be amended as follows:

**"12.10.4 Environmental Results Anticipated**

Implementation of the policies and methods for management relating to the Remarkables Park Zone will result in:

- ...  
 • The establishment and operation of non-residential activities within the low density residential area (Activity Area 1) of the Remarkables Park Zone being controlled so that the scale and appearance of buildings is in harmony with the residential character of the locality, adverse effects on residential amenity (including noise, intrusions on privacy, odours, smoke or smell) being avoided, the efficiency and safety of the local street and pathway systems maintained."

(vii) Rule 12.11.3.2 iv (Controlled Activities) be amended as follows:

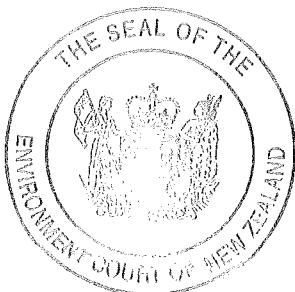
**"iv – Car Vehicle parking**

Parking areas in Activity Area 4 or Activity Area 8 where the parking is for activities outside Activity Area 4 and Activity Area 8 in respect of:

- Landscaping within the parking area;
- Vehicle access to and within the parking area;
- ~~Safe, convenient and attractive pedestrian movement within and across the parking area, and pedestrian connectivity with any adjoining Activity Area and across adjacent roads~~ A safe, functional and shared pedestrian/parking environment."

(viii) Rule 12.11.3.6 Table 1 to be amended for consistency with amendments made to Rule 12.11.3.2 iv:

Activity	Activity Area									
	1	2a	2b	2c	3	4*	5*	6*	7	8*
...										
<u>Vehicle parking for activities outside the Activity Area within which the vehicle parking is located</u>	DIS	DIS	DIS	DIS	CON	CON	CON	DIS	DIS	CON
<u>Vehicle parking</u>	DIS	DIS	DIS	DIS	DIS	CON	DIS	DIS	DIS	CON



(ix) Rule 12.11.5.1 iii (Site Standards) be amended as follows:

**"iii Building Height**

The specified building height within each activity area shall be as follows:

- Activity Areas 3 and 7            15m
- Activity Areas 4, 5 and 6            12m
- Activity Area 8            9m"

**"Provided that:**

(i) No part of any building shall protrude through either a height of RL353m under the surface of a 1:20 upslope fan with a 10% divergence angle originating from the 14/32 southern runway threshold or transitional side surface plane of 1:5, all as shown on Remarkables Park Zone – Figure 3 Height Restrictions Plan."

(x) Rule 12.11.5.2 ii (Zone Standards) be amended as follows:

Activity Area	Maximum Height
...	
Activity Area 8	<u>189m</u>

**"Provided that:**

(i) No part of any building ~~greater than the specified building height as set out in 12.1.5.1(iii)~~ shall protrude through either a height of RL353m under the surface of a 1:20 upslope fan with a 10% divergence angle originating from the 14/32 southern runway threshold or transitional side surface plane of 1:5, all as shown on Remarkables Park Zone – Figure 3 Height Restrictions Plan."

(xi) Rule 12.11.6 d (Resource Consents – Assessment Matters) be amended as follows:

**"d Building Design and Appearance**

- ...
- ~~That clusters and grouping of buildings are designed to fit the form and contour of the land.~~
- ...
- That building materials are appropriate to the local context ~~and to the character of the Activity Area."~~

