IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

Decision No. [2026] NZEnvC 323

IN THE MATTER	of the Resource Management Act 1991
AND	an appeal under clause 14 of the First Schedule of the Act
BETWEEN	CAMDEN PYKE
	(ENV-2026-CHC-30)
	Appellant
AND	QUEENSTOWN LAKES DISTRICT COUNCIL
	Respondent

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

In Chambers at Christchurch

Date of Consent Order: 18 November 2026

CONSENT ORDER

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

(a) the appeal is allowed, to the extent that the Queenstown Lakes District Council is directed to amend the provisions of Ch 7 of the

[1] Resource Management Act 1991.

Queenstown Lakes Proposed District Plan as set out in Appendix 1, attached to and forming part of this order;

(b) the appeal is otherwise dismissed.

B: Under s285 of the RMA, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns an appeal by Camden Pyke filed in relation to the decision of the Queenstown Lakes District Council (QLDC) on the Urban Intensification Variation to the Queenstown Lakes District Proposed District Plan (PDP or Variation). As notified the Variation amended several PDP chapters and rezoned specific urban land to implement Pol 5 of the National Policy Statement on Urban Development 2020 (NPS-UD). Pol 5 generally supports greater building heights and residential densities in urban areas that have good access to jobs, shops, schools, community facilities, and public transport or where demand for housing or business activity is greatest.

[2] The Variation notified changes to r 7.5.7 in the Lower Density Suburban Residential Zone (LDSRZ) (now re-numbered as rule 7.5.5 in the re-named Suburban Residential Zone (SRZ)). The changes removed the exclusion of the rule from its application to buildings on sloping sites and altered the rule's non-compliance status from non-complying, to restricted discretionary, alongside the insertion of various matters of discretion.

[3] Mr Pyke's further submission stated support for an original submission that sought to reject the notified changes and to instead retain the exclusion in r 7.5.5. Mr Pyke submitted that the current exclusion should be retained and the proposed amendments rejected so that recession planes on sloping sites are only applied to accessory buildings.

[4] The Hearing Panel's recommendation report recommended changes to the wording in Ch 7 that were largely consistent with what was notified. The Panel's recommendations were accepted by QLDC in its decision on the Variation, notified on 20 February 2026.

[5] Mr Pyke's appeal seeks that recession planes in the SRZ apply to flat sites and to accessory buildings on sloping sites (as was provided by former r 7.5.5), and either:

(a) the height plane definition in r 7.5.1 remains at 8 m; or
(b) former r 7.5.2 be reinstated providing for a 7 m height plane on sloping sites, with any exceedance classified as a non-complying activity.

Agreement reached

[6] I have read and considered the consent memorandum of the parties dated 21 October 2026. It explains that having engaged in informal discussions the parties have identified means of resolving the appeal in its entirety.

[7] Rule 7.5.5 forms part of the suite of SRZ bulk and location standards that seek to provide a permitted building envelope that is enabling of up to two-storey development. The consent memorandum explains the changes to this rule through the Variation were made in conjunction with an increase in the permitted building height to 8m on sloping sites (previously 7m for sloping sites in the SRZ). It notes that because the non-compliance status of rule 7.5.5 has changed from non-complying before the Variation, to restricted discretionary under QLDC's decisions version, it provides a less restrictive consenting pathway for breaches to recession planes.

[8] Applying recession planes to all buildings on sloping sites in the SRZ would be an impediment to intensification in that it would increase the likelihood of recession plane breaches on sloping sites, meaning the intended two-storey

building envelope may not be achievable as a permitted activity.

[9] The parties agree it is appropriate that this impediment be removed in order to implement the direction in the PDP and give effect to Pol 5 of the NPS-UD. As agreed, the amended version of r 7.5.5 will:

(a) achieve Obj 7.2.1 which seeks that development within the SRZ provides for a mix of compatible suburban densities and high amenity living environment for residents; and
(b) assist with implementing Pol 7.2.1.2 which seeks to encourage an intensity of development that maximises the efficient use of the land in a way that is compatible with the scale and character of existing suburban residential development and maintains suburban residential amenity values (predominantly one to two storey building heights).

Other relevant matters

[10] No other party joined the appeal as interested persons under s274 of the RMA

[11] No party has sought costs, instead agreeing that costs should lie where they fall.

[12] The consent memorandum records the parties' assurance 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.

Outcome

[13] All parties to the proceeding have executed the memorandum requesting the orders. On the information provided to the court, I am satisfied that the orders will promote the RMA purpose. Therefore, I will make the orders sought.

Orders

[14] The court makes this order under s279(1) RMA, by consent, rather than as a decision or determination on the merits under s297.

[15] This order is made based on the full agreement between the parties as recorded in the consent memorandum.

[16] Accordingly, the appeal is allowed to the extent that QLDC is directed to amend the Ch 7 provisions of the PDP as set out in Appendix 1, attached to and forming part of this order.

[17] The appeal is otherwise dismissed and there is no order as to costs.



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J J M Hassan
Environment Judge | Kaiwhakawā o te Kōti Taiao



Appendix 1

Agreed Amendments to Chapter 7 – Suburban Residential Zone

Key for changes:

Text shown in blue underline indicates insertions.

Chapter 7 – Suburban Residential Zone

7.5.5	Recession plane: a. On flat sites applicable to all buildings; b. On sloping sites only applicable to accessory buildings. 7.5.5.1 Northern boundary: 2.5m and 55 degrees. 7.5.5.2 Western and eastern boundaries: 2.5m and 45 degrees. 7.5.5.3 Southern boundary: 2.5m and 35 degrees. Exemptions: a. gable end roofs may penetrate the building recession plane by no more than one third of the gable height; b. recession planes do not apply to site boundaries adjoining a Town Centre Zone, Business Mixed Use Zone, Local Shopping Centre Zone or fronting a road, or a park or reserve.	RD Discretion is restricted to: a. sunlight, shading or privacy effects created by the proposal on adjacent sites and/or their occupants; b. external appearance, location and visual dominance of the building(s) as viewed from the street(s) and adjacent properties; c. in Arrowtown, consistency with Arrowtown's existing character; d. where Electricity Sub transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the District Plan web mapping application is located within the adjacent road, any adverse effects on that infrastructure.

THE SEAL OF THE ENVIRONMENT COURT NEW ZEALAND