

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

Decision No. [2022] NZEnvC 138

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN KINGSTON LIFESTYLE
PROPERTIES LIMITED

(ENV-2021-CHC-028)

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: 25 July 2022

CONSENT ORDER

A: Under s279(1)(b), RMA,¹ by consent, it is ordered that:

- (1) the appeal is allowed subject to the extent that Queenstown Lakes
District Council is directed to:

¹ Resource Management Act 1991.



- (a) rezone the land at Section 1 SO 7617, Lot 6 DP 306647, Section 20 SO 10898 and Lot 4 DP 318631 to Settlement Zone and apply the Commercial Precinct over the northern part of Section 1 SO 10898, Lot 4 DP 318631 and Section 2 SO 10898; and
 - (b) amend Chapter 20 (Settlement Zone) to include the new policy under Objective 20.2.3;
 - as set out in Appendix 1, attached to and forming part of this order.
- (2) the appeal is otherwise dismissed.

B: Under s285 Resource Management Act 1991 there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns an appeal by Kingston Lifestyle Properties Limited against parts of a decision of the Queenstown Lakes District Council regarding the provisions of Chapter 20 (Settlement Zone) of the proposed Queenstown Lakes District Plan. The appeals were allocated to Stage 3 of the PDP review, Topic 37 – Settlement Zone.

[2] I have read and considered the consent memorandum of the parties dated 14 April 2022 which sets out the agreement reached between the parties to resolve the appeal. The agreement reached includes:

- (a) rezoning an island of Rural Zone to Settlement Zone and Commercial Precinct;
- (b) extending the Commercial Precinct over the land to the north of what is already identified as Commercial Precinct in the decisions version of the PDP;
- (c) zoning the land located within the current Settlement Zone that is not legal road and that does not have a PDP zone, as Settlement Zone;

and

- (d) including in the PDP a new policy under Objective 20.2.3 to give greater recognition to the Kingston Flyer and its historical significance. This is as follows:

Policy 20.2.3.X Recognise the Kingston Flyer and its activities, and its historic significance to Kingston, while maintaining residential amenity values.

Other relevant matters

[3] Kingston Village Limited has given notice of an intention to become a party to the appeal under s274 RMA and has signed the memorandum setting out the relief sought.

[4] The parties agree that costs should lie where they fall and accordingly no order for costs is sought.

Appeal points resolved without amendment to plan provisions

[5] The appellant has agreed to no longer pursue the following appeal points. The court therefore records the following appeal points as dismissed.

Appeal point allocated reference	Appealed provision
ENV-2021-CHC-049-01	The rezoning of Lot 10 DP 539411 and Lot 2 DP 318661.
ENV-2021-CHC-049-04	The insertion in 20.1 to recognise Kingston Flyer and support intensive residential in Commercial Precinct.
ENV-2021-CHC-049-06	The amendment of Objective 20.2.3 to support more intensive residential activities.

ENV-2021-CHC-049-07	The amendment of Policy 20.2.3.1 to support more intensive residential activities.
ENV-2021-CHC-049-08	The insertion of a new rule into Table 20.4 for Kingston Flyer.
ENV-2021-CHC-049-09	Adding the exclusion in 20.5.1 to exclude compliance with residential density of 800m ² in Commercial Precinct.
ENV-2021-CHC-049-10	The insertion of a new rule in Table 27.7 for subdividing around existing buildings or in accordance with approved land use consent.
ENV-2021-CHC-049-11	The adding the exclusion to Standard 20.5.7 for Kingston buildings to be built up to the road boundary.
ENV-2021-CHC-049-12	The amendment of Standard 20.5.8 to allow for Kingston buildings to not exceed 20m.
ENV-2021-CHC-049-13	The exclusion to Standard 20.5.10 to exclude steam locomotives, shunting engines and rolling stock parked at Kingston.
ENV-2021-CHC-049-14	The insertion in Standard 20.5.13 for additional 5 m height within Commercial Precinct.
ENV-2021-CHC-049-15	The amendment of Rule 20.6.1 (b) to include residential units located within the Commercial Precinct at Kingston.

Outcome

[6] The court understands for present purposes that all parties to the proceeding:

- (a) have executed the memorandum requesting this order; and
- (b) are satisfied that all matters 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.

[7] On the information provided to the court, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought. The orders under s279(1) RMA are by consent, rather than representing a decision or determination on the merits.

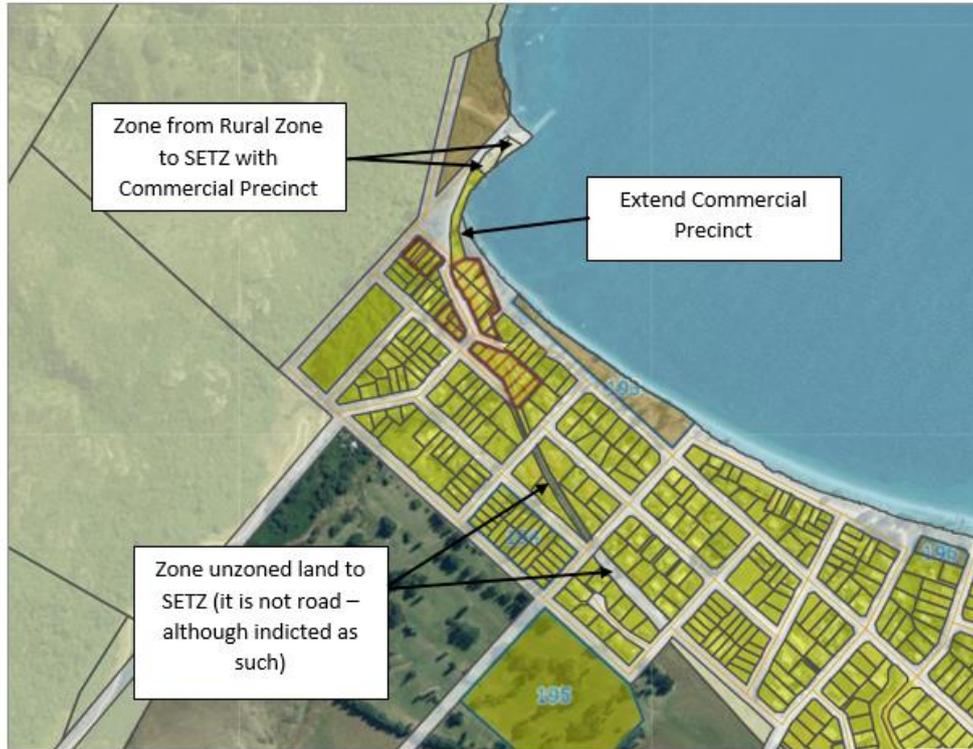


J J M Hassan
Environment Judge



Appendix 1

Changes to the PDP plan maps:



Changes to Chapter 20:

Include a new policy under Objective 20.2.3 as follows:

Policy 20.2.3.X Recognise the Kingston Flyer and its activities, and its historic significance to Kingston, while maintaining residential amenity values

