

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

Decision No. [2022] NZEnvC 62

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN CASSIDY TRUST

(ENV-2019-CHC-40)

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: 14 April 2022

CONSENT ORDER

A: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that Queenstown Lakes District Council is directed to amend Schedule 24.8 of Chapter 24 (Landscape Character Unit 11 – Slope Hill ‘Foothills’) of the Proposed Queenstown Lakes District Plan, as set out in Appendix 1, attached



- to, and forming part of this order;
- (2) the appeal is otherwise dismissed.

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

REASONS

Introduction

[1] This proceeding concerns an appeal by Cassidy Trust against parts of the decision of Queenstown Lakes District Council on Stage 2 of the Proposed Queenstown Lakes District Plan ('PDP'). In particular, the appeal relates to the planning maps and provisions of the PDP that apply to the Wakatipu Basin Rural Amenity Zone. In the staged consideration of appeal points, this is allocated to Topic 31 (rezoning), sub-topic 2, Group 3: Slopehill to Hawthorn.

[2] I have read and considered the consent memorandum of the parties dated 25 March 2022. It proposes to resolve the appeal by amending the description of Landscape Character Unit 11 – Slope Hill 'Foothills' which is comprised within Schedule 24.8 of the PDP.

Other relevant matters

[3] There are three other appeals allocated to Topic 31, namely ENV-2019-CHC-036 (Trustees Burgess Duke Trust), ENV-2019-CHC-056 (Strain) and ENV-2019-CHC-065 (Wakatipu Equities Ltd). However, the Cassidy Trust appeal is sufficiently confined to the appellant's land and surroundings such as to not impact on those appeals. There are no parties under s274, RMA,¹ M K Greenslade having withdrawn their interest by memorandum filed on 13 October

¹ Resource Management Act 1991.

2021.

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

Outcome

[5] The court makes this order under s279(1), RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s297. 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 RMA including, in particular, pt 2.

[6] On the information provided to the court, being satisfied that this will promote the RMA purpose, I make the orders sought.



J J M Hassan
Environment Judge



APPENDIX 1

Text amendments to the description of Landscape Character Unit 11 in Schedule 24.8 of Chapter 24.

11: Slope Hill 'Foothills'

Editorial note: Amendments proposed for the Court's endorsement by consent are shown in text underlined and ~~struck through~~.

Landscape Character Unit	11: Slope Hill 'Foothills'
Landform patterns	<p>Elevated and complex patterning of hills ranging from moderate to steeply sloping in places. Elevated hummock pattern throughout central portion with remnant kettle lakes.</p> <p><u>The southern part of the unit's western edge comprises Slope Hill's lower slopes. These moderate to steep east facing slopes have their relatively consistent gradient broken up by small, localised benches and terraces.</u></p>
Vegetation patterns	<p><u>Tall hawthorn hedging and mature poplar trees along the eastern side of Lower Shotover Road. Much of the road-side hawthorn hedging is protected under the District Plan, consent notices or conditions of consent.</u></p> <p>Exotic shelterbelts, woodlots, remnant gully vegetation, and exotic amenity plantings around on older rural residential <u>properties and around their dwellings</u>. Predominantly grazed grass <u>on larger lots.</u> although smaller lots tends to be mown.</p>
Hydrology	<p>Numerous streams, ponds and localised wet areas.</p>
Proximity to ONL/ONF	<p>Adjoins Slope Hill/Lake Hayes ONF.</p>
Character Unit boundaries	<p>North: Ridgeline crest. East: Ridgeline crest/ONF. South: Toe of Slope Hill ONF. West: Lower Shotover Road.</p>
Land use	<p>Mix of rural and rural residential.</p>
Settlement patterns	<p>Dwellings <u>are</u> generally located to enjoy long-range basin and mountain views. Older rural residential development tends to be well integrated by <u>mature planting</u> and/or localised landform patterns. Newer rural residential is considerably more exposed, with buildings sited to exploit landform screening (where possible). Clustered development evident in places. Numerous consented but unbuilt platforms (43). Typical lot sizes: evenly distributed mix. One property 100-500ha range, another 50-100ha. Balance typically shared lots or 4-10ha range.</p>
Proximity to key route	<p>Located away from key vehicular route.</p>

Landscape Character Unit	11: Slope Hill 'Foothills'
Heritage features	No heritage buildings/features identified in PDP.
Recreation features	A Council walkway/cycleway runs along Slope Hill Road, <u>which</u> (forms part of the Queenstown Trail 'Countryside Ride') .
Infrastructure features	Reticulated water, sewer and stormwater in places.
Existing zoning	PDP: Western slopes overlooking Hawthorn Triangle: Rural Lifestyle (no defensible edges). Balance of the unit: Rural.
Visibility/prominence	<p>Visibility varies across the landscape unit.</p> <p>The elevated nature of the unit and its location adjacent a flat plain on its western side means that this part of the area is visually prominent.</p> <p>The steep hillslopes and escarpment faces edging Speargrass Flat to the north and Lake Hayes to the east, together with Slope Hill itself, serve to limit visibility of the balance of the unit from the wider basin landscape.</p> <p><u>Localised landform (for example benches and terraces) and/or vegetation patterns provide visual containment in places.</u></p> <p><u>The low lying, flat to gently sloping alluvial landform along the western side of the unit is reasonably discreet as consequence of its relative elevation and extensive roadside vegetation.</u></p>
Views	Key views relate to the open vistas available from parts of Hawthorn Triangle environs to the western portion of the unit. The unit affords attractive long-range views out over the basin to the surrounding ONL mountain setting as well as open views of the nearby Slope Hill ONF from some public locations.
Enclosure/openness	<p>A variable sense of openness and enclosure <u>is evident across the unit as a consequence of the complex landform and vegetation patterns.</u></p> <p><u>Many of the older and more established rural residential dwellings are located on localized terraces, benches or hollows and/or development throughout the elevated slopes on the western side of the unit are reasonably enclosed by mature exotic vegetation which means that they sit comfortably within the landscape, despite their elevation.</u></p> <p>Throughout the central and eastern areas, landform provides containment at a macro scale.</p>
Complexity	Generally, a relatively complex unit due to the landform patterning. Vegetation patterns add to the complexity in places.

Coherence	The coordination of landform and vegetation patterns in places (associated with gully plantings), contributes a degree of landscape coherence. Elsewhere the discordant vegetation and landform patterning means that there is a limited perception of landscape coherence.
Naturalness	A variable sense of naturalness, largely dependent on <u>the legibility of the underlying landform and</u> how well buildings are integrated into the landscape. The large number of consented but unbuilt platforms suggest that a perception of naturalness could reduce appreciably in time.
Sense of Place	Generally, the area <u>unit</u> reads as a mixed rural and rural residential landscape. The elevated portions of the area read as a rural residential landscape 'at, or very near, its limit' <u>in terms of its capability to absorb further development.</u> The lower-lying stream valley area to the east remains largely undeveloped, and functions as somewhat of a 'foil' for the more intensive rural residential landscape associated with the surrounding elevated slopes.

Landscape Character Unit	11: Slope Hill 'Foothills'
Potential landscape issues and constraints associated with additional development	DoC ownership of part of low lying stream valley to the east. Drainage in places (e.g. low-lying stream valley to east). Potential visibility of development throughout western hillslopes in particular. Importance of the western slopes as a contrasting and highly attractive backdrop to the intensive patterning throughout the Hawthorne Triangle, particularly in views from within the triangle. Importance of existing open views to Slope Hill. Proximity of popular walkway/cycleway route to the Queenstown Trail. Environment Court history suggest that the capacity has been fully exploited in most parts of the LCU.
Potential landscape opportunities and benefits associated with additional development	Riparian restoration potential. <u>Retirement of grazing on steep slopes and native restoration potential.</u> Large-scaled lots suggest potential for subdivision. Improved landscape legibility <u>and coherence</u> via gully and steep slope <u>native restoration</u> planting. <u>Localised hollows, benches and terraces along with mature exotic vegetation provide opportunities to absorb further development in places.</u> <u>Potential for the integration of walkways/cycleways.</u>
Environmental characteristics and visual amenity values to be maintained and enhanced	Landform pattern <u>and mature vegetation features.</u> Careful integration of buildings with landform and planting. <u>Throughout the more elevated western flanks, future built development should be sited to exploit the containment provided by existing localised benches, terraces or hollows and the screening influence of mature vegetation features.</u> <u>Throughout the low lying flat to gently sloping land along the western edge of the unit, future built development should be positioned to optimize the screening and filtering effect of mature roadside vegetation features.</u>

	Set back of buildings from ridgeline crests to north and east of unit. Retention of existing open views to Slope Hill <u>ONE</u> .
Capability to absorb additional development	Low

