

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

Decision No. [2025] NZEnvC 205

IN THE MATTER

of the Resource Management Act 1991

AND

appeals under clause 14 of the First
Schedule of the Act

BETWEEN

TUSSOCK RISE LIMITED

(ENV-2018-CHC-121)

(ENV-2021-CHC-59)

Appellant

AND

QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

Court: Environment Judge P A Steven
Environment Commissioner C J Wilkinson

Hearing: On the papers

Counsel: G M Todd and R E M Hill for the appellant
H P Harwood and S L Richardson for the respondent

Last case event: 6 June 2025

Date of Erratum: 19 June 2025

Date of Issue: 19 June 2025

ERRATUM



- A: Queenstown Lakes District Council is directed to update the Proposed District Plan in accordance with Appendices 1–3.
- B: The Registrar is directed to attach this Erratum to decision [2025] NZEnvC 74.

REASONS

[1] On 14 March 2025, the court issued a decision addressing the relief sought by Tussock Rise Limited (Tussock) in relation to the decision of the Queenstown Lakes District Council (QLDC) on submissions to Stage 3 of the Proposed Queenstown Lakes District Plan (PDP).¹ The appeal relates to a 9.3ha block of land at Connell Terrace, Wanaka.

[2] The appeal was allowed. The site was rezoned to a mix of Business Mixed Use Zone (BMUZ) and General Industrial and Service Zone (GISZ), and additional and consequential changes were to be made to provisions in the PDP. The parties were to consider whether the Structure Plan should be included within all relevant PDP chapters, given that the landscaping requirement for the GISZ part of the site will be relevant when land use activities are established in addition to being relevant at the subdivision stage.

Joint memorandum of parties

[3] A joint memorandum was filed on behalf of Tussock and QLDC regarding finalising matters to be included in the PDP.

[4] Following review of the court's decision the parties consider that some minor amendments are required to clarify the final drafting of plan provisions and the related structure plan to be included in the PDP.

¹ [2025] NZEnvC 74.

[5] The amendments relate to differences between the proposal sought by Tussock in its evidence-in-chief and the final version of the proposal sought by Tussock at the hearing. The parties anticipate that the court intended to approve the hearings version of relief, but parts of the decision refer to the evidence-in-chief version instead.

Paragraph 24 of the decision

[6] Paragraph 24 of the decision lists out all the changes to the BMUZ that Tussock proposed in evidence-in-chief which was later revised through supplementary and rebuttal evidence, and then further refined through a 'hearing version' of relief which was circulated the evening prior to the hearing and introduced by Mr Dent.

[7] Paragraph [24](a) of the decision states that an increased setback for lots adjoining Gordon Road, Ballantyne Road, and Frederick St/Connell Terrace of four metres is proposed. This was amended in Mr Dent's supplementary and rebuttal evidence.² Mr Dent's evidence was that the increased setback was not needed/proposed any longer due to the change in relief to split zone the site.

[8] Paragraph [24](b) of the decision states that Tussock seeks to adopt all other BMUZ provisions, except a requirement that any residential and visitor accommodation be restricted to the first floor and above. Mr Dent's supplementary and rebuttal evidence sets out that this new restriction in 16.5.3.3 only applies to areas 'A', 'B' and 'C'.³

[9] The restriction on location of bedrooms, referred to in paragraph [24](c) of the decision, was also removed from the proposed provisions in Mr Dent's rebuttal

² Supplementary and rebuttal evidence of Mr Dent at [18]-[19].

³ Supplementary and rebuttal evidence of Mr Dent at [17].

evidence.⁴

Appendices to the decision

[10] The decision's Appendix A and Appendix B illustrate two versions of the proposed structure plan, both of which pre-date the further revisions of the structure plan tabled by Tussock in its hearing version of relief.

[11] Appendix A shows the zoning over the site but does not contain the landscape area on the eastern boundary, the primary and secondary roads or pedestrian connections, and the BMUZ areas A–D which refer to the location of residential/visitor accommodation.

[12] The version tabled at the hearing included the cul-de-sac of Connell Terrace in the site as BMUZ, and which Tussock sought to be adopted into Chapter 27 of the PDP.

[13] Tussock has now corrected the plan to exclude the cul-de-sac from this zoning. The updated structure plan is attached as Appendix 3.

Exhibit C

[14] Exhibit C was circulated with Tussock's hearing relief and produced by Mr Dent.

[15] Exhibit C included amendments to policy 16.2.1.4 and a new objective 16.2.6. These new provisions are not referred to in the decision at paragraph [129], however, they in part give direction to the new rule 16.5.3.3 which is listed. These policies and objectives are intended to provide for site-specific direction as to development and implementation of the structure plan.

⁴ Supplementary and rebuttal evidence of Mr Dent at [20].

[16] Exhibit C sets out consequential amendments to rules 27.3.19.7 and 27.7.16.1. These are not referred to in the decision. These rules further articulate site-specific controls that are demonstrated on the structure plan and which achieve policy 16.2.1.4 and objective 16.2.6.

Directions requested

[17] The parties consider the amendments described above reflect the final revised relief that Tussock presented at the hearing which the court approved in its decision.

[18] Tussock and QLDC provided copies of Chapters 16 and 27 (see Appendices 1 and 2) with marked up amendments, and a final Connell Terrace Structure Plan (see Appendix 3). The parties request that the court directs the PDP is to be updated as per the attachments.

Consideration

[19] The issues are properly raised, an erratum is clearly required to formally record the changes required.

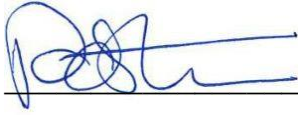
[20] The court has considered the marked up amendments to Chapters 16 and 27 and the finalised Connell Terrace Structure Plan and is satisfied that it is in order to approve them.

Outcome

[21] QLDC is directed to update the PDP in accordance with Appendices 1–3.

[22] The Registrar is directed to attach this Erratum to decision [2025] NZEnvC 74.

For the court

A handwritten signature in blue ink, appearing to read 'P A Steven', is written over a horizontal line.

P A Steven
Environment Judge



Appendix 1

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16 Business Mixed Use

16.1.1.1 For sites adjoining Gorge Road in Queenstown, and Sir Tim Wallis Drive in Three Parks and Areas 'A', 'B', and 'C' in the Connell Terrace Structure Plan, Wānaka, discourage the establishment of high density residential and visitor accommodation activities at ground floor level, except where commercial and/or business activities continue to have primacy at the interface with the street.

16.1.2 Objective – A high-quality, well designed urban environment at Connell Terrace that is integrated with road and pedestrian connections.

16.1.2.1 Ensure subdivision and development at Connell Terrace is undertaken in accordance with the Connell Terrace Structure Plan (Schedule 27.13.13) to promote integration and provisions of access to the immediately adjacent residential and industrial catchments.

- 16.1.2.2 Ensure safe transport connections by:
- a. Providing the primary road connection between Connell Terrace and Gordon Road.
 - b. Providing the secondary internal road in accordance with the structure plan and to the west of the GISZ to articulate the spatial transition of business mixed use activities from general industrial and service activities.
 - c. Providing internal pedestrian and cycle connections that integrate with those established connections from the Pembroke Terrace Low Density Suburban Residential Zone.

16.5 Rules - Standards

	Standards for activities located in the Business Mixed Use Zone	Non-compliance status
16.5.3	<p>Residential and visitor accommodation activities</p> <p>All residential activities and visitor accommodation;</p> <p>16.5.3.1 on sites adjoining Gorge Road in Queenstown located within 10m of the boundary adjoining Gorge Road, or</p> <p>16.5.3.2 on sites adjoining Sir Tim Wallis Drive in Three Parks Wānaka located within 10m of the boundary adjoining Sir Tim Wallis Drive;<u>or</u></p> <p><u>16.5.3.3 on sites located in Area's 'A', 'B', and 'C' in the Connell Terrace Structure Plan (27.13.13);</u></p> <p>shall be restricted to first floor level or above, with the exception of foyer and stairway spaces at ground level to facilitate access to upper levels.</p>	<p>RD</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none">a. the effects of residential and visitor accommodation activities at ground floor level on surrounding buildings and activities;b. the location of residential and visitor accommodation activities at ground floor level relative to the public realm;c. the maintenance of active and

		articulated street frontages.
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Appendix 2

27 Subdivision and Development

Connell Terrace Structure Plan

- 27.1.1.1 Ensure subdivision is consistent with the Connell Terrace Structure Plan by requiring;
- a. landscaping and on-going maintenance of the ~~Building Line Restriction Area~~ Landscaping Area shown on the Connell Terrace Structure Plan; and
 - b. a roading and pedestrian layout that is consistent with the Connell Terrace Structure Plan.

27.7.16	Connell Terrace Structure Plan	RD	
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	<p>27.7.16.1 Subdivision consistent <u>with</u> Structure Plan 27.13.13 Connell Terrace.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. the matters of control listed in Rule 27.7.1; b. roading layout; c. the provision and location of walkways and the green network; and d. the integrated approach to details of landscaping and maintenance of the Landscape Area building restriction areas. 	
	<p>27.7.16.2 Any subdivision that does not comply with the Connell Terrace Structure Plan located in Section 27.13.13.</p> <p>For the purposes of this rule:</p> <ul style="list-style-type: none"> a. any fixed roads shown on the Structure Plan may be moved no more than 20 metres; b. the boundaries of <u>the Landscape Area</u> any fixed open spaces shown on the Structure Plan may be moved up to 5 metres; and c. landscaping <u>within the Landscape Area on the eastern boundary of the structure plan shall be along the western boundary of the BRA shall be either;</u> <ul style="list-style-type: none"> i. Planted using native trees and a 3-5m height and 15-20m width mounding with predominantly evergreen planting with a height of 5-6m; or ii. <u>A minimum of 30% of the planting must be of a species that will achieve or exceed a mature height of 7m; 30m strip of dense predominantly evergreen planting with a height of at least 8 metres.</u> <p>iii. <u>Planting shall be evergreen.</u></p>	NC

Connell Terrace Structure Plan

Layout of Roads, Connections and Building Restriction Areas

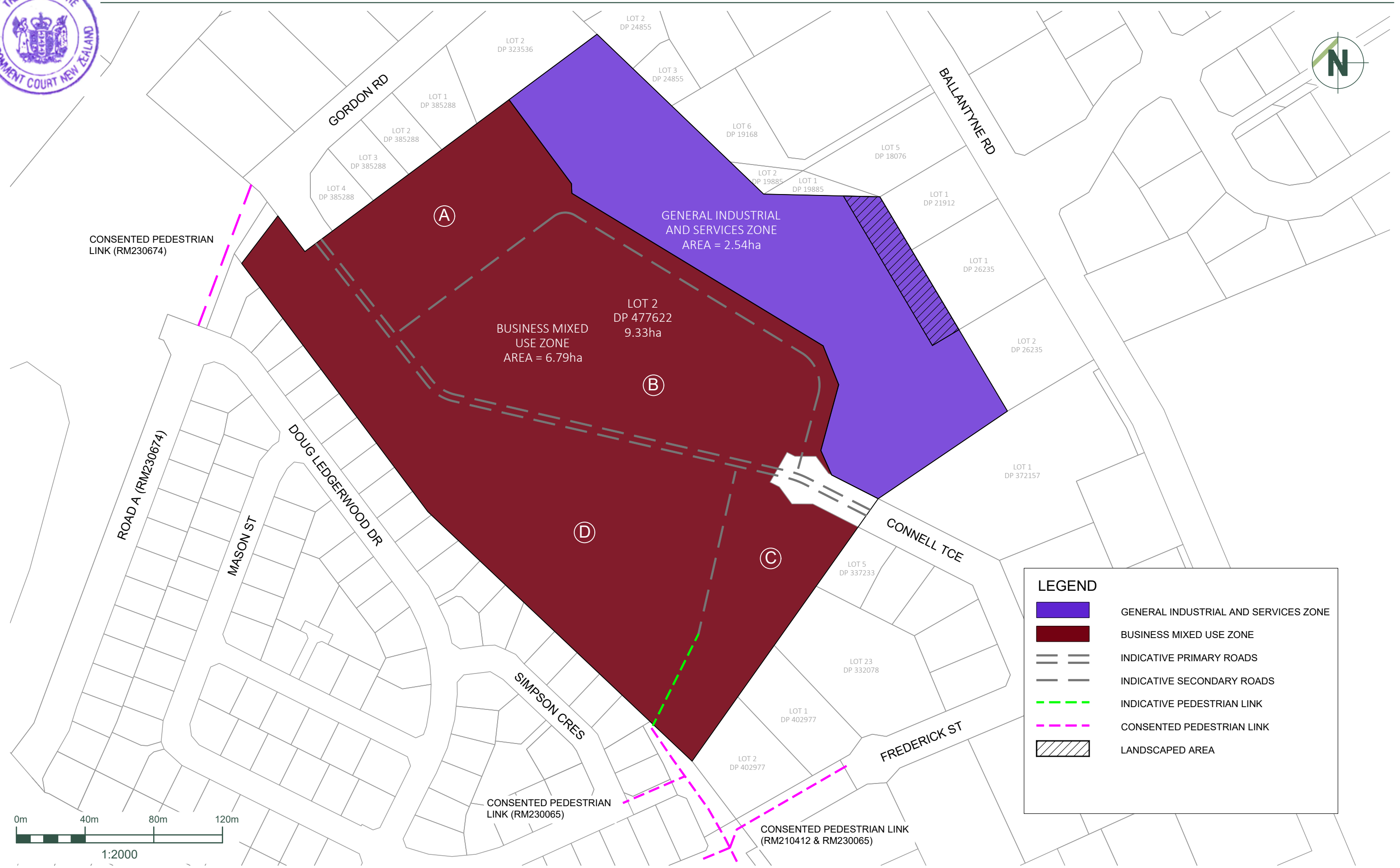


Connell Terrace Structure Plan

Layout of Roads, Connections, and Landscape Areas



Appendix 3



LEGEND

GENERAL INDUSTRIAL AND SERVICES ZONE

BUSINESS MIXED USE ZONE

INDICATIVE PRIMARY ROADS

INDICATIVE SECONDARY ROADS

INDICATIVE PEDESTRIAN LINK

CONSented PEDESTRIAN LINK

LANDSCAPED AREA