

IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN SANDERSON QCC LIMITED
AND QUEENSTOWN
COMMERCIAL LIMITED

(ENV-2019-CHC-29)

Appellant

AND QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

Environment Judge J J M Hassan – sitting alone under section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 9 April 2021

CONSENT ORDER

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

(1) the appeal is allowed, and Queenstown Lakes District Council is
directed to:

(a) amend the provisions of Chapters 7 (Low Density Suburban
Residential) and 27 (Subdivision and Development) and the



zoning maps of the Proposed Queenstown Lakes District Plan and to insert the structure plan for Kawarau Heights in Section 27.13.11, as set out in Appendix 1, attached to and forming part of this order.

(b) make any consequential amendments to the numbering or provisions or to the relevant planning maps resulting from the above amendments.

(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] This proceeding concerns an appeal¹ filed by Sanderson QCC Limited² and Queenstown Commercial Limited against parts of a decision of the Queenstown Lakes District Council regarding the planning maps and provisions of the Proposed Queenstown Lakes District Plan – Stage 2, allocated as Topic 31 (Rezoning) sub-topic 7 Ladies Mile.

[2] The court has now read and considered the consent memorandum of the parties dated 18 February 2021 which proposes to finally determine this appeal.

Other relevant matters

[3] Bridesdale Farm Developments Limited and Queenstown Airport Corporation Limited both gave notice of an intention to become a party to the appeal under s274 of the Resource Management Act 1991 ('RMA') and have signed



ENV-2019-CHC-29.
Formerly Queenstown Country Club Limited.

the memorandum setting out the relief sought.

Orders

[4] 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.



J J M Hassan
Environment Judge



APPENDIX 1

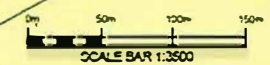
Zoning amendment

The Urban Growth Boundary, zoning and planning map annotations of the Appellants' land are to be amended in accordance with the attached "Zone Plan", with the planning maps in the Proposed Queenstown Lakes District Plan to be changed accordingly.



Legend

- Parcel/Road Boundary
- Approved L&D development area
- Proposed L&D development area
- Landscape Classification ONL (Approved Bora Miskel, Jan 2020, same as Proposed District Plan)
- Urban Growth Boundary
- Proposed Urban Growth Boundary
- Queenstown Airport Outer Control Boundary (L&D)
- Internal Recreation
- Medium Density Residential
- Lower Density Suburban Residential
- Proposed Lower Density Suburban Residential
- Building Restrictions (Proposed Lower Density Suburban Residential with Building Restriction Area (BRA))
- Rural
- Shower Country Seeds Zone
- River
- Unformed Road



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**Sanderson QCC Limited and
 Queenstown Commercial Limited**
 Jones Avenue, Lake Hayes

Zone Plan

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Approved by: []	Job No: 06231S-14	

Amendments to provisions

1. Amend Chapter 7 (Low Density Suburban Residential Zone) and Chapter 27 (Subdivision and development) of the Proposed Queenstown Lakes District Plan in accordance with the attached provisions showing amendments in underline and ~~strike through text~~.
2. Insert the attached Structure Plan for Kawarau Heights in Section 27.13.11 of the Proposed Queenstown Lakes District Plan.

(amendments shown in underline and ~~strikethrough~~ text)
Objectives shown for context only

7 Lower Density Suburban Residential Zone

7.2 Objectives and Policies

7.2.1 Objective - Development within the zone provides for a mix of compatible suburban densities and a high amenity low density residential living environment for residents as well as users of public spaces within the zone.

...

7.2.1.6 Require buildings and development within Kawarau Heights to be:

- a. located in accordance with the Structure Plan contained in Section 27.13.11; and
- b. consistent with the design outcomes sought by the Kawarau Heights Design Guidelines 2020.

7.2.3 Objective - Encourage higher density development where it responds sensitively to the context and character of the locality and is designed to maintain local amenity values.

...

7.2.3.4 Provide for higher density development within Kawarau Heights that is consistent with the design outcomes sought by the Kawarau Heights Design Guidelines 2020.

7.3.2 Interpreting and Applying the Rules

...

7.3.2.8 For sites in Kawarau Heights (as identified in the Structure Plan in Section 27.13.11), the Kawarau Heights Design Guidelines 2020 apply, instead of the Residential Zone Design Guide 2019.

7.4 Rules - Activities

	Activities located in the Lower Density Residential Zone	Activity Status
7.4.8	<p>Residential Units, where the density of development exceeds one residential unit per 450m² net area but does not exceed one residential unit per 300m² net area, excluding sites located within the Air Noise Boundary or located between the Air Noise Boundary and Outer Control Boundary of Queenstown Airport.</p> <p>...</p> <p>Discretion is restricted to:</p> <p>...</p> <p>X. <u>In Kawarau Heights, consistency with the Kawarau Heights Design Guidelines 2020 and Structure Plan contained in Section 27.13.11.</u></p>	RD

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7.5 Rules - Standards

	Standards for activities in the Lower Density Residential Zone	Non-compliance status
7.5.1	<p>Building Height (for flat sites)</p> <p>7.5.1.1 Wanaka: Maximum of 7 metres.</p> <p>7.5.1.2 Arrowtown: Maximum of 6.5 metres.</p> <p><u>7.5.1.3 Kawarau Heights: Maximum of 4.5m and 6m as identified on the Structure Plan in 27.13.11:</u></p> <p>7.5.1.4 All other locations: Maximum of 8 metres.</p>	NC

27 Subdivision and Development

27.3 Location-specific objectives and policies

In addition to the district wide objectives and policies in Part 27.2, the following objectives and policies relate to subdivision in specific locations.

...

Kawarau Heights

27.3.x Objective – A high quality residential development that conforms to a structure plan, provides for a range of housing densities and which integrates with the surrounding landscape, urban areas and transport network.

Policies

27.3.x.1 Require subdivision and development to be in accordance with the structure plan located within Section 27.13.11.

27.3.x.2 Provide for subdivision and development that:

- a. is consistent with the design outcomes sought by the Kawarau Heights Design Guidelines 2020, particularly where a range of densities would result in a diversity of housing;**
- b. safely integrates with the surrounding urban environment and transport network through both active and non-active transport modes.**

27.3.x.3 Ensure that the values of the adjacent Rural Zone Outstanding Natural Landscape are protected by locating development in accordance with the Structure Plan in Section 27.13.11, including by avoiding buildings within the building restriction areas.

27.3.X.4 Maintain the landscape character and integrity of the escarpments within and directly adjacent to Kawarau Heights, by:

- a. avoiding buildings on the escarpments, and setting buildings back from the edges of those escarpments and terrace edges as identified by building restriction areas;
- b. ensuring any earthworks and mounding are sensitively designed and undertaken to integrate with existing topography;
- c. ensuring that any planting on the escarpments and escarpment edges effectively filters and screens views of urban development, in particular as viewed from the adjacent Shotover Country and Lakes Hayes Estate urban areas, and the Kawarau River floodplains.

27.3.x.4 Recognise the limitations of the existing roading network by restricting subdivision and development to 55 residential allotments until the State Highway 6 and Howards Drive intersection is upgraded to a roundabout or another intersection design.

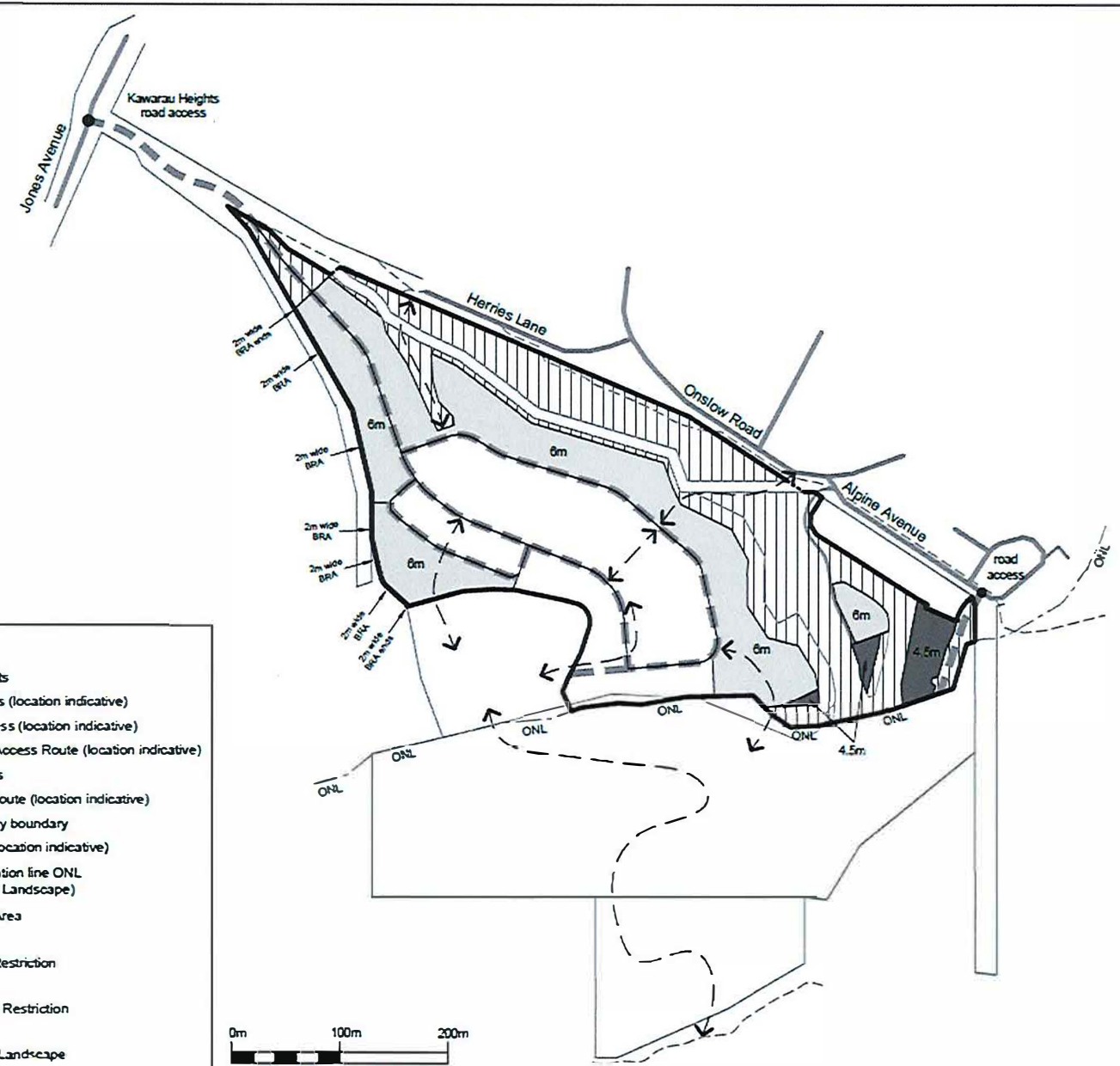
27.7 Zone – Location Specific Rules

	Zone and Location Specific Rules	Activity Status
27.7.1	Subdivision consistent with a Structure Plan that is included in the District Plan.	C
...		
<u>27.7.X</u>	<u>Kawarau Heights</u>	<u>C</u>
	<p><u>27.7.X.1 In addition to those matters of control listed under Rule 27.7.1, when assessing any subdivision, the following shall be additional matters of control:</u></p> <ol style="list-style-type: none"> a. <u>consistency with the Kawarau Heights Design Guidelines 2020;</u> b. <u>earthworks, mounding and planting within the southern extent of the Structure Plan area and the escarpments in proximity to the Rural Zone ONL.</u> 	
	<u>27.7.X.2 Any subdivision that is not in accordance with the Structure Plan contained in 27.13.11.</u>	<u>NC</u>
	<p><u>27.7.X.3 Prior to the upgrade of the State Highway 6 and Howards Drive intersection, to a roundabout or another intersection design, up to 55 residential allotments may be created; or</u></p> <p><u>27.7.x.4 If, prior to the upgrade of the State Highway 6 and Howards Drive intersection, to a roundabout or another intersection design, the Boat Shed café approved pursuant to resource</u></p>	<u>NC</u>

	<p><u>consent SH160140 is operational, up to 19 residential allotments may be created.</u></p> <p><u>Note: The creation of allotments means the issue of s224(c) certification under the Resource Management Act 1991.</u></p>	
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27.13 Structure Plans

27.13.11 Kawarau Heights



Legend	
	Structure Plan Extents
	Existing Road Access (location indicative)
	Existing Private Access (location indicative)
	Existing Pedestrian Access Route (location indicative)
	Primary Road Access
	Pedestrian Access Route (location indicative)
	Structure Plan Activity boundary
	Property Boundary (location indicative)
	Landscape Classification line ONL (Outstanding Natural Landscape)
	Building Restriction Area
	6m Building Height Restriction
	4.5m Building Height Restriction
	Outstanding Natural Landscape



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**Structure Plan
 Kawarau Heights**

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Drawn by	Original Date	Scale
Checked by	1/12/2011	A3
Discussed by	2/12/2011	
Author	20/01/2011	
Project No.	Q6231S - 24	Sheet No.
Revision		Revision
Drawn by		Drawn by
Checked by		Checked by
Discussed by		Discussed by
Author		Author

