

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of an appeal under Clause 14 of the First
Schedule of the Act
BETWEEN WESTWOOD GROUP HOLDINGS
LIMITED & OTHERS
(ENV-2018-CHC-139)
Appellants
AND QUEENSTOWN LAKES DISTRICT
COUNCIL
Respondent

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

In Chambers at Christchurch

Date of Consent Order: 26 July 2019

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 the Queenstown Lakes District Council is directed to amend the provisions of the Business Mixed Use Zone (Chapter 16) 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 Westwood Group Holdings Limited, P.R. Queenstown Limited, Neki Patel and Hamish Munro against part of a decision of the Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan – Stage 1. In particular, the appellants sought to rezone the block of land bounded by Robins Road, Boundary Street and Gorge Road (which includes 30-46 Gorge Road; ‘appeal area’) from High Density Residential Zone to Business Mixed Use Zone.

[2] The court has now read and considered the consent memorandum of the parties dated 9 July 2019, which proposes to resolve the appeal.

Other relevant matters

[3] No person has given notice of an intention to become a party under s274 of the Resource Management Act (‘the RMA’).

[4] Other consent orders which have been filed in relation to the proposed district plan are being held in abeyance. The parties have agreed that it is appropriate to rezone part of the appeal area (the sites at 30-46 Gorge Road only) from High Density Residential Zone to Business Mixed Use Zone. The orders are able to be made at this time since the appeal involves a discrete issue which will not impact on other proposed plan appeals before the court.

Orders

[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; and



- (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 sites at 30-46 Gorge Road are to be rezoned from High Density Residential Zone to Business Mixed Use Zone, subject to the below amendments.

Amendments to provisions

16. Business Mixed Use

16.5 Rules - Standards

	Standards for activities located in the Business Mixed Use Zone	Non-compliance status
16.5.1	<p>Setbacks and sunlight access – sites adjoining a Residential zone or separated by a road from a Residential zone</p> <p>16.5.1.1 Buildings on sites adjoining, or separated by a road from, a Residential zone shall not project beyond a recession line constructed at the following angles inclined towards the site from points 3m above the Residential zone boundary</p> <p>a. 45° applied on the northern boundary; and</p> <p>b. 35° applied on all other boundaries</p> <p>16.5.1.2 Where a site adjoins a Residential Zone all buildings shall be set back not less than 3m.</p> <p><u>16.5.1.3 For 30-46 Gorge Road (as shown on the planning maps):</u></p> <p>a. <u>Standards 16.5.1.1 and 16.5.1.2 only apply to the boundary with 10A-</u></p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the visual effects of the height, scale, location and appearance of the building, in terms of visual dominance and loss of residential privacy on adjoining properties and any resultant shading effects; and</p> <p>b. <u>For 30-46 Gorge Road (as shown on the planning maps) integration of the development with Horne Creek, including site layout and landscaping.</u></p>



	Standards for activities located in the Business Mixed Use Zone	Non-compliance status
	<p><u>10B Boundary Street; and</u></p> <p>b. <u>Buildings shall be set back not less than 4.5m from the property boundary adjacent to Horne Creek.</u></p>	

16.5.6	<p>Fencing</p> <p>A solid fence of 1.8m shall be erected on the boundary of any residential zone, <u>except for 30-46 Gorge Road (as shown on the planning maps) where no fence is required along the property boundary adjacent to Horne Creek.</u></p>	D
16.5.6A	<p><u>Commercial Activities within 30-46 Gorge Road (as shown on the planning maps):</u></p> <p>a. <u>shall not exceed 100m² GFA per site; and</u></p> <p>b. <u>shall only occur at ground floor or street level.</u></p>	D

16.6 Rules - Non-Notification of Applications

16.6.1 Applications for Controlled activities shall not require the written approval of other persons and shall not be notified or limited-notified.

16.6.2 The following Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified or limited-notified:

16.6.2.1 Buildings.

16.6.2.2 Building Heights between 12m and 20m in the Business Mixed Use Zone in Queenstown, except for 30-46 Gorge Road (as shown on the planning maps) where applications may be limited notified to the adjoining properties along the Horne Creek boundary.

