

**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 DAVID BROOMFIELD AND
WOODLOT PROPERTIES
LIMITED

(ENV-2019-CHC-32)

Appellants

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: 7 September 2021

CONSENT ORDER

A: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that the appeal is allowed, and Queenstown Lakes District Council is directed to amend the provisions of Ch 24 – Wakatipu Basin (Landscape Character Unit 3 – Shotover River Terrace in Schedule 24.8), and zoning map of the Proposed Queenstown Lakes District Plan as set out in Appendix 1, attached to and forming part of this order.

B: The appeal is otherwise dismissed.

QLDC – PDP – BROOMFIELD & WOODLOT PROPERTIES LTD v QLDC – TOPIC 31



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

REASONS

Introduction

[1] This proceeding concerns an appeal¹ filed by David Broomfield and Woodlot Properties 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. The relief seeking rezoning of land at Littles Road was allocated as Topic 31 (Rezoning) subtopic 1 – Western Basin Appeals, Group 3.

[2] I have read and considered the consent memorandum of the parties dated 28 July 2021 which proposes to resolve the appeal by approving the agreed rezoning and the amendments to the description of Landscape Character Unit 3 – Shotover River Terrace which is comprised within Schedule 24.8 of the Proposed District Plan.

Other relevant matters

[3] Several parties gave notice of an intention to become a party to the appeal under s274 of the Resource Management Act 1991 ('the RMA') a number of which subsequently withdrew said interest. The Caran Family Trust and The Crown Investment Trust both have an interest in the relief relating to Littles Road and have signed the memorandum setting out the relief sought.

Outcome

[4] The court makes this order under s279(1) RMA, such order being by

¹ ENV-2019-CHC-32.

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 land shown on the attached plan is to be rezoned from Wakatipu Basin Rural Amenity Zone to Wakatipu Basin Lifestyle Precinct.

Text amendment

The parties have agreed to amend the LCU 3 text, as shown in the attached document.



3: Shotover River Terrace

Editorial note:

- Bold text (underlined and strike through) is proposed for the Court’s endorsement by consent.

Landscape Character Unit	3: Shotover River Terrace
Landform patterns	Flat alluvial river terraces edged by steep hill slopes to the north and river cliffs to the south. <u>The western end of the unit is characterised by flat to gently sloping alluvial river terraces interspersed with steep banks and escarpments, and it is framed by the ridgeline system which forms the boundary with the Fitzpatrick Basin (to the North-east) and Shotover River cliffs (to the west and south).</u>
Vegetation patterns	Predominantly exotic vegetation and scrub throughout the steep river cliffs (outside of the LCU). Scattered shade trees and scrub in places, with mown grass and grazed areas evident. <u>Throughout the western end of the unit, planting is limited to riparian restoration along Littles Stream, scattered shade trees and shelter plantings along the Littles Road frontage and mature shelter plantings along fence lines. Very limited amenity plantings around dwellings.</u>
Hydrology	One stream crosses the terrace <u>draining unit at the western end, and drains</u> to the Shotover River.
Proximity to ONL/ONF	Adjacent ONL (WB) of the Shotover River and mountain landform (Sugar Loaf) to the south.
Character Unit boundaries	North: Ridgeline crest defining Fitzpatrick Basin LCU. East: Ridgeline crest defining Fitzpatrick Basin LCU. South: Shotover River vegetation-clad cliffs. West: <u>Littles Road and Shotover River ONF ONL / study area boundary.</u>
Land use	Rural <i>residential and rural lifestyle use</i> (hobby farming, etc). DoC land along southern edge of unit.

Landscape Character Unit	3: Shotover River Terrace
Settlement patterns	<p>Generally, dwellings and platforms positioned to enjoy highly attractive views of Shotover River and the ONF/L mountain context backdrop. Throughout the western end of the unit, dwellings are positioned on the flat river terraces in order to avoid the steeply sloping escarpments towards Littles Stream.</p> <p>A limited number of consented but unbuilt platforms (4 3).</p> <p>Limited access via a private road from Littles Road.</p> <p>Typical lot sizes: western end of unit - approximately 2ha to 4ha with a reasonably generous scaled rural residential character dominating; mix of lots < 4ha and 4-10ha.</p>
Proximity to key route	Accessed via a lesser-used route between Dalefield Road and Arthurs Point Road (Littles Road).
Heritage features	No features identified in PDP.
Recreation features	<p>Public walkway and cycleway along the northern banks of the Shotover River (outside LCU 3) and through the central portion of LCU 3, linking with Fitzpatrick Road. No walkways / cycleways etc. through the area.</p> <p>DoC land.</p>
Infrastructure features	<p>No reticulated sewer.</p> <p>Limited reticulated water / stormwater in places.</p>
Visibility/prominence	<p>The varying landform and vegetation patterning throughout the unit means that visibility of the western end of the unit is generally limited to: limited glimpses from the Shotover River corridor; the elevated rural landforms to the south; and users of Littles Road in the vicinity of LCU 3.</p> <p>The containment of the hill slopes to the north means that visibility is limited to the Shotover corridor, the elevated landform to the south, and parts of the Tucker Beach LCU.</p> <p>Overall, the unit is not prominent within the wider basin landscape</p>
Views	<p>The unit affords attractive mid-range views along the Shotover river, from and to the Sugar Loaf and Ferry Hill ONL backdrop.</p> <p>Key views relate to:</p> <ul style="list-style-type: none"> • short to mid-range views across the western end of the unit from Littles Road; and • longer range views to the unit from the Shotover River corridor.
Enclosure/openness	<p>A reasonably high sense of openness throughout the western end of the unit moderate sense of openness within the unit as a consequence of the limited vegetation patterns and terraced landforms.</p> <p>Overall, the large-scale landforms framing the local area (particularly to the south) contribute a sense of containment.</p>

Landscape Character Unit	3: Shotover River Terrace
Complexity	Steep slopes between the terrace and Fitzpatrick Basin provide localised complexity in places.
Coherence	Generally, a relatively low level of coherence as a consequence of varying landform and vegetation patterns.
Naturalness	A moderate sense of naturalness as a consequence of the landform separation of this area from the neighbouring Fitzpatrick Basin, its proximity to the Shotover River and its aspect adjacent an undeveloped ONL area on the opposite side of the river. <u>The level of relatively exposed rural living development throughout the western end of the unit serves to reduce the perceived naturalness in this part of the unit.</u>
Sense of Place	Generally the unit reads as a discrete rural residential area that is strongly connected to the Shotover River and undeveloped ONL area to the south.
Potential landscape issues and constraints associated with additional development	Relatively open and exposed nature of the unit, within an extremely high value landscape context dominated by ONLs, makes it highly sensitive to landscape change. <u>This includes: the lower lying river terraces at the western end of the unit.</u> Southern aspect. A very private landscape with virtually no public access. Generally relatively small-scaled lots. <u>For the western end of the unit, accessways and large-scale buildings have the potential to disrupt the distinctive river terraced landform patterning.</u>
Potential landscape opportunities and benefits associated with additional development	<u>Established and reasonably generously scaled rural living patterning throughout the western end of the unit (approximately 2ha to 4ha).</u> <u>Relatively visually discreet nature of:</u> <ul style="list-style-type: none"> • <u>the north eastern portion of the western end (on the upper true left flanks of Littles Stream);</u> Close proximity to Queenstown. Contained nature of location. Riparian restoration potential. <u>Retirement and native restoration planting of steeper slopes (>15°), including the escarpments and ridgesides throughout the western portion of the unit, to reinforce the river terraced landform and assist with the integration of (potentially, existing and) new rural living development in views from Littles Road.</u> Potential for integration of walkways/cycleways etc. associated with riverscape.

Landscape Character Unit	3: Shotover River Terrace
Environmental characteristics and visual amenity values to be maintained and enhanced	Sense of (relative) remoteness and connection with the riverscape and surrounding mountains. <u>At the western end of the unit (where land is zoned Precinct): maintenance of the existing reasonably generous scaled rural living patterning, by confining any new built form to the flat river terraces set well back from the river corridor; reinforcement of the distinctive landform patterning via native restoration planting of the steep banks and ridgesides.</u>
Capability to absorb additional development	<p>Low</p> <p><u>Moderate- High: The area zoned Lifestyle Precinct, excluding the steep banks and ridgesides within the western part of the unit, which are to be kept free from development.</u></p> <p><u>Low: within the Rural Amenity zoned western margins of the unit coinciding with the lower lying river terraces flanking the Shotover River.</u></p>

