IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

Decision No. [2026] NZEnvC 286

IN THE MATTER	of the Resource Management Act 1991
AND	an appeal under clause 14 of the First Schedule of the Act
BETWEEN	M LAMING
	(ENV-2026-CHC-23)
	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: 19 October 2026

CONSENT ORDER

A: Under s279(1)(b) RMA,[1] 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 Ch 15 of the Queenstown Lakes Proposed District Plan as set out in Appendix 1,

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1 Resource Management Act 1991.

attached to and forming part of this order.

(2) the appeal is otherwise dismissed.

B: Under s285 RMA, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns an appeal by Mr M Laming filed in relation to the decision of the Queenstown Lakes District Council (QLDC) on the Urban Intensification Variation to the Queenstown Lakes District Proposed District Plan (PDP). As notified, the Variation proposed an uplift in permitted building height limits. Within the Local Shopping Centre Zone (LSCZ) that was from 7 to 10 m at Hāwea. In other locations throughout the Queenstown Lakes District an uplift to 14 m was proposed.

[2] Mr Laming submitted on the Variation, seeking an increase in the permitted building height of the LSCZ at Hāwea to 14 m. The notice of appeal states the appellant's expert planning and urban design evidence supported the uplift to 14 m due to the context of the LSCZ at Hāwea comprising wide streets, a Council reserve, and only one direct residential boundary. QLDC's expert planning and urban design evidence subsequently supported the uplift. No expert evidence was provided in support of retaining the 10 m building height notified for Hāwea. Despite this, QLDC decided to retain the 10 m building height limit for the LSCZ at Hāwea.

[3] The appeal seeks an increase in the permitted building height within the LSCZ at Hāwea to 14 m and any other or consequential relief that would give effect to that relief. The relief sought by the appeal was allocated to Topic 2: Location-specific Relief (including bespoke text and rezonings), subtopic 12.

Agreement reached

[4] I have read and considered the consent memorandum of the parties dated 18 August 2026 which sets out the agreement the parties have reached to resolve the appeal. It explains the parties have agreed to amend r 15.5.7 so that the maximum permitted building height for Lake Hāwea is 14 m (instead of 10 m), and non-compliance is non-complying (instead of discretionary). Further, a note is also inserted to clarify that the reference to Lake Hāwea does not include the LCSZ identified in the PDP as Lake Hāwea South.

[5] Further, the memorandum explains the parties consider a 14 m permitted building height is appropriate for the Lake Hāwea LSCZ and will assist in achieving the direction in Pol 5 of the National Policy Statement on Urban Development 2020. Further, the application of the non-complying activity status to breaches of the 14 m height standard is considered to more effectively and efficiently achieve the outcomes sought by PDP Obj 15.2.2 and Pols 15.2.2.1 to 15.2.2.3. That is in essence that buildings respond to the existing character, quality and amenity values of their neighbourhood setting, that development is of a scale commensurate with the receiving built environment, and that minor height infringements may still be considered where they achieve higher quality design outcomes without significant adverse amenity effects.

Other relevant matters

[6] Arvida Group Limited had given notice of an intention to become a party to this appeal under s274 RMA, but later withdrew its interest. No other person joined the appeal as an interested party.

[7] No party has sought costs, instead agreeing that costs should lie where they fall.

[8] The consent memorandum records the parties' assurances that there are no issues of scope and 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.

Outcome

[9] All parties to the proceeding have executed the memorandum requesting the orders. On the information provided to the court, I am satisfied that the orders will promote the RMA purpose so I will make the orders sought.

Orders

[10] The court makes this order under s279(1) RMA, by consent, rather than as a decision or determination on the merits under s297.

[11] This order is made based on the joint memorandum recording the parties' full agreement.

[12] Based on the information provided and the assurances received, the court is satisfied that the orders will promote the purpose of the RMA. Accordingly, the appeal is allowed to the extent that QLDC is directed to amend the provisions of Ch 15 of the PDP as set out in Appendix 1, attached to and forming part of this order.

[13] The appeals are otherwise dismissed.

[14] Under s285 RMA, there is no order as to costs.



J J M Hassan
Environment Judge | Kaiwhakawā o te Kōti Taiao



APPENDIX 1

Amendments to Chapter 15 – Local Shopping Centre Zone

Key for changes:

Text shown in blue underline indicates insertions.

Chapter 15 – Local Shopping Centre Zone

15.5.7	Building Height 1. For all areas excluding Arrowtown and Lake Hāwea the maximum building height shall be 10m. 2. For Arrowtown, the maximum building height shall be 7m. 3. For Lake Hāwea, the maximum building height shall be 14m. Note: The references to Lake Hāwea do not include Lake Hāwea South.	D NC NC

