

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

IN THE MATTER of the Resource Management Act 1991
AND of appeals under clause 14 of the First
Schedule of Act
BETWEEN UNIVERSAL DEVELOPMENTS LIMITED
(ENV-2018-CHC-101)
FRED VAN BRANDENBURG
(ENV-2018-CHC-71)
CLARK FORTUNE MCDONALD AND
ASSOCIATES
(ENV-2018-CHC-65)
FII HOLDINGS LIMITED
(ENV-2018-CHC-84)
STREAT DEVELOPMENTS LIMITED
(ENV-2018-CHC-86)
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 May 2020

CONSENT ORDER

A: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court,
by consent, orders that:

QLDC PDP TOPIC 7 SUBTOPIC 2 – UNIVERSAL DEVELOPMENTS LTD & ORS v QLDC – Consent Order
May 2020



- (1) the appeal is allowed, and Queenstown Lakes District Council is directed to:
 - (a) amend Chapter 27 (Subdivision and Development) as set out in Appendix 1, attached to and forming part of this consent order);
 - (b) make any consequential changes to the planning maps resulting from the above amendments.
- (2) the following appeal points are dismissed:
 - (a) ENV-2018-CHC-065-006;
 - (b) ENV-2018-CHC-071-005;
 - (c) ENV-2018-CHC-101-011;
 - (d) ENV-2018-CHC-084-007; and
 - (e) ENV-2018-CHC-086-003.

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

REASONS

Introduction

[1] These proceedings concern appeals by Universal Developments Limited, Fred van Brandenburg, Clark Fortune McDonald and Associates, FII Holdings Limited and Streat Developments Limited against parts of a decision of the Queenstown Lakes District Council on Chapter 27 of the proposed Queenstown Lakes District Plan – Stage 1. It relates to Topic 7 (Subdivision and Development) subtopic 2 (Activity Status of Urban Subdivision).

[2] The court received a consent memorandum of the parties dated 2 March 2020. That memorandum also references the consent memorandum dated 24 June 2019 filed with the court in relation to Topic 7.

[3] As a number of s274 parties had not signed the joint memorandum, the court issued a Minute dated 8 May 2020 providing those parties the opportunity to express their views on the relief sought by consent order. No response has been received.

[4] The court has now read and considered the consent memoranda of the parties which proposes to resolve these appeals.



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 (or, having opportunity to comment, have not done so);
- (b) all signatory 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

(amendments shown in underline and ~~strikethrough~~ text)

CHAPTER 27 – SUBDIVISION

27.9 Assessment Matters for Resource Consents

27.9.1 Boundary Adjustments

In considering whether or not to impose conditions in respect to boundary adjustments under Rule 27.5.3 and in considering whether or not to grant consent or impose conditions in respect to boundary adjustments under 27.5.4, the Council shall have regard to, ~~but not be limited by~~, the following assessment criteria:

...

27.9.2 Controlled Unit Title and Leasehold Subdivision Activities

In considering whether or not to impose conditions in respect to unit title or leasehold subdivision under Rule 27.5.5, the Council shall have regard to, ~~but not be limited by~~, the following assessment criteria:

...

27.9.3 Restricted Discretionary Activity Subdivision Activities

In considering whether or not to grant consent or impose conditions under Rules 27.5.7 and 27.5.8, the Council shall have regard to, ~~but not be limited by~~, the following assessment criteria:

27.9.3.1 Assessment Matters in relation to Rule 27.5.7 (Urban Subdivision Activities)

- a. whether lot sizes and dimensions are appropriate in respect of widening, formation or upgrading of existing and proposed roads and any provisions required for access for future subdivision on adjoining land;
- b. consistency with the principles and outcomes of the QLDC Subdivision Design Guidelines;
- c. whether any landscape features or vegetation, including mature forest, on the site are of a sufficient ~~amenity~~ ecological and natural value that they should be retained and the proposed means for their protection;
- d. the effect of subdivision on any places of heritage value including existing buildings, archaeological sites and any areas of cultural significance;
- e. whether the location, alignment, gradients and pattern of roading, service lanes, pedestrian accessways and cycle ways is appropriate, including as regards their safety and efficiency;
- f. the extent to which the provision of land for open space and recreation is provided for consistent with the objectives and policies of the District Plan relating ~~having regard to the provision,~~ diversity recreational



needs and environmental effects of open spaces and recreational facilities;

- g. whether the purposes for the creation of esplanade reserves or strips set out in section 229 of the Act are achieved;
- h. whether services are to be provided in accordance with Council's Code of Practice for Subdivision
- i. whether effects on electricity and telecommunication networks are appropriately managed;
- j. whether appropriate easements are provided for existing and proposed access and services.
- k. the extent to which natural hazard risk is appropriately managed in accordance with the relevant provisions of Chapter 28:
- ~~l. the extent to which Policies 27.2.1.1, 27.2.1.2, 27.2.1.3, 27.2.3.2, 27.2.4.4, 27.2.5.5, 27.2.5.6, 27.2.5.10, 27.2.5.11, 27.2.5.14, 27.2.5.16 and 27.2.6.1 are achieved.~~

27.9.4 Restricted Discretionary Activity - Subdivision Activities within National Grid Corridor

In considering whether or not to grant consent or impose conditions in respect to subdivision activities under Rules 27.5.10, the Council shall have regard to, ~~but not be limited by,~~ the following assessment criteria:

...

27.9.5 Controlled Subdivision Activities – Structure Plan

In considering whether or not to impose conditions in respect to subdivision activities undertaken in accordance with a structure plan under Rules 27.7.1 and 27.7.2.1, the Council shall have regard to, ~~but not be limited by,~~ the following assessment criteria:

...

27.9.6 Restricted Discretionary Activity-Subdivision Activities within the Jacks Point Zone

In considering whether or not to grant consent or impose conditions in respect to subdivision activities under Rule 27.7.5.2, the Council shall have regard to, ~~but not be limited by,~~ the following assessment criteria:

...

27.9.7 Controlled Activity-Subdivision Activities on West Meadows Drive

In considering whether or not to impose conditions in respect to subdivision activities under Rule 27.7.8.1, the Council shall have regard to, ~~but not be limited by,~~ the following assessment criteria:

...

