



IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under Clause 14 of the
First Schedule to the Act

BETWEEN PENINSULA ROAD LIMITED

(ENV-2007-CHC-322)

Appellant

AND

QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge J R Jackson sitting alone under section 279 of the Act

In Chambers at Christchurch

CORRECTION TO CONSENT ORDER

Introduction

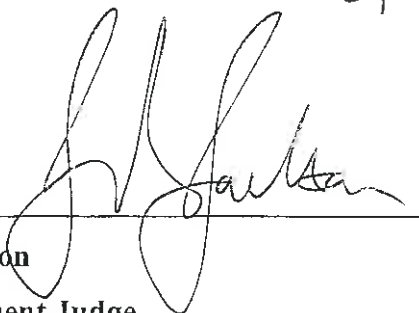
- [1] On 4 July 2009 the Court issued a consent order determining the above appeal in respect of Plan Change 10 to the Partially Operative Queenstown Lakes District Plan.
- [2] On 12 August 2009 the Registrar received a joint memorandum of the parties to the appeal advising that the schedule that had been attached to the consent documentation provided by the parties had included an error in



respect of amended rules 7.5.6.2(xii) and 7.5.6.3(ii)(c) (the latter having been omitted altogether from the schedule of changes).

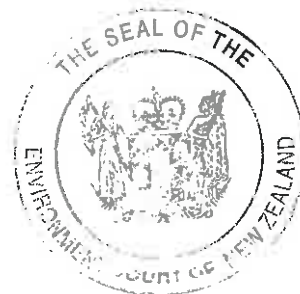
- [3] When reviewing the consent order it was also noted that the appeal number listed in the intituling contained a typographic error. It listed the appeal number as ENV-2008... rather than ENV-2007... . That error is also corrected in this further order.
- [4] It is noted that the joint memorandum is signed by or on behalf of all the parties to this appeal (including the two s.274 parties) and that the errors appear minor and, therefore, capable of correction under Rule 12 of the District Court Rules.
- [5] Accordingly, the Court orders, by consent and under Rule 12 of the District Court Rules, that the consent order issued on 4 July 2009 be corrected by deleting the attached schedule and replacing it with **Schedule A** attached to and forming part of this further order.
- [6] There is no order for costs.

DATED at CHRISTCHURCH 31 August 2009.



J R Jackson
Environment Judge

Issued: 31 AUG 2009



SCHEDULE A

The following schedule shows the text as it is to be adopted into the Queenstown Lakes Partially Operative District Plan as a result of the Peninsula Road appeal (ENV-2007-CHC-322). Text shown with a ~~strike~~ represents deletions from the Council decisions on plan change 10 as notified and the underlined text indicates new wording which has been included. All other text is to remain as per the Council decision on plan change 10.

NB: As a result of resolution to all appeals, the paragraph numbering referred to above may be subject to change.

Plan Change 10

4.9.3 Objective 2 Policy 2.2

2.2 To cluster growth of visitor accommodation in certain locations ~~closest to town centres~~ so as to preserve other areas ~~beyond this narrow ring~~ for residential development.

4.9.3 Objective 4 Implementation Method (i) (e)

"(e) Zoning to distinguish high density residential from visitor accommodation development adjacent to town centres ~~and or to existing and or probable public transport routes.~~"

7.1.3 High Density Residential Zones – District Wide

7.1.3.1 Issue

Development Pressure

Some visitor accommodation developments in the High Density Residential Zone are having a significant negative impact on the character and amenity of our neighbourhoods.....

7.1.3.2 Objective 1 Policy 1, bullet point 5

- Ensuring development is of a high architectural quality that ensures the use of articulation within the building form and avoids repetitive and continuous building forms or facades in accordance with good urban design principles.

7.1.3.2 Objective 1 Policy 3, bullet point 2

- ~~To require~~ Encouraging the retention of existing vegetation where appropriate, especially established trees and native vegetation.



7.5.3.3.i Multi-Unit developments

...
Except that this rule shall only apply to lot 1 DP15037 and Sections 10, 11 and 18 BLK VIII Town of Queenstown and within Sub-zone B1 in respect of external alterations.

Rule 7.5.4 Non-Notification of Applications

- (ii) All applications for the exercise of Council's discretion in respect of the following Restricted Discretionary Activities:
 - (a) Outline Development Plan for Peninsula Bay
 - (b) Multi-Unit Developments

Site Standards 7.5.5.2- Residential Activities and Visitor Accommodation and 7.5.6.3 Non Residential Activities

(i) Building Coverage

In the High Density Residential Sub-Zones, the maximum building footprint coverage for buildings at ground level or above ground level on any site shall be in accordance with Table 7.2.

Table 7.2

SUB-ZONE	BUILDING COVERAGE
High Density Residential Sub-Zone A	65%
<u>High Density Residential Sub-Zone B1</u>	<u>55% when taken as a percentage of the B1 subzone as a whole.</u>
High Density Residential Sub-Zone B	55%
High Density Residential Sub-Zone C	45%

Except that in respect of Sub-zone B1, Building Coverage does not include any veranda over public open space. For the purposes of this exception:

- a. "veranda" means a structure or part of a structure extending over public open space for weather protection purposes only and not for any other building or activity purpose;
- b. "public open space" means land subject to an easement or other legal instrument providing for access across and use of that land by the general public.

The Council's discretion is restricted to Assessment matter 7.7.2(iv)(1), Urban Design Protocol.



(iii) Setback from Roads

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- In the High Density Residential zone the minimum setback from road boundaries of any building and/or outdoor storage, shall be 4.5m as measured to buildings at ground level and/or above ground level but not to underground structures ~~provided no below ground level building or structure within the setback is~~ which are not visible from ground level.

(iii)(iv) Setback from Internal Boundaries/Neighbours

- (a) Except as provided for below, the minimum setback from internal boundaries/neighbours for any building shall be:
- (b) Exceptions to (a) setbacks:
- Renumber existing rules (b) and (c)(i)-(v) as: (i) and (ii)(a) to (e).
- (e) Where two or more buildings are located on a single lot within the High Density Residential Sub-zones A, B and C, the mutual set back requirements will apply as if an internal boundary exists to separate the buildings.
- (f) Where two or more buildings are located on a single lot within the High Density Residential Sub-zone B1 the mutual setback requirements will apply as if an internal boundary exists to separate the buildings but only to the extent that any two or more buildings on a lot are located other than in accordance with the master planned development consented under RM050908 dated 28/7/2006
- (g) The setback distance between buildings shall be measured at ground level and/or above ground level but shall not include underground structures ~~provided no below ground level building or structure within the setback is~~ provided no below ground level building or structure within the setback is which are not visible from ground level.
- (h) The Council's discretion is restricted to those matters set out in Assessment Matter 7.7.2.xvi.

(vi) Continuous Building Length in the High Density Residential Zone

- (a) ...
- (b) ...

Provided that paragraphs (a) and (b) shall apply to a building in Sub-zone B1 only to the extent that the aggregate length along one elevation of buildings parallel to any internal boundary and the setbacks of all or part of any building along that internal boundary is other than in accordance with the master planned development consented under RM050908 dated 28/7/2006.



(xvi) **Landscape Coverage**

The minimum coverage for landscaped area on any site in the High Density Residential Sub-Zones shall be in accordance with Table 7.3.

Table 7.3

SUB-ZONE	LANDSCAPE COVERAGE
High Density Residential Sub-Zone A	20%
<u>High Density Residential Sub-Zone B1</u>	<u>20% (taken as a percentage of Sub-Zone B1 as a whole)</u>
High Density Residential Sub-Zone B	30%
High Density Residential Sub-Zone C	40%

Rule 7.7.5.3.ii Building Coverage

- 70% in the High Density Residential Zone (provided that in Sub-zone B1 this is to be taken as a percentage of Sub-zone B1 as a whole).

(iv) **Site Density in the High Density Residential Sub-Zone C.**

In the High Density Residential Sub-zone C, the maximum density of residential units to the site area ~~in sub-zone G~~ shall not exceed one unit per 3250m² of site area.

Rule 7.5.6.2 Site Standards – Non residential Activities (other than Visitor Accommodation in the High Density Residential Zone).

ii **Setback from Roads**

- (c) In the High Density Residential Zone the minimum setback from road boundaries of any building, and/or outdoor storage, shall be 4.5m as measured to buildings at ground level and/or above ground level but not to underground structures ~~provided no below ground level building or structure within the setback is~~ which are not visible from ground level.

iii **Setback from Internal Boundaries/Neighbours**

- (h) Where two or more buildings are located on a single lot within the High Density residential Zone, the mutual setback requirements will apply as if an internal boundary exists to separate the buildings. The setback distance between buildings shall be measured at ground level and/or above ground level but shall not include underground structures ~~provided no below ground level building or structure within the setback is~~ which are not visible from ground level.



ix Landscape Coverage

Table 7.6:

SUB-ZONE	LANDSCAPE COVERAGE
High Density Residential Sub-Zone A	20%
<u>High Density Residential Sub-Zone B1</u>	<u>20% taken as a percentage of Sub-zone B1 as a whole</u>
High Density Residential Sub-Zone B	30%
High Density Residential Sub-Zone C	40%

xii Building Coverage

In the High Density Residential Sub-zones, the maximum building coverage for all activities shall be in accordance with Table 7.7. This standard shall only apply to buildings at ground level or above ground level ~~provided no below ground level building or structure within the setback is which are~~ visible from ground level.

Table 7.7:

SUB-ZONE	BUILDING COVERAGE
High Density Residential Sub-Zone C	45%

7.5.6.3 Zone Standards – Non Residential Activities (other than Visitor Accommodation in the High Density Residential Zone)

ii Building Coverage

- (b) In the High Density Residential Zone this standard shall only apply to buildings at ground level or above ground level ~~provided no below ground level building or structure within the setback is which are~~ visible from ground level.
- (c) In Sub-Zone B1, Building Coverage does not include any veranda over public open space. For the purposes of this exception:
 - i. "veranda" means a structure or part of a structure extending over public open space for weather protection purposes only and not for any other building or activity purpose;
 - ii. "public open space" means land subject to an easement or other legal instrument providing for access across and use of that land by the general public.



7.7.2 Assessment Matters, iv Restricted Discretionary Activity – Multi Unit Developments

E Creativity (second bullet point)

- Articulated facades that utilise architectural elements to create an overall composition that enriches the eye in terms of scale, rhythm and detailing of the building while avoiding inappropriate or unattractive repetitive facades, "cookie cutter" design solutions and flat, blank or uninteresting walls; and

H Notes:

When applying paragraphs A to G to Sub-zone B1 regard shall be had to the master planned development consented under RM050908 dated 28/07/2006.

7.7.2 Assessment Matters, xv Setbacks from Roads, point (i)

- (i) The extent and effect of shadowing on any adjacent property or public road is avoided; and....

7.7.2 Assessment Matters, xxii Earthworks, 4 General Amenity Values

- 4(d) ~~Whether~~The extent to which the transportation of soil to or from the site will generate any negative effects on the safety or efficiency of the road network.

MINOR WORDING CHANGES

Headings for "Setback from Internal Boundaries/Neighbours" shall be made consistent at 7.5.5.2 (iii), 7.5.6.2 (iii), and 7.7.2 xvi.

