

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH  
I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHĪ**

**Decision No. [2025] NZEnvC 354**

IN THE MATTER of the Resource Management Act 1991

AND an appeal under clause 14 of the First  
Schedule of the Act

BETWEEN BARNHILL CORPORATE  
TRUSTEE LIMITED AND D E,  
M E BUNN AND L A GREEN

(ENV-2021-CHC-17)

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: 4 November 2025

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**CONSENT ORDER**

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A: Under s279(1)(b) of the RMA,<sup>1</sup> the Environment Court, by consent, orders  
Queenstown Lakes District Council to:



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<sup>1</sup> Resource Management Act 1991.

- (1) update the Queenstown Lakes Proposed District Plan planning maps to show the rezoning of part of the site to Rural Visitor Zone, and the inclusion of the mapped overlays denoting High and Moderate High Landscape Sensitivity Areas as shown in Appendix 1;
- (2) update the provisions of Ch 46 of the Queenstown Lakes Proposed District Plan as set out in Appendix 2.

B: The appeal is otherwise dismissed.

C. Under s285 of the RMA, there is no order as to costs.

## **REASONS**

### **Introduction**

[1] This proceeding relates to an appeal by Barnhill Corporate Trustee Limited and D E, M E Bunn and L A Green (appellant) against part of the decision of the Queenstown Lakes District Council (QLDC) as part of the review of the Queenstown Lakes Proposed District Plan (PDP).

### **Background**

[2] The appellant owns land at 220 Morven Ferry Road, Arrow Junction, Queenstown (site).<sup>2</sup> The site was zoned Rural General in the ODP and notified Rural Zone in Stage 1 of the PDP. The appellant submitted on Stage 1 seeking that part of the site (and surrounding land) be re-zoned to Morven Ferry Rural Visitor Zone A and Morven Ferry Rural Visitor Zone B.

[3] No decision was made on that Stage 1 submission because the site (and surrounding land) was re-zoned Wakatipu Basin Rural Amenity Zone (WBRAZ) through the notified Wakatipu Basin variation in Stage 2 of the PDP. Through

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<sup>2</sup> Legally described as Lot 4 DP 588118 and held in Record of Title 1117453.

the variation, the site was also included within LCU 18 – Morven Eastern ‘Foothills’ in Schedule 24.8.

[4] The appellant lodged a submission on Stage 2 seeking that the site (and surrounding land) be re-zoned to ‘Morven Ferry Road Visitor Precinct A’ and ‘Morven Ferry Road Visitor Precinct B’. The hearing panel recommended the submission be rejected.

[5] The appellant appealed that Stage 2 decision seeking the Site and surrounding land be rezoned to a combination of Wakatipu Basin Lifestyle Precinct with a 4000m<sup>2</sup> minimum average density, and ‘Morven Ferry Road Visitor Precinct A and B’ (all as a Morven Ferry Subzone within the Wakatipu Basin).

[6] On 15 October 2021, the parties advised the court that they considered it most efficient to consolidate the part of the PDP Stage 2 appeal concerning the Morven Ferry Rural Visitor Zone with this Stage 3 appeal.<sup>3</sup> The remainder of the relief sought in the PDP Stage 2 appeal was declined by the Environment Court on 26 November 2024.<sup>4</sup>

[7] The appellant also lodged a submission on Stage 3B seeking that the site (and surrounding land) be zoned RVZ with sub-zones ‘Morven Ferry Rural Visitor Zone A’ and ‘Morven Ferry Rural Visitor Zone B’. The respondent notified its decisions on Stage 3 of the PDP on 1 April 2021. Neither the submission relief nor the refined relief was recommended by the hearing panel and included in the Council’s decision.

[8] The appellant appealed the decision seeking that the WBRAZ zoning over the site be deleted and that the site be re-zoned to RVZ. Further, the appeal sought changes to related provisions of Ch 46.

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<sup>3</sup> Joint memorandum dated 15 October 2021.

<sup>4</sup> *Barnhill Corporate Trustee Ltd v Queenstown Lakes District Council* [2024] NZEnvC 302..

## **Agreement reached**

[9] I have read and considered the consent memorandum of the parties dated 22 August 2025, which outlines the agreement reached by the parties through informal discussions. The parties agree the appeal can be resolved in its entirety, by rezoning 4.3ha of the site to RVZ. Further parts of the site will be subject to mapped overlays denoting “High” or “Moderate High Landscape Sensitivity”. The areas are comprised as follows:

- (a) 1.0230ha: Morven Ferry RVZ Area A;
- (b) 0.6369ha: Morven Ferry RVZ Area B;
- (c) 2.6942ha: Morven Ferry RVZ High or Moderate High Sensitivity Area.

[10] The memorandum records that in reaching this agreement, the parties have considered the current Ch 24 Wakatipu Basin framework that applies to the Site. Noting that the site is located within LCU 18, the parties agree that the rezoning, despite being a different zone type, accords with the landscape capacity of LCU 18 and the wider Wakatipu Basin. The parties also agree that no changes are required to the descriptions in LCU 18 located in Schedule 24.8 of the PDP, as a consequence of the rezoning.

[11] Additionally, the parties have agreed that changes to the Ch 46 provisions are appropriate, and that those changes should apply only to the Morven Ferry RVZ. The provisions, as amended, enable:

- (a) a tiered maximum ground floor area consenting approach for buildings in the Morven Ferry RVZ Area A:
  - (i) up to 500m<sup>2</sup> total maximum ground floor area as a controlled activity.
  - (ii) between 500m<sup>2</sup> to 800m<sup>2</sup> total maximum ground floor area as a restricted discretionary activity; and

- (iii) beyond 800m<sup>2</sup> total maximum ground floor area is a non-complying activity.
- (b) a tiered approach for buildings in the Morven Ferry RVZ Area B:
  - (i) up to 900m<sup>2</sup> total maximum ground floor area as a controlled activity; and
  - (ii) beyond 900m<sup>2</sup> total maximum ground floor area as a restricted discretionary activity.

[12] For the controlled and restricted discretionary activities above, the consent authority's discretion is restricted to:

- (a) landscape;
- (b) visual amenity values;
- (c) nature, scale and external appearance;
- (d) density and scale of development;
- (e) effects on amenity values and reverse sensitivity effects from the location, nature, scale and intensity of activities undertaken in the building;
- (f) natural hazards; and
- (g) design and layout of site access, on-site parking, manoeuvring and traffic generation.

### **Other relevant matters**

[13] Gibbston Valley Station Limited, Malaghans Investments Limited, and Matakauri Lodge Limited each gave notice of an intention to become parties to the appeal under s274 RMA. They have not signed the memorandum setting out the relief. The s274 parties were interested in the amendments to Ch 46 rather than the site-specific amendments and have since confirmed they are no longer interested in the appeal.

[14] The parties advise that all matters for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives

of the Act including, in particular, Pt 2.

[15] No party seeks costs, all parties agreeing that costs should lie where they fall.

### **Outcome**

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

[17] This order is made on the basis of the joint memorandum recording the parties' full agreement. The court understands, for present purposes, that all relevant parties to the proceeding have executed the memorandum requesting the orders.

[18] Based on the information provided and the assurances received, the court is satisfied that the order will promote the purpose of the RMA. Accordingly, QLDC is directed to:

- (a) update the PDP planning maps to show the rezoning of part of the site to RVZ, and the inclusion of the mapped overlays denoting "High" and "Moderate High Landscape Sensitivity Areas" as shown in Appendix 1;
- (b) update the provisions of Ch 46 of the PDP as set out in Appendix 2;

[19] The appeal is otherwise dismissed. Under s285 of the RMA, there is no order as to costs.



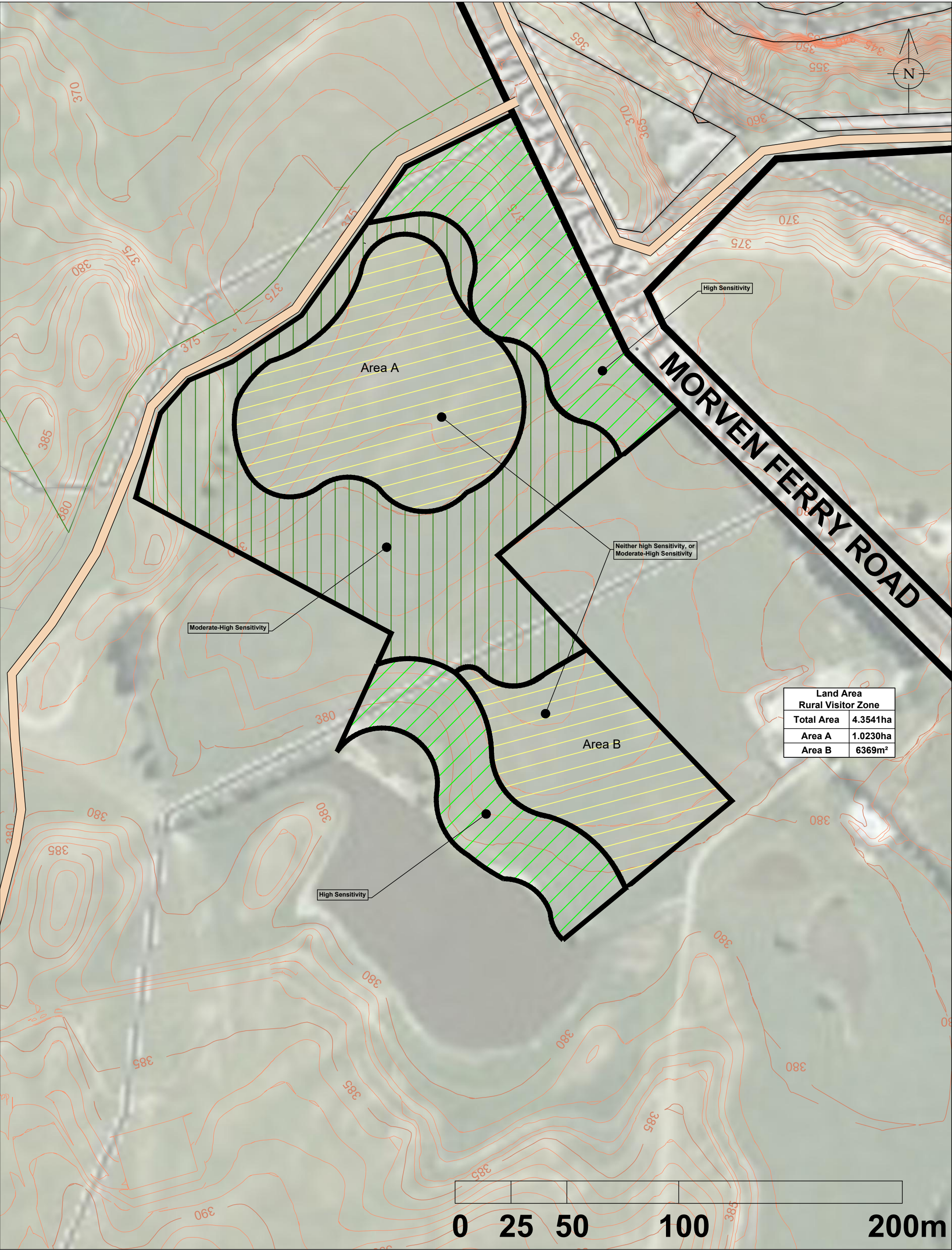
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**J J M Hassan**  
**Environment Judge**



## **APPENDIX 1**

### **Agreed Rezoning and Landscape Sensitivity Areas**



| Land Area<br>Rural Visitor Zone |          |
|---------------------------------|----------|
| Total Area                      | 4.3541ha |
| Area A                          | 1.0230ha |
| Area B                          | 6369m²   |

DATA QUALITY STATEMENTS

**PROPERTY DATA**  
The property data has been sourced from land Information New Zealand (LINZ). The accuracy of the boundary data is estimated to be within 50mm.

**SURVEY DATUMS**  
Horizontal coordinates are in terms of Mount Nicholas 2000 Circuit.  
Vertical elevations in terms of Mean Sea Level (Dunedin Vertical Datum).  
LIDAR contours sourced from QLDC.  
Contour interval 1.0m

TITLE:

MORVEN FERRY ROAD - RURAL VISITOR ZONE

DATE: 15 Aug 2025

BY: AW & KB

Scale 1:1500  
Original Plan A3

DRAWING & ISSUE No.  
3015-570-1M



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## **APPENDIX 2**

### **Agreed Provisions**

|        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                        |   |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| 46.4.7 | Construction or exterior alteration of buildings                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                        | C |
|        | 46.4.7.1:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | The construction or exterior alteration of buildings (other than identified in Rules 46.4.8 to 46.4.13 and 46.4.18).                                                                                                                                                                                                                   |   |
|        | 46.4.7.2:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | In the Gibbston Valley Rural Visitor Zone, the construction, relocation or exterior alteration of buildings within the Developable Areas identified on the District Plan web mapping application.                                                                                                                                      |   |
|        | 46.4.7.3:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | In the Walter Peak Rural Visitor Zone, the construction or relocation of buildings or structures used for living purposes (including visitor accommodation) within an area identified on the District Plan web mapping application as a Hazard Management Area (other than identified in Rules 46.4.8, 46.4.9 and 46.4.11 to 46.4.13). |   |
|        | Control is reserved to:<br><br>a. The compatibility of the building density, scale, design and location with landscape, cultural and heritage, and visual amenity values;<br><br>b. Landform modification, landscaping and planting;<br><br>c. Lighting;<br><br>d. Servicing including water supply, fire-fighting, stormwater and wastewater;<br><br>e. Natural Hazards;<br><br>f. Design and layout of site access, on-site parking, manoeuvring and traffic generation;<br><br>g. In the Lake Hawea Rural Visitor Zone, the content of the Vegetation Management Plan submitted with the application; and<br><br>h. In the Matakauri Rural Visitor Zone, effects on amenity values beyond the zone from the location, nature, scale and intensity of activities undertaken in the building and from any increase in traffic generation, or associated parking, access, and manoeuvring of vehicles.<br><br>i. <u>In Morven Ferry Rural Visitor Zone Area A and Area B, Landscape; Visual amenity values; Nature, scale and external appearance; Density and scale of development; Effects on amenity values and reverse sensitivity effects from the location, nature, scale and intensity of activities undertaken in the building; Natural Hazards; and Design and layout of site access, on-site parking, manoeuvring and traffic generation.</u> |                                                                                                                                                                                                                                                                                                                                        |   |

Information requirements:

- a. The Vegetation Management Plan shall be prepared by a suitably qualified and experienced person and include the following information:
  - i. The vegetation to be retained and new planting areas (including ongoing replacement planting strategies);
  - ii. A plant schedule that identifies plant species, numbers, grades, and spacings;
  - iii. Uses locally appropriate eco-sourced native species (excepting for exotic species);
  - iv. Any earthworks associated with the Vegetation Management Strategy.
- b. Measures relating to the implementation of the Vegetation Management Plan that includes:
  - i. site preparation;
  - ii. vegetation protection methods;
  - iii. planting methods;
  - iv. ongoing maintenance obligations, including irrigation methods (if required) and pest management;
  - v. Staging and timing of the removal of existing vegetation and planting
- c. A landscape assessment, which demonstrates how the Vegetation Plan and implementation measures will achieve Policy 46.2.1.2A.

|        | Table 46.5<br>Standards |                                                                                                                                                                                                             | Non-compliance |
|--------|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 46.5.3 | 46.5.3.1                | In the Gibbston Valley Rural Visitor Zone the combined total maximum ground floor area of all buildings within the Zone shall be 500m <sup>2</sup> .                                                        | 46.5.3.1: RD   |
|        | 46.5.3.2                | In the Matakauri Rural Visitor Zone the combined total <u>ground floor area</u> of all <u>buildings</u> within the Zone shall be 1650m <sup>2</sup>                                                         | 46.5.3.2: RD   |
|        | 46.5.3.3                | In the Maungawera Rural Visitor Zone, the combined total maximum <u>ground floor area</u> of all <u>buildings</u> shall be: <ol style="list-style-type: none"> <li>a. 500m<sup>2</sup> in Area A</li> </ol> | 46.5.3.3: NC   |

|  |                 |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                 |
|--|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
|  |                 | <ul style="list-style-type: none"> <li>b. 1,800m<sup>2</sup> in Area B</li> <li>c. 1,400m<sup>2</sup> in Area C</li> <li>d. 500m<sup>2</sup> in Area D</li> <li>e. 500m<sup>2</sup> in Area E</li> <li>f. 300m<sup>2</sup> in Area F</li> <li>g. 1000m<sup>2</sup> in Area G</li> </ul> <p>as identified on the District Plan web mapping application</p>                                                   |                                                                                                                                 |
|  | 46.5.3.4        | In the Matakauri Rural Visitor Zone, the combined total maximum <u>ground floor area</u> of all <u>buildings</u> within the zone shall be 2,250m <sup>2</sup> .                                                                                                                                                                                                                                             | 46.5.3.4: NC                                                                                                                    |
|  | 46.5.3.5        | <p>In the Lake Hawea Rural Visitor Zone the combined total maximum <u>ground floor area</u> of all <u>buildings</u> shall be:</p> <ul style="list-style-type: none"> <li>a. 800m<sup>2</sup></li> <li>b. 2,250m<sup>2</sup> and that, of this total, the maximum <u>ground floor area</u> of all <u>buildings</u> within the moderate-high landscape sensitivity area shall be 250m<sup>2</sup>.</li> </ul> | <p>46.5.3.5:</p> <ul style="list-style-type: none"> <li>a. RD</li> <li>b. NC</li> </ul>                                         |
|  | <u>46.5.3.6</u> | <p><u>In the Morven Ferry Rural Visitor Zone Area A, the combined total ground floor area of all buildings shall be as follows:</u></p> <ul style="list-style-type: none"> <li>a. <u>500m<sup>2</sup></u></li> <li>b. <u>800m<sup>2</sup></u></li> </ul>                                                                                                                                                    | <p><u>46.5.3.6 a: RD</u></p> <p><u>46.5.3.6 b: NC</u></p>                                                                       |
|  | <u>46.5.3.7</u> | <u>In the Morven Ferry Rural Visitor Zone Area B, the combined total ground floor area of all buildings shall be 900m<sup>2</sup>.</u>                                                                                                                                                                                                                                                                      | <u>46.5.3.7: RD</u>                                                                                                             |
|  |                 |                                                                                                                                                                                                                                                                                                                                                                                                             | For Rules 46.5.3.1, 46.5.3.2, <del>and Rules</del> 46.5.3.5.a, 46.5.3.6 a and 46.5.3.7, control or discretion is restricted to: |

|  |  |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--|--|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  |  | <ul style="list-style-type: none"> <li>a. Landscape;</li> <li>b. Visual <a href="#">amenity values</a>;</li> <li>c. Nature, scale and <a href="#">external appearance</a>;</li> <li>d. Density and scale of development;</li> <li>e. Effects on <a href="#">amenity values</a> and <a href="#">reverse sensitivity</a> effects from the location, nature, scale and intensity of activities undertaken in the <a href="#">building</a>;</li> <li>f. Natural Hazards; and</li> <li>g. Design and layout of <a href="#">site access</a>, on-<a href="#">site</a> parking, manoeuvring and traffic generation.</li> </ul> |
|--|--|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

