

IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

Decision No. [2022] NZEnvC 194

IN THE MATTER

of the Resource Management Act 1991

AND

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

BETWEEN

CARDRONA VILLAGE LIMITED

(ENV-2021-CHC-50)

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: 6 October 2022

CONSENT ORDER

A: Under s279(1)(b) of the RMA,¹ by consent, it is ordered that:

(1) the appeal is allowed subject to the extent that Queenstown Lakes
District Council is directed to:

(a) rezone land from Rural Zone to Settlement Zone, and from

Resource Management Act 1991.



- Settlement Zone to Rural Zone;
 - (b) amend Chapter 20 (Settlement Zone);
 - (c) amend Chapter 27 (Subdivision and Development); and
 - (d) make the consequential changes to the Cardrona Village Character Guidelines;
- as set out in Appendices 1 – 4, attached to and forming part of this order;
- (2) the appeal is otherwise dismissed.

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

REASONS

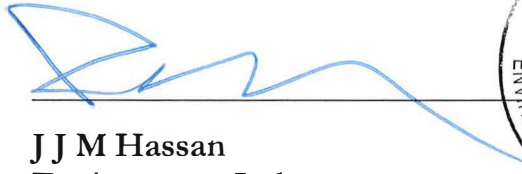
Introduction

[1] This proceeding concerns an appeal by Cardrona Village Limited against parts of a decision of the Queenstown Lakes District Council regarding the provisions of the proposed Queenstown Lakes District Plan. The appeal sought the extension of the Settlement Zone over the old Cardrona Riverbed land that is currently zoned Rural at Cardrona and a number of amendments to Chapters 20 (Settlement Zone) and 27 (Subdivision and Development). The appeal was allocated to Stage 3 of the PDP review, Topic 37 – Settlement Zone, subtopic 2, rezoning.

[2] I have read and considered the consent memorandum of the parties which sets out the agreement reached between the parties to resolve the appeal. The agreement reached includes:

- (a) amending the planning maps:
 - (i) to rezone land from Rural Zone to Settlement Zone (and the extension of the Visitor Accommodation Subzone over that land) and removal of the Outstanding Natural Landscape

[6] On the information provided to the court, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought. The orders under s279(1) RMA are by consent, rather than representing a decision or determination on the merits.



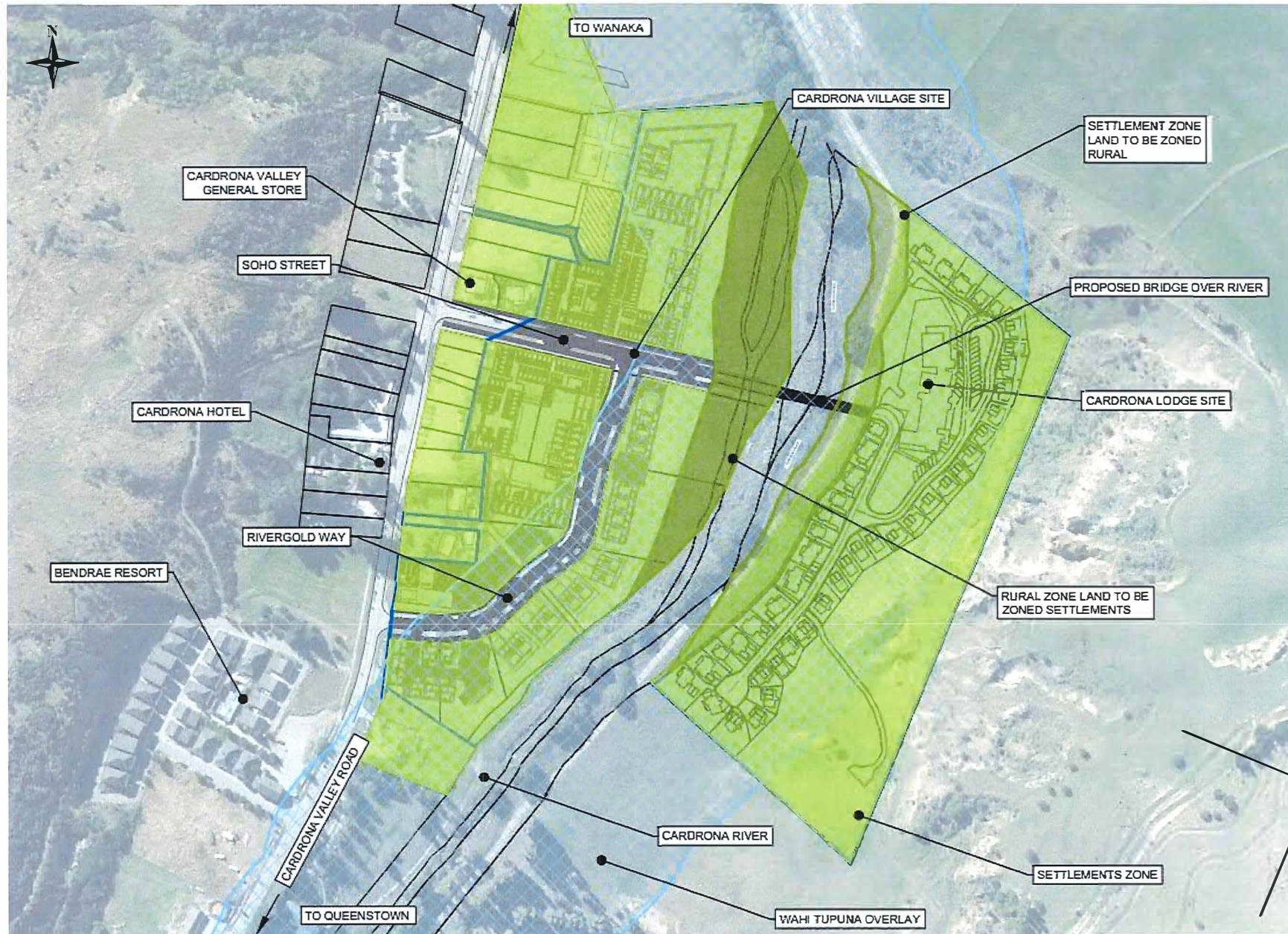
J J M Hassan
Environment Judge



Appendix 1 – Zone Mapping

The land that is to be rezoned Settlement Zone, will also have the Visitor Accommodation Sub Zone applied to it. The ONL notation will be removed.

The land that is to be rezoned Rural Land, will have the ONL annotation applied to it.



TO WANAKA

CARDRONA VILLAGE SITE

SETTLEMENT ZONE
LAND TO BE ZONED
RURAL

CARDRONA VALLEY
GENERAL STORE

SOHO STREET

PROPOSED BRIDGE OVER RIVER

CARDRONA HOTEL

CARDRONA LODGE SITE

RIVERGOLD WAY

RURAL ZONE LAND TO BE
ZONED SETTLEMENTS

BENDRAE RESORT

CARDRONA VALLEY ROAD

CARDRONA RIVER

SETTLEMENTS ZONE

TO QUEENSTOWN

WAHI TUPUNA OVERLAY

Appendix 2

Changes to Settlement Zone Chapter 20

Purpose

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Within the Cardrona Settlement the Commercial Precinct applies to land located around the focal point of the Cardrona Hotel and Cardrona Valley Road and the intersection of Soho Street and Rivergold Way. Throughout the balance of the Settlement Zone at Cardrona, the Visitor Accommodation Sub-zone enables the further establishment of visitor accommodation activities. The Cardrona Village Character Guideline 2012 provides broad design guidance to development within the Zone at Cardrona.

Policies (siting under Objective 20.2.3)

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20.2.3.12 At Cardrona when residential activity is proposed through Rule 20.5.1.3, restrict the establishment of higher density residential activity to above ground floor level to ensure that the function of the Visitor Accommodation Sub Zone and Commercial Precinct are able to be achieved.

Rules - Standards

	Table 20.5 - Standards for activities in the Settlement Zone	Non-compliance status
20.5.1	<p>Residential density (excluding Makarora)</p> <p>20.5.1.1 For sites with a net site area of 800m² or less, a maximum of one residential unit per site.</p> <p>20.5.1.2 For sites with a net site area greater than 800m², no more than one residential unit per 800m² net site area.</p> <p><u>20.5.1.3 Provided that Standards 20.5.1.1 and 20.5.1.2 shall not apply at Cardrona, where residential activity is located at first level or above and is located within the same building as a visitor accommodation or commercial activity.</u></p>	D
20.5.X	<u>At Cardrona, any residential activity falling within the exemption standard in 20.5.1.3 shall be restricted to first floor level or above.</u>	<u>NC</u>

20.5.7	<p>Minimum boundary setbacks</p> <p>Road boundary: 4.5m; except:</p> <p>a. At Makarora, where the minimum setback of any building from the State Highway shall be 8m.</p> <p>b. At Cardrona, where the minimum setback of any building from roads shall be <u>3m</u>, and within the <u>Commercial Precinct buildings may be located up to a road boundary</u>.</p> <p>All other boundaries: Buildings shall be setback a minimum of 2m.</p> <p>Exceptions to boundary setbacks:</p> <p>a. Accessory buildings for residential activities may be located within the boundary setback distances (other than from road boundaries), where they do not exceed 7.5m in length, there are no windows or openings (other than for carports) along any walls within 1.5m of an internal boundary, and they comply with rules for Building Height and Recession Plane;</p> <p>b. Any building may locate within a boundary setback distance by up to 1m for an area no greater than 6m² provided the building within the boundary setback area has no windows or openings;</p> <p>c. Eaves may be located up to 600mm into any boundary setback distance along eastern, western and southern boundaries; and</p> <p>d. Eaves may be located up to 1m into any boundary setback distance along northern boundaries.</p>	D
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Appendix 3

Changes to Subdivision and Development Chapter 27

27.5 Rules - Subdivision

27.5.22	Subdivision that does not comply with the minimum lot areas specified in Part 27.6 with the exception of the Jacks Point Zone which is assessed pursuant to Rule 27.5.18 and Coneburn Industrial Zone Activity Area 2a which is assessed pursuant to Rule 27.5.19, and Wakatipu Basin Lifestyle Precinct Rules 27.5.20 and Cardrona Settlement Zone which is assessed pursuant to Rules 27.5.XX and 27.5.XY.	NC
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<u>27.5.XX</u>	<u>Within the Cardrona Settlement Zone, subdivision which does not comply with the minimum lot areas specified in Part 27.6, but which relate to development that complies with Standard 20.5.21.</u>	<u>D</u>
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<u>27.5.XY</u>	<u>Within the Cardrona Settlement Zone, subdivision which does not comply with the minimum lot areas specified in Part 27.6, other than subdivision which relates to development that complies with standard 20.5.X.</u>	<u>NC</u>
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27.6 Rules – Standards for Minimum Lot Areas

27.6.1 No lots to be created by subdivision, including balance lots, shall have a net site area or where specified, an average net site area less than the minimum specified.

Zone		Minimum lot area
Settlement	Luggate, Glenorchy, Kinloch, Kingston, Cardrona	800m ²

Advice Note:

Non-compliance with the minimum lot areas specified above means that a subdivision will fall under one of Rules 27.5.18-22 and Rules 27.5.XX and 27.5.XY, depending on its location.

Appendix 4

Consequential change to the Cardrona Village Character Guidelines

Change the zoning shown on the diagram on page 7, to reflect change in zoning in Appendix A.

Current diagram:

