

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

Decision No. [2022] NZEnvC 193

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN LAKE MCKAY LIMITED
PARTNERSHIP

(ENV-2021-CHC-36)

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) 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 amend the planning maps and Chapter 20 (Settlement Zone) as set out in Appendix 1, attached to and



Resource Management Act 1991.

Lake McKay Limited Partnership v QLDC Topic 37 – Settlement Zone

- forming part of this order;
- (2) the appeal otherwise remains extant.

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

REASONS

Introduction

[1] This proceeding concerns an appeal by Lake McKay Limited Partnership against parts of a decision of the Queenstown Lakes District Council regarding the provisions of the proposed Queenstown Lakes District Plan. The appeal was allocated to Stage 3 of the PDP review, Topic 37 – Settlement Zone.

[2] I have read and considered the consent memorandum of the parties dated 20 September 2022, which sets out the agreement reached to resolve the appeal point against the Building Restriction Area ('BRA') that is positioned over the northern escarpment of the appellant's land. The agreement reached includes:

- (a) amendment of the geographic extent of the BRA located to the west of Atkins Road;
- (b) amendment of Standard 20.5.12 to include a new 5m height restriction for buildings located within 20m of the southern boundary of the BRA; and
- (c) amendment of Standard 20.5.18 to classify any further earthworks in the BRA beyond what has already been consented as a non-complying activity.

[3] The two outstanding appeal points relating to a change in activity status and a rezoning remain to be dealt with at a later date.

Other relevant matters

[4] No person has given notice of an intention to become a party to this appeal under s274 RMA.

[5] The parties agree that costs should lie where they fall and accordingly no order for costs is sought.

Outcome

[6] The court understands for present purposes that all parties to the proceeding:

- (a) have executed the memorandum requesting this order; and
- (b) are satisfied that all matters 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.

[7] 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

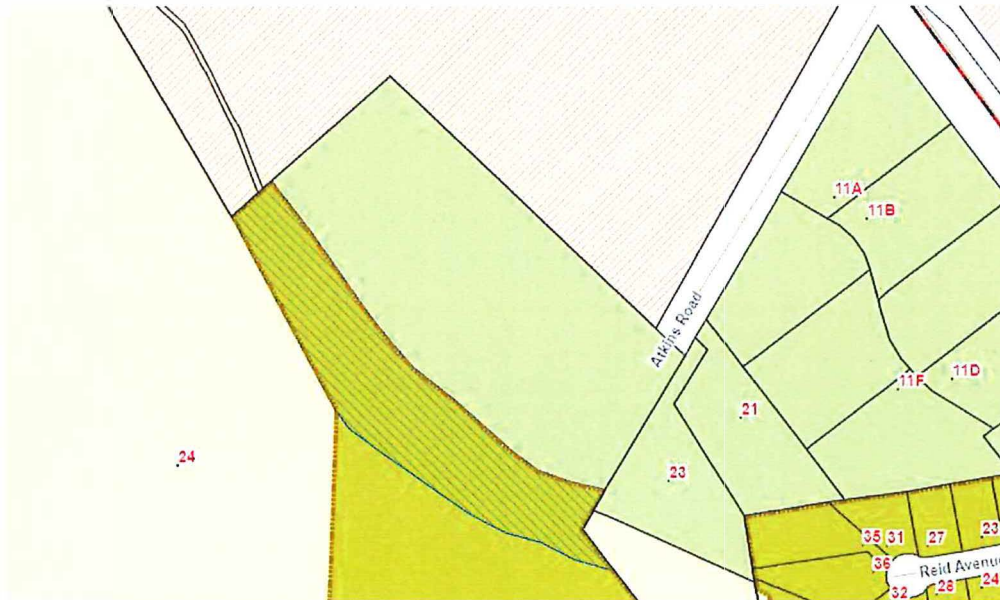
Chapter 20 Settlement Zone

Additions shown in underlined text.

20.5.12	<p>Maximum Building Height</p> <p>....</p> <p><u>20.5.12.4</u> Luggate: 7m, or 5m within a distance of 20m of the south side of the Building Restriction Area located to the west of Atkins Road.</p> <p>...</p>	NC
20.5.18	<p>Building Restriction Area</p> <p>20.5.18.1 No building shall be located within a building restriction area as identified on the Planning Maps, and</p> <p><u>20.5.18.2</u> No earthworks shall be undertaken within the Building Restriction Area at Luggate, located to the west of Atkins Road.</p>	NC

Amend the BRA on the Planning Maps as follows:

Decisions version BRA for context:



Agreed changes to BRA:

