

BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH

I MUA I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

IN THE MATTER of the Resource Management Act 1991
AND of an appeal under clause 14 of the First
 Schedule of the Act
BETWEEN WILLOWRIDGE DEVELOPMENTS
 LIMITED
 (ENV-2018-CHC-115)
 Appellant
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: 30 July 2020

CONSENT ORDER

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

- (1) the appeal is allowed, and Queenstown Lakes District Council is directed to:
 - (a) amend the provisions of Chapter 27 (Subdivision and Development) and the planning maps as set out in Appendix 1, attached to and forming part of this consent order;
 - (b) make any consequential changes to the numbering of plan provisions or to the relevant planning maps resulting from the above amendments.



(2) the appeal is otherwise dismissed.

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

REASONS

Introduction

[1] This proceeding concerns an appeal by Willowridge Developments Limited against parts of a decision of the Queenstown Lakes District Council on Chapter 27 and the associated planning maps of the Proposed Queenstown Lakes District Plan – Stage 1. In particular it relates to Topic 16 – Rezoning Appeals Group 1 (Upper Clutha Rezoning).

[2] The court received a joint memorandum of the parties seeking to resolve this appeal in its entirety. That memorandum states “no parties joined the appeal”. However, several parties gave notice of an intention to become a party under s274 of the Resource Management Act 1991 (the ‘RMA’).¹ Those parties did not attend the court-facilitated mediation² or sign the memorandum setting out the relief sought. Therefore, by Minute of 30 June 2020, those parties were given opportunity to express their views on the relief sought by joint memorandum.

[3] The only party to respond was Otago Regional Council.³ It reported that its interest was in matters that the appellant is no longer pursuing and it has no objection to the draft consent order proposed.

[4] Having considered the joint memorandum and the lack of any indicated opposition, I am satisfied that it is appropriate that I determine the appeal in the terms proposed in the draft consent order.

¹ Consent memorandum dated 20 December 2019 at [2].

² Court-facilitated mediation was held 18 June 2019. No agreement was reached at mediation, but the parties considered that there was a real prospect of settlement, so the parties’ respective experts continued the discussions following mediation and identified the relief sought by this order as means to resolve the appeal.

³ Memorandum of Otago Regional Council dated 8 July 2019.



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) no parties have responded to the court's invitation by indicating any opposition to the proposed consent order;
- (b) the respondent and other parties who have signed the joint memorandum seeking that consent order 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)**27 Subdivision and Development****27.3 Location-specific objectives and policies**

In addition to the district wide objectives and policies in Part 27.2, the following objectives and policies relate to subdivision in specific locations.

Luggate Park

27.3.x Objective – Subdivision provides for residential development while appropriately managing the transition from rural to urban zones.

Policies

27.3.x.1 Minimise the visual effects of urban subdivision and development on the upper plateau when approaching Luggate township from the east as viewed along State Highway 6 through:

- a. mounding that integrates with the existing eastern facing slope; and
- b. provision of groups of trees and shrubs that reinforce the natural appearance of the mound, and filter and screen views to buildings from State Highway 6.

27.3.X.2 Provision for amenity planting, stormwater management, walkway and cycleway along the southern boundary adjoining State Highway 6 along the lower plateau.

27.7 Zone – Location Specific Rules

	Zone and Location Specific Rules	Activity Status
27.7.1	Subdivision consistent with a Structure Plan that is included in the District Plan. Control is reserved to: ...	C
<u>27.7.X</u>	<u>Luggate Park</u> <u>27.7.X.1 In addition to those matters of control listed under Rule 27.7.1 when assessing any subdivision, the following shall be additional matters of control:</u> a. <u>Mounding and planting at the eastern edge of the Upper Plateau as identified on the Structure Plan in 27.13.x;</u>	<u>C</u>



	<p>b. <u>Provision for restricting the height of buildings within the area identified on the Structure Plan in 27.13.x;</u></p> <p>c. <u>Provision for the finished ground level of the area identified on the Structure Plan in 27.13.x as subject to building height restriction of 5.5m being no greater than +279.00 MASL.</u></p>	
	<p><u>27.7.x.2 Any building located on the Upper Plateau area as identified on the Structure Plan in 27.13.x not in accordance with the Structure Plan in 27.13.x</u></p>	<u>NC</u>
	<p><u>27.7.X.3 Subdivision that is not consistent with the Structure Plan in 27.13.x.</u></p>	<u>NC</u>



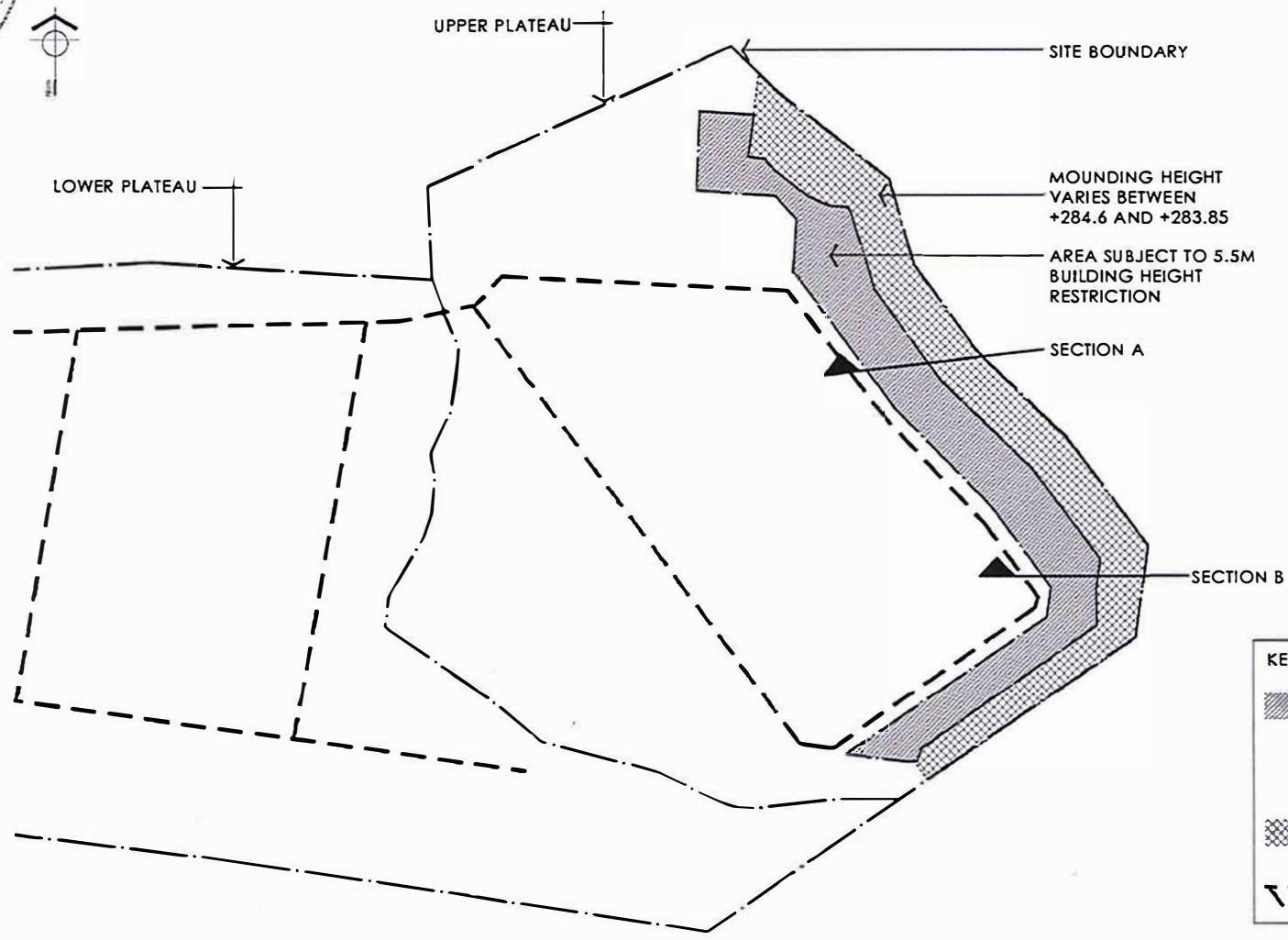


27.13 Structure Plans

27.13.x Luggate Park



7

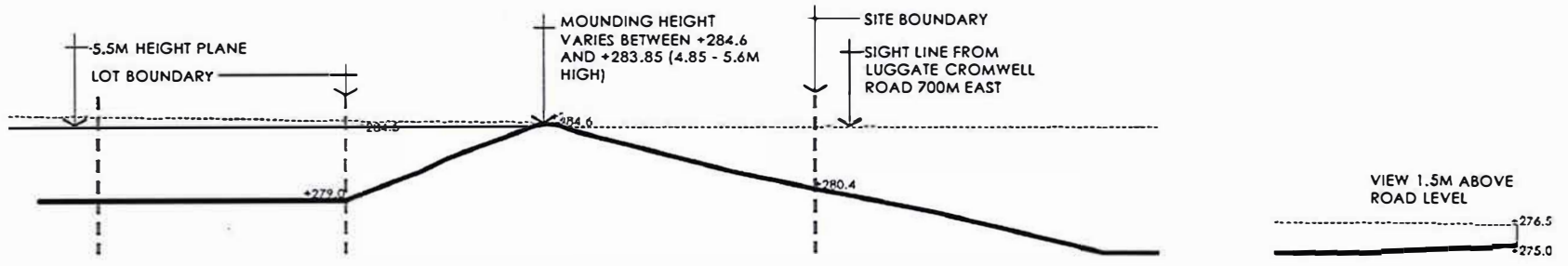


KEY	
	AREA SUBJECT TO 5.5M BUILDING HEIGHT RESTRICTION AND MAXIMUM GROUND LEVEL HEIGHT OF RL 279M
	EXTENT OF MOUNDING AND LANDSCAPING
	PRIMARY ROADING (+/- 20M)

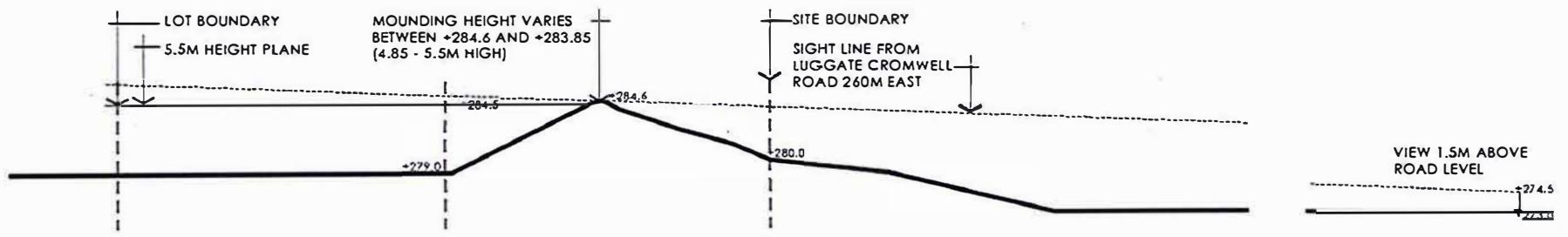
0 10 20 30m
 1:2000 AT A3
 REFERENCE: 2923-SK21 - SCALE - 1:2000 AT A3 - 17 DEC 2019
 DRAFT - NOT A WORKING DRAWING - NOT FOR CONSTRUCTION

DRAFT

**WILLOWRIDGE - LUGGATE
LUGGATE PARK STRUCTURE PLAN**



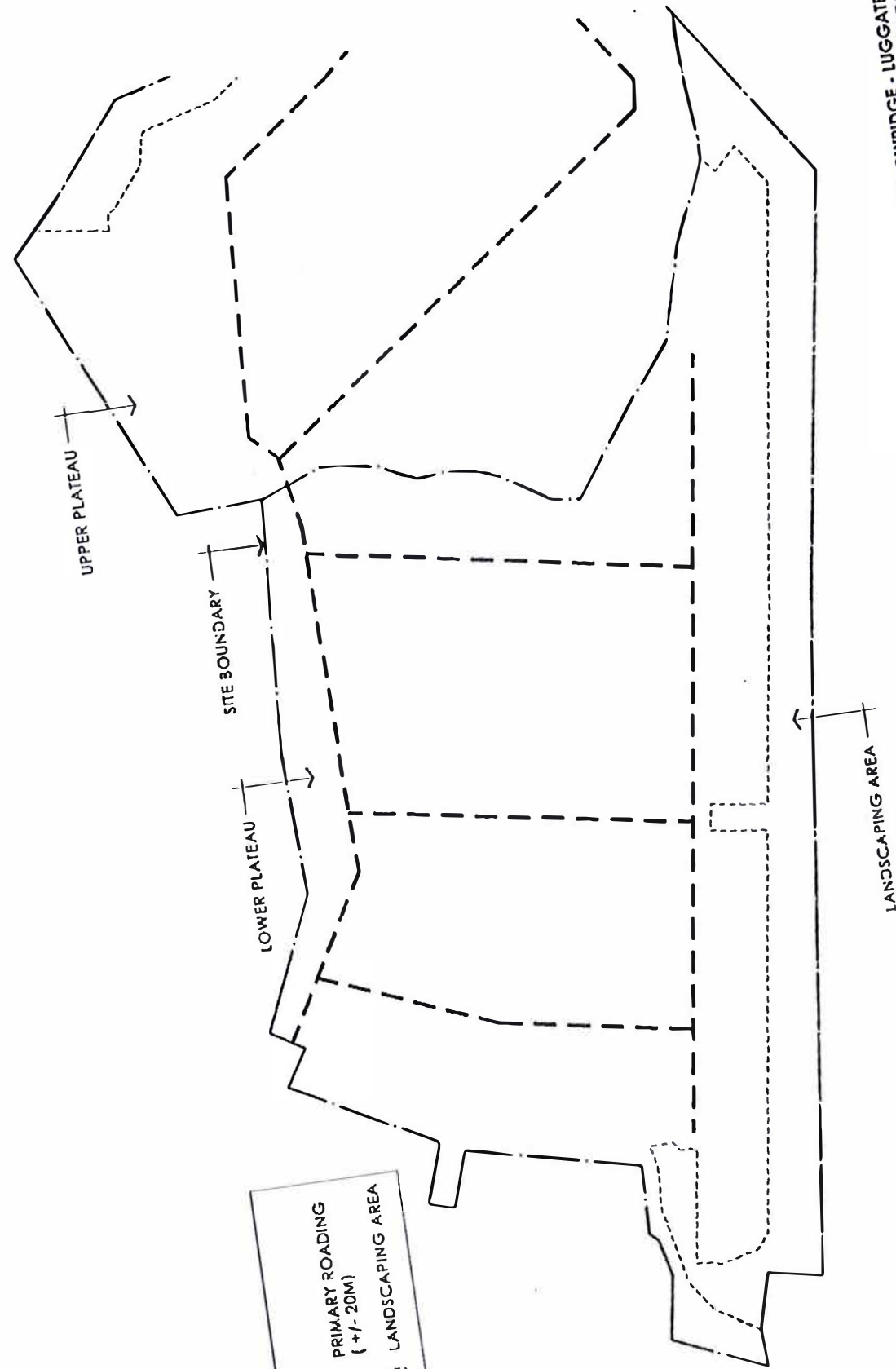
CROSS SECTION A SCALE = 1:300 AT A3 15m
 PURPOSE OF MOUND: TO SCREEN 4.75 - 5.5M OF BUILT FORM, ABOVE THE RL 279, FROM LUGGATE CROMWELL ROAD (SH6)



CROSS SECTION B SCALE = 1:300 AT A3 15m
 PURPOSE OF MOUND: TO SCREEN 4.75 - 5.5M OF BUILT FORM, ABOVE THE RL 279, FROM LUGGATE CROMWELL ROAD (SH6)

SCALE = 1:300 AT A3 15m
 REFERENCE: 2021-5622 - SCALE - 1:300 AT A3 - 17 DEC 2019

DRAFT



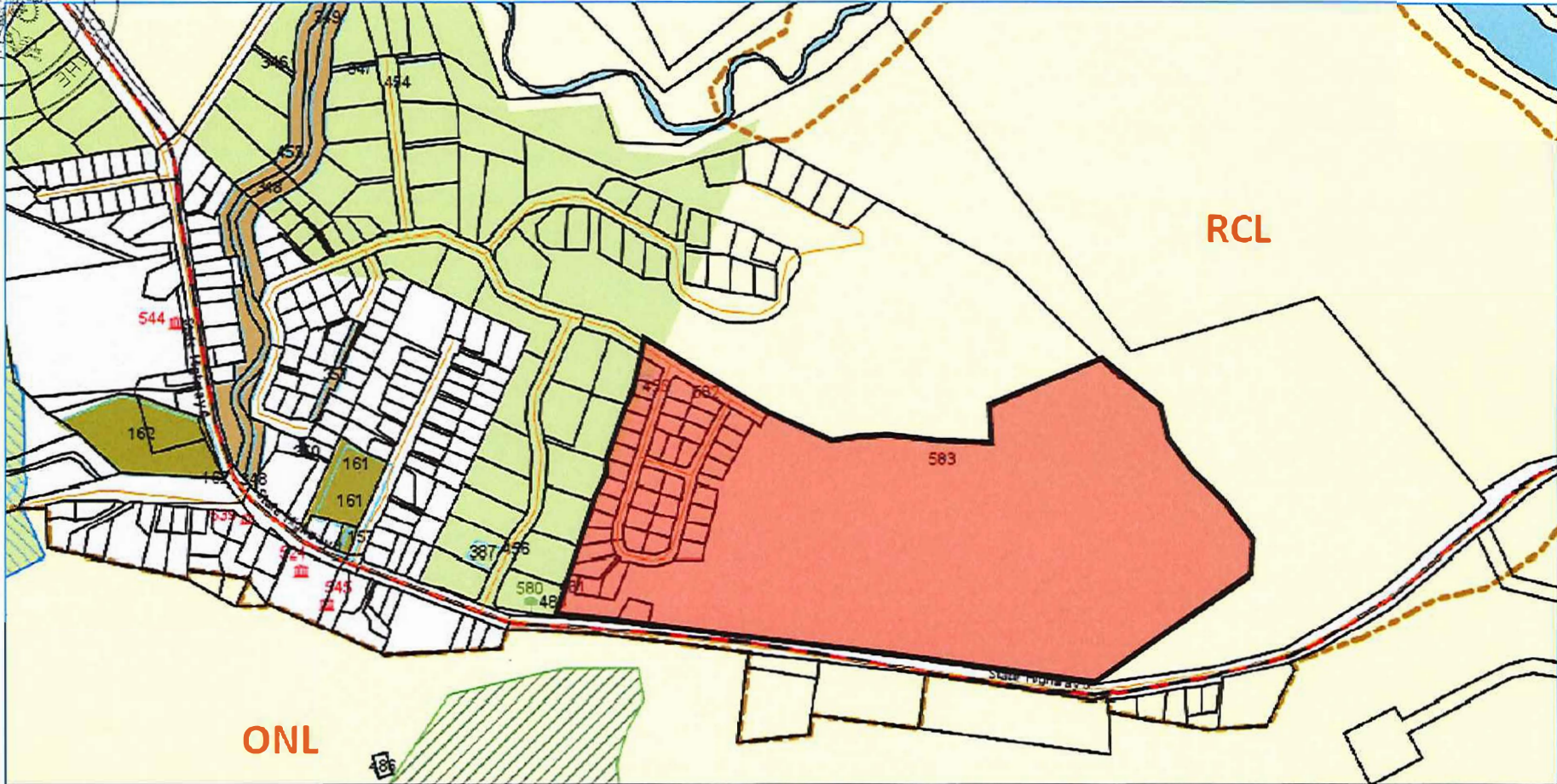
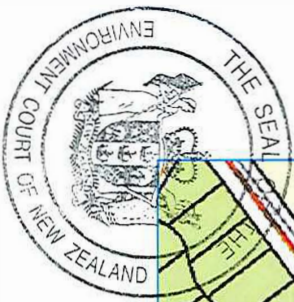
DRAFT

WILLOWRIDGE - LUGGATE
LUGGATE PARK STRUCTURE PLAN - LANDSCAPING AREA

DATE: 17/05/2018
SCALE: 1:2000 AT A3
REFERENCE: 2017/1625



Plan Map (extract)



Extent of new Lower Density Suburban Residential Zone at Luggate with Stage 1 and 2 Decisions Zones

Willowridge Developments Limited (ENV-2018-CHC-115)

Yellow = Rural Zone

Green = Rural Residential

Grey = Stage 3 Settlement Zone (Operative Luggate Township Zone)

Red = Area to be rezoned to Lower Density Suburban Residential