

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**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
Schedule 1 of the Act

BETWEEN DAVID BROOMFIELD AND
WOODLOT PROPERTIES
LIMITED

(ENV-2019-CHC-32)

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 May 2021

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 24 (Wakatipu Basin), the description of Landscape Character Unit 4 – Tuckers Beach in



Schedule 24.8 and the zoning maps of the Proposed Queenstown Lakes District Plan as set out in Appendix 1, attached to and forming part of this order;

(b) make any consequential amendments to the numbering or provisions or to the relevant planning maps resulting from the above amendments.

(2) the parts of the appeal that relate to the Tuckers Beach Land are dismissed.

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

REASONS

Introduction

[1] This proceeding concerns an appeal¹ filed by David Broomfield and Woodlot Properties Limited against parts of a decision of the Queenstown Lakes District Council regarding the planning maps and provisions of the Proposed Queenstown Lakes District Plan – Stage 2, allocated as Topic 31 (Rezoning) subtopic 1 – Western Basin Appeals, Group 2 (Tuckers Beach).

[2] The court has now read and considered the consent memorandum of the parties dated 18 February 2021 which proposes to finally determine the parts of the appeal relating to the Tuckers Beach Land.

Other relevant matters

[3] Several parties gave notice of an intention to become parties to this appeal under s274 of the Resource Management Act ('RMA'). Of those only Peak View



Trust sought to join the part of the appeal that is the subject of this order and has signed the memorandum setting out the relief sought.²

Outcome

[4] 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) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties 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



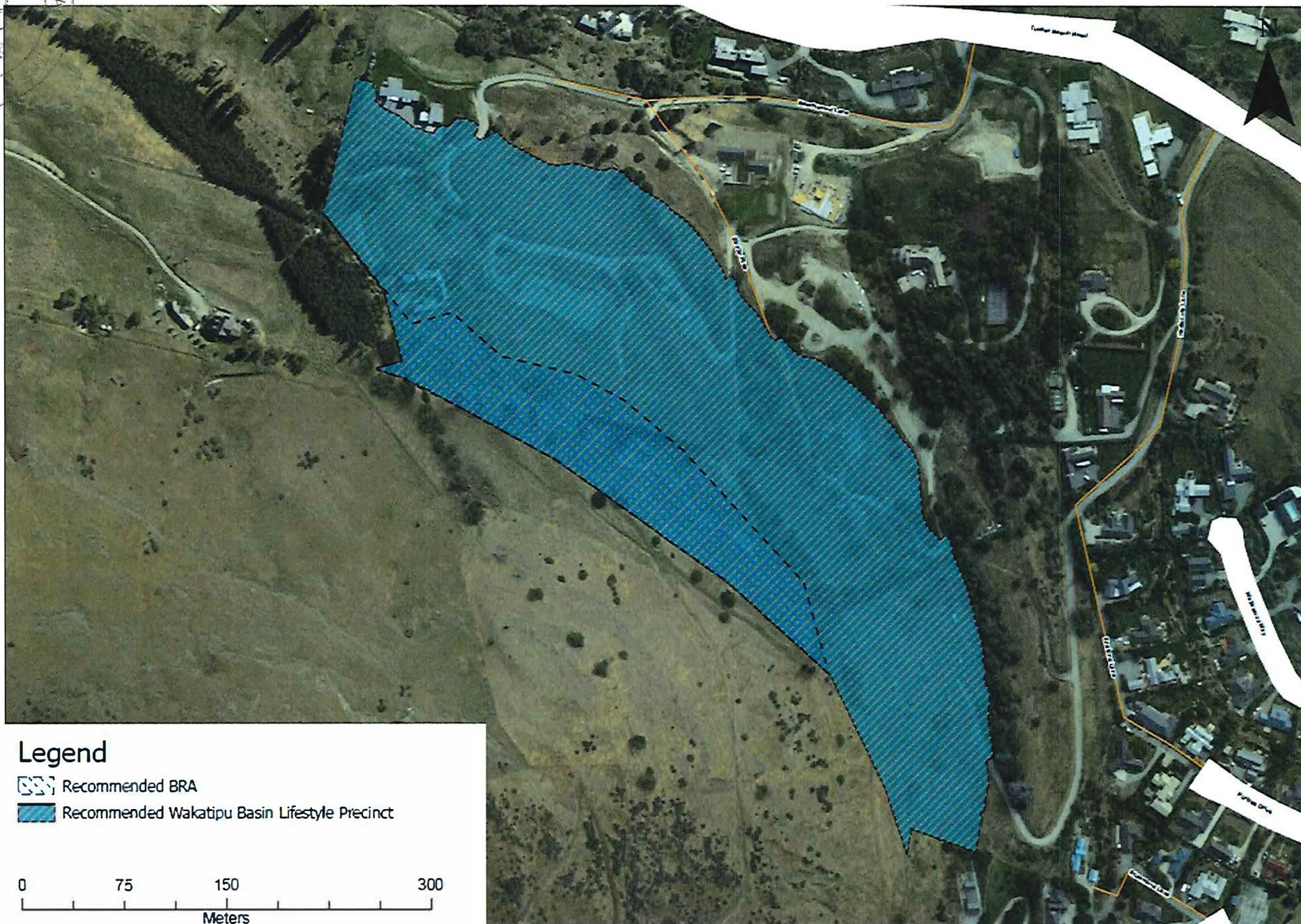
² The other s274 parties to the appeal are interested in either the 'Topic 30 relief or other rezoning relief.

APPENDIX 1**Zoning amendment**

The sites comprised in Lot 1 DP 539828, Lot 2 DP 539828, Lot 8 DP 300262, Lot 2 DP 300262 and Lot 10 DP 473899 are to be rezoned from Wakatipu Basin Rural Amenity Zone to Wakatipu Basin Lifestyle Precinct.

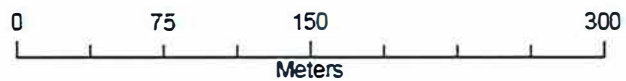
A Building Restriction Area is to be applied to the rezoned area, uphill of the 433 masl contour.

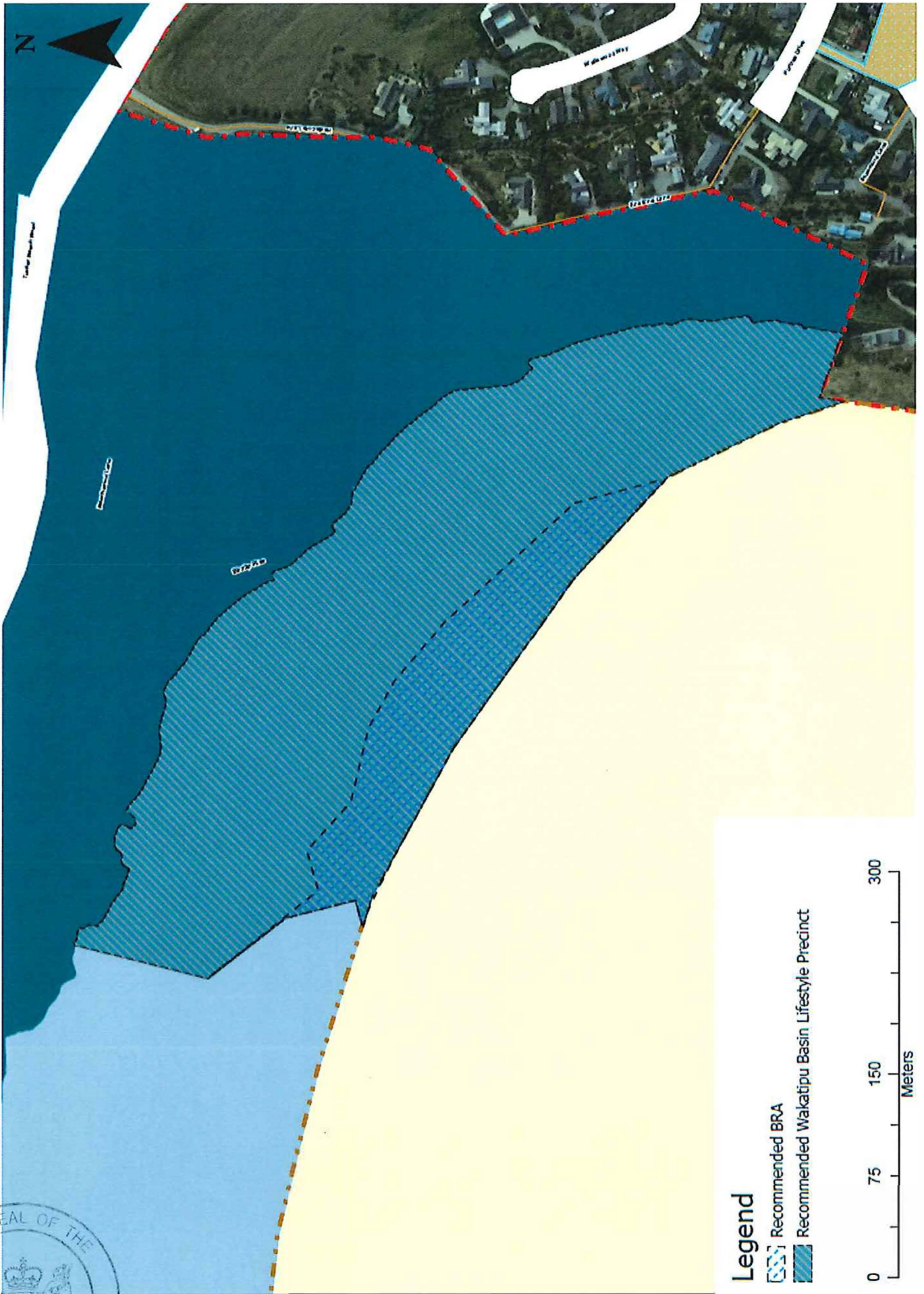




Legend

-  Recommended BRA
-  Recommended Wakatipu Basin Lifestyle Precinct





Legend
Recommended BRA
Recommended Wakatipu Basin Lifestyle Precinct

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Meters

Amendments to provisions


	Table 24.1 – Activities in the Wakatipu Basin Rural Amenity Zone	Activity Status
...		
<u>24.4.XX</u>	<u>Buildings, associated infrastructure and earthworks within any Building Restriction Area.</u>	<u>NC</u>






4: Tucker Beach


Landscape Character Unit	4: Tucker Beach
Landform patterns	Flat alluvial river terraces edged and interspersed by steep hill slopes with steep river cliffs along northern edge.
Vegetation patterns	Predominantly exotic vegetation and scrub throughout the steep river cliffs (outside of the LCU) and hill slopes. Exotic amenity plantings around dwellings. Scattered shade trees and scrub in places, with mown grass and grazed areas evident.
Hydrology	The streams drain from Ferry Hill/Lake Johnson environs into the unit.
Proximity to ONL/ONF	Adjacent ONL (WB) of the Shotover River and mountain landform (Ferry Hill environs) to the south.
Character Unit boundaries	North: Shotover River vegetation clad cliffs/ONL. East: Quail Rise urban area. South: ONL/study area boundary. West: ONL/study area boundary.
Land use	Rural residential with some working rural uses evident throughout the land at the western end of the unit. A substantial portion of the undeveloped land at the western end of the unit is in DOC ownership.



Landscape Character Unit	4: Tucker Beach
Settlement patterns	<p>Generally, dwellings and platforms positioned to enjoy highly attractive views of Shotover River and the ONL mountain backdrop.</p> <p>Numerous consented but unbuilt platforms (20).</p> <p>Typical lot size:</p> <ul style="list-style-type: none"> • central and eastern end of the unit < 4ha (with the odd larger lot: 20-50ha); • western end of the unit: over 500ha. <p>The Lifestyle Precinct zoning anticipates changes to the existing settlement pattern in the central <u>portion</u>, and eastern end of the Unit (<u>albeit limited by the building restriction area</u>).</p>
Proximity to key route	Accessed via a dead – end road.
Heritage features	No buildings/features identified in PDP.
Recreation features	<p>No walkways/cycleways etc. through the area.</p> <p>Substantial DOC reserve land within the central/western portion of the unit.</p>
Infrastructure features	<p>Reticulated water and (some) stormwater/sewer throughout central and western end of the unit.</p> <p>Western end- no reticulated services.</p>



Landscape Character Unit	4: Tucker Beach
Visibility/prominence	<p>The containment of the hill slopes to the south means that visibility is limited to the Shotover corridor, the river terraces to the south, and the upper reaches of Fitzpatrick Basin/Dalefield.</p> <p>The lower lying central and northern portions of the unit and the interior of the flat terraces in the western portion of the unit are not prominent within the wider basin landscape. The elevated hill slopes along the south edge of the unit are locally prominent.</p>
Views	The unit affords attractive mid-range views along the river, and to the wider ONL mountain and hill context.
Enclosure/openness	<p>A varying sense of openness within the unit as a consequence of vegetation patterns.</p> <p>Overall, the large-scale landforms framing the local area (particularly to the south) contribute a sense of containment.</p>
Complexity	Steep slopes and plantings provide localised complexity in places.
Coherence	A relatively low level of coherence as a consequence of varying landform and vegetation patterns.
Naturalness	<p>A moderate sense of naturalness throughout the western end of the unit as a consequence of the limited level of built development, its proximity to the Shotover and its position adjacent an undeveloped ONL area.</p> <p>The central and eastern end of the unit is considerably more developed and therefore has a lower perception of naturalness. Reinforced by the close proximity of Quail Rise.</p>



Landscape Character Unit	4: Tucker Beach
Sense of Place	Generally the unit reads as a part of the Shotover River margins with a continuous sleeve of rural living as one moves westwards away from Quail Rise towards the DOC Reserve.
Potential landscape issues and constraints associated with additional development	<p>Relatively open, exposed and undeveloped nature of the western portion of the unit, within an extremely high value landscape context dominated by ONLs and including a substantial DOC Reserve, makes it highly sensitive to landscape change.</p> <p>Absence of defensible boundaries to existing rural residential and urban zones in the vicinity, make the central and eastern portions of the unit in particular, vulnerable to development creep. <u>The area where the Lifestyle Precinct meets the ONF boundary (at the eastern end of the unit) is also vulnerable to development creep, and so a Building Restriction Area has been included on the plan maps to protect the more sensitive upper slopes.</u></p> <p>Visibility of the development throughout the elevated slopes along the southern edge of the unit.</p>



Landscape Character Unit	4: Tucker Beach
Potential landscape opportunities and benefits associated with additional development	<p>Close proximity to Queenstown.</p> <p>Relatively contained nature of location.</p> <p>Riparian restoration potential.</p> <p>Potential for integration of walkways/cycleways etc. associated with riverscape.</p> <p>Integration of defensible edges with additional subdivision.</p> <p>Integrating effect of existing development context throughout eastern end of the unit in particular.</p> <p>Easy topography along central and northern portion of the unit.</p> <p>Close proximity of urban infrastructure.</p> <p><u>Potential for additional development to secure the protection and on-going management of existing exotic and indigenous vegetation, and assist the visual integration of development throughout the central and eastern end of the unit by grounding, filtering and screening built development.</u></p>
Environmental characteristics and visual amenity values to be maintained and enhanced	<p>Sense of (relative) remoteness and connection with the riverscape and surrounding mountains at the western end of the unit.</p> <p>Integration of buildings, accessways and earthworks via planting.</p> <p>Maintaining a sense of openness in views from Tucker Beach Road to the Shotover River corridor and surrounding ONL mountain context.</p> <p><u>Maintaining a sense of openness and naturalness throughout the elevated land in the central and eastern end of the unit adjacent to the ONF (to the south).</u></p> <p><u>A Building Restriction Area (BRA) has been applied to Lifestyle Precinct zoned land at the eastern end</u></p>



Landscape Character Unit	4: Tucker Beach
	<p><u>of the unit as shown on the Planning Maps. The purpose of this BRA is to prevent development creep up the more elevated, and sensitive, slopes of this part of the Lifestyle Precinct, and to maintain the visual integrity of Ferry Hill ONE</u></p> <p><u>Within the Lifestyle Precinct zoned land in the eastern end of the unit (above the 400m contour, but below the BRA), built development is encouraged to adopt the following design methods or characteristics:</u></p> <ul style="list-style-type: none"> • <u>Reduced building coverage, bulk and height from that provided by the provisions applying to the Lifestyle Precinct, and adoption of design controls, that take account of the elevation and increased sensitivity of the area. This includes an encouragement of single storey buildings;</u> • <u>Buildings designed to sit 'into' the landform (rather than 'perched on' it), including through sensitive earthworks.</u> • <u>The retention, protection and on-going management of existing exotic and indigenous vegetation features to assist the visual integration of built development in longer range views from the north and north east.</u> • <u>Retaining walls visible post development from public places limited to a maximum of 1.2m high, with planting used to soften retaining structures where greater level changes are required.</u>
Capability to absorb additional development	<p>Low (at western end)</p> <p>Moderate-High (throughout central and eastern end of the unit, other than within the <u>building restriction area which is Very-Low</u>)</p>