

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 appeals under clause 14 of
the First Schedule of the Act

BETWEEN R MONK

(ENV-2019-CHC-82)

... (continued on separate
page)

Appellants

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: 29 November 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 Ch 24 (Wakatipu Basin) and



include the related mapping annotations in the planning maps of the Proposed Queenstown Lakes District Plan as set out in Appendices 1 and 2, attached to and forming part of this order;

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

(2) the appeals otherwise remain extant.

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

REASONS

Introduction

[1] This proceeding concerns appeals by R Monk,¹ L McFadgen,² D MacColl,³ E and G Grant,⁴ Slopehill Joint Venture⁵ and Wakatipu Equities⁶ against parts of a decision of the Queenstown Lakes District Council in relation to the proposed Queenstown Lakes District Plan. The appeals were allocated to Topic 31 – Wakatipu Basin, subtopic 3 – Lake Hayes, Group 1 Rural Residential Zone.

[2] The following appeal points were originally allocated to Topic 30 – Wakatipu Basin text but were subsequently transferred to Topic 31.⁷

1 ENV-2019-CHC-82.

2 ENV-2019-CHC-68.

3 ENV-2019-CHC-75.

4 ENV-2019-CHC-28.

5 ENV-2019-CHC-74.

6 ENV-2019-CHC-65.

7 By way of the court's Minute dated 26 November 2020.

Appellant	Appeal point allocated reference
D MacColl	ENV-2019-CHC-075-028
L McFadgen	ENV-2019-CHC-068-024
Slopehill Joint Venture	ENV-2019-CHC-074-028
Wakatipu Equities Limited	ENV-2019-CHC-065-028

[3] I have read and considered the consent memorandum of the parties dated 18 October 2021 which sets out the agreements reached between the parties which involve the addition of a new rule in Ch 24 – Wakatipu Basin and a mapping overlay for certain sites.

Other relevant matters

[4] Several parties gave notice of an intention to become a party to these appeals under s274 of the Resource Management Act 1991 ('RMA' or 'the Act'). With the exception of Otago Regional Council, the s274 parties have confirmed they do not have an interest in the matters resolved by this order.⁸ Otago Regional Council has signed the memorandum setting out the relief sought.

Outcome

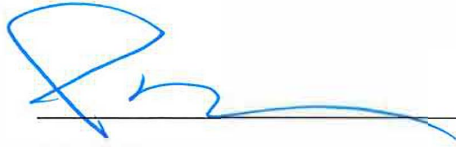
[5] The court makes this order under s279(1) RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum

⁸ As recorded at [5] of the consent 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



List of appellants

ENV-2019-CHC-68	L McFadgen
ENV-2019-CHC-75	D MacColl
ENV-2019-CHC-28	E and G Grant
ENV-2019-CHC-74	Slopehill Joint Venture
ENV-2019-CHC-65	Wakatipu Equities Limited

APPENDIX 1

Proposed amendments to Chapter 24 shown in red text

24.4.5	<p><u>24.4.5.1</u> The construction of buildings for residential activity, including residential flats, that are located within a building platform approved by a resource consent, and registered on the applicable record of title.</p> <p><u>24.4.5.2</u> <u>The construction of buildings for residential activity, including residential flats, that are located within the rural residential notation within the District Plan web mapping application.</u></p> <p>Control is reserved over:</p> <ol style="list-style-type: none"> a. Effects on landscape character associated with the bulk and external appearance of buildings; b. Access; c. Infrastructure; d. Landform modification, exterior lighting, landscaping and planting (existing and proposed). e. Where the site is located within the Lake Hayes Catchment as identified in Schedule 24.9, the contribution of, and methods adopted by, the proposal to improving water quality within the Lake Hayes Catchment. 	C
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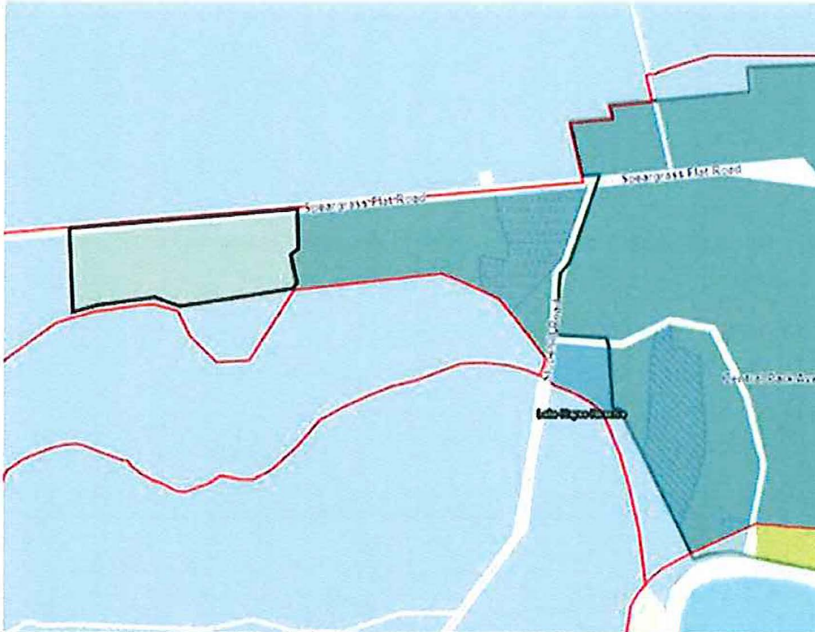
APPENDIX 2

Proposed amendments to the PDP planning maps

Area 1: Speargrass Flat Road

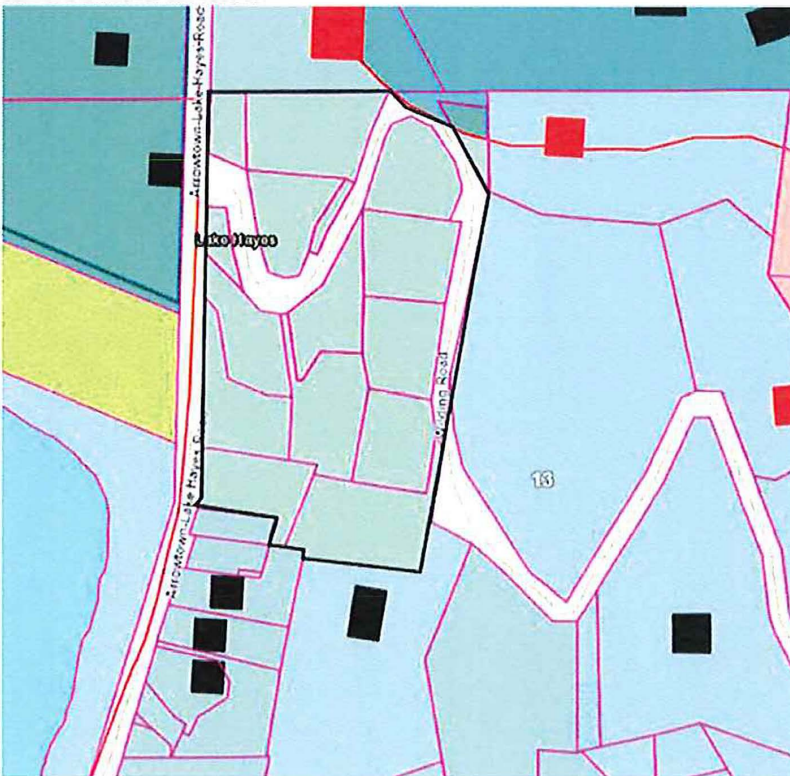
Area outlined in black.

Note that the lime green shading is the ODP Rural Residential Zone.



Area 2: Wilding Road

Area outlined in black.



Area 3: Lake Hayes Slopes

Area outlined in black.



Area 4: Morven Hill

Area outlined in black.

