

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(1) of the First Schedule of the Act
BETWEEN	ORCHARD ROAD HOLDINGS LIMITED (ENV-2018-CHC-88) 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: 5 February 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 amend the provisions of Chapter 27 (Subdivision and Development) and the planning maps of the proposed Queenstown Lakes District Plan, as set out in Appendix 1, attached to and forming part of this order;
- (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 is an appeal by Orchard Road Holdings Limited against parts of a decision of the Queenstown Lakes District Council on Stage 1 of the Proposed Queenstown Lakes District Plan which was allocated into Topic 16 – Rezoning Appeals Group 1 (Upper Clutha Rezoning).

[2] The court has now read and considered the consent memorandum of the parties dated 20 December 2019 which proposes to resolve the appeal. The memorandum requested the court to delay the issue of the order until such time as the appeal¹ on adjacent land was resolved. The court received a further memorandum of the parties dated 22 December 2020, noting the parties' desire that the court no longer hold the order in abeyance. The parties have satisfied the court that issuing this order will not frustrate QLDC's ability to adopt an integrated approach to the rezoning of the land.

Other relevant matters

[3] Jackie Redai and others² and Ian Percy and have given notice of an intention to become parties under s274 of the Resource Management Act 1991 ('the RMA') and have signed the memorandum setting out the relief sought.

Orders

[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:

¹ ENV-2018-CHC-163.

² Jackie and Simon Redai, Alastair and Philippa Gillespie, Jackie Boyd, Juliet Hall, Denise and John Prince, Dean and Michelle Telfer, Polson Higgs Nominees Limited, Lee and Sandy Martin, Simon Jackson and Lorna Gillespie.



- (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



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.

Alpine Meadows

27.3.X Objective – The integration of road, walkway and cycleway connections between Alpine Meadows and adjacent land.

Policies

27.3.X.1 Provide for roading connections within the Alpine Meadows site and land to the north and east as shown in the Structure Plan in 27.13.X.

27.3.X.2 Provide for a walkway and cycleway along the frontage with Orchard Road to facilitate walking and cycling out of the Orchard Road carriageway, and to connect with walking and cycling access to the east.

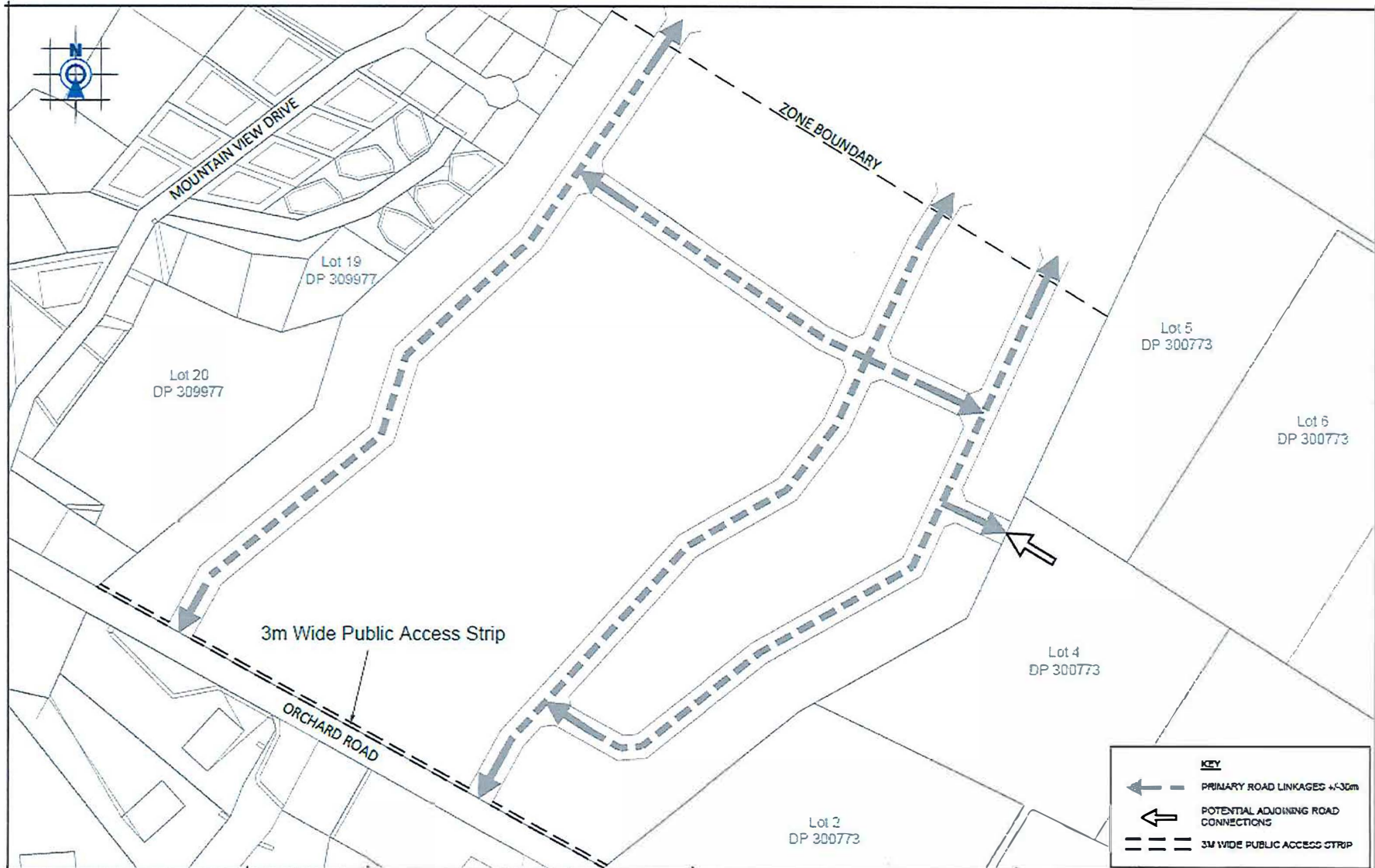
27.7 Zone – Location Specific Rules

	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>Alpine Meadows</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> <u>a. The location of roading connection points, including internal road and connection points to Orchard Road can move +/- 30m.</u> <u>b. The provision of a public walkway and cycleway along the Orchard Road frontage.</u>	<u>C</u>

	27.7.X.2 Any subdivision that is not consistent with the Structure Plan in 27.13.X.	NC
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27.13 Structure Plans

27.13.X Alpine Meadows



KEY

- PRIMARY ROAD LINKAGES >=30m
- POTENTIAL ADJOINING ROAD CONNECTIONS
- 3M WIDE PUBLIC ACCESS STRIP

PATERSONPITTSGROUP
 Your Land Professionals
 www.ppsgroup.co.nz
 0800 PPSGROUP

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 19 Reece Crescent
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Sheet 1 of 1
Alpine Meadows

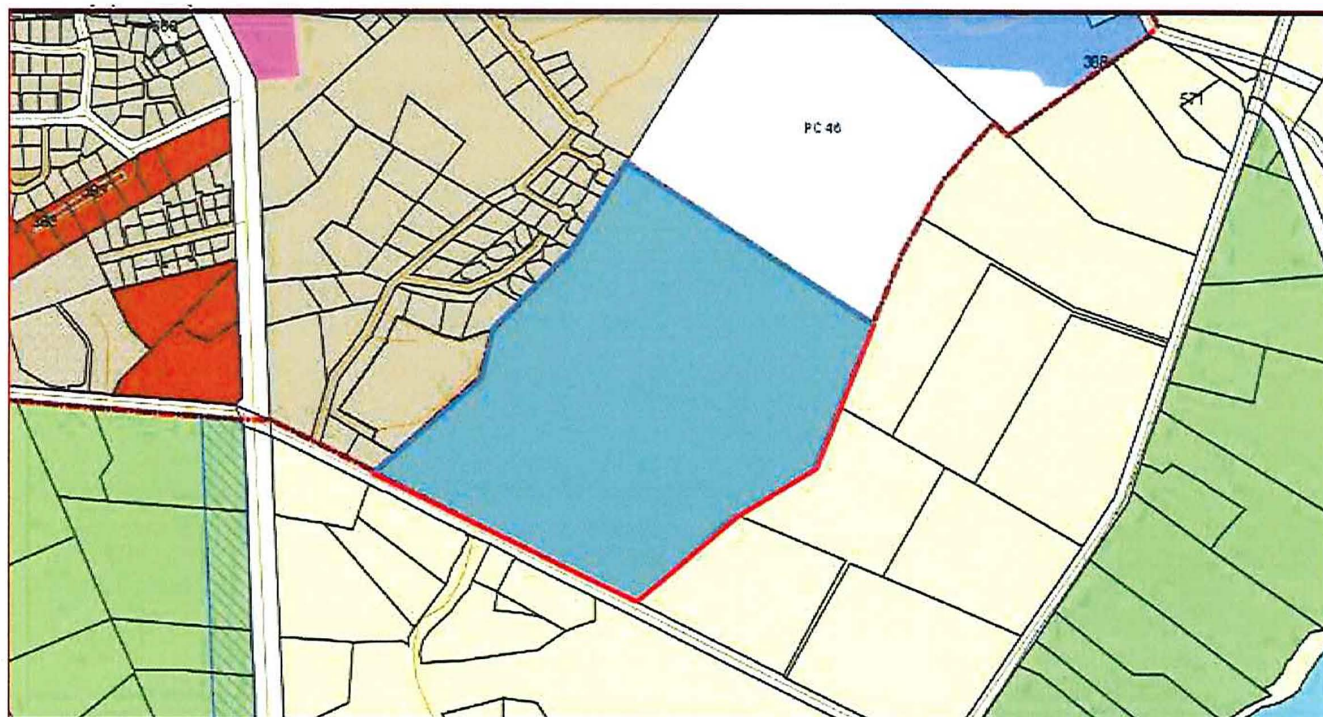
Project & Drawing Title
Structure Plan

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Author	LMH	Original Size	A3	Scale	1:2500 @ A3
Designer	LMH	Sheet No.	001	Scale	C
Checker	JAC	Sheet No.	101	Date	12/12/2019
Drawn	JAC	DO NOT SCALE			
Client	W5620				



Plan Map (extract)



Extent of new Lower Density Suburban Residential Zone at Wanaka with Stage 1 and 2

Decisions Zones

Orchard Road Holdings Limited (ENV-2018-CHC-88)

Yellow = Rural Zone

Dark Green = Rural Lifestyle Zone

Brown = Lower Density Suburban Residential Zone

Dark Red = Large Lot Residential Zone

Blue overlay = area to be rezoned to Lower Density Suburban Residential and Urban Growth Boundary extension

White area with PC 46 annotation = Low Density Residential Zone (Operative District Plan)

Red line = Urban Growth Boundary