

BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH

I MUA I TE KOOTI TAIAO O AOTEAROA
KI ŌTAUTAHI

IN THE MATTER of the Resource Management Act 1991
AND of an appeal under cl 14 of the First
Schedule to the Act
BETWEEN ALLENBY FARMS LIMITED
(ENV-2018-CHC-148)
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: 09 SEP 2020

CONSENT ORDER

- A: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that the rezoning and amended provisions in Chapters 11 and 27 of the Proposed Queenstown Lakes District Plan, as set out in **Appendices 1 and 2** are approved.
- B: Under s285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] The court has read and considered the notice of appeal filed by Allenby Farms Limited (ENV-2018-CHC-148) against the decisions by the Queenstown Lakes District

ALLENBY FARMS LTD v QUEENSTOWN LAKES DISTRICT COUNCIL



Council on Stage 1 of the Proposed Queenstown Lakes District Plan, which was allocated into Topic 23 – Rezoning Appeals Group 2.

[2] Rob Roy Residents Group and Otago Regional Council gave notice of their intentions to be parties to the appeal, and signed the consent memorandum, setting out the relief sought.

[3] The court has considered the Joint Memorandum filed by counsel for the above parties dated 12 May 2020, in which the parties advised that agreement was reached at mediation to resolve the appeal in part by resolving appeal points:

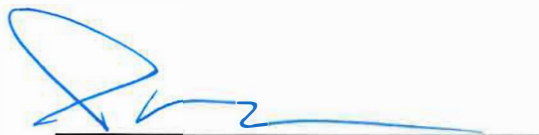
- (a) ENV-2018-CHC-148-001; and
- (b) ENV-2018-CHC-148-002.

[4] Counsel for the parties respectfully requested that the court approve the proposed rezoning and provisions attached to the Joint Memorandum.

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:

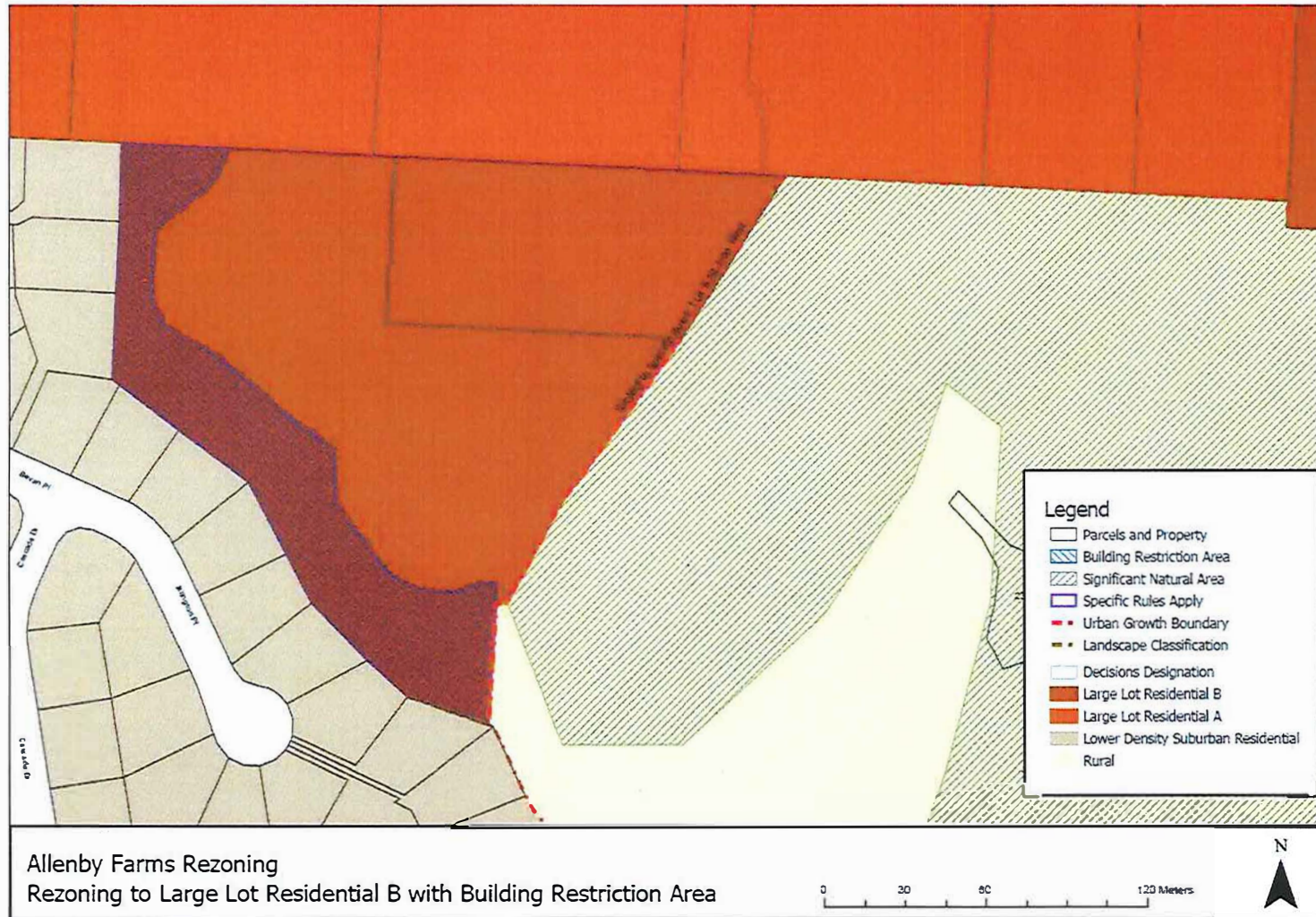
- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the relevant requirements and objectives of the RMA including, in particular, pt 2.



J J M Hassan
Environment Judge



APPENDIX 1



Allenby Farms Rezoning
 Rezoning to Large Lot Residential B with Building Restriction Area

APPENDIX 2

Amendments to Chapter 11 Large Lot Residential Zone

Changes shown (in red underline and strike out):

	Standards for Activities	Non-compliance status
11.5.1	<p>Building Height</p> <p>11.5.1.1 Except where limited by Rules 11.5.1.2 or to 11.5.1.34 a maximum height limit of 8 metres.</p> <p>11.5.1.2 A maximum height of 7 metres: a. on sites located between Beacon Point Road and the margins of Lake Wanaka; and b. on sites located between Studholme Road and Meadowstone Drive.</p> <p>11.5.1.3 <u>A maximum height of 6 metres:</u> <u>a. on sites located at Mt Iron West (as identified on the District Plan maps).</u></p> <p>11.5.1.34 A maximum height of 5.5 metres above a floor level of 283 masl: a. on the site(s) located at the northern end of Beacon Point Road (as identified on the District Plan maps).</p>	<p>NC</p> <p>NC</p> <p><u>NC</u></p> <p>NC</p>
11.5.2	<p>Building Coverage</p> <p><u>11.5.2.1</u> The maximum building coverage shall be 15% of the net site area.</p> <p><u>11.5.2.2</u> <u>The maximum building coverage at Mt Iron West (as identified on the District Plan maps) shall be 500m² net site area.</u></p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the effect on openness and spaciousness;</p> <p>b. effects on views and outlook from neighbouring properties;</p> <p>c. visual dominance of buildings;</p> <p>d. landscaping.</p>



	Standards for Activities	Non-compliance status
11.5.9	<p>Residential Density</p> <p>11.5.9.1 Large Lot Residential Area A: a maximum of one residential unit per 2000m² net site area.</p> <p>11.5.9.2 Large Lot Residential Area B: a maximum of one residential unit per 4000m² net site area.</p> <p>11.5.9.3 <u>In addition to Rule 11.5.9.2. at Mt Iron West (as identified on the District Plan maps), a maximum of four residential units.</u></p>	D



Amendments to Chapter 27 Subdivision and Development:

Section 27.3 – location specific objectives and policies.

Changes shown (in red underline and strike out):

Large Lot Residential B Zone at Mt Iron West

27.3.13 **Objective - Subdivision and residential development within the Large Lot Residential B Zone at Mt Iron West provides for a sensitive transition from urban to the Rural Zoned Mt Iron Outstanding Natural Feature.**

27.3.13.1 Minimise the landscape effects of urban subdivision and development adjacent to Mt Iron through:

- a. avoiding buildings within the Building Restriction Area as identified on the District Plan maps;
- b. restricting the height of buildings to 6 metres and coverage of buildings within each allotment to 500m²;
- c. restricting residential activity to not more than four allotments;
and
- d. retention of existing indigenous vegetation that contributes to Mt Iron's landscape values.

27.3.13.2 Encourage opportunities to enhance indigenous biodiversity including through retention of existing indigenous vegetation or habitat of indigenous fauna that contributes to the maintenance of indigenous biodiversity.

