

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of an appeal under clause 14 of the First
 Schedule of the Act
BETWEEN JEREMY BELL INVESTMENTS LIMITED
 (ENV-2018-CHC-63)
 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: 15 June 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 to the extent that the Queenstown Lakes District Council is directed to amend Chapters 22 and 27, and Map 18 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 proceeding concerns an appeal by Jeremy Bell Investments Limited against parts of a decision of the Queenstown Lakes District Council on Chapters 22 and 27, and Map 18 of the proposed Queenstown Lakes District Plan – Stage 1. In particular, it relates to Topic 16 (Rezoning).

[2] The court has now read and considered the consent memorandum of the parties dated 21 August 2019, which proposes to resolve this appeal. A minor typographical error is corrected in 22.2.7.1.c ('story' changed to 'storey').

Other relevant matters

[3] No person has given notice of an intention to become a party under s274 of the Resource Management Act ('the RMA').

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:

- (a) all parties to the proceedings have executed the memorandum requesting this order; and
- (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 ~~striketrough~~ text)

22 Rural Residential and Rural Lifestyle

22.2 Objectives and Policies

22.2.7 Objective – Criffel Station Rural Lifestyle Zone – The long-distance visual values of the Criffel Station Rural Lifestyle zone (upper terrace) are maintained.

22.2.7.1 Ensure that built form is reasonably inconspicuous when viewed from State Highway 6 to the north by:

- a. Avoiding development over the more sensitive parts of the zone via Building Restriction Areas;
- b. Ensuring the Building Restriction Areas (excluding vehicle accessways) are maintained in open pasture (except for landscaping and land management approved by way of subdivision consent);
- c. Restricting the height and coverage of buildings to encourage low, single storey built form.

22.3 Other Provisions and Rules

22.3.2.9 In addition to Tables 1 and 2, the following standards apply to the areas specified:

Table 3: Rural Residential Zone at Forest Hill.

Table 4: Rural Residential Bob's Cove and Sub Zone.

Table 5: Rural Residential Zone at Camp Hill.

Table 6: Wyuna Station Rural Lifestyle Zone.

Table 7: Criffel Station Rural Lifestyle Zone (upper terrace).



22.5 Rules - Standards

Table 7	Criffel Station Rural Lifestyle Zone (upper terrace only)	Non-compliance Status
22.5.39	<p><u>Maximum Number of Residential Units</u></p> <p>There shall be no more than 6 residential units within the Criffel Station Rural Lifestyle Zone (upper terrace).</p>	NC
22.5.40	<p><u>Building Height</u></p> <p>The maximum height of any building shall be 5.5m within the Criffel Station Rural Lifestyle Zone (upper terrace).</p>	NC
22.5.41	<p><u>Building Restriction Area</u></p> <p>(a) No building shall be located within the Building Restriction Area identified within the Criffel Station Rural Lifestyle Zone (upper terrace) of the planning maps.</p> <p>(b) The Building Restriction Area (excluding vehicle accessways) within the Criffel Station Rural Lifestyle Zone (upper terrace) shall be maintained in open pasture except for landscaping and land management approved in any subsequent subdivision consent.</p> <p>Note: Refer to Chapter 27 Subdivision and Development Policies 27.3.13.1 and 27.3.13.2, and Rule 27.7.X</p>	NC
22.5.42	<p><u>Building Coverage</u></p> <p>The total building coverage per site or approved building platform shall not exceed 600m².</p>	NC



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.

Criffel Station Rural Lifestyle Zone (upper terrace)

27.3.13 Objective – Subdivision achieves an integrated landscape strategy for the collective rural lifestyle developments enabled by the Zone.

27.3.13.1 Require a collective landscape strategy for development of the Criffel Station Rural Lifestyle Zone (upper terrace) which:

- a. Achieves consistency with the Structure Plan in 27.13.7 by maintaining the land within Building Restriction Area 1 in an open pastoral state, free of shelterbelts, woodlot planting or other amenity tree planting, and within Building Restriction Area 2 the enhancement of indigenous biodiversity values;
- b. Ensures buildings are integrated into the landscape;
- c. Avoids reinforcing individual lot boundaries in order to achieve a seamless transition between the domestic curtilage of the rural living allotments and the pastoral terrace of Building Restriction Area 1; and
- d. Avoids any built form within Building Restriction Area 1 and Building Restriction Area 2.

27.3.13.2 Ensure subdivision of the Criffel Station Rural Lifestyle Zone (upper terrace) maintains and enhances the indigenous vegetation and ecosystems within the gully and escarpment area identified as Building Restriction Area 2 in Structure Plan 27.13.7 and suitably and comprehensively maintains these areas into the future. As a minimum, this shall include:

- a. Planting of indigenous vegetation within the gully area at a coverage of 30%;
- b. Methods to exclude and suitably manage weeds and pests in order to foster growth of indigenous vegetation on an ongoing basis;
- c. a programme or list of maintenance work to be carried out on a year to year basis in order to achieve the goals set out above.



27.7 Zone – Location Specific Rules

	Zone and Location Specific Rules	Activity Status
27.7.1	<p>Subdivision consistent with a Structure Plan that is included in the District Plan <u>(except Structure Plan 27.13.7)</u>.</p> <p>Control is reserved to: ...</p>	C
27.7.X	<p><u>Criffel Station Rural Lifestyle (upper terrace)</u></p> <p>27.7.x.1 <u>Subdivision consistent with Structure Plan 27.13.7 for the Criffel Station Rural Lifestyle (upper terrace)</u>.</p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>The matters contained in Rule 27.5.8 with particular regard to the effects of lighting and mitigating the prominence of development from public places at night;</u></p> <p>b. <u>Landscaping and land management (including fencing and any restrictions on ornamental gates) within the Building Restriction Areas of the Structure Plan consistent with Policies 27.3.13.1 and 27.3.13.2; and</u></p> <p>c. <u>Weed and pest control within Building Restriction Area 2 of the Structure Plan in order to maintain and enhance indigenous vegetation and ecosystems consistent with Policy 27.3.13.2.</u></p>	<u>RD</u>



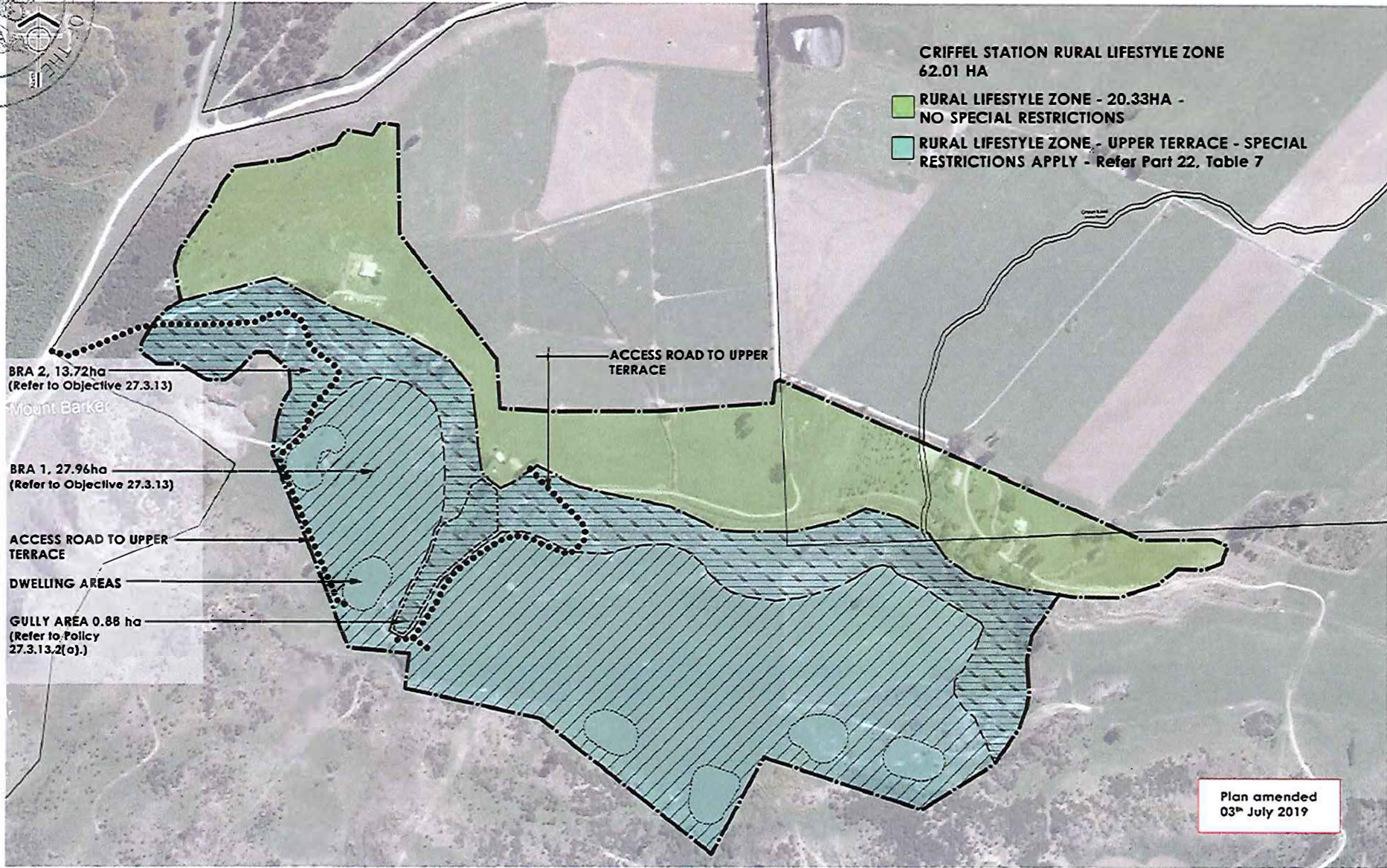


27.13

Structure Plans

27.13.7

Criffel Station Rural Lifestyle Zone (Upper Terrace)



**CRIFFEL STATION RURAL LIFESTYLE ZONE
62.01 HA**

- RURAL LIFESTYLE ZONE - 20.33HA - NO SPECIAL RESTRICTIONS**
- RURAL LIFESTYLE ZONE, - UPPER TERRACE - SPECIAL RESTRICTIONS APPLY - Refer Part 22, Table 7**

BRA 2, 13.72ha
(Refer to Objective 27.3.13)

BRA 1, 27.96ha
(Refer to Objective 27.3.13)

ACCESS ROAD TO UPPER
TERRACE

DWELLING AREAS

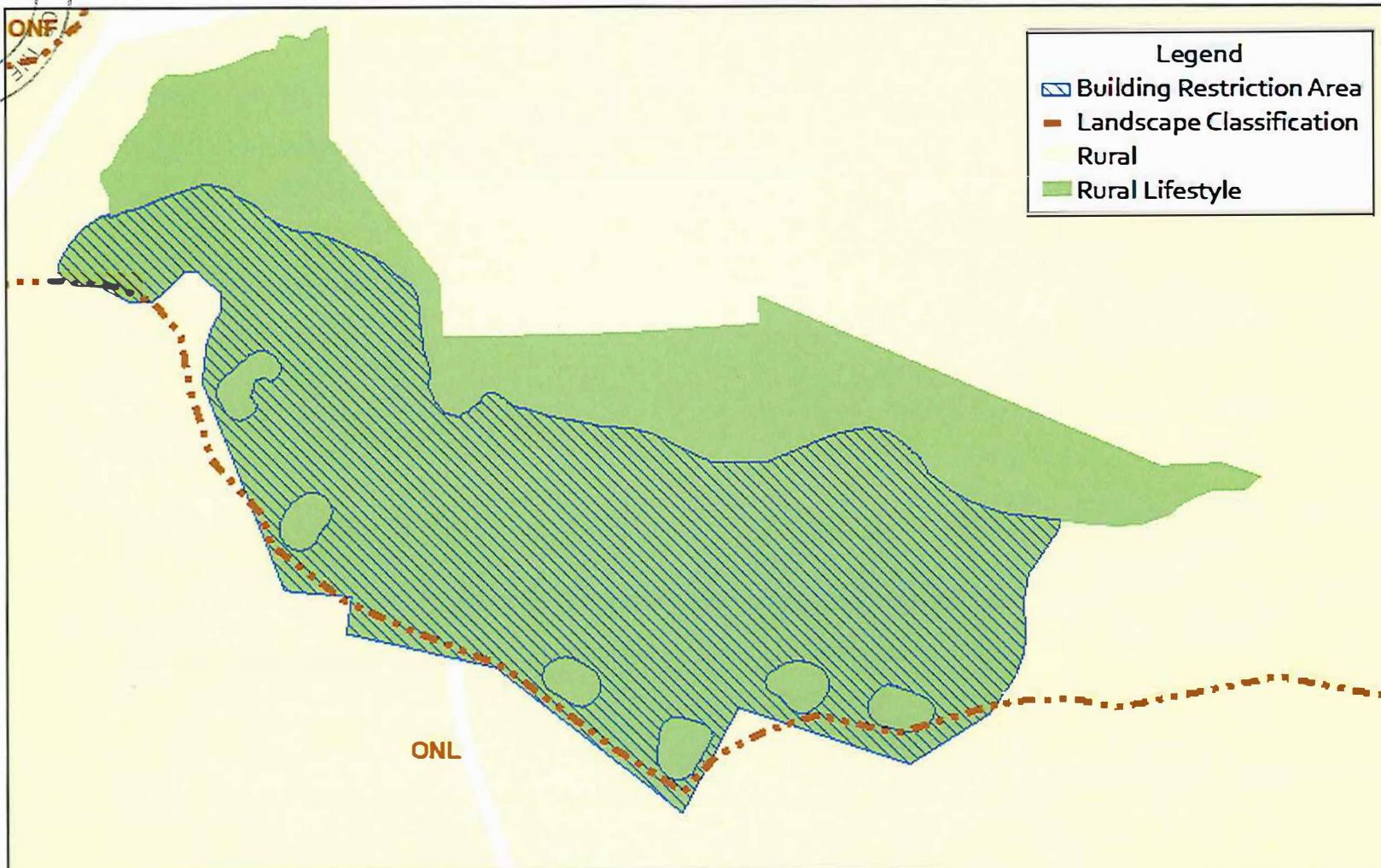
GULLY AREA 0.88 ha
(Refer to Policy 27.3.13.2(a).)

ACCESS ROAD TO UPPER
TERRACE

Plan amended
03rd July 2019

Plan Map 18 (extract)





Legend

- Building Restriction Area
- Landscape Classification
- Rural
- Rural Lifestyle

Criffel Station Rural Lifestyle Zone (Upper Terrace)

