

IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

Decision No. [2022] NZEnvC 195

IN THE MATTER of the Resource Management Act 1991

AND an appeal under clause 14 of the First
Schedule of the Act

BETWEEN ARTHURS POINT TRUSTEE
LIMITED AS TRUSTEE OF THE
ARTHURS POINT LAND TRUST

(ENV-2018-CHC-76)

(ENV-2021-CHC-40)

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: 6 October 2022

CONSENT ORDER

A: Under s279(1)(b) RMA,¹ by consent, it is ordered that:

(1) the appeal is allowed subject to the extent that Queenstown Lakes

¹ Resource Management Act 1991.

PTL v QLDC – TOPIC 39 – ARTHURS POINT REZONING CONSENT ORDER



District Council is directed to extend the Visitor Accommodation subzone and modify or replace the Building Restriction Areas by amending the planning maps and Chapter 8 (Medium Density Residential) as set out in Appendix 1, attached to and forming part of this order;

- (2) the appeal is otherwise dismissed.

B: Under s285 RMA, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns two appeals by Arthurs Point Trustee Limited as trustee of the Arthurs Point Land Trust, against part of the decision of the Queenstown Lakes District Council regarding the provisions of the proposed Queenstown Lakes District Plan ('PDP'). The appeal was allocated to Stage 3 of the PDP review, Topic 39 – Arthurs Point rezoning.

[2] I have read and considered the consent memorandum of the parties dated 16 September 2022 which sets out the agreement reached to resolve the appeals. The agreement reached includes:

- (a) extending the Visitor Accommodation ('VA') sub-zone over the Stage 1 appeal land² / land zoned Medium Density Residential ('MDR') zone. The extension of the VA sub-zone will exclude the land within Building Restriction Area ('BRA') 1 (as agreed to be refined) and the land that is currently subject to BRA 3 which will be subject to new site-specific Rule 8.5.1.X that is to be inserted in Chapter 8 (Medium Density Residential));
- (b) modification of BRA 1 and the associated Outstanding Natural Landscape boundary to correspond to the actual landform;

² Legally described as Lot 2 DP 24233.

- (c) modification of BRA 2 and the VA sub-zone; and
- (d) removal of BRA 3, to be replaced with an overlay linking that land to a site-specific rule that restricts building heights within the MDR zone to a maximum of height of 465masl (this will be linked to a specific overlay in GIS mapping, labelled "Subject to Rule 8.5.1.X").

Other relevant matters

[3] Arthurs Point Outstanding Natural Landscape Society Incorporated joined the appeal under s274 RMA and has signed the memorandum setting out the relief sought.

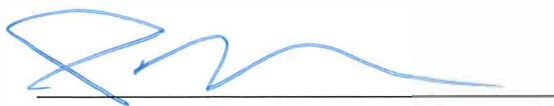
[4] The parties agree that costs should lie where they fall and accordingly no order for costs is sought.

Outcome

[5] The court understands for present purposes that all parties to the proceeding:

- (a) have executed the memorandum requesting this order; and
- (b) are satisfied that all matters 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.

[6] On the information provided to the court, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought. The orders under s279(1) RMA are by consent, rather than representing a decision or determination on the merits.

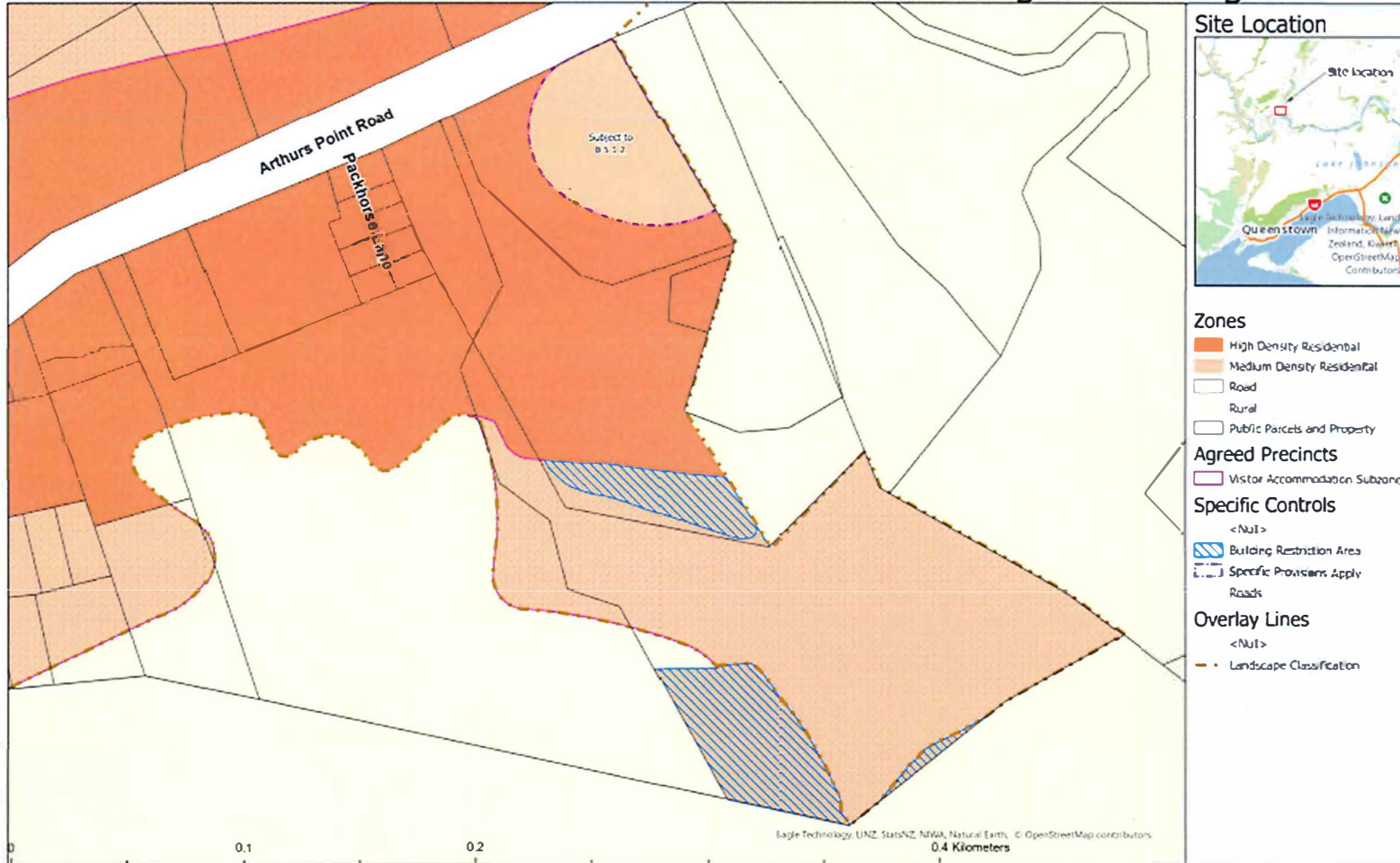


J J M Hassan
Environment Judge





ENV-2018-CHC-076 and ENV-2021-CHC-040 - Agreed Changes



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Map Date:
9/09/2022



Agreed Changes

APPENDIX 1

Insert new site-specific Rule 8.5.1.X that is linked to a specific overlay in GIS mapping, labelled "Subject to Rule 8.5.1.X as follows:

	Building Height (for flat and sloping sites)	Non-compliance status
8.5.1.1	Wānaka and Arrowtown: A maximum of 7 metres.	NC
<u>8.5.1.X</u>	<u>Arthurs Point: within the area specified on the District Plan web mapping application on the southern side of Arthurs Point Road: a maximum of 465masl</u>	
8.5.1.2	All other locations: A maximum of 8 metres	