

IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

Decision No. [2022] NZEnvC 196

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN R STEWART

(ENV-2021-CHC-23)

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 District Council is directed to amend the planning maps and Chapter 8 (Medium Density Residential) as set out in Appendix 1, attached to



Resource Management Act 1991.

R STEWART v QLDC – TOPIC 39 – ARTHURS POINT REZONING

- 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 an appeal by Robert Stewart against parts of a 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 25 August 2022, which sets out the agreement reached to resolve the appeal in its entirety. The agreement reached includes:

- (a) rezoning the land at the appeal site at 201 Arthurs Point Road,² not classified as Outstanding Natural Landscape ('ONL'), and not zoned High Density Residential Zone, to Medium Density Residential Zone, and to apply the Visitor Accommodation Overlay over that rezoned land;
- (b) amending the Urban Growth Boundary to align with the ONL boundary through 201 Arthurs Point Road; and
- (c) inserting a new site-specific rule 8.4.8A into Chapter 8 of the PDP, along with a site-specific overlay for the rezoned land in GIS mapping, which would be labelled "Subject to Rule 8.4.8A".

² Lot 1 DP 515200.

Other relevant matters

[3] Arthurs Point Outstanding Natural Landscape Society Incorporated joined the appeal under s274 RMA but later withdrew its interest. No other person has given notice of an intention to become a party to this appeal.

[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



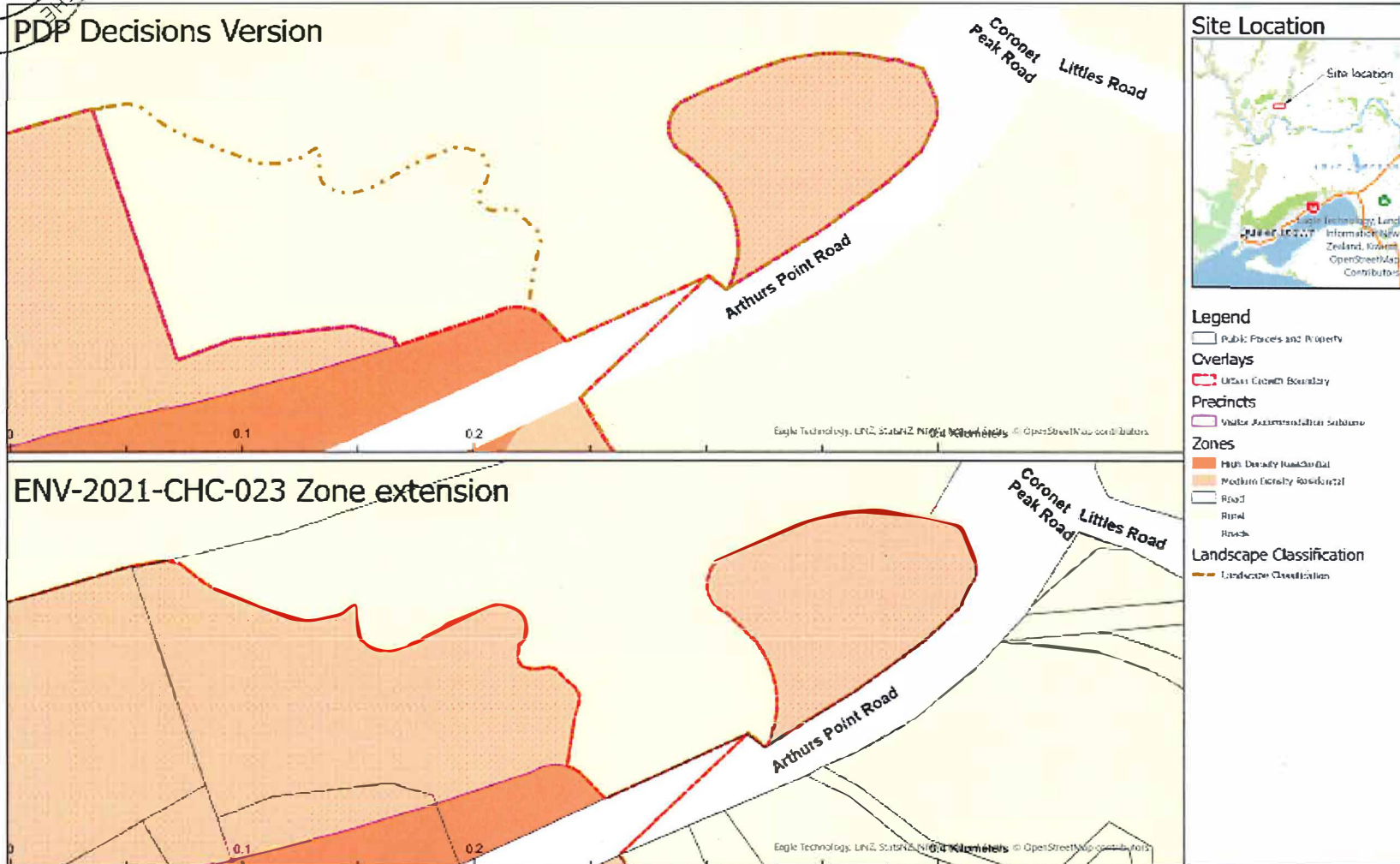
APPENDIX 1

Agreed rezoning and Urban Growth Boundary amendment



ENV-2021-CHC-023 - Arthurs Point Rezoning Appeal

PDP Decisions Version



The information provided on this map is intended to be general information only. While considerable effort has been made to ensure that the information provided on this map is accurate, current and otherwise adequate in all respects, Queenstown Lakes District Council does not accept any responsibility for content and shall not be responsible for, and excludes all liability, with relation to any claims whatsoever arising from the use of this map and data held within.



Map Date:
10/08/2022



New site specific rule (applying to the rezoned land only) to be inserted into Chapter 8

<p><u>8.4.8A</u></p>	<p>All Buildings (including associated earthworks) within the area specified on the District Plan web mapping application in Arthurs Point on the northern side of Arthurs Point Road.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. <u>Location of buildings;</u> b. <u>Infrastructure and access design;</u> c. <u>Foundation design based on site-specific Geotechnical investigations;</u> d. <u>Earthworks and retaining design;</u> e. <u>Stormwater control and management; and</u> f. <u>Natural hazard mitigation.</u> 	<p><u>RD</u></p>
----------------------	---	------------------

Extract identifying rezoned area only in purple shading

