

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

Decision No. [2025] NZEnvC 301

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN THE STATION AT WAITIRI
LIMITED

(ENV-2021-CHC-60)

Appellant

AND QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

Court: Environment Judge J J M Hassan
Sitting alone under s279 of the Act

Hearing: In Chambers on the papers

Last case event: 9 July 2025

Date of Decision: 10 September 2025

Date of Issue: 10 September 2025

**DETERMINATION OF THE ENVIRONMENT COURT
BY CONSENT**

A: Under s279(1)(b) RMA,¹ the Environment Court orders, by consent, that
the provisions of Chs 27 (Subdivision and Development) and 46 (Rural

¹ Resource Management Act 1991.



Visitor Zone) of the Proposed Queenstown Lakes District Plan be amended as shown in Appendix A, and that a new structure plan be inserted into Ch 27, as shown in Appendix B, and that the mapping of the Landscape Sensitivity Areas for the Arcadia Rural Visitor Zone be amended on the PDP plan maps as shown in Appendix C.

B: Under s285 RMA, there is no order as to costs. Accordingly, costs are to lie where they fall.

REASONS

Introduction

[1] This proceeding relates to an appeal by The Station at Waitiri Limited (appellant) against part of the decision of the Queenstown Lakes District Council (QLDC) as part of the review of the Queenstown Lakes District Plan (PDP). The appellant's appeal relates to land located to the north of Diamond Lake, known as "Arcadia Station" (the site).

Background

[2] The Arcadia Rural Visitor Zone (RVZ) was established through the previous district plan review process of the now Operative District Plan in 1998. This was subject to QLDC approval of a structure plan for the area (as a controlled activity).

[3] Unlike other RVZ areas, this site is distinct due to its use for film-related activities.

[4] The site's mixed-use development was initiated by the former owner, who obtained land use consent in 2011 to implement a structure plan.²

² Resource Consent RM110010.

[5] In 2014 a further resource consent was obtained enabling the subdivision of the site to create eleven residential lots and a twelfth lot designated for future commercial use.³

[6] Certification under s223 RMA was achieved in 2018.

[7] As the timeframe for obtaining s224(c) RMA certification on the earlier consent was nearing expiry, the appellant secured a new subdivision consent to replicate the original lot configuration in 2022. The commercial lot was intended to be utilised as a tearoom.

The PDP review process

[8] The site was predominantly zoned Rural through Stage 1 of the PDP process. However, Stage 3B as notified proposed to rezone the site to RVZ.

[9] The site's former owner, Mr Veint, made a submission on Stage 3B of the PDP. Seeking to preserve the development opportunities granted by the existing Structure Plan and Subdivision Consents, he proposed incorporating the Structure Plan and Design Guidelines under RM110010 as part of a revised Arcadia RVZ. This would have involved various amendments to the provisions of Ch 46 (Rural Visitor Zone) or as part of Ch 27 (Subdivision and Development).⁴ The planning provisions and design guidelines were intended to mitigate any potential adverse effects on the Outstanding Natural Landscape (ONL).

[10] However, QLDC's decision did not adopt the proposed Structure Plan, design guidelines, or bespoke provisions into the decisions version of Ch 46. Instead, the decision version acknowledged the development expectations of the site created by the subdivision consent by permitting one residential unit per

³ Resource Consent RM130799.

⁴ Submission #31008.

consented building platform identified on the site.

[11] On appeal, the appellant seeks full incorporation of the consented Structure Plan, design guidelines, and bespoke provisions into the PDP with necessary amendments to reflect the anticipated development of the Arcadia RVZ. The notice of appeal records that, while the appellant supports the recognition of residential development as a permitted activity, the appeal proposes amending the provisions to allow for up to eleven residential units within the designated residential area of the Arcadia RVZ, without referencing the specific consenting history or building platforms.⁵

[12] Additional relief sought includes amendments to Ch 27 to enable subdivision in accordance with the Structure Plan as a controlled activity, removal of landscape sensitivity annotations from the planning maps, and changes to the provisions of Ch 46 to align with the revised planning framework.

Agreement reached

[13] The appellant and QLDC have engaged in informal discussions and reached an agreement to resolve the appeal. This agreement reflects the development previously approved for the site by the underlying subdivision consents,⁶ while also protecting the integrity of the RVZ chapter.

[14] In summary, the agreement reached includes the following components:

- (a) proposed amendments to the extent and location of the mapped landscape sensitivity areas. These amendments will confine built development to specific locations on the site. The parties are satisfied that this will protect the landscape values of the land and surrounding ONL as intended by s6(b) RMA and the PDP (Chs 3 and 6);

⁵ At [15].

⁶ RM110010 and RM130799.

- (b) various amendments to provisions in PDP Chs 46 and 27 that apply to the Arcadia RVZ only. These provisions increase the scrutiny on buildings sought to be located outside the consented building platforms, which the parties consider appropriate to achieve the landscape related objectives and policies applying to Ch 46; and
- (c) the inclusion of a structure plan for the Arcadia RVZ to guide future subdivision and the location of built form on the site. The structure plan will show the lots previously consented and referenced in the amended provisions to be included in Ch 46.

Mapped landscape sensitivity areas

[15] The amendments to the landscape sensitivity area mapping were agreed following a site visit by QLDC'S landscape expert Ms Mellsop, and further discussions between the appellant and QLDC as to the location and extent of the sensitivity areas.

[16] The amendments involve reducing the moderate-high landscape sensitivity area within the eastern portion of the land at its northern extent but extending it toward the south. The reason for this is that the area to the south is considered to have greater capacity to absorb development due to existing vegetation cover that can integrate and screen development, whereas the northern extent of the area is more exposed and open, and more visible to the road.

[17] The lower landscape sensitivity area within the north-western part of the land is reduced slightly and an additional area of moderate-high landscape sensitivity now adjoins it to the southeast. Much of the now moderate-high landscape sensitivity area was originally within the Lower Landscape Sensitivity area. However because this portion of the land is lower and more visible from Diamond Lake, it requires more carefully designed development. Consequently, the parties agree that a moderate-high landscape sensitivity is more appropriate for this part of the land, as it triggers a discretionary activity status for development.

[18] The lower landscape sensitivity area has also been reduced along its western extent closest to Aitken Lane. This is replaced with High Landscape Sensitivity due to its lower landform, visibility from Glenorchy-Paradise Road and the absence of existing integrating vegetation and extended to the south (replacing what was high) to incorporate a portion of the land with existing beech tree cover.

[19] As a result of the amendments to the landscape sensitivity mapping and with the exception of two lots (4 and 5) the existing approved building platforms referred to in the agreed provisions will be contained within the proposed lower and moderate high landscape sensitivity areas, in the western portion of the site.

[20] While Lots 4 and 5 are located in part within the High Landscape Sensitivity Area, QLDC is satisfied that any effects of these two lots can be appropriately mitigated through consent applications under rr 46.4.7.4 for buildings within the identified building platforms (controlled activity) and 46.4.12 for buildings outside of the identified building platforms (discretionary activity).

Amendments to provisions in Chs 46 and 27 and the structure plan for the Arcadia RVZ

[21] To acknowledge the prior consented subdivision (RM110010 and RM130799), amended rr 46.2.1.5 and 46.4.6 will enable the construction of one residential unit within each of the eleven existing approved building platforms in the Arcadia RVZ Structure Plan (Lots 1 to 11). Rule 27.7.31 will restrict the size of those building platforms to between 70m² and 1000m² in area.

[22] To align with the RVZ framework, the commercial activity is required by Ch 46 to be ancillary to the visitor accommodation or commercial recreation activities, or supportive of temporary filming and events, occurring within the Arcadia RVZ. The amendments to rr 46.2.1.7, 46.4.7A and 46.4.12.3 will provide a bespoke regime for commercial activity (and associated buildings) within Lot 12 as shown on the Arcadia RVZ Structure Plan. The approach to commercial activities on Lot 12 is to be sequenced and follow the delivery of a visitor accommodation activity within the Arcadia RVZ that services a minimum of 20

overnight guests. This will ensure that the commercial activity is, in fact, ancillary.

Parties to the appeal

[23] Gibbston Valley Station Limited (GVSL) and Malaghans Investments Limited (MIL) joined these appeals as s274 parties. However, their s274 notices do not address the specific relief sought by the appellant.

[24] Both these s274 parties are included in Topic 38 which addresses the Rural Visitor Zone. The s274 notices appear to be framed as supporting a general interest in Ch 46 provisions.

[25] The consent memorandum records that neither of these s274 parties has engaged with the appeal since filing their notices. Nor have they participated in any site-specific aspects relating to the Arcadia RVZ.⁷

[26] The s274 notices each express support for the appeal, subject only to the qualification that such support is limited to the extent it is not inconsistent with their own appeals. That qualification is effectively satisfied given neither party has sought to prosecute their own appeals or engage further in this proceeding.

[27] For completeness I record:

- (a) the court issued a consent order resolving GVSL's appeal that was allocated to Topic 38. That order resolved the outstanding aspects of that appeal⁸ and the appeal was otherwise dismissed;⁹ and

⁷ Dated 9 July 2025 at [3].

⁸ On 9 May 2022 the court issued a consent order for Topic 38 subtopic 1 which both GVSL and Malaghans were party to. The order addressed relief in relation to the text for Ch 46. See *Malaghans Investments Ltd v Queenstown Lakes District Council* [2022] NZEnvC 74.

⁹ *Gibbston Valley Station Ltd v Queenstown Lakes District Council* [2022] NZEnvC 192.

- (b) consent documentation dated 23 July 2025 has been filed in relation to MIL's appeal. That includes a consent memorandum that expressly states that the relief agreed between MIL and QLDC will resolve the relief sought by MIL in its entirety.¹⁰

[28] Despite ample opportunity to do so, neither GVSL nor MIL has taken any steps to advance their interests in this appeal. The settlement reached between the appellant and QLDC reflects a modification to the relief originally pursued, within the jurisdictional scope of the appeal. There is no reasonable or relevant case for either s274 party to remain involved, other than to the extent that the settlement may aid the fulfilment of their originally-expressed relief.

[29] In view of those matters, for the purposes of s279(4), I determine that the s274 notices filed by GVSL and MIL disclose no reasonable or relevant case in respect of this appeal proceeding. In addition, I bear in mind the investment made by the appellant and QLDC in achieving an appropriate settlement and the public interest in finalising this aspect of the PDP review. Considering all those matters, under s279(4) RMA I strike out the interests GVSL and MIL claimed through their s274 notices in relation to this appeal such that they hereby cease as parties to the appeal.

Other relevant matters

[30] The parties are satisfied that the Agreed Provisions, as proposed for the court's endorsement, are within the scope of relief sought by the appeal, fall within the court's jurisdiction, and conform to the relevant requirements and objectives of the RMA, including in particular pt 2.

¹⁰ Joint memorandum in support of draft consent order for Topic 38, subtopic 2 – rural visitor zone (rezonings) dated 23 July 2025 signed by the QLDC and MIL.

[31] The parties therefore respectfully request that the court dispose of the appeal in full, by approving the Agreed Provisions for the Arcadia RVZ, which comprise changes to Chs 27 and 46, the new Structure Plan and amended Landscape Sensitivity Area mapping, as set out in the attached draft consent order.

[32] No party seeks costs; all parties agreeing that costs should lie where they fall.

Evaluation

[33] This determination is made on the basis of the joint memorandum recording the parties' full agreement. The court understands for the present purposes that all relevant parties to the proceeding have executed the memorandum requesting the orders. 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.

[34] On the information provided to the court, and on the basis of the assurances received, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought.

Outcome

[35] The court is making this order under ss 279(1)(b) RMA, such order being by consent rather than representing a decision or determination on the merits.

[36] The appeal is allowed to the extent that the QLDC is directed to amend the PDP by making the changes set out in Appendices A – C, attached to, and forming part of this determination.



J J M Hassan
Environment Judge



APPENDIX A

The agreed provisions

(additions are shown underlined and deletions are shown as ~~strike through~~)

46 Rural Visitor Zone

46.1 Purpose

The Rural Visitor Zone provides for visitor industry activities that enable people to access and appreciate the District's landscapes, at a small scale and low intensity, and in a manner that recognises the particular values of those landscapes. By providing for visitor industry activities within the rural environment, primarily in remote locations, the Zone recognises the contribution visitor industry places, services and facilities make to the economic and recreational values of the District.

The effects of land use and development on the landscape are managed by the limited extent and small scale of the Zoned areas, and directing sensitive and sympathetic development to areas of lower landscape sensitivity identified within each Zone, where the landscape can accommodate change and the adverse effects on landscape values will be cumulatively minor. No Zone comprises areas of only high or moderate-high landscape sensitivity and the Zone is not located on Outstanding Natural Features. Effects on landscape are further managed through limiting the nature, scale and intensity of development and ensuring buildings are not visually dominant and are integrated into the landscape.

The principal activities in the Zone are small scale and low intensity visitor accommodation and related ancillary commercial activities, and commercial recreational activities. Residential activity is not anticipated in the Zone, with exceptions provided for onsite staff accommodation ancillary to commercial recreational activities and visitor accommodation, and for residential activity on within the eleven building platforms identified on Lots 1 to 11 on the Arcadia Rural Visitor Zone Structure Plan in 27.13.19. at Arcadia that were consented under a prior rural visitor zoning.

46.2 Objectives and Policies

46.2.1.4B Ensure the nature and scale of the combined activities in the Arcadia Rural Visitor Zone maintain amenity values beyond the Zone by specifically managing the nature, scale, location and timing of commercial, retail or service activities within the Arcadia Rural Visitor Zone.

46.2.1.5 Avoid residential activity within the Zone, except for enabling:

- a. onsite staff accommodation ancillary to visitor accommodation and commercial recreational activities, where this accommodation is consistent with the small scale and low intensity of the development within the Zone; and
- b. residential activity on identified on the eleven building platforms identified on Lots 1 to 11 of the Arcadia Rural Visitor Zone Structure Plan in 27.13.19. in the Arcadia Rural Visitor Zone (as approved by resource consent under a previous rural visitor zoning prior to 31 October 2019).

46.2.1.7 Within Lot 12 as shown on the Arcadia Rural Visitor Zone Structure Plan at 27.13.19, provide for commercial activity (and associated buildings) that is ancillary to the visitor accommodation and commercial recreation activities within the Arcadia Rural Visitor Zone, or which support temporary filming and temporary events within the Arcadia Rural Visitor Zone.

46.2.2.3 Avoid buildings within areas identified on the District Plan web mapping application as High Landscape Sensitivity Areas (excluding any buildings within the building platforms approved by resource consent on Lots 4 and 5 as shown on the Arcadia Rural Visitor Zone Structure

Plan at 27.13.19).

46.4 Rules — Activities

	Rules - Activities	Activity Status
46.4.6	One residential unit within a <u>each of the building platforms identified on Lots 1 to 11 of the Arcadia Rural Visitor Zone Structure Plan at 27.13.19.</u> LT 530138 in the Arcadia Rural Visitor Zone.	P
46.4.7	<p>Construction or exterior alteration of buildings</p> <p>46.4.7.1: The construction or exterior alteration of buildings (other than identified in Rules 46.4.8 to 46.4.13 and 46.4.18).</p> <p>46.4.7.2: In the Gibbston Valley Rural Visitor Zone, the construction, relocation or exterior alteration of buildings within the Developable Areas identified on the District Plan web mapping application.</p> <p>46.4.7.3: In the Walter Peak Rural Visitor Zone, the construction or relocation of buildings or structures used for living purposes (including visitor accommodation) within an area identified on the District Plan web mapping application as a Hazard Management Area (other than identified in Rules 46.4.8, 46.4.9 and 46.4.11 to 46.4.13).</p> <p>46.4.7.4: <u>In the Arcadia Rural Visitor Zone, the construction, relocation or exterior alteration of buildings within the building platforms identified on Lots 1 to 11 of the Arcadia Rural Visitor Zone Structure Plan at 27.13.19.</u></p> <p>Control is reserved to:</p> <ol style="list-style-type: none"> The compatibility of the building density, scale, design and location with landscape, cultural and heritage, and visual amenity values; Landform modification, landscaping and planting; Lighting; Servicing including water supply, fire-fighting, stormwater and wastewater; Natural Hazards; Design and layout of site access, on-site parking, manoeuvring and traffic generation; In the Lake Hawea Rural Visitor Zone, the content of the Vegetation Management Plan submitted with the application; and In the Matakauri Rural Visitor Zone, effects on amenity values beyond the zone from the location, nature, scale and intensity of activities undertaken in the building and from any increase in traffic generation, or associated parking, access, and manoeuvring of vehicles. <p>Information requirements:</p> <ol style="list-style-type: none"> The Vegetation Management Plan shall be prepared by a suitably qualified and experienced person and include the following information: <ol style="list-style-type: none"> The vegetation to be retained and new planting areas (including ongoing replacement planting strategies); A plant schedule that identifies plant species, numbers, grades, and spacings; 	C

	<ul style="list-style-type: none"> iii. Uses locally appropriate eco-sourced native species (excepting for exotic species); iv. Any earthworks associated with the Vegetation Management Strategy. <p>b. Measures relating to the implementation of the Vegetation Management Plan that includes:</p> <ul style="list-style-type: none"> i. site preparation; ii. vegetation protection methods; iii. planting methods; iv. ongoing maintenance obligations, including irrigation methods (if required) and pest management; v. Staging and timing of the removal of existing vegetation and planting <p>c. A landscape assessment, which demonstrates how the Vegetation Plan and implementation measures will achieve Policy 46.2.1.2A.</p>	
46.4.8X	<p><u>Commercial Activity (including associated buildings) within Lot 12 as shown on the Arcadia Rural Visitor Zone Structure Plan at 27.13.19.</u></p> <p><u>Discretion is restricted to:</u></p> <ul style="list-style-type: none"> a. <u>The compatibility of building size, density, scale, design and location (within Lot 12) with landscape, cultural, heritage and visual amenity values;</u> b. <u>Landform modification, landscaping and planting;</u> c. <u>Lighting;</u> d. <u>Servicing including water supply, fire-fighting, stormwater and wastewater;</u> e. <u>Natural Hazards;</u> f. <u>Design and layout of site access, on-site parking, manoeuvring and traffic generation; and</u> g. <u>Hours of operation and noise.</u> 	RD

46.4.12	Construction or exterior alteration of buildings		D
	46.4.12.1:	The construction or exterior alteration of buildings within an area identified on the District Plan web mapping application as a Moderate-High Landscape Sensitivity Area.	
	46.4.12.2	In the Gibbston Valley Rural Visitor Zone, in addition to 46.4.12.1, the construction, relocation or exterior alteration of buildings not within the Developable Areas identified on the District Plan web mapping application, and not within the area covered by Rule 46.4.13.	
	46.4.12.3	<u>In the Arcadia Rural Visitor Zone, the construction, relocation or exterior alteration of buildings located outside of the building platforms identified on Lots 1 to 11 of the Arcadia Rural Visitor Zone Structure Plan at 27.13.19.</u>	
46.4.16	Commercial activities, retail or service activities except as provided for in Rules 46.4.2, and 46.4.3 and 46.4.8X.		NC

46.5

Rules - Standards

	Table 46.5 - Standards	Non-compliance status
<u>46.5.15</u>	Commercial Activity within Lot 12 as shown on the Arcadia Rural Visitor Zone Structure Plan at 27.13.19	Rule 46.5.15.1: D Rule 46.5.15.2: NC
	<u>46.5.15.1</u> In the Arcadia Rural Visitor Zone, no commercial activities shall occur until a visitor accommodation activity servicing a minimum of 20 overnight guests is operational within the Zone.	
	<u>46.5.15.2</u> In the Arcadia Rural Visitor Zone, no retail activities, including services or facilities, shall occur that are not directly associated with, and ancillary to, visitor accommodation or commercial recreation activities, or which do not support temporary filming and events within the Arcadia Rural Visitor Zone.	

Consequential Changes to Chapter 27

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 (except Structure Plans 27.13.7 Criffel Station, 27.13.9 Frankton North, 27.13.13 Connell Terrace, and 27.13.14 Ballantyne Road <u>and 27.13.19 Arcadia Rural Visitor Zone</u>). Control is reserved to: ...		C
<u>27.7.1A</u>	<u>Arcadia Rural Visitor Zone</u>		<u>27.7.1A.1: RD</u>
	<u>27.7.1A.1</u>	Subdivision in general accordance with the indicative lot boundary, roading and building platform layout as shown on the <u>27.13.19 Arcadia Rural Visitor Zone Structure Plan</u> . <u>Discretion is restricted to:</u> (a) <u>The matters listed in Rule 27.7.1(a) to (o);</u> (b) <u>The scale and design of future buildings;</u> (c) <u>Landscaping/planting (existing and proposed) in respect of landscape character and visual amenity;</u> (d) <u>Location, scale and extent of landform modification and retaining structures;</u> (e) <u>Opportunities for nature conservation values and natural landscape enhancement;</u> (f) <u>Fencing and gates.</u>	<u>27.7.1A.2: D</u>
	<u>27.7.1A.2</u>	<u>Any subdivision which does not comply with 27.7.1A.1 above.</u>	

27.7.31 In the following zones, every allotment created for the purposes of containing residential activity shall identify one building platform of not less than 70m² in area and not greater than 1000m² in area.

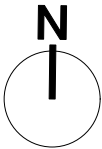
- a. Rural Zone;
- b. Gibbston Character Zone;
- c. Rural Lifestyle Zone;
- d. Rural Visitor Zone, limited to Lots 1 to 11 as per the building platform layout shown on the Arcadia Rural Visitor Zone Structure Plan at 27.13.19.

APPENDIX B



The agreed Arcadia RVZ Structure Plan mapping

APP. B2 STRUCTURE PLAN

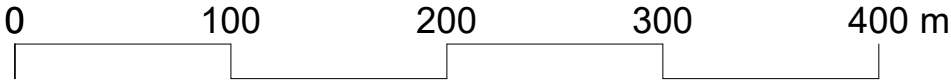
Glenorchy Paradise Road



Key

-  Indicative lot boundary
-  Building Platforms

Legal Road

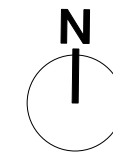


APPENDIX C




The agreed Landscape Sensitivity Area mapping

Glenorchy Paradise Road

Legal Road



Key

-  Lower Landscape Sensitivity Area
-  Moderate to High Landscape Sensitivity Area
-  High Landscape Sensitivity Area

