

**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 QUEENSTOWN COUNTRY CLUB
LIMITED & QUEENSTOWN COMMERCIAL
LIMITED
(ENV-2019-CHC-029)
Appellants
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: 6 April 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, and Queenstown Lakes District Council is directed to amend the Outstanding Natural Landscape boundary line on Maps 30 and 30a (and, to the extent possible, Maps 13 and 13d) of the Proposed Queenstown Lakes District Plan, as set out in Figure 1 (attached to and forming part of this Order);
- (2) the appeal otherwise remains extant.
- (3)

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 Queenstown Country Club Limited and Queenstown Commercial Limited (the appellants) against a decision of the Queenstown Lakes District Council on Map 30a of the Proposed Queenstown Lakes District Plan – Stage 2. This consent order is sought to amend the Outstanding Natural Landscape boundary line along the southern edge of the appellants' land.

[2] The court has now read and considered the consent memorandum of the parties dated 10 February 2020 which proposes to resolve this part of the appeal.

Other relevant matters

[3] Bridesdale Farm Developments Limited and Queenstown Airport Corporation Limited ("QAC") gave notice of an intention to become parties under s274 of the Resource Management Act 1991 ("the RMA"). Bridesdale Farm Developments Limited signed the memorandum setting out the relief sought.¹

[4] QAC did not sign the joint memorandum. A Minute was issued on 18 March 2020 providing a timetable for QAC to indicate whether or not it opposed the proposed settlement. On 24 March 2020, counsel for QAC (Ms Wolt) informed the court and parties that, in view of the difficulties being encountered with COVID-19, QAC has decided to "manage its involvement in the PDP process in-house for the foreseeable future".² The court accepts Ms Wolt's email as sufficient notice that, for the time being, QAC is representing itself in the proceeding.

[5] On 3 April 2020, the Registrar received an email from Ms Melissa Brook, Senior Planner with QAC stating "Please accept this email as confirmation that QAC does not have an interest in relation to the QCC consent documents as discussed in the emails below".³ The court accepts that email as sufficient notice that QAC does not have an interests in the matters the subject of the consent memorandum. Its s274 notice is treated as so amended and clarified.

¹ Joint memorandum of parties dated 10 February 2020 at [11].

² Email from Ms Wolt to the Registrar and counsel for various parties, dated 24 March 2020.

³ Email from Ms Brook of QAC to the Registrar and counsel for QLDC, dated 3 April 2020.



Orders

[6] 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

