

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

Decision No. [2023] NZEnvC 257

IN THE MATTER of the Resource Management Act 1991

AND appeals under clause 14 of the First
Schedule of the Act

BETWEEN E HANAN

(ENV-2019-CHC-16)

AND BANCO TRUSTEES, McCULLOCH
TRUSTEES 2004 LIMITED AND
OTHERS

(ENV-2019-CHC-45)

Appellants

AND QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

Court: Environment Judge J J M Hassan
Environment Commissioner J T Baines

Hearing: at Queenstown on 13 December 2022 and
AVL hearing on 15 February 2023

Appearances: G Chappell for E Hanan and D Hanan
(and M Hanan, deceased)
G M Todd & B B Gresson for Banco & others
S Scott and R Mortiaux for the respondent
R Wolt for Boxer Hill Trust (s274 party)
K Swain for himself and others (s274 parties)



Last case event: 13 April 2023
Date of Decision: 18 September 2023
Date of Erratum: 30 November 2023

ERRATUM OF THE ENVIRONMENT COURT

A: Under s278 of the Resource Management Act 1991 and rule 11.10 District Court Rules 2014, the Environment Court corrects the following paragraphs of interim decision [2023] NZEnvC 200, as follows:

[12] This further jurisdictional scope issue ultimately was not a matter of contention between the parties but we need to determine it. It concerns an agreed mapping anomaly in regard to the ~~Banco Site~~ **BHT Site** and arises from the fact that BHT is not an appellant but a s274 party to the Hanan appeal. BHT asks that the court correct this anomaly by confirming Precinct for the entire Site.

[13] The entire ~~Banco Site~~ **BHT Site** is 8.4 ha in area. In the notified variation, it was proposed to be zoned WBRAZ. BHT's submission on the notified variation sought that for their land "west of McDonnell Road", WBRAZ be replaced with Precinct zoning. Their submission attached a map purporting to be of their Site but erroneously showing only a 7.1 ha portion of it. QLDC accepted the substance of BHT's submission but relied on the erroneous map with the effect that the PDP planning maps were updated to reveal islands of the Site as WBRAZ with the balance was rezoned Precinct, as follows:

[footnotes omitted]

B: The remainder of the decision is otherwise unchanged.

REASONS

[1] This decision concerns appeals as to the zoning of two parcels of land ('Sites') on McDonnell Road, near Arrowtown as part of Stage 2 of the Queenstown Lakes District Plan review ('PDP').

[2] An interim decision was issued on 18 September 2023.¹ That decision included the following descriptions of the site:²

- (a) an approximately 6.5 ha site at 112 McDonnell Road ('Banco Site') southwest of Arrowtown owned by Banco Trustees Limited, McCulloch Trustees 2004 and others ('Banco'); and
- (b) an approximately 8.4 ha site located further to the south at 174 McDonnell Road (Lot 2 DP 392663) ('BHT Site') owned by Boxer Hill Trust ('BHT').

[3] In preparation of its final decision in this proceeding, the court has become aware of two errors in which it inadvertently referred to the "BHT Site" as the "Banco Site".

The court's power to correct errors

[4] Section 278 RMA provides that Environment Judges have the same powers that the District Court has in the exercise of its jurisdiction.

[5] Rule 11.10, District Court Rules 2014, specifies (relevantly) that a judgment may be corrected by the court if it contains a clerical mistake or an error arising from an accidental slip or omission.

Errors

[6] At [12] and [13] the references to the "Banco Site" should have read "BHT Site".

Outcome

[7] The reference made to "Banco Site" at [12] and [13] of the interim decision instead of "BHT Site" is "accidental slip or omission" that is able to be corrected

¹ *Hanan v Queenstown Lakes District Council* [2023] NZEnvC 200.

² At [1].

using the court's powers under rule 11.10, District Court Rules 2014.

[8] The error contained in [12] and [13] of the decision [2023] NZEnvC 200 is corrected as follows:

[12] This further jurisdictional scope issue ultimately was not a matter of contention between the parties but we need to determine it. It concerns an agreed mapping anomaly in regard to the ~~Banco Site~~ **BHT Site** and arises from the fact that BHT is not an appellant but a s274 party to the Hanan appeal. BHT asks that the court correct this anomaly by confirming Precinct for the entire Site.

[13] The entire ~~Banco Site~~ **BHT Site** is 8.4 ha in area. In the notified variation, it was proposed to be zoned WBRAZ. BHT's submission on the notified variation sought that for their land "west of McDonnell Road", WBRAZ be replaced with Precinct zoning. Their submission attached a map purporting to be of their Site but erroneously showing only a 7.1 ha portion of it. QLDC accepted the substance of BHT's submission but relied on the erroneous map with the effect that the PDP planning maps were updated to reveal islands of the Site as WBRAZ with the balance was rezoned Precinct, as follows:

[emphasis added, footnotes omitted]

[9] The remainder of the decision is unchanged.

For the court



J J M Hassan
Environment Judge

