

**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 THE MIDDLETON FAMILY TRUST
 (ENV-2018-CHC-94)
 Appellant
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: 23 October 2019

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 to the extent that the Queenstown Lakes District Council is directed to amend the Outstanding Natural Landscape boundary line on Map 31 of the Proposed Queenstown Lakes District Plan, as set out in Attachment A (attached to and forming part of this Order);
- (2) the appeal otherwise remains extant.

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 Arnold Andrew Middleton, Isabelle Gladys Middleton, Webb Ferry Nominees Limited and Stewart Leslie Parker as trustees of The Middleton Family Trust ('the appellant') against part of a decision of the Queenstown Lakes District Council on Map 31 of the proposed Queenstown Lakes District Plan – Stage 1. In particular, this consent order relates to the location of the outstanding natural landscape boundary line over the appellant's land.

[2] The court has now read and considered the consent memorandum of the parties dated 6 November 2018, which proposes to partially resolve this appeal. The court has also read the responses that the Council, the appellant, and Oasis in the Basin provided to its Minute of 9 October 2019.

Other relevant matters

[3] The following parties have given notice of their intention to become a party to the appeals under s274 of the Resource Management Act 1991 ('the RMA') and have signed the consent memorandum setting out the relief sought:

- (a) Oasis in the Basin;
- (b) H.I.L Limited (application for waiver granted in decision [2018] NZEnvC 216); and
- (c) Tucker Beach Residents Society Incorporated (application for waiver granted and party found to have standing in decision [2019] NZEnvC 149).


[4] The court has received helpful responses from the parties to its Minute of 9 October 2019. All parties agree that the court is in a position to proceed with the consent order sought and there will be no adverse procedural consequences of doing so.

Order

[5] 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:

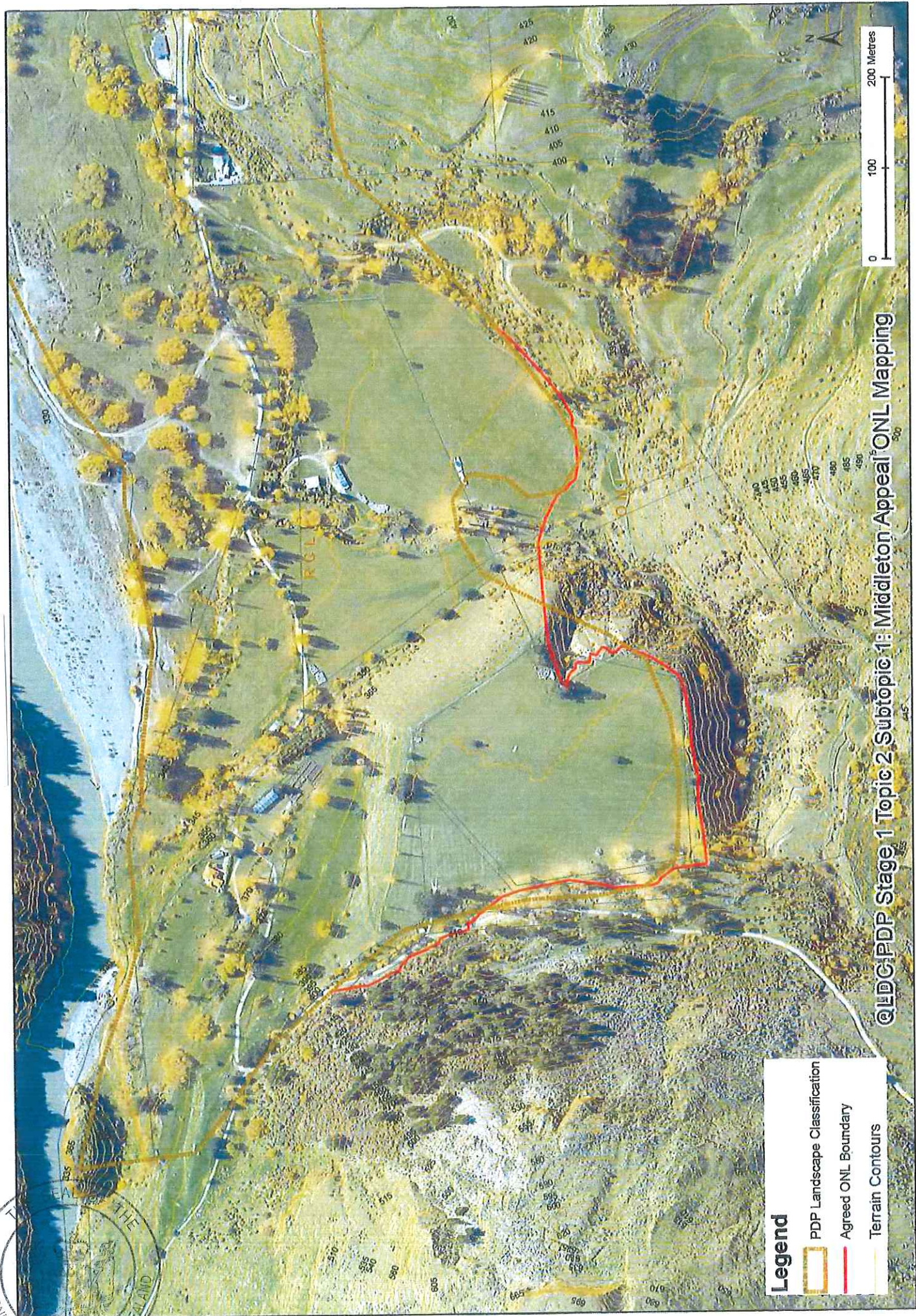


- (a) all parties to the proceedings have executed the memorandum requesting this order; and
- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the RMA including, in particular, pt 2.



J J M Hassan
Environment Judge





Legend

- PDP Landscape Classification
- Agreed ONL Boundary
- Terrain Contours



©LDC/PDP Stage 1 Topic 2 Subtopic 1: Middleton Appeal ONL Mapping