

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

Decision No. [2025] NZEnvC 226

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN M J BERESFORD, R T BUNKER &
L M ROUSE

(ENV-2018-CHC-69)

Appellant

AND QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

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

Hearing: In Chambers at Christchurch on the papers

Date of Decision: 3 July 2025

Date of Issue: 3 July 2025

INTERIM DECISION OF THE ENVIRONMENT COURT

REASONS

Introduction

[1] This decision follows the court's second interim decision on the appeal in
BERESFORD, BUNKER & ROUSE v QLDC – INTERIM DECISION S293 DIRECTIONS



the review of the Queenstown Lakes District Plan (PDP), specifically addressing the appropriate zoning of a site in Hāwea/Wānaka known locally as “Sticky Forest” (Site).

Background

[2] The first and second interim decisions traverse the relevant background.¹ In short, the appellants’ modified relief agreed to retain Rural zoning over 32 ha of the Site, including 25 ha within the Dublin Bay Outstanding Natural Landscape (ONL) and a remnant 7 ha strip along the Site’s western boundary (Remnant Area). The remaining 19 ha would be rezoned to Large Lot Residential (LLR) and Lower Density Suburban Residential (LDSR), and the PDP urban growth boundary adjusted to align with the new residential zones.

[3] The court’s first interim decision determined that the appellants’ modified relief is the most appropriate of the available zoning outcomes, subject to some refinements. That decision made associated directions for QLDC to lead the finalisation of associated updated PDP provisions for the court’s approval.

[4] The second interim decision reserved the question of whether directions would be made under s293 in relation to two matters. The first matter related to the extension of LLR zoning over the noted 7 ha Remnant Area. Section 293 directions were subsequently issued in the court’s third interim decision dated 9 April 2025 in relation to this. This remains before the court.

[5] The second matter was more technically confined, relating to the need to remedy inaccuracies in an explanatory statement to PDP Ch 5. It is plainly in the public interest that those factual inaccuracies are corrected and s293 is the appropriate means to do so.

¹ *Beresford v Queenstown Lakes District Council* [2024] NZEnvC 182 (first interim), *Beresford v Queenstown Lakes District Council* [2024] NZEnvC 298 (second interim).

[6] QLDC consulted parties and relevant entities regarding the corrections and the associated s293 process. QLDC's memorandum records that the appellants and the Attorney-General support the proposed corrections, while Kirimoko No. 3 Limited Partnership and Northlake Investments Limited both confirmed they have no interest in, or position on, the matter.²

[7] Te Rūnanga o Ngāi Tahu (Ngāi Tahu), Te Ao Marama Inc (TAMI) and Aukaha were identified as persons with potentially relevant interests to be reflected in the s293 directions. QLDC reported it had consulted with each entity and all expressed support of the proposed corrections.³

[8] In view of the confined technical nature of this s293 issue, and the outcomes of consultation, public notification of the s293 proposal is considered unnecessary. Instead, Ngāi Tahu, TAMI and Aukaha were afforded the opportunity to seek leave to provide written comments on the corrections to the explanatory statement in Ch 5 (if any wished to do so).⁴

[9] No response to that invitation to comment or request to join the proceeding has been received.

The inaccurate statement

[10] The factual inaccuracies were identified in the section of the Ch 5 explanatory text titled Ngāi Tahu Claims Settlement Act 1998. The inaccurate statement is underlined as follows:

In 1998, after years of negotiations between Ngāi Tahu and the Crown to mitigate and remedy breaches of the Treaty of Waitangi, the Ngāi Tahu Claims Settlement Act was enacted. The Act includes a number of mechanisms that are to be implemented through the Resource Management Act to recognise and provide for

² Dated 17 October 2024 at [4].

³ Dated 17 October 2024 at [5].

⁴ *Beresford v Queenstown Lakes District Council* [2024] NZEnvC 298.

areas and species of particular importance to Ngāi Tahu including Statutory Acknowledgements, tōpuni, nohoanga and taonga species.

The Ngāi Tahu Claims Settlement Act 1998 relates to remedying breaches of the Treaty of Waitangi and does not cover Maori Freehold and South Island Landless Natives Act lands.

Ngāi Tahu's rights and interests in the Queenstown Lakes District extend beyond the areas and resources identified as statutory redress. The effects on Ngāi Tahu values, rights and interests are addressed through the mechanisms below and the related provisions in the District Plan.

[11] The agreed amendments are as follows (in underline and strike through):

Ngāi Tahu Claims Settlement Act 1998

In 1998, after years of negotiations between Ngāi Tahu and the Crown to mitigate and remedy breaches of the Treaty of Waitangi, the Ngāi Tahu Claims Settlement Act was enacted. The Act includes a number of mechanisms that are to be implemented through the Resource Management Act to recognise and provide for areas and species of particular importance to Ngāi Tahu including Statutory Acknowledgements, tōpuni, nohoanga entitlement, ~~and~~ taonga species, and mahinga kai.

Part 14 of the Ngāi Tahu Claims Settlement Act provides redress in relation to specific ancillary claims. In the Queenstown Lakes District, this is land on Lake Hāwea vested as Māori freehold land. Part 15 of the Ngāi Tahu Claims Settlement Act provides for redress to successors to individuals originally committed land under the South Island Landless Natives Act 1906, but who did not receive that land. In the Queenstown Lakes District, this is the Hāwea/Wānaka Sticky Forest land. ~~The Ngāi Tahu Claims Settlement Act 1998 relates to remedying breaches of the Treaty of Waitangi and does not cover Maori Freehold and South Island Landless Natives Act lands.~~

Ngāi Tahu's rights and interests in the Queenstown Lakes District extend beyond the areas and resources identified as statutory redress. The effects on Ngāi Tahu values, rights and interests are addressed through the mechanisms below and the

related provisions in the District Plan.

[12] Having read and considered the relevant memoranda and background to this matter and in light of the inherent importance that the Ngāi Tahu Claims Settlement Act 1998 be accurately described in the explanatory text, we are satisfied that it is appropriate to issue directions for QLDC to update the PDP accordingly.

Outcome

[13] QLDC is directed to update the explanatory text of Ch 5 PDP as has been set out at [11] and to file a reporting memorandum as to that once completed.

[14] Costs are reserved.

For the court



J J M Hassan
Environment Judge

