

IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

Decision No. [2023] NZEnvC 202

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN QUEENSTOWN PARK LIMITED
AND REMARKABLES PARK
LIMITED

(ENV-2021-CHC-52)

Appellant

AND QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

Environment Judge J J M Hassan – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 19 September 2023

CONSENT ORDER

A: Under s279(1)(b) of the RMA,¹ 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 maps and the schedules in the
proposed Queenstown Lakes District Plan as set out in Appendix 1,



¹ Resource Management Act 1991.

- attached to and forming part of this order; and
- (2) the appeal is otherwise dismissed.

B: Under s285 of the RMA, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns an appeal by Queenstown Park Limited and Remarkables Park Limited that was allocated to Topic 34 (Wāhi Tūpuna) as part of Stage 3 of the Queenstown Lakes District Plan review. The appeal relates to the mapping of identified wāhi tūpuna overlays which affect the appellant's landholdings.

[2] I have read and considered the consent memorandum of the parties dated 2 May 2023 which sets out the agreement reached between the parties to resolve the appeal in its entirety by amending the mapping of the following wāhi tūpuna overlays:

- (a) 24 Kawarau River; and
- (b) 36 Kawarau (The Remarkables).

[3] I have also read the unsigned affidavit of Mr Brian Fitzpatrick which details the proposed changes to the delineation of the two wāhi tūpuna overlays and how these relate to topographical features and property boundaries. That affidavit notes also the land tenure where minor expansions of the overlay are proposed to resolve the appeal. Whilst the affidavit is unsigned, I rely on the associated representations concerning it by counsel as signatories to the joint memorandum.

[4] As the agreement reached would, in some cases, expand those notations to land vested in or owned by Land Information New Zealand or the Department of Conservation, the court issued a Minute dated 5 July 2023 allowing an opportunity for those entities, if they wished, to join the proceeding under s274 RMA and to

put forward a position on the consent order sought. Neither entity has taken up this opportunity.

[5] The appellant sought the reduction or deletion of the overlays in relation to its landholdings. However, having considered the explanation provided in the consent memorandum, I am satisfied that the agreed expansion is within the scope of the appeal. Specifically:

- (a) the appeal challenged the analytical basis for the precise delineation of the identified wāhi tupuna and sought associated alternative, consequential, or necessary additional relief;
- (b) the outcome agreed between the parties revises the mapping boundaries to more closely follow terrain features, and cadastral boundaries in the case of the urban land, while respecting the values identified by Kā Rūnaka; and
- (c) consequential on these matters, the boundaries are being expanded to a minor degree in certain areas.

Other relevant matters

[6] A number of parties have given notice of an intention to become a party to this appeal under s274 of the RMA. Several parties subsequently withdrew that interest. I am satisfied that all relevant s274 parties whose interest extends to this topic have signed the consent memorandum setting out the relief sought.

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

Outcome

[8] 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 the present purposes that:

- (a) all parties to the proceeding have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters 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



Appendix 1

Amended Maps

Wāhi Tūpuna - Remarkables Park Appeal - Agreed Amendments



Site Location



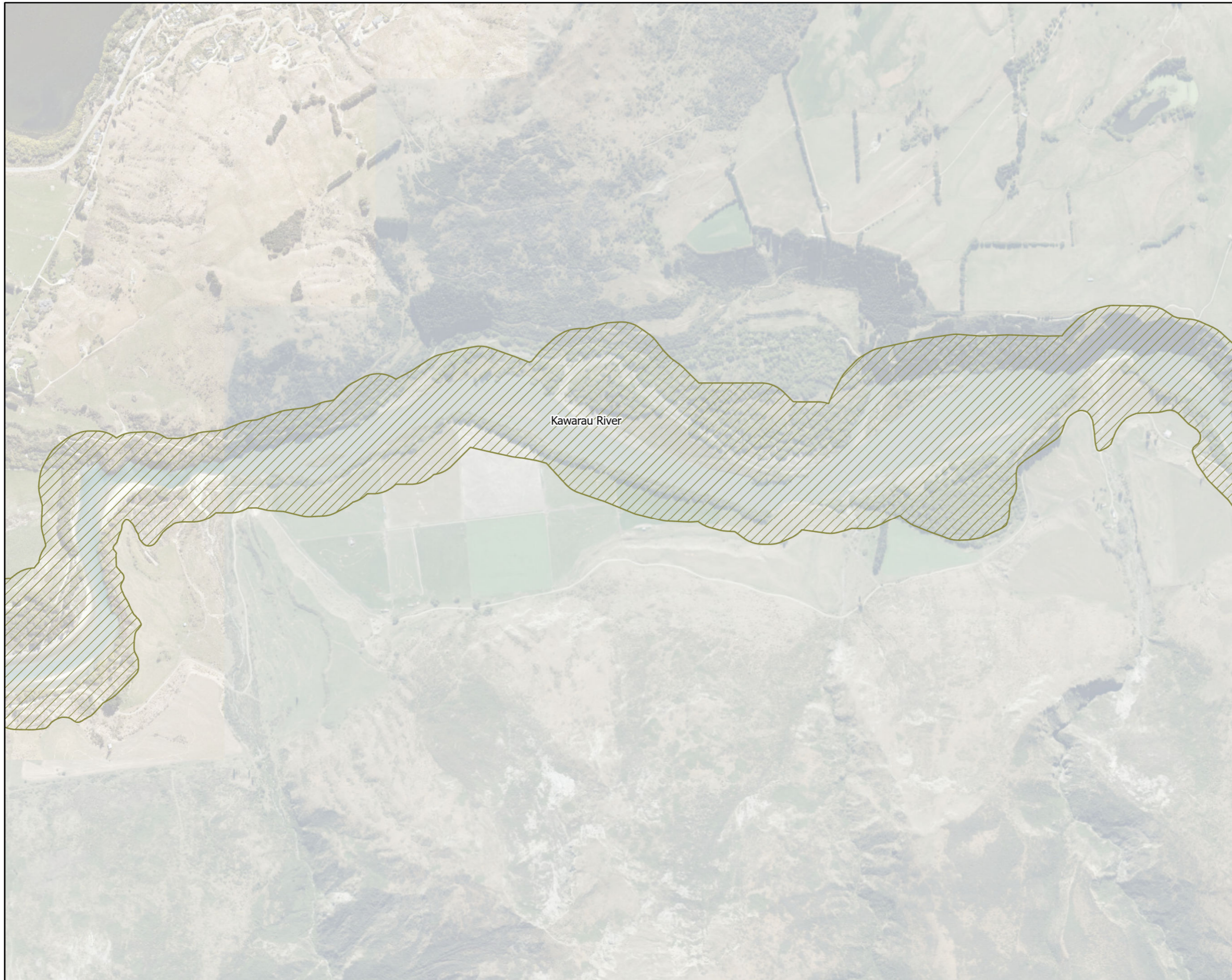
Legend

 Wāhi Tūpuna

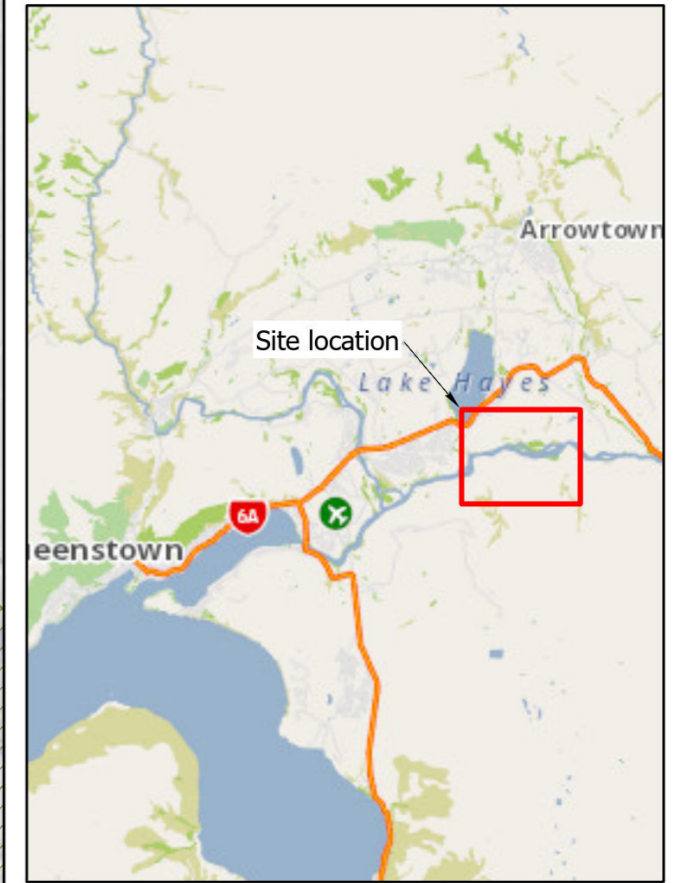
The information provided on this map is intended to be general information only. While considerable effort has been made to ensure that the information provided on this map is accurate, current and otherwise adequate in all respects, Queenstown Lakes District Council does not accept any responsibility for content and shall not be responsible for, and excludes all liability, with relation to any claims whatsoever arising from the use of this map and data held within.



Wāhi Tūpuna - Remarkables Park Appeal - Agreed Amendments



Site Location



Legend

 Wāhi Tūpuna

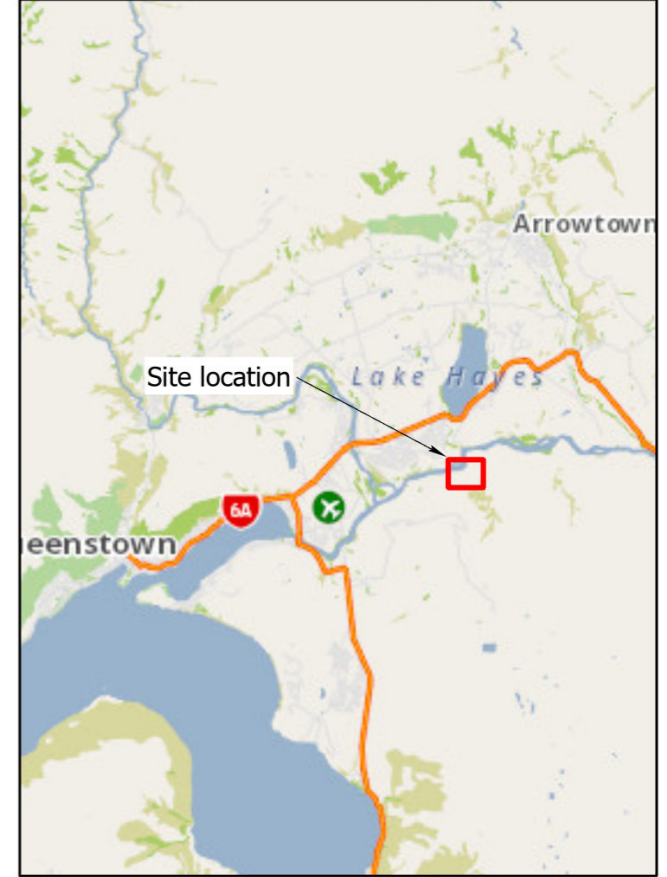
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Wāhi Tūpuna - Remarkables Park Appeal - Agreed Amendments



Site Location



Legend

 Wāhi Tūpuna



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