

**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 UPPER CLUTHA ENVIRONMENTAL
 SOCIETY INCORPORATED
 (ENV-2018-CHC-56)
 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 September 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 34 of the Proposed Queenstown Lakes District Plan,
 as set out in Appendix 1 (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 the Upper Clutha Environmental Society Incorporated ('UCESI') against part of a decision of the Queenstown Lakes District Council. This consent order resolves the interests of a s274 Mr S Xin relating to the Outstanding Natural Landscape ('ONL') line on Map 34 of the proposed Queenstown Lakes District Plan – Stage 1.

[2] The court has now read and considered the consent memorandum of the parties dated 26 July 2019, which proposes to resolve Mr Xin's interests in this appeal.

Other relevant matters

[3] Twenty-five persons gave notice of their intention to become a party to the UCESI appeal under s274 of the Act. Only Mr Xin lodged a s274 notice in relation to the ONL boundary line along the western edge of the Sunshine Bay residential area. The consent memorandum was therefore only signed by UCESI, the Council and Mr Xin but the court gave opportunity¹ for any other s274 party to oppose the relief. No opposition was received.

[4] Other consent orders which have been filed in relation to the proposed district plan are being held in abeyance. The court is satisfied that these orders are able to be made at this time since the orders resolve a discrete issue which will not impact on other proposed plan appeals before the court. For completeness, I record that I am satisfied that the making of the order sought is duly consistent with a substantive decision, imminently to be issued, on other 'Sub-topic 1' matters.


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:



¹ By way of Minute dated 30 July 2019.

- (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



APPENDIX 1

Figure 1: Amended Outstanding Natural Landscape Boundary line at Sunshine Bay

