

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

Decision No. [2026] NZEnvC 6

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)

Appellants

AND QUEENSTOWN LAKES DISTRICT COUNCIL

Respondent

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

Hearing: On the papers

Last case event: 8 October 2025

Date of Decision: 2 February 2026

Date of Issue: 2 February 2026

FINAL DECISION OF THE ENVIRONMENT COURT

A: Queenstown Lakes District Council is directed to update the PDP to include:



- (a) the amendments to the PDP provisions as set out in Appendix A and Appendix B; and
- (b) the updated planning map as set out in Appendix C

and to file a reporting memorandum as to that once completed.

B: Costs are reserved. Any application for costs must be lodged within 10 working days of this decision, any reply within a further 10 working days and a final reply within a further 5 working days.

REASONS

Introduction

[1] This decision concerns an appeal which forms part of the determination of an appeal in the review of the Queenstown Lakes District Plan (PDP). The appeal concerns the appropriate zoning treatment of a 51 ha site in Wānaka referred to as “Hāwea/Wānaka Sticky Forest” (Site).

Background

[2] Decisions to date have allowed the appeal in part by directing that 19 ha of the Site be rezoned from Rural to Large Lot Residential (LLR) and Lower Density Suburban Residential (LDSR), subject to updated PDP provisions. Some 25 ha of the Site are located within what the PDP planning maps denote as the “Dublin Bay Outstanding Natural Landscape” (ONL). For the remaining 7 ha of the Site (Remnant Area), notwithstanding the appellants’ election to leave this zoned Rural, the court signalled that its preliminary view on the evidence is that LLR could be a more appropriate zoning.¹

¹ *Beresford v Queenstown Lakes District Council* [2024] NZEnvC 182 (First Decision); [2024] NZEnvC 298 (Second Decision); [2025] NZEnvC 119 (Third Decision); [2025] NZEnvC 226 (Fourth Decision).

[3] The third interim decision directed the notification of the s293 proposal summary in relation to two matters. The first matter related to the extension of LLR zoning over the noted 7 ha Remnant Area. The second matter was more technically confined, relating to the need to remedy inaccuracies in an explanatory statement to PDP Ch 5 (Explanatory Text).

[4] The subsequent Fourth Decision, resolved the Explanatory Text matter and Queenstown Lakes District Council (QLDC) has since confirmed the PDP has been updated to reflect this accordingly.²

[5] The Remnant Area of Sticky Forest remained unresolved following earlier decisions. The court's Fifth Decision³ recorded that the notified s293 proposal had invited any person to review the relevant background information, including the s32AA evaluation report prepared by planning expert Jonathan Clease on behalf of the appellants, and to provide written comments or supporting evidence to QLDC. The invitation also explained how eligible persons could seek to join the appeal under s274 of the RMA.

[6] No person sought leave to join, but written comments were received from three parties:

- (a) a group of nine residents under the name '3 Strand Trust,' whose dwellings border or are close to the Remnant Area and reserve;
- (b) F M A Taylor, owner of a dwelling at 6 Platinum Ridge; and
- (c) WFH Properties Limited, a developer within the Northlake Special Zone.

² QLDC memorandum of counsel dated 8 October 2025 at [8].

³ [2025] NZEnvC 316 (24 September 2025).

[7] QLDC's planning expert Vicki Jones prepared a report analysing the comments received and made recommendations on the s293 proposal. The court acknowledged the careful consideration given by these parties and assessed whether the proposal would maintain or enhance amenity values for nearby residents. It concluded that upzoning the Remnant Area to Large Lot Residential (LLR) with one confined further refinement⁴ (the refined s293 proposal) as recommended in Ms Jones' report was appropriate. The court confirmed its earlier finding that LLR zoning is more logical than Rural for this area and directed QLDC to prepare a comprehensive set of updated PDP provisions, incorporating the refined s293 proposal. The updated provisions and planning maps for the court's approval were filed on 8 October 2025.

The revised s293 proposal

[8] Having reviewed the updated PDP provisions and mapping provided, the court is satisfied it accords with the earlier decisions and that it is suitable that directions are made for the incorporation of the provisions and mapping in the PDP.

Outcome

[9] Directions are made for QLDC to update the PDP to include the amendments to the PDP provisions as set out in Appendix A (tracked) and Appendix B (clean) and the updated planning map as set out in Appendix C, and to file a reporting memorandum as to that once completed.

⁴ Being the addition of a new matter of control (iv) to r 11.4.12 as to management of forestry slash.

Costs

[10] The only further matter reserved for determination in this appeal is the matter of costs. Accordingly, costs are reserved. Any application for costs must be lodged within 10 working days of this decision, any reply within a further 10 working days and a final reply within a further 5 working days.

For the court



J J M Hassan
Environment Judge



Appendix A – Sticky Forest Final Provisions (tracked)

Large Lot Residential

11.4 Rules – Activities

11.4.12	<p>Forestry harvesting in the Hāwea/ Wānaka Sticky Forest Structure Plan area (Schedule 27.13.23)</p> <p>Control is reserved to:</p> <p class="list-item-l1">a. The provision and content of a Harvesting Management Plan, which addresses:</p> <p class="list-item-l2">i. Noise effects</p> <p class="list-item-l2">ii. Dust effects</p> <p class="list-item-l2">iii. Traffic effects, including access and the provision of a Traffic Management Plan.</p> <p class="list-item-l2">iv. <u>The management of forestry slash</u></p>	C
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11.5 Rules – Standards for Activities

11.5.11	<p>Recession plane</p> <p>The following applies to all sites with a net site area less than 4000m².</p> <p>11.5.11.1 Northern boundary: 2.5m and 55 degrees.</p> <p>11.5.11.2 Western and eastern boundaries: 2.5m and 45 degrees.</p> <p>11.5.11.3 Southern boundary: 2.5m and 35 degrees.</p> <p>Exemptions:</p> <p class="list-item-l1">a. gable end roofs may penetrate the building recession plane by no more than one third of the gable height.</p> <p class="list-item-l1">b. recession planes do not apply to site boundaries fronting a road or a reserve <u>except in the Large Lot Residential Area A Zone within the Hāwea / Wānaka Sticky Forest Structure Plan area where Rule 11.5.11.2 shall apply.</u></p>	NC
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11.5.11A	<p>Fencing</p> <p><u>For sites within the Large Lot Residential Area A Zone at Hāwea / Wānaka Sticky Forest Structure Plan area on or within 4m of the boundary with the Informal Recreation Zone:</u></p> <p><u>11.5.11A.1 Fences shall be at least 50% visually permeable.</u></p> <p><u>11.5.11A.2 The maximum height of any fence shall be 1.2m.</u></p> <p><u>For the avoidance of doubt, Rule 38.10.7 does not apply to these sites.</u></p>	<p><u>RD</u></p> <p><u>Discretion is restricted to:</u></p> <p><u>a. Visual amenity values;</u></p> <p><u>b. Opportunities for passive surveillance;</u></p> <p><u>c. Consistency with any established fencing; and</u></p> <p><u>d. Functional constraints, including the use of land, security, and wind shelter.</u></p>
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Subdivision and Development

27.3 Location-specific objectives and policies

Hāwea / Wānaka Sticky Forest Structure Plan area (Schedule 27.13.23)

27.3.28 Objective - Subdivision and development of the Hāwea / Wānaka Sticky Forest residential zones in a manner that provides for a range of living opportunities and is well integrated with the adjacent zones and surrounding landscape while protecting the values of the Dublin Bay Outstanding Natural Landscape.

Policies

27.3.28.2 Ensure that subdivision, development, and planting within the Lower Density Suburban and Large Lot Residential A zoned land integrates with and complements the existing planting/ landscaping and development provided for on land to the south, west and east of the Hāwea / Wānaka Sticky Forest Structure Plan area (Schedule 27.13.23)

Appendix B – Sticky Forest Final Provisions (clean)

Large Lot Residential

11.4 Rules – Activities

11.4.12	Forestry harvesting in the Hāwea/ Wānaka Sticky Forest Structure Plan area (Schedule 27.13.23) Control is reserved to: a. The provision and content of a Harvesting Management Plan, which addresses: i. Noise effects ii. Dust effects iii. Traffic effects, including access and the provision of a Traffic Management Plan. iv. The management of forestry slash	C
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Subdivision and Development

27.3 Location-specific objectives and policies

Hāwea / Wānaka Sticky Forest Structure Plan area (Schedule 27.13.23)

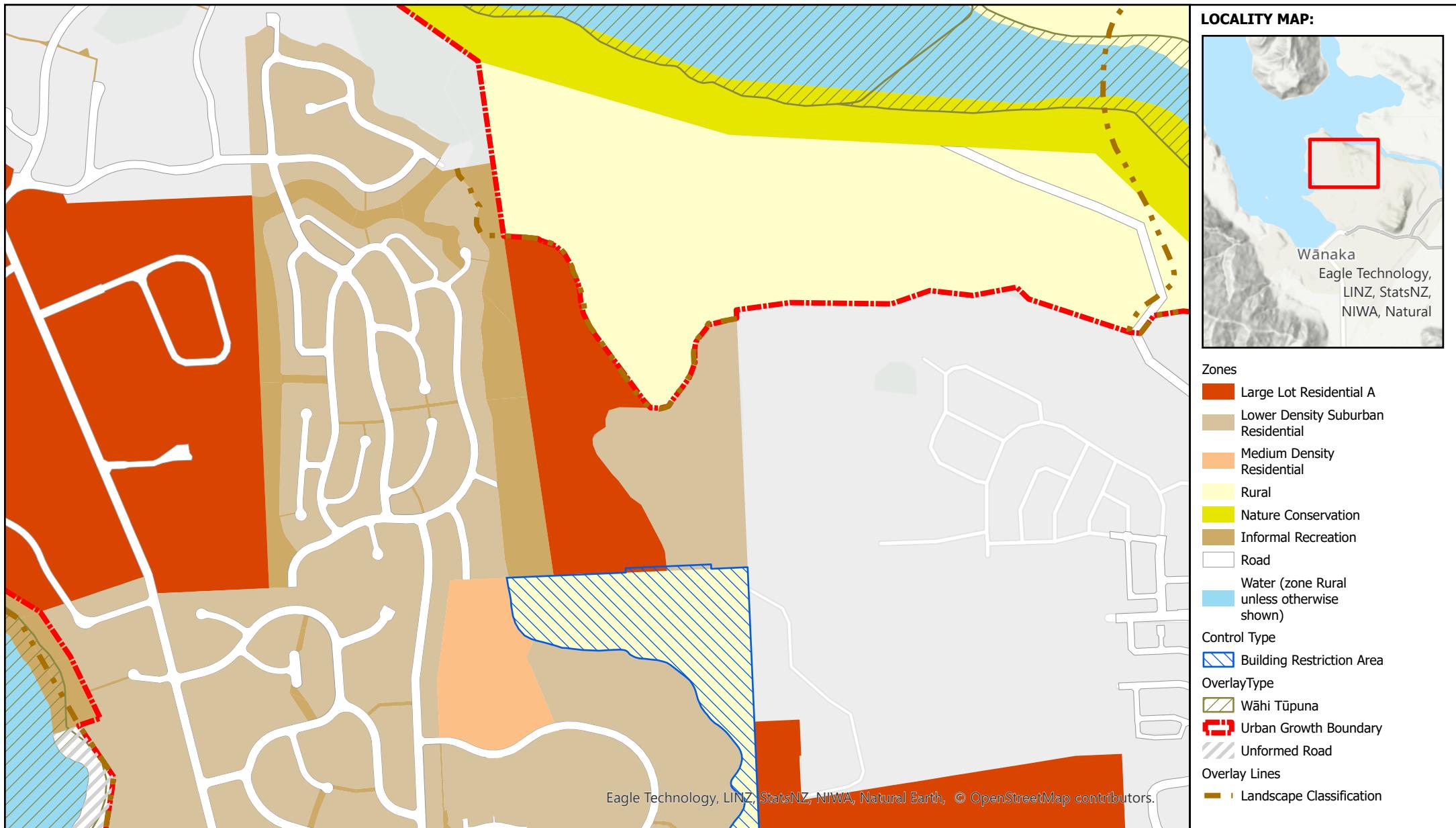
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Appendix C – Sticky Forest Final Map

Sticky Forest s293 rezoning



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.