

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act
1991 (the Act)

AND

IN THE MATTER of appeals under clause 14 of
Schedule 1 of the Act against
decisions of the Queenstown
Lakes District Council on Stage 1
of the Proposed Queenstown
Lakes District Plan

BETWEEN **DARBY PLANNING LIMITED
PARTNERSHIP** (ENV-2018-CHC-
150)

QUEENSTOWN PARK LIMITED
(ENV-2018-CHC-127)

Appellants

AND **QUEENSTOWN LAKES
DISTRICT COUNCIL**
Respondent

**JOINT MEMORANDUM OF PARTIES IN SUPPORT OF SUPPLEMENTARY
DRAFT CONSENT ORDER**

TOPIC 3: URBAN DEVELOPMENT

9 April 2019

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BETWEEN

**ALEXANDER AND JAYNE
SCHRANTZ
DARBY PLANNING LIMITED
PARTNERSHIP
OTAGO REGIONAL COUNCIL
QUEENSTOWN AIRPORT
CORPORATION LIMITED
QUEENSTOWN PARK LIMITED
REMARKABLES PARK LIMITED
STEVE XIN
TE ANAU DEVELOPMENTS LIMITED
Section 274 parties**

MAY IT PLEASE THE COURT

Introduction

1. The Queenstown Lakes District Council (**Council**) notified its decisions on Stage 1 of the Proposed Queenstown Lakes District Plan (**PDP**) on 7 May 2018.
2. The following parties lodged appeals with the Environment Court, parts of which were allocated to Strategic Topic 3 - Urban Development (**Topic 3**), and which are the subject of this joint memorandum:¹
 - 2.1 Darby Planning Limited Partnership (**Darby**)²; and
 - 2.2 Queenstown Park Limited (**QPL**)³.
3. Court-assisted mediation for Topic 3 took place across 29 January to 1 February 2019.⁴
4. Thirty-five (35) parties gave notice of their intention to participate in that mediation, including the parties to this joint memorandum, which are as follows:
 - 4.1 Alexander and Jayne Schrantz;
 - 4.2 Darby (appellant and section 274 party);
 - 4.3 Otago Regional Council;
 - 4.4 Queenstown Airport Corporation Limited;
 - 4.5 Council;
 - 4.6 QPL (appellant and section 274 party)
 - 4.7 Remarkables Park Limited;
 - 4.8 Steve Xin; and
 - 4.9 Te Anau Developments Limited.
5. While a number of other parties lodged section 274 notices to the appeals addressed by this joint memorandum, those other parties either withdrew their interest in the relevant appeal points before, or during, mediation.

1 Universal Developments Limited lodged an appeal (ENV-2018-CHC-101) which sought relief in relation to provisions allocated to Topic 3, but withdrew those appeal points by way of memorandum dated 2 November 2018.

2 ENV-2018-CHC-150.

3 ENV-2018-CHC-127.

4 Minute dated 5 October 2018; Notice of Mediation dated 21 December 2018.

Outcome of Court-assisted mediation

6. Arising from mediation were a number of agreements that resolved many of the appeal points allocated to Topic 3, by way of amendments to provisions included in Chapter 4 - Urban Development of the PDP. Those resolutions have been recorded in a joint memorandum and draft consent order, which was filed with the Court on 14 March 2019.
7. Several appeal points were not able to be resolved at mediation. However, rather than seeking timetable directions for a hearing at that stage, the relevant parties agreed that those appeal points should be placed on hold and revisited after the Topic 2 decision was issued. This was reported to the Court on 4 September 2019, by way of reporting memorandum that sought approval of the necessary directions.

Agreement reached between the parties

8. After the issue of the Topic 2 decision and consideration of the unresolved appeal points, the relevant parties have identified a means by which those appeal points could be resolved by consent.
9. The agreements reached involve amendments to two provisions allocated to Topic 3. The provisions concern matters addressed by the Topic 2 decision because they relate to the interface between the location of the urban growth boundary and the approach to protecting outstanding natural features and landscapes. The relevant parties have agreed to depart from the decisions version of these provisions, so that the approach is more consistent with the approach now taken by the Chapter 3 and 6 landscape related provisions.
10. The amended provisions agreed by the parties are set out in **Appendix 1** to the draft consent order attached to this memorandum.
11. For completeness and the avoidance of any doubt, the appeal points⁵ resolved by way of this memorandum and draft consent order, and the amended provisions agreed by the parties (where required to resolve appeal points), are as follows:


5 As allocated in a Memorandum of Counsel for Queenstown Lakes District Council regarding Strategic Topics, dated 23 July 2018.

- 11.1** Appeal point recorded at paragraph 24(d) of the notice of appeal filed by QPL, allocated reference ENV-2018-CHC-127-023, in relation to Policy 4.2.1.5;
- 11.2** Appeal point recorded on page 8 of appendix A of the amended notice of appeal filed by Darby, allocated reference ENV-2018-CHC-150-016, which sought an amendment to Policy 4.2.1.5;
- 11.3** Appeal point recorded on pages 9 and 10 of appendix A of the amended notice of appeal filed by Darby, allocated reference ENV-2018-CHC-150-020, which sought an amendment to Policy 4.2.2.14(d).

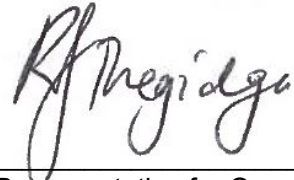
Amendments meet the relevant RMA requirements

- 12.** All of the parties to this memorandum are satisfied that the agreed amended provisions, proposed for the Court's endorsement, are within the scope of relief sought in the appellants' notices of appeal, fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act, including in particular Part 2.
- 13.** The parties therefore respectfully request that the Court dispose of the appeal points addressed by this joint memorandum by approving the amended provisions set out in Appendix 1 to the attached draft consent order. The parties would welcome the Court issuing this draft consent order at the same time as the draft consent order provided to the Court on 14 March 2019.
- 14.** The parties note that the issuing of the two draft consent orders will resolve all appeal points that remain allocated to Topic 3 – Urban Development, other than three appeal points lodged by Clark Fortune McDonald & Associates, ENV-2018-CHC-065-001, 004 and 005, which have been placed on hold until after the Stage 3 further submission period closes.
- 15.** No party has any issue as to costs.

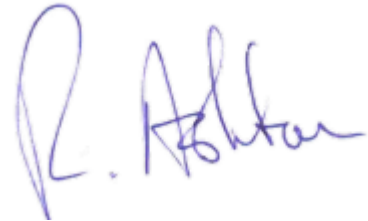
DATED this 9th day of April 2020



Counsel for Darby Planning
Limited Partnership
(Appellant and section 274 party)



Representative for Queenstown
Airport Corporation Limited
(Appellant and section 274 party)



Counsel for Queenstown Park
Limited / Remarkables Park
Limited
(Appellant and section 274 party)



M Wakefield / H Baillie
Counsel for Queenstown Lakes
District Council (Respondent)



Counsel for Alexander and Jayne
Schrantz (section 274 party)



Counsel/representative for
Otago Regional Council
(section 274 party)



Counsel/representative for
Steve Xin
(section 274 party)



Counsel/representative for
Te Anau Developments Limited
(section 274 party)

Attachment: Draft consent order

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH
I MUA I TE KOOTI TAIAO O AOTEAROA**

ENV-2018-CHC-093-150

IN THE MATTER of the Resource Management Act 1991 (the Act)

AND

IN THE MATTER of appeals under clause 14 of Schedule 1 of the Act against decisions of the Queenstown Lakes District Council on Stage 1 of the Proposed Queenstown Lakes District Plan

BETWEEN

**DARBY PLANNING LIMITED
PARTNERSHIP (ENV-2018-
CHC-150)
QUEENSTOWN PARK
LIMITED (ENV-2018-CHC-127)**

Appellants

AND

**QUEENSTOWN LAKES
DISTRICT COUNCIL**

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge
of the Act **IN CHAMBERS** at

sitting alone under section 279

DRAFT CONSENT ORDER

TOPIC 3 - URBAN DEVELOPMENT

Introduction

1. The Court has read and considered the notices of appeal filed by the following parties against the decisions by the Queenstown Lakes District Council (**Council**) on Stage 1 of the Proposed Queenstown Lakes District Plan (**PDP**), in particular the parts of those appeals allocated into Strategic Topic 3 - Urban Development:

- 1.1** Darby Planning Limited Partnership (**Darby**)⁶; and
 - 1.2** Queenstown Park Limited (**QPL**).⁷
- 2.** As relevant to the appeal points endorsed by this consent memorandum, a total of nine parties attended the Environment Court assisted mediation from 29 January to 1 February 2018, being:
 - 2.1** Alexander and Jayne Schrantz;
 - 2.2** Darby (appellant and section 274 party);
 - 2.3** Otago Regional Council;
 - 2.4** QAC (appellant and section 274 party);
 - 2.5** Council;
 - 2.6** QPL (appellant and section 274 party);
 - 2.7** Remarkables Park Limited;
 - 2.8** Steve Xin; and
 - 2.9** Te Anau Developments Limited.
- 3.** The Court has considered the memorandum filed by the above parties dated 9 April 2020, in which the above-named parties respectfully request that the Court approve the agreed amendments to two provisions included in Chapter 4 of the PDP, as outlined in that memorandum.
- 4.** The Court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:
 - 4.1** all parties to the proceeding have executed the memorandum requesting this order; and
 - 4.2** all parties are satisfied that all matters proposed for the Court's endorsement are within the scope of relief sought in the appellants' notices of appeal, fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Act, including in particular Part 2.

⁶ ENV-2018-CHC-150.

⁷ ENV-2018-CHC-127.

Order

5. Therefore, the Court orders, by consent, that the relevant provisions of Chapter 4 of the Proposed Queenstown Lakes District Plan, as set out in **Appendix 1** are approved.

6. There is no order for costs.

DATED at this day of 2020

Environment Judge

APPENDIX A

(amendments shown in underline and ~~strikethrough~~ text)

Chapter 4 Urban Development

4.2 Objectives and Policies

Policies

4.2.1.5 When locating Urban Growth Boundaries or extending towns and rural urban settlements through plan changes, ~~avoid impinging on~~ protect the values of Outstanding Natural Features Landscapes and or Outstanding Natural Landscapes Features.

...

4.2.2.14 Define the Urban Growth Boundaries for the balance of the Wakatipu Basin, as shown on the District Plan Maps that:

...

- d. ~~avoid~~protect the values of Outstanding Natural Features and Outstanding Natural Landscapes;