

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

IN THE MATTER of the Resource Management Act 1991
AND of appeals under clause 14 of the First
 Schedule of the Act
BETWEEN E & M HANAN
 (ENV-2019-CHC-16)
 and all other appellants concerning Stage 2
 of the Proposed Queenstown Lakes District
 Plan
 (as set out in the Schedule)
 Appellants
AND QUEENSTOWN LAKES DISTRICT
 COUNCIL
 Respondent

Before: Environment Judge J J M Hassan

Held: in Queenstown on 24 September 2019 at 10am

Appearances: H L Baillie for Queenstown Lakes District Council
 M Baker-Galloway for Wakatipu Equities Ltd, The Crown Investment
 Trust, L McFadgen, M Tylden, G W Stalker Family Trust,
 A Fairfax, Aircraft Owners and Pilots Association (NZ) Inc,
 Wayfare Group Ltd, Glencoe Station Ltd, Mt Christina Ltd, Felzar
 Properties Ltd, Glendhu Bay Trustees Ltd, Lake Hayes
 Investments Ltd, Darby Planning Ltd Partnership, Lake Hayes
 Cellar Ltd, Morven Ferry Ltd, Lake Hayes Ltd, Treble Cone
 Investments Ltd, M & J Taylor, Blackmans Creek No. 1 LP and
 Soho Sky Area Ltd, Henley Downs Farm Holdings Ltd and Henley
 Downs Land Holdings Ltd, D J Roberston, Caran Family Trust,
 J Wilkinson & J Thomssen, A, S & S Strain and as agent for
 Gibbston Valley Station
 R Giles for the Arrowtown Lifestyle Retirement Village Joint Venture,
 Slopehill Joint Venture, D MacColl, United Estates Ranch Ltd,
 R Monk, S Williamson, Barnhill Corporate Trustee Ltd,
 Queenstown Commercial Parapenters & Morven Residents
 Association
 R Hill for Go Media Ltd, Waterfall Park Developments Ltd,
 Speargrass Properties Ltd & Bridesdale Farm Developments Ltd
 and as agent for The Queenstown Trails Trust and D Boyd
 C Sheard for Airbnb, Transpower & NZTA



N Laws for Otago Regional Council

G M Todd & B Gresson for Willowridge Developments Ltd, M C Guthrie, L & J Nelson, T McQuilkin and A P McQuilkin Family Trust, Skyline Enterprises Ltd, Banco Trustees Ltd, J Blair, Hogans Gully Farming Ltd, SYZ Investments Ltd, J Muspratt, J Marton, M Henry, T Hardley, G Wills & T Burdon, Glen Dene Ltd, R Donaldson, Tucker Beach Residents Association Incorporated, Totally Tourism Ltd, H & A Van Asch, M Brial, G M Todd, J E Todd and J M Troon as the Trustees of the Graeme Todd Family Trust, J & L Nelson

I Gordon for Millbrook Country Club Ltd, Feeley Trust, M & J Halliday, A Jeffery, D Gribble, R & S Berry, C Thompson, M Wood, C Strang, L, L & J Lockwood, N Thomson, R Harp, G Harp, T McLeod & C Rhodes

J Leckie for AEM Property (2017) Ltd, Trustees of the JLMD Family Trust, Trustees of the Rob Ffiske Family Trust, Dean Hamilton, Lisa Hayden and Mark Hornabrook as Trustees of the Hamilton Hayden Family Trust, The Trustees of the Spruce Grove Trust, The Trustees of the Boundary Trust, The Trustees of the Burgess Duke Trust, MajorDomo Ltd, Touch of Spice Ltd, and as agent for C & Y Gulliot, Cook Adam Trustees Ltd

R Wolt for Queenstown Airport Corporation, Trojan Helmet Ltd & Boxer Hill Trust

K Swain for himself and the Hanan/Arrowtown group

A Davis for Friends of Lakes Hayes

R Hadley for herself

RECORD OF PRE-HEARING CONFERENCE

Introduction

[1] A pre-hearing conference ('PHC') was convened on 24 September 2019 to hear from the parties to Stage 2 of the proposed Queenstown Lakes District Plan ('Stage 2 PDP') and make necessary arrangements for some procedural matters and mediations.

[2] Queenstown Lakes District Council ('QLDC') helpfully filed two case management memoranda dated 5 August and 23 September 2019, setting out a proposed way forward in respect of topics, mediations and procedural applications.

[3] The memoranda proposed directions to enable any strike out applications and further particulars to be filed before the end of 2019. The parties were invited to comment on these but no party present had any opposition to what was proposed. Cassidy Trust has filed a memorandum ahead of the PHC requesting the orders for further particulars in respect of their appeal be declined. Ms Baillie for the QLDC confirmed an agreement



had been reached with Cassidy Trust and the QLDC intends to withdraw that specific request (its position on this being confirmed in its memorandum dated 25 September 2019).

[4] Ms Baillie also confirmed that the QLDC is happy to discuss the further particular issues with any concerned parties. Directions as sought by QLDC are made accordingly.

Hogans Gully Farming Ltd and E Guthrie & Others v QLDC

[5] The court heard from the parties on the issue of how the PDP appeals and related resource consent appeals should be managed, mediated and potentially heard. Mr Todd, for both appellants, advised the court that, given the zoning appeals would not likely be mediated/heard any time soon, the appellants would like their resource consent appeals progressed separately. Mr Swain, for a number of the Arrowtown residents, confirmed that position was acceptable, as did the QLDC and Mr Gordon for the other s274 parties.

[6] Accordingly, the court will refer those files to mediation to be set down promptly. Also, my directions allow for an application for the resource consent appeals to be brought on for hearing.

Trojan Helmet Ltd – Application for waiver/appeal

[7] Gibbston Valley Station Ltd ('GVS') was the only party remaining opposed to the application for waiver for late appeal by Trojan Helmet Limited ('THL'). However, just prior to the PHC, GVS filed a memorandum of counsel effectively withdrawing its conditional opposition. That memorandum advises:

... despite GVS' best efforts with the Council, consent documentation has not been finalised. GVS agrees with the Council that the likely timeframe for lodging the GVS draft consent order will now be in the week beginning 30 September 2019.

With that in mind, and not wanting to unnecessarily delay resolution of the Trojan waiver, GVS has reconsidered the likelihood / risk of the Trojan appeal (if the waiver is granted) holding up the court's consideration of the GVS consent documentation once filed. GVS is confident that the narrowed Trojan relief will not present any such risk.

[8] Ms Baillie confirmed that QLDC does not identify any procedural difficulty in granting the waiver, particularly in view of THL's narrowed relief.



[9] As I noted to counsel, THL's waiver application is, therefore, granted unopposed on the basis that I am also satisfied relevant statutory requirements for waiver are met.

[10] Further matters discussed were the scheduling of mediation and the need for timetabling directions for parties who seek to join the appeal under s274 RMA to give notice. On the former matter, Ms Baillie indicated that a day could be found in the schedule of Rural/Topic 18 mediations set down for December 2019. The court agrees with that suggestion and will follow up. Timetable directions for any s274 party notices are also made.

Stage 2 Topics

[11] I confirmed the proposed topics and sub-topics in the court's Minute dated 15 August 2019, but heard from the parties on the order of how the topics should be considered. I confirmed that, on the basis that Topics 24 and 25 are inter-related, they should be mediated in a single block (with Topic 24 going first).

[12] I record that the QLDC will confer and file its further memorandum detailing its approach to relief allocated into Topics 30 and 31 in February 2020, as per its latest memo dated 23 September 2019 (no party taking issue with this). Ms Wolt noted her client's preference for mediation/hearing of rezonings in Topic 31 to precede the same for the text in Topic 30 but agreed that her client would be assisted by a clearer enunciation of sub-topics for Topic 30. In particular, this may assist her client to decide what mediations in Topic 30 they need to be engaged with. I explained the overriding importance of ensuring a clear logical sequence in mediations and consideration of appeals and that I agree with the QLDC that the text of the PDP, as per Topic 30, preferably should be addressed before the rezoning matters in Topic 31. As such, I confirmed as sound the approach QLDC proposes, subject to noting its intention to confer with parties and propose by further memorandum of counsel a further division of Topic 30 into sub-topics. Directions can issue on this once QLDC's memorandum is filed (at this stage, anticipated to be in February 2020).

Directions

[13] Therefore, it is directed:



- (a) all further particulars requested in Appendix E of the QLDC's 5 August memorandum (except in relation to the Cassidy Trust) must be lodged and served by **Friday 1 November 2019**;
- (b) any strike out applications must be lodged and served by **Friday 6 December 2019** (a timetable for any opposition/replies will then be put in place);
- (c) on the assumption that the resource consent appeals by Hogans Gully Farming Ltd and E Guthrie & Others are to be mediated (and potentially heard) separately to the related zoning appeals, leave is also granted for the filing of an application to set down those resource consent appeals for hearing (potentially in advance of hearing of the related zoning appeals);
- (d) the application for waiver on behalf of Trojan Helmet Ltd is granted and the following timetable put in place:
 - (i) Trojan Helmet Ltd must serve a copy of its appeal and these directions on all relevant submitters by **Friday 27 September 2019**;
 - (ii) any submitter or person who otherwise claims s274 status who wishes to join as a s274 party must lodge its Form 33 notice by **Friday 18 October 2019**;
 - (iii) mediation for this appeal will be set down with the Topic 18 mediations in December 2019 (anticipating one day will suffice).
- (e) QLDC must confer with the parties and by **Friday 21 February 2020** file a further memorandum of counsel proposing Topic 30 sub-topics.

Stage 1 – Topic 22

[14] As counsel for the QLDC and Coneburn & others were in attendance at the PHC, I sought their views on the rescheduling of mediation as noted in Commissioner Buchanan's Minute dated 19 September 2019. Both set out their preference to revert to the original assigned dates. Ms Baillie for the QLDC indicated a possible complication with the rescheduled dates, given landscape witness availability. Ms Baker-Galloway for Coneburn & others confirmed any shift to 2020 for mediation would be opposed, given the already busy schedule for matters currently set down. I recorded that I would pass those matters on to Commissioner Buchanan, with a view to testing whether Topic 22 can revert to the original mediation dates scheduled but made no directions since not all parties were present.



[15] Leave is reserved for any party to apply for further directions.



J J M Hassan
Environment Judge



Issued: 26 September 2019

SCHEDULE

ENV-2019-CHC-017	Willowridge Developments Limited
ENV-2019-CHC-018	Guthrie M C
ENV-2019-CHC-019	Nelson & others
ENV-2019-CHC-020	Van Asch & others
ENV-2019-CHC-021	Feeley, A, E Borrie & LP Trustees Limited
ENV-2019-CHC-022	RCL Henley Downs Limited & others
ENV-2019-CHC-023	T McQuilkin and A P McQuilkin Family Trust
ENV-2019-CHC-024	Donaldson R
ENV-2019-CHC-025	Matagouri Spirit Limited
ENV-2019-CHC-026	Queenstown Trails Trust
ENV-2019-CHC-027	Transpower New Zealand Limited
ENV-2019-CHC-028	Grant E and G
ENV-2019-CHC-029	Queenstown Commercial Limited & others
ENV-2019-CHC-030	ZJV (NZ) Limited
ENV-2019-CHC-031	Macdonald M & Anderson S
ENV-2019-CHC-032	Broomfield & Woodlot Properties Limited
ENV-2019-CHC-033	Dean Hamilton, Lisa Hayden and Mark Hornabrook as Trustees of the Hamilton Hayden Family Trust
ENV-2019-CHC-034	The Trustees of the Spruce Grove Trust
ENV-2019-CHC-035	The Trustees of the Boundary Trust
ENV-2019-CHC-036	The Trustees of the Burgess Duke Trust
ENV-2019-CHC-037	Trojan Helmet Limited
ENV-2019-CHC-038	Boxer Hill Trust
ENV-2019-CHC-039	Queenstown Airport Corporation Limited
ENV-2019-CHC-040	Cassidy Trust
ENV-2019-CHC-041	SYZ Investments Limited
ENV-2019-CHC-042	Muspratt J
ENV-2019-CHC-043	Skyline Enterprises Limited
ENV-2019-CHC-044	Wills G & Burden T
ENV-2019-CHC-045	Banco Trustees Limited & others
ENV-2019-CHC-046	Martin J
ENV-2019-CHC-047	Henry M
ENV-2019-CHC-048	Hardley T
ENV-2019-CHC-049	Glen Dene Limited & Burdon S
ENV-2019-CHC-050	C M McLintock & New Zealand Trustee Services Limited & others



ENV-2019-CHC-051	X-Ray Trust Limited & Avenue Trust
ENV-2019-CHC-052	Wakatipu Investments Limited
ENV-2019-CHC-053	Bamford J and R
ENV-2019-CHC-054	Safari Group of Companies Limited
ENV-2019-CHC-055	Middleton Family Trust
ENV-2019-CHC-056	Strain & others
ENV-2019-CHC-057	Queenstown Park Limited
ENV-2019-CHC-058	Remarkables Park Limited
ENV-2019-CHC-059	Boyd D
ENV-2019-CHC-060	TJ Investments PTE Limited
ENV-2019-CHC-061	Airbnb Australia Pty Limited
ENV-2019-CHC-062	Well Smart Investments Group
ENV-2019-CHC-063	B Giddens Trust
ENV-2019-CHC-064	Wood C M
ENV-2019-CHC-065	Wakatipu Equities Limited
ENV-2019-CHC-066	The Crown Investment Trust
ENV-2019-CHC-067	Arrowtown Lifestyle Retirement Village
ENV-2019-CHC-068	McFadgen L
ENV-2019-CHC-069	Tylden M
ENV-2019-CHC-070	GW Stalker Family Trust
ENV-2019-CHC-071	Fairfax A
ENV-2019-CHC-072	Aircraft Owners and Pilots Association (NZ) Incorporated
ENV-2019-CHC-073	Go Media Limited
ENV-2019-CHC-074	Slopehill Joint Venture
ENV-2019-CHC-075	MacColl D
ENV-2019-CHC-076	Wayfare Group Limited
ENV-2019-CHC-077	United Estates Ranch Limited
ENV-2019-CHC-078	Glencoe Station Limited
ENV-2019-CHC-079	Mt Christina Limited
ENV-2019-CHC-080	Felzar Properties Limited
ENV-2019-CHC-081	Glendhu Bay Trustees Limited
ENV-2019-CHC-082	Monk R
ENV-2019-CHC-083	Lake Hayes Investments Limited
ENV-2019-CHC-084	Williamson S
ENV-2019-CHC-085	Darby Planning Limited Partnership
ENV-2019-CHC-086	Barnhill Corporate Trustee
ENV-2019-CHC-087	Lake Hayes Cellar Limited



ENV-2019-CHC-088	Morven Ferry Limited
ENV-2019-CHC-089	Lake Hayes Limited
ENV-2019-CHC-090	Waterfall Park Developments Limited
ENV-2019-CHC-091	Treble Cone Investments Limited
ENV-2019-CHC-092	Speargrass Properties Limited
ENV-2019-CHC-093	Taylor M and J
ENV-2019-CHC-094	Blackmans Creek No. 1 LP & others
ENV-2019-CHC-095	Henley Downs Farm Holdings Limited & others
ENV-2019-CHC-096	Bridesdale Farm Developments Limited (Appeal A)
ENV-2019-CHC-097	Bridesdale Farm Developments Limited (Appeal B)
ENV-2019-CHC-099	Hogans Gully Farming Limited
ENV-2019-CHC-110	Trojan Helmet Limited

