

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

IN THE MATTER of the Resource Management Act 1991

AND of appeals under clause 14 of the First
Schedule of the Act

BETWEEN BARNHILL CORPORATE
TRUSTEE LIMITED & D E, M E
BUNN & L A GREEN

(ENV-2021-CHC-017)

and all other appellants listed in the
attached schedule

Appellants

AND QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

**MINUTE OF THE ENVIRONMENT COURT
(18 October 2021)**

Introduction

[1] The purpose of this Minute is to put in place suitable arrangements for the mediation of the appeals relating to Stage 3 of the proposed Queenstown Lakes District Plan.

Timetable

[2] The court has now settled on an indicative timetable and this is set out in

QLDC STAGE 3– MINUTE 18 OCTOBER 2021



Appendix 1. This timetable should not be considered as final as circumstances will inevitably require elements to be adjusted from time to time. Any changes will be kept to a minimum to provide as much certainty to all parties as possible, on when they will be required to prepare for and attend mediation sessions on topics they have appealed or registered interest in as a s274 party.

[3] To this end, parties are advised that if for any reason they wish to request a change to the timetabling for a specific topic, they must first obtain agreement from all other parties to that topic for the change and advise the court accordingly. No change to the timetable will be considered without such supporting documentation and even then, the court may not be able to accommodate a change.

Mediation logistics

[4] The location will be confirmed in the Notice of Mediation for each topic. It is anticipated that mediation will generally take place in Queenstown.

[5] The Notice of Mediation for each topic will indicate the approximate timeslot that is allocated to each subtopic. Parties should be aware that the mediation may proceed either more quickly or more slowly than anticipated, and should be prepared to be flexible in terms of timing.

[6] In order to assist the court, the Council is to file a proposed mediation schedule (indicating half or full day time slots) where multiple subtopics and/or appeals are involved. This is to be filed at least **ten (10) days' prior** to the date of mediation.

[7] The Council will provide a support person at all mediations to assist with the drafting of mediation agreements, accessing documents, and communicating with parties during the mediation about progress and timing.

Remote Attendance

[8] In response to the COVID-19 pandemic, the court and participants have had to engage more frequently in virtual mediations. While this is not the preferred format of mediation, it is accepted that it may be necessary in order to progress matters efficiently.

[9] Accordingly, the court has drafted protocols for remote mediation. The minimum requirements for parties to attend mediation remotely are:

- (a) a quiet room in which only the person in attendance is located (note confidentiality requirement for mediation);
- (b) a computer with a relatively up-to-date operating system;
- (c) a built-in microphone and camera in the computer or those items configured to the computer; and
- (d) a strong WIFI/internet signal/connection.

[10] If remote mediation attendance is contemplated, it typically forms part of a mediation which is also accommodated on a face-to-face basis. This “hybrid” arrangement requires certain facilities to be in place at the venue where the face-to-face participants are located, and technology residing with the party attending remotely.

[11] Due to the complex nature of managing a mediation where there are remote participants, the number of participants should be kept to a minimum. Due to the complexity of set up, the court Registrar requires written confirmation with email addresses for calendar link, telephone number and personal details, a minimum of **four (4) working days** ahead of the mediation date where AVL is agreed.

Preparations for individual mediations

[12] Unless directed otherwise, the Council will circulate a position paper **ten (10) working days prior** to mediation, setting out the appeal details and relief

sought for each topic and sub-topic, together with its initial position.

[13] Parties are to provide indicative position papers up to **five (5) working days prior** to mediation.

[14] The Council will provide its position paper as a table in Word format, and parties may choose to use the Council's table as a base for their own position papers by adding a column. Party position papers that are not based on the Council's position paper table should be limited to two pages.

[15] The Council's position paper in most instances will form the agenda for mediation. Unless otherwise agreed, individual points of relief will be mediated (and any relevant matters will be addressed), in the order set out in the Council's position paper.

Directions

[16] Accordingly, I direct that the Stage 3 mediations are to be set down as set out in Appendix 1.

[17] Leave is reserved for any party to apply for further (or other) directions.



I M Buchanan
Environment Commissioner

Issued: 18 October 2021



Schedule

ENV-2018-CHC-121 Tussock Rise Ltd
ENV-2019-CHC-049 Glen Dene Limited & Ors
ENV-2021-CHC-022 M Scaife
ENV-2021-CHC-023 R Stewart
ENV-2021-CHC-024 M Thomas
ENV-2021-CHC-025 Streat Developments Limited
ENV-2021-CHC-026 Aurora Energy Limited
ENV-2021-CHC-027 K Muir
ENV-2021-CHC-028 Kingston Lifestyle Properties Limited
ENV-2021-CHC-029 Gibbston Valley Station Limited
ENV-2021-CHC-030 Malaghans Investments Limited
ENV-2021-CHC-031 Cardrona Cattle Company Limited
ENV-2021-CHC-032 Cardrona Village Limited
ENV-2021-CHC-033 Gibbston Valley Station Limited
ENV-2021-CHC-034 Cardrona Cattle Company Limited
ENV-2021-CHC-035 Mandalea Properties Limited
ENV-2021-CHC-036 Lake McKay Limited Partnership
ENV-2021-CHC-037 Universal Developments Hawea Limited
ENV-2021-CHC-038 Corbridge Estates Limited Partnership
ENV-2021-CHC-039 C & J Properties Limited
ENV-2021-CHC-040 Arthurs Point Land Trust
ENV-2021-CHC-041 J C Breen Family Trust
ENV-2021-CHC-042 NPR Trading Limited
ENV-2021-CHC-043 Integrity Group Holdings NZ Ltd
ENV-2021-CHC-044 Bush Creek Investments Limited
ENV-2021-CHC-045 Alpine Nominees Limited
ENV-2021-CHC-046 Ballantyne Properties Limited
ENV-2021-CHC-047 Upper Clutha Transport Limited
ENV-2021-CHC-048 Queenstown Airport Corporation Limited
ENV-2021-CHC-049 Kingston Lifestyle Properties Limited

ENV-2021-CHC-050 Cardrona Village Limited
ENV-2021-CHC-051 Schist Holdings Limited
ENV-2021-CHC-052 Queenstown Park Limited & Remarkables Park Limited
ENV-2021-CHC-053 Wayfare Group Limited
ENV-2021-CHC-054 Aspiring Helicopters & Ors
ENV-2021-CHC-055 Kā Rūnaka
ENV-2021-CHC-056 Quartz Commercial Group Limited
ENV-2021-CHC-057 Glen Dene Limited & Ors
ENV-2021-CHC-058 Beech Cottage Trustees Limited
ENV-2021-CHC-059 Tussock Rise Limited
ENV-2021-CHC-060 The Station at Waitiri Limited
ENV-2021-CHC-061 The Station at Waitiri Limited
ENV-2021-CHC-062 Chard Farm Limited