

**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 NEW ZEALAND TUNGSTEN MINING
 LIMITED
 (ENV-2018-CHC-151)
 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: 15 June 2020

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 Chapter 26 of the Proposed Queenstown
Lakes District Plan, as set out in Appendix A, 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 New Zealand Tungsten Mining Limited against parts of a decision of the Queenstown Lakes District Council on Chapter 26 of the proposed Queenstown Lakes District Plan – Stage 1. In particular, it relates to Topic 5.

[2] On 9 April 2019, a joint memorandum was filed seeking to partially resolve these appeals. Consideration of this consent memorandum was put on hold pending determination of some related aspects of Topic 2. Decisions on those aspects have now issued. Now that two appeals lodged with the High Court on those decisions have been withdrawn, the court is in a position to consider the consent memorandum.

Other relevant matters

[3] The following parties have given notice of their intention to become a party to the parts of the appeals in Topic 5 under s274 of the Resource Management Act ('the RMA') and have signed the memorandum setting out the relief sought:

- (a) Otago Regional Council;
- (b) Alaster Duncan;
- (c) Remarkables Park Limited; and
- (d) Queenstown Park Limited.

Orders

[4] 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:

- (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 A

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

CHAPTER 26 - HERITAGE

Policy 26.3.4.5 Recognise the potential for ~~ongoing small-scale~~ recommencing mining activities of a scale consistent with the maintenance of heritage and landscape values within the Glenorchy heritage overlay area, subject to the protection of features identified in section 26.10.

26.10.9 Key features to be protected

- 26.10.9.1 All mines portals and associated structures, mining huts, the cableway and track ways within the GHAO boundary last used prior to 1960 (~~including the Black Peak Mine~~).
- ~~26.10.9.2 The mine sites along the Mount Judah Road.~~
- ~~26.10.9.3 All other known historic mining sites within the GHOA.~~

