

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

Decision No. [2022] NZEnvC 164

IN THE MATTER of the Resource Management Act 1991

AND an appeal under clause 14 of the First
Schedule of the Act

BETWEEN KINGSTON LIFESTYLE
PROPERTIES LIMITED

(ENV-2021-CHC-028)

Appellant

AND QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

Environment Judge J J M Hassan – sitting alone under s279 of the Act

In Chambers on the papers

Date of Consent Order: 25 July 2022

Date of Corrigendum:: 25 August 2022

CORRIGENDUM OF THE ENVIRONMENT COURT

Introduction

[1] Following the release of the consent order *Kingston Lifestyle Properties Limited v Queenstown Lakes District Council* [2022] NZEnvC 138 it has come to my attention that order A, 1(a) contains an error.

KINGSTON LIFESTYLE PROPERTIES LTD v QLDC – TOPIC 37 – CONSENT
ORDER CORRIGENDUM



[2] Order A reads:

A: Under s279(1)(b), RMA, by consent, it is ordered that:

(1) the appeal is allowed subject to the extent that Queenstown Lakes District Council is directed to:

(a) rezone the land at Section 1 SO 7617, Lot 6 DP 306647, Section 20 SO 10898 and Lot 4 DP 318631 to Settlement Zone and apply the Commercial Precinct over the northern part of Section 1 SO 10898, Lot 4 DP 318631 and Section 2 SO 10898; and

... [Footnote omitted]

[3] It should have read:

A: Under s279(1)(b), RMA, by consent, it is ordered that:

(1) the appeal is allowed subject to the extent that Queenstown Lakes District Council is directed to:

(a) rezone the land at Section 1 SO 7617, Lot 6 DP 306647, Section 2 SO 10898 and Lot 4 DP 318631 to Settlement Zone and apply the Commercial Precinct over the northern part of Section 1 SO 10898, Lot 4 DP 318631 and Section 2 SO 10898; and

... [Footnote omitted]

The court's power to correct errors

[4] Section 278 of the Resource Management Act 1991 provides that Environment Judges have the same powers that the District Court has in the exercise of its jurisdiction.

[5] Rule 11.10 District Court Rules 2014 specifies (relevantly) that a judgment may be corrected by the court if it contains a clerical mistake or an error arising from an accidental slip or omission.

Outcome

[6] The error identified in order A, (1)(a) of decision [2022] NZEnvC 138 is an “accidental slip or omission” that is able to be corrected using the court’s powers under rule 11.10 District Court Rules 2014.

[7] Order A is amended to read:

A: Under s279(1)(b), RMA,¹ by consent, it is ordered that:

(1) the appeal is allowed subject to the extent that Queenstown Lakes District Council is directed to:

(a) rezone the land at Section 1 SO 7617, Lot 6 DP 306647, Section 2 SO 10898 and Lot 4 DP 318631 to Settlement Zone and apply the Commercial Precinct over the northern part of Section 1 SO 10898, Lot 4 DP 318631 and Section 2 SO 10898; and

...

[8] Decision [2022] NZEnvC 138 otherwise remains unchanged.



J J M Hassan
Environment Judge



¹ Resource Management Act 1991.