

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

**Decision No. [2022] NZEnvC 64**

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN KEN MUIR

(ENV-2021-CHC-27)

BEECH COTTAGE  
TRUSTEES LIMITED

(ENV-2021-CHC-58)

Appellants

AND QUEENSTOWN LAKES DISTRICT  
COUNCIL

Respondent

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

In Chambers at Christchurch

Date of Consent Order: 14 April 2022

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**CONSENT ORDER**

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A: Under s279(1)(b) of the Resource Management Act 1991, the Environment  
Court, by consent, orders that:



KEN MUIR & BEECH COTTAGE TRUSTEES LIMITED v QLDC – PDP Consent Order

- (1) the appeal is allowed subject to the extent that Queenstown Lakes District Council is directed to amend the planning maps in the proposed Queenstown Lakes District Plan as set out in Appendix 1, attached to and forming part of this order;
- (2) the appeals are otherwise dismissed.

B: Under s285 of the Resource Management Act 1991, there is no order as to costs.

## REASONS

### Introduction

[1] This proceeding concerns appeals by Ken Muir and Beech Cottage Trustees Limited against parts of the decision of Queenstown Lakes District Council on Stage 3 of the Proposed Queenstown Lakes District Plan ('PDP'). In particular, the appeals relate to the mapping of the wāhi tūpuna overlay in respect of Sugar Lane<sup>1</sup> and 350 Wanaka-Mt Aspiring Road.<sup>2</sup> Both these appeal points were allocated to Topic 34 (Wāhi Tūpuna).

[2] I have read and considered the consent memorandum of the parties dated 18 March 2022. It sets out the agreement reached by the parties to resolve the appeals in full by:

- (a) amending the wāhi tūpuna overlay to align with the cadastral, zoning, and road boundary at the Sugar Lane Business Mixed Use Zone; and
- (b) removing the wāhi tūpuna overlay from 350 Wanaka-Mt Aspiring Road.

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<sup>1</sup> Ken Muir (ENV-2021-CHC-27).

<sup>2</sup> Beech Cottage Trustees Limited (ENV-2021-CHC-58).

### Other relevant matters

[3] The several parties who joined the appeals under s274, RMA<sup>3</sup> have signed the memorandum setting out the relief sought.<sup>4</sup> These include Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, as parties to both appeals.

[4] No party seeks costs, all parties agreeing that costs should lie where they fall.

### Outcome

[5] 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;
- (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.

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<sup>3</sup> Resource Management Act 1991.

<sup>4</sup> Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Otago Regional Council, Dynamic Guest House Limited and Nicola J & Mark R Vryenhoek, Queenstown Park Limited and Remarkables Park Limited all joined both appeals. Glen Dene Limited, Glen Dene Holdings Limited and Richard & Sarah Burdon, Hansen Family Partnership, Mt Christina Limited, Glendhu Bay Trustees Limited, Soho Ski Area and Blackmans Creek No. 1 LP joined Beech Cottage Trustees Limited's appeal, while Wayfare Group Limited joined Ken Muir's appeal.

[6] On the information provided to the court, being satisfied this will promote the RMA purpose, I make the orders sought.



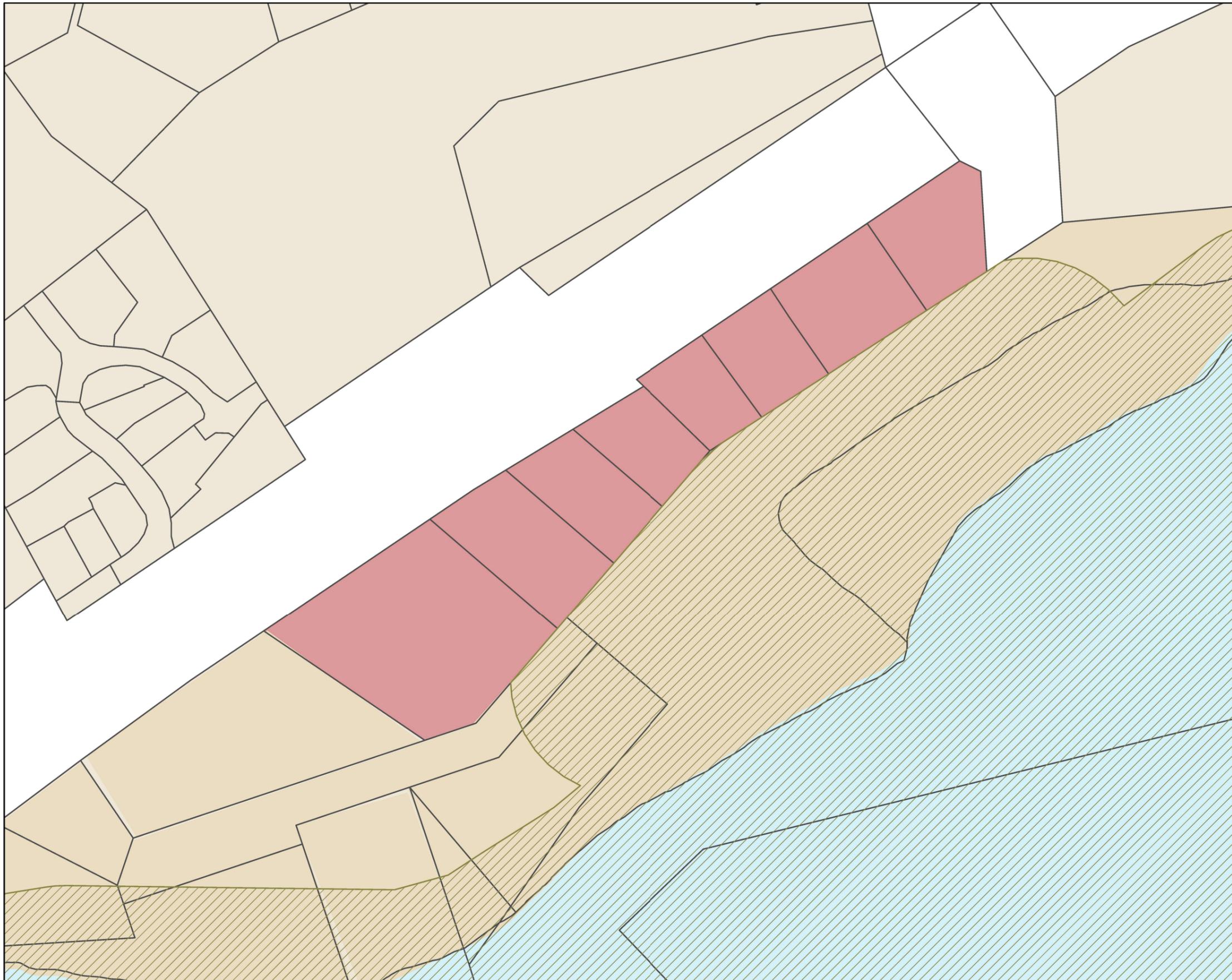
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**J J M Hassan**  
**Environment Judge**

**APPENDIX 1**

Maps as amended by the resolution of appeals.

# Ken Muir appeal ENV-2021-CHC-027-02 Wāhi Tūpuna



## Legend

- Topic 34 Wāhi Tūpuna
- Parcels and Property
- Overlay Polygons**
- Landscape Classification
- Landscape Classification Label
- Wāhi Tūpuna
- Urban Growth Boundary
- Archaeological Sites
- Arrowtown Character Tree
- Closed Landfill
- Flood Zone
- Heritage Overlay Area
- Queenstown Airport
- Wānaka Airport
- Protected Avenue of Trees
- Significant Natural Area
- Unformed Road
- Glenorchy Airport
- Rural Character Landscape Priority Area
- Outstanding Natural Feature and Landscape Priority Area
- Zones**
- Active Sports and Recreation
- Gibbston Resort
- High Density Residential
- Informal Recreation
- Jacks Point Resort
- Large Lot Residential A
- Large Lot Residential B
- Local Shopping Centre
- Lower Density Suburban Residential
- Medium Density Residential
- Millbrook Resort
- Airport
- Nature Conservation
- Queenstown Town Centre
- Road
- Rural
- Rural Lifestyle
- Rural Residential
- Wakatipu Basin Lifestyle Precinct
- Wakatipu Basin Rural Amenity Zone
- Wanaka Town Centre
- Water (zone Rural unless otherwise shown)
- Arrowtown Residential Historic Management
- Waterfall Park Resort
- Arrowtown Town Centre
- Business Mixed Use
- Civic Spaces
- Community Purposes
- Coneburn Industrial
- Gibbston Character
- General Industrial and Service
- Three Parks Commercial
- Settlements
- Rural Visitor
- Three Parks Business
- Hogans Gully Resort
- The Hills Resort

The information provided on this map is intended to be general information only. While considerable effort has been made to ensure that the information provided on this map is accurate, current and otherwise adequate in all respects, Queenstown Lakes District Council does not accept any responsibility for content and shall not be responsible for, and excludes all liability, with relation to any claims whatsoever arising from the use of this map and data held within.



# Beech Cottage Trustees Ltd appeal ENV-2021-CHC-058-01 Wāhi Tūpuna



## Legend

- Topic 34 Wāhi Tūpuna
- Parcels and Property
- Overlay Polygons**
- Landscape Classification
- Landscape Classification Label
- Wāhi Tūpuna
- Urban Growth Boundary
- Archaeological Sites
- Arrowtown Character Tree
- Closed Landfill
- Flood Zone
- Heritage Overlay Area
- Queenstown Airport
- Wānaka Airport
- Protected Avenue of Trees
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- Queenstown Town Centre
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