

In the Environment Court
At Christchurch

ENV-2018-CHC-069

I te Kōti Taiao o Aotearoa
Ki Ōtautahi

Under the Resource Management Act 1991

In the matter of an appeal under clause 14 of Schedule 1 of the Act against decisions of the Queenstown Lakes District Council on Stage 1 Topic 16 of the Proposed Queenstown Lakes District Plan

Between **M J BERESFORD, R T BUNKER AND L M ROUSE**
Appellant

And **QUEENSTOWN LAKES DISTRICT COUNCIL**
Respondent

And **KIRIMOKO NO. 3 LIMITED PARTNERSHIP**
ATTORNEY-GENERAL
NORTHLAKE INVESTMENTS LTD
Section 274 Parties

**MEMORANDUM OF COUNSEL FOR QUEENSTOWN LAKES DISTRICT COUNCIL
REGARDING THE COURT'S DIRECTIONS TO NOTIFY THE SECTION 293**

17 April 2025



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MAY IT PLEASE THE COURT

1. This memorandum is filed by the Queenstown Lakes District Council (**Council**) in relation to the appeal by M J Beresford, R T Bunker & L M Rouse (**Appellant**), and the Decision issued by the Court on 9 April 2025 (**Decision**) relating to the section 293 direction.¹
2. Relevantly, the Decision directs²
 - 2.1 QLDC is directed to notify Annexures 1 to 2 within 10 working days of the date of this decision in the manner described by Annexure 2.
 - 2.2 Leave is reserved to seek further (or other) directions.
3. This memorandum respectfully requests refined directions in respect of the Section 293 notification. Counsel for the Council has conferred with the Appellant in preparing this memorandum.

Reasons for seeking amended directions

4. There are two reasons for seeking amended directions:
 - 4.1 a need for further time to notify, given practical issues created by both Easter Friday, Easter Monday and Anzac Day falling within the 10-working timeframe for notification; and
 - 4.2 a change is sought to the content of the actual public notice that will be included in local newspapers.

20 working days to notify

5. The Summary Document (also Annexure 1 to the Decision), and the associated section 293 directions (included in Annexure 2 to the Decision), both filed by the Appellant on 22 January 2025, include that QLDC must notify within 20 working

1 [2025] NZEnvC 119.

2 At [9] and [10].

days. The Appellant’s memorandum of 22 January 2025 confirmed that QLDC had no further comment to make on the information filed by the Appellant. QLDC supported the 20 working days for notification, as included in the directions sought by the Appellant.

6. The Court’s decision has reduced the 20 working days down to 10 working days.
7. Unfortunately, the 10 working days from the date of the Decision (9 April) falls over three public holidays (Easter Friday, Easter Monday and Anzac Day. This is causing practical difficulties in effecting public notification properly, as the two local newspapers do not publish on public holidays, but also respond differently – one publishes a day earlier, whereas the other does not publish. Council wishes to include the necessary public notice in both newspapers on the same day, to avoid any unnecessary confusion with the public.
8. If the date for requiring notification changes to a 20 working days timeframe, as already specified in the annexures to the Decision, this practical issue fall away. The Council therefore seeks that it be directed to notify the section 293 within 20 working days of the date of the Court’s Decision.

Content of what is to be notified

9. The Decision directs QLDC “to notify Annexures 1 to 2”.
10. In previous section 293 processes directed by the Court through the QLDC PDP process, QLDC has prepared a summary document of the section 293, as the Appellant has done here. The summary document is then uploaded to the QLDC PDP website (and available in hard copy at Council offices listed in the public notice), alongside the actual 293 changes to the PDP, the section 32 report, and associated Technical Reports. The summary document itself (including for the reason of its length and detail) has not actually been copied into the newspaper – rather the Public Notice points the reader across to the website to read the summary document.

11. The Decision suggests that the Court may be expecting the Council to copy Annexure 1 and 2 into the Public Notice. The Council therefore seeks amendment to clarify that is not the case.
12. For the Court's convenience in seeking this amended direction, a copy of the draft public notice is attached to this memorandum as **Appendix A**.

Directions sought

13. The Council therefore respectfully seeks that the Court confirms amended directions as follows:

- 13.1 QLDC is directed to issue public notice of the s293 proposal ~~notify~~ Annexures 1 to 2 within 10-20 working days of the date of this decision 9 April 2025, in the manner described by Annexure 2. The full Summary Document in Annexure 1 is to be made available on the Council website and at the specified Council offices, as are all other documents attached to the Appellant's 22 January 2025 memorandum.

DATED this 17th day of April 2025



S J Scott / S L Richardson
Counsel for the Respondent

Appendix A – Draft Public Notice



PUBLIC NOTICE OF BERESFORD, ROUSE AND BUNKER (STICKY FOREST) ENVIRONMENT COURT APPEAL, SECTION 293 PROPOSAL:

PROPOSED LARGE LOT RESIDENTIAL AREA A ZONING AND URBAN GROWTH BOUNDARY AMENDMENT AT THE SOUTH-WESTERN EDGE OF HĀWEA / WĀNAKA STICKY FOREST

Queenstown Lakes District Council (**Council**) gives public notice as of **[DATE] 2025** of a section 293 proposal directed by the Environment Court¹ in relation to a proposed alteration to the Queenstown Lakes Proposed District Plan (**PDP**). The proposed alteration is to the planning maps and text of the PDP, and follows decisions made by the Environment Court on an appeal by Beresford, Bunker and Rouse (**Appellant**) on Stage 1 of the Queenstown Lakes District Plan review.

The Proposal is to:

- rezone a 7 hectare strip of remnant land along the south western edge of Hāwea / Wānaka Sticky Forest (**Remnant Area**) from Rural Zone to Large Lot Residential Area A Zone;
- move the Urban Growth Boundary (**UGB**) to include the Remnant Area; and
- amend provisions in Chapter 11 (Large Lot Residential Zone) and Chapter 27 (Subdivision and Development), and consequential changes. (**Proposal**)

The Proposal is site specific in that the amendments to the PDP text apply only to the Remnant Area. The amendments to the PDP text are focused on integrating the development with the adjoining Council reserve land.

Documentation

A summary document outlining the Proposal, a map that depicts the proposed map alteration, consultation package, and a copy of the relevant procedural directions, can be:

- viewed online at: <https://www.qldc.govt.nz/your-council/district-plan/proposed-district-plan/appeals>
- inspected at any of the following locations during business hours. (Council offices 8.30-5pm. Library opening hours vary, please check www.codc-qldc.govt.nz for details).

Council offices:

- 10 Gorge Road, Queenstown
- Wānaka Service Centre, 47 Ardmore Street Wānaka

Public Libraries:

- Queenstown Library: 10 Gorge Road
- Wānaka Library: Dunmore Street
- Arrowtown Library: 58 Buckingham Street
- Makarora Library: Rata Road
- Glenorchy Library: 13 Islay Street
- Lake Hāwea Library: Myra Street
- Kingston Library: 48 Kent Street

- requested by contacting Queenstown Lakes District Council:
 - Call: 03 441 1499 (Queenstown) or 03 443 0024 (Wānaka)
 - Email: PDPenquiries@qldc.govt.nz

Written feedback on the Proposal and section 274 notices

- A. Any person may provide written comments and any supporting expert evidence to Council, no later than **[DATE] 2025**.
- B. In addition, any person who has an interest in the Proposal that is greater than the interest of the general public and wants to formally join the Beresford, Rouse and Bunker appeal as a section 274 party, must give notice under section 274 of the RMA (using Form 33) to join as a party. That notice must be filed with the Environment Court, and served on Council and the Appellant no later than **[DATE] 2025**. If those who seek to join as a section 274 party also wish to make written comments on the Proposal they must do so in that manner outlined in (A) above.

Written comments, any supporting expert evidence and service of s274 notices must be lodged with the Council by:

- Email to pdpsubmission@qldc.govt.nz (subject line: QLDC PDP Beresford, Rouse and Bunker appeal - Hāwea / Wānaka Sticky Forest Section 293 for Remnant Area).
- Post: Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348, Attention: PDP Beresford, Rouse and Bunker appeal, Hāwea / Wānaka Sticky Forest Section 293 for Remnant Area.

Section 274 notices must also be lodged with the Environment Court by:

- Email to Christine.McKee@justice.govt.nz (subject line: QLDC PDP Beresford, Rouse and Bunker appeal, Hāwea / Wānaka Sticky Forest Section 293 for Remnant Area).
- Post: Environment Court, Christchurch Registry, PO Box 2069, Christchurch 8013 (Attention: C McKee. Re: QLDC PDP Beresford, Rouse and Bunker appeal, Hāwea / Wānaka Sticky Forest Section 293 for Remnant Area).

Section 274 notices must also be lodged with the Appellant by:

- Email to jonathan@planzconsultants.co.nz c- Jonathan Cleave at Planz Consultants (subject line: QLDC PDP Beresford, Rouse and Bunker appeal, Hāwea / Wānaka Sticky Forest Section 293 for Remnant Area).

What happens next?

After all written comments and expert evidence has been received, Queenstown Lakes District Council is required to provide to the Court, a link to all material received. Council must also provide a report summarising that material and providing recommendations for the Court's consideration. After that, the Court will consider the material provided by the parties and the Council's report and either determine the Proposal on the papers, or, if required, issue further directions, including whether it wishes to hear from any party who has joined the appeal via section 274, in person.

A full copy of the relevant procedural directions is available online and for inspection at the locations specified above.