

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

**Decision No. [2022] NZEnvC 61**

IN THE MATTER of the Resource Management Act 1991

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

BETWEEN DEAN HAMILTON, LISA  
HAYDEN AND MARK  
HORNABROOK AS TRUSTEES  
OF THE HAMILTON HAYDEN  
FAMILY TRUST

(ENV-2019-CHC-33)

Appellant

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:

- (1) the appeal is allowed, and Queenstown Lakes District Council is directed to amend the planning maps of the Proposed Queenstown

TRUSTEES OF THE HAMILTON HAYDEN FAMILY TRUST v QLDC – TOPIC 31  
CONSENT ORDER



Lakes District Plan, by rezoning to Wakatipu Basin Lifestyle Precinct the part of the appellant's land at 76 Hunter Road, Wakatipu Basin (Lot 2 Deposited Plan) depicted in Appendix 1, attached to and forming part of this order;

(2) the appeal is otherwise dismissed.

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 Dean Hamilton, Lisa Hayden and Mark Hornabrook as Trustees of the Hamilton Hayden Family Trust against part of a decision of Queenstown Lakes District Council regarding the planning maps of the Proposed Queenstown Lakes District Plan – Stage 2. In the staged consideration of appeal points, the relief was allocated into Topic 31 sub-topic 2 (Group 1) – Wakatipu Basin rezoning. It seeks the rezoning of land located at 76 Hunter Road, Wakatipu Basin, Queenstown ('the site').<sup>1</sup>

[2] I have read and considered the consent memorandum of the parties dated 1 April 2022 which sets out the agreement reached to resolve the appeal. The parties agree that the eastern portion of the site depicted in App. 1 should be rezoned from Wakatipu Basin Rural Amenity Zone ('WBRAZ') to Wakatipu Basin Lifestyle Precinct ('Precinct').

### Other relevant matters

[3] A number of parties under s274, RMA,<sup>2</sup> have signed the memorandum

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<sup>1</sup> Legally described as Lot 2 DP 27832.

<sup>2</sup> Resource Management Act 1991.

agreeing to the relief sought.<sup>3</sup>

[4] No party seeks an order for costs, all 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; 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.



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



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<sup>3</sup> The s274 parties who have signed the consent memorandum are T Edmonds, R Kilkenny, B Pollock, Trustees of the Home Farm Holdings Trust, Trustees of the T & B Family Trust, and S Williamson.

# APPENDIX 1

## Appendix A – Plan showing amended rezoning and Appeal Area

