

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

Decision No. [2022] NZEnvC 192

IN THE MATTER

of the Resource Management Act 1991

AND

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

BETWEEN

GIBBSTON VALLEY STATION
LIMITED

(ENV-2021-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: 6 October 2022

CONSENT ORDER

A: Under s279(1)(b) RMA,¹ the Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that Queenstown Lakes District Council is directed to amend Rule 46.5.11 Resta Road Intersection – Gibbston Valley Rural Visitor Zone in Chapter 46 of the proposed



Resource Management Act 1991.

WVSL v QLDC – QLDC PDP - TOPIC 38 SUBTOPIC 2 – CONSENT ORDER

Queenstown Lakes District Plan as set out in Appendix 1, attached to and forming part of this order;

(2) the appeal is otherwise dismissed.

B: Under s285 RMA, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns an appeal by Gibbston Valley Station Limited against the decision of the Queenstown Lakes District Council on Stage 3 of the Proposed Queenstown Lakes District Plan ('PDP'). The appeal was allocated to Topic 38 (Rural Visitor Zone).

[2] Through mediation of Topic 38 subtopic 1 (Rural Visitor Zone – Text Relief) it was agreed that further particulars of the appellant's appeal could be transferred into Topic 38, subtopic 2 – Rural Visitor Zone (Rezoning) on the basis of refining the relief sought to be pursued only as it applies to the Gibbston Rural Visitor Zone. A consent order for Topic 38 subtopic 1 (Rural Visitor Zone – Text Relief) was issued on 9 May 2022.² This order pertains to the relief allocated to Topic 38, subtopic 2 – Rural Visitor Zone (Rezoning).

[3] I have read and considered the consent memorandum of the parties dated 27 July 2022 detailing the agreed amendment to Chapter 46, Rule 46.5.11 Resta Road Intersection – Gibbston Valley Rural Visitor Zone of the PDP. The agreed amendments will ensure that there are two alternative options for access to the Gibbston Rural Visitor Zone available before any commercial recreation activities or commercial use of buildings, including for visitor accommodation or commercial recreational activities, commence in the Gibbston Valley Rural Visitor Zone. There are no other changes required to the Rural Visitor Zone chapter or

² [2022] NZEnvC 74.

to the plan maps.

Other relevant matters

[4] Otago Regional Council and Matakauri Lodge Limited gave notice of an intention to become a party to the appeal under s274 RMA. Neither party has signed the memorandum setting out the relief sought as the extent of their interest in the appeal does not extend to subtopic 2.

[5] The parties agree that costs should lie where they fall and accordingly no order for costs is sought.

Outcome

[6] 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.


J J M Hassan
Environment Judge



APPENDIX 1

Resta Road standard

46.5.11	<p>Resta Road Intersection <u>Access</u> – Gibbston Valley Rural Visitor Zone</p> <p>In the Gibbston Valley Rural Visitor Zone, commercial recreational activities and commercial use of buildings, including for visitor accommodation or commercial recreational activities, shall not commence until <u>either</u>:</p> <p>(1) the intersection of Resta Road and State Highway 6 meets the requirements of Figure 46.1-; <u>or</u></p> <p>(2) <u>access to the Gibbston Valley Rural Visitor Zone is provided through the Gibbston Valley Resort Zone via the 'access point from SH6' located by PL8 as shown on the structure plan at 45.7.</u></p>	NC
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