IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

Decision No. [2024] NZEnvC 298

IN THE MATTER	of the Resource Management Act 1991
AND	an appeal under clause 14 of the First Schedule of the Act
BETWEEN	M J BERESFORD, R T BUNKER & L M ROUSE
	(ENV-2018-CHC-69)
	Appellants
AND	QUEENSTOWN LAKES DISTRICT COUNCIL
	Respondent

Court:	Environment Judge J J M Hassan Environment Judge S M Tepania Environment Commissioner J T Baines
Hearing:	On the papers
Last case event:	16 October 2024
Date of Decision:	25 November 2024
Date of Issue:	25 November 2024

SECOND DECISION OF THE ENVIRONMENT COURT

A: The appeal is allowed in part, reserving jurisdiction under s293 for the noted purposes with respect to the Remnant Area and correction of errors in the PDP Ch 5 explanatory text.

B. Directions are made for QLDC to report on its timetable for updating the PDP and on various s293 matters.

C: Costs are reserved and related directions made.

REASONS

Introduction

[1] This appeal in the review of the Queenstown Lakes District Plan ('PDP'), concerns the appropriate zoning of a site in Wānaka known locally as 'Sticky Forest' ('Site').[1] The appellants modified their relief prior to the hearing, including by accepting that Rural zoning (the status quo) could be maintained over approximately 32 ha of the Site. That encompassed an approximately 25 ha area within the Dublin Bay Outstanding Natural Landscape ('ONL') as well as a 7 ha strip along the Site's western boundary. For the approximately 19 ha balance of the Site, the appellants sought rezoning to Large Lot Residential ('LLR') and Lower Density Suburban Residential ('LDSR'). In addition, the appellants sought that the PDP urban growth boundary ('UGB') be aligned with the new residentially zoned parts of the Site.

[2] The court's Interim Decision determined that the appellants' modified relief is the most appropriate of the available zoning outcomes, subject to some refinements.[2] That decision made associated directions for QLDC to lead the

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1 The appeal is assigned as Topic 16, Stage 1, in our staged consideration of appeals in the PDP. The Site is legally described as Sec 2 of 5, Blk XIV, Lower Wanaka Survey District (CT OT18C/473).

2 *Beresford v Queenstown Lakes District Council* [2024] NZEnvC 182 ('Interim Decision') at [215].

finalisation of associated updated PDP provisions for the court's approval.[3] In addition, the Interim Decision reserved whether directions would be made under s293 RMA on two matters. One was as to any extension of LLR zoning over the noted 7 ha remnant Rural zoned strip ('Remnant Area') on the western margins of the Site.[4] The other matter was more technically confined, concerning a need to remedy some inaccuracies in an explanatory statement to PDP Ch 5. For those reserved s293 matters, the Interim Decision made associated directions including for the appellants to indicate their position on the desired zoning status of the Remnant Area.[5]

[3] The various memoranda filed in response to the directions in the Interim Decision confirm that there are no material differences between parties on remaining matters for determination.

[4] A joint memorandum dated 6 September 2024 ('Joint Memorandum') proposes for the court's approval, updated PDP provisions to reflect the findings in the Interim Decision.[6] Subsequently, memoranda of counsel were filed for the appellants and QLDC on the s293 matters.[7]

Finalisation of updated PDP provisions

[5] In regard to the updated provisions in the Joint Memorandum, there are some confined matters requiring determination. Most are of a technical drafting nature. We address those first. As is the case in the Joint Memorandum, our updating is to the provisions recommended by the planners in their second joint witness statement ('JWS – Planning (2)').

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3 Interim Decision at [219(a)].

4 Interim Decision at [217].

5 Interim Decision at [219(b), (c)].

6 Joint Memorandum at [3]. Supplementing this was a QLDC memorandum dated 21 August 2024 ('QLDC August Memorandum').

7 Appellants' memorandum dated 9 October 2024, QLDC memorandum dated 9 October 2024, QLDC memorandum dated 16 October 2024.

[6] The Joint Memorandum proposes final wording for the relevant PDP provisions. Drafting refinements are shown tracked against the most up-to-date version of provisions that was the subject of the Interim Decision, namely the version proposed in the JWS – Planning (2).[8]

Rule 21.4.X, controlled activity forestry harvesting

[7] We accept the parties' explanation for why the wording in r 21.4.X(ii) should be updated from the JWS – Planning (2). Rather than "Rural Character Landscape part of the Hāwea/Wānaka Sticky Forest Structure Plan area", cl (ii) is to be worded "Forestry harvesting in the balance of the Hāwea/ Wānaka Sticky Forest Structure Plan area".[9] We direct that this updated wording be included in the PDP.

Policy 27.3.24.3(a)

[8] The Joint Memorandum includes an unopposed request from QLDC that the court remedy a matter not addressed in the Interim Decision, concerning the expression of Pol 27.3.24.3(a).[10]

[9] QLDC's closing submissions had sought that the court refine what the JWS – Planning (2) had recommended concerning the wording of this policy, according to the recommendation of QLDC's planning witness, Ms Jones. The JWS – Planning (2) had recommended the policy be revised somewhat from how it is currently expressed in the PDP, as follows:

> 27.3.24.3 Ensure that the landscape values of the Dublin Bay Outstanding Natural Landscape are protected by:

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8 6 September Memorandum at [3].

9 6 September Memorandum at [4.1].

10 6 September Memorandum at [4.2], referring to reply submissions dated 2 February 2024 at [3.10].

> (a) Managing the design and location of ~~requiring~~ building platforms; and ~~in locations which minimise the visibility of development from the Dublin Bay ONL~~;

[10] On further reflection, Ms Jones had recommended to QLDC a further refinement to the wording to relevantly read the "… design and location of building platforms, landform modification and planting".

[11] We accept QLDC's explanation that the landform modification and planting/ landscaping are all critical components of the subdivision activity.[11] As such, we find the refinement appropriate. We are satisfied that the Interim Decision allows sufficient jurisdictional capacity to address this lacuna.

[12] We direct QLDC to update the expression of Pol 27.3.24.3(a) in the PDP according to the refined wording it proposes.

Policy 27.3.24.4(a)

[13] The issues parties raise concerning Pol 27.3.24.4(a) are somewhat more complex in that they seek that the court revisit a determination made in the Interim Decision concerning the expression of this policy.

[14] That determination included that the wording of the policy be revised from what was recommended in the JWS – Planning (2) to read as follows:

> Ensure that the Landscape Buffer Area and Building Restriction Area are planted in indigenous vegetation, which:
>
> a. Reduces the visual effects of building adjoining the building restriction area ~~within the residential zones~~, and …

[15] The Joint Memorandum maintains that this revision "does not align with

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11 6 September Memorandum at [4.2] and QLDC closing submissions dated 2 February 2024 at [3.10].

either the JWS – Planning (2) as agreed by all planners, or with any reply submissions lodged by any party". The Memorandum explains a concern that an inadvertent consequence of this change would be to limit the purpose of the policy to "reducing the visual effects of buildings within the residential zones – only to the Building Restriction Area, when its purpose, as supported through evidence, extends to the Landscape Buffer Area as well". The Joint Memorandum explains that no party took issue with (a) applying to the Landscape Buffer Area. To remedy the issue, the Joint Memorandum proposes that the court revert to what is recommended in the JWS – Planning (2), namely:[12]

> 27.3.24.4 Ensure that the Landscape Buffer Area and Building Restriction Area are planted in indigenous vegetation, which:
>
> (a) reduces the visual effects of building within the residential zones, and; …

[16] In principle, we have no difficulty acceding to what the parties seek in those terms. However, we need to do so according to due process.

[17] As a first point, it is not correct for parties to assert that the revision to Pol 27.3.24.4(a) did not align with what parties submitted. Rather, its genesis is in the court's acceptance of part of QLDC's closing submissions.

[18] Those closing submissions pursued the following change to what was recommended in the JWS – Planning (2) for Pol 27.3.24.4:[13]

> 27.3.24.4 Ensure that the Landscape Buffer Area and Building Restriction Area are planted in indigenous vegetation, which:
>
> a. Maximises screening of development when viewed from the Eastern Arm of Lake Wanaka and reduces the visual effects of building adjoining the building restriction area ~~within the~~

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12 6 September Memorandum at [4.3].

13 QLDC closing submissions dated 2 February 2024, App A.

~~residential zones~~, and …

[19] QLDC's closing submissions offered the following rationale for these revisions to this policy:

> 3.11 Fifth and finally, the Court has proposed a change to Policy 27.3.24.4(a), as it has identified an internal inconsistency with subclause (a), and 27.3.24.3(b), which both provide policy direction for the Landscape Buffer Area and planting within. The latter, in the Second Planners JWS requires that "Planting the Landscape Buffer Area in indigenous vegetation, including trees at a height and density that maximises screening of development", whereas the former only requires "reduces the visual effects of buildings". Council's proposed drafting makes clear the policy direction for both the Landscape Buffer Area, and the Building Restriction Area at the southern end of the appeal site.

[20] The Interim Decision was to reject QLDC's proposal to add the words "Maximises screening of development when viewed from the Eastern Arm of Lake Wanaka" but accept the remainder of its proposed revision to this policy. Our associated reasons were as follows:[14]

> In view of our evidential findings, we do not accept QLDC's submission that these policies should be changed to maximise screening from the eastern arm of Lake Wānaka. QLDC's reliance on answers given by Ms Steven concerning the recreational popularity of this arm of the lake reinforces to us the overreach in this part of QLDC's case. In essence, we find the concerns on behalf of recreational boaties and other lake users as to viewing ambience are overstated. That is in light of our findings on the related evidence, considered in the context of our viewing of the Site from a boat at the relevant viewpoints. That view is realistically in a context of established dwellings and the likelihood that most viewers will not fixate on these viewpoints. Furthermore, QLDC's position reflects a weighting in favour of only one sector of the community. We find that this change is not needed so as to protect ONL values, as we find them.

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14 Interim Decision, Annexure 3, at [22], [23].

> As for the remaining drafting changes to these provisions suggested by QLDC, we agree that improved clarity is provided… .

[21] In essence, therefore:

(a) the court rejected part of QLDC's revised drafting because it was inappropriate on the basis of the court's evidential findings; whereas
(b) the court accepted the remainder of the revised wording proposed by QLDC because the court was then persuaded by QLDC's submissions that it would enhance clarity.

[22] That is of some assistance as we now consider whether we have a sound procedural basis for acceding to the parties' current agreed drafting preference as is requested in the Joint Memorandum.

[23] Section 294 RMA confers on the court jurisdiction to review a decision as follows:

> (1) Where, after any decision has been given by the Environment Court, new and important evidence becomes available or there has been a change in circumstances that in either case might have affected the decision, the court shall have power to order a rehearing of the proceedings on such terms and conditions as it thinks reasonable.
>
> (2) Any party may apply to the court on any of those grounds for a rehearing of the proceedings; and in any such case the court, after notice to the other parties concerned and after hearing such evidence as it thinks fit, shall determine whether and (if so) on what conditions the proceedings shall be reheard.
>
> (3) The decision of the court on any such proceedings shall have the same effect as a decision of the court on the original proceedings.

[24] We treat the Joint Memorandum as a joint application for re-hearing on the papers and in essence confined to what parties jointly submit therein. We accept

the explanation in that Memorandum that the court has not appreciated the intent of this aspect of QLDC's closing submissions. The Joint Memorandum brings to light that what QLDC relevantly sought was not as it intended and would not achieve greater clarity as envisaged. Instead, QLDC's drafting would give rise to unintended consequences. Given the consensus as to how to remedy the drafting, we are satisfied there is a sufficient change of circumstances as to confer on us jurisdiction under s294 to review our related findings and determinations. On those joint submissions, we accept the recommendations on this provision in the JWS – Planning (2). On that evidential basis, we accept as most appropriate the re-expression of this part of Pol 27.3.24.4 as follows:

> 27.3.24.4 Ensure that the Landscape Buffer Area and Building Restriction Area are planted in indigenous vegetation, which:
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> (a) reduces the visual effects of building within the residential zones, and; …

[25] We direct that Pol 27.3.24.4 be so re-worded in the PDP.

Building Restriction Area

[26] The Joint Memorandum includes a request by Kirimoko No. 3 Limited Partnership ('Kirimoko') for the court to direct that the 'building restriction area' ('BRA') that the PDP shows adjacent to the Kirimoko Block be deleted. The request is supported by the appellants. QLDC indicates it would abide the court's decision on the request. In any event, it asks the court to provide somewhat greater clarity, in the PDP provisions, concerning the precise extent of BRA that is to be removed. It proposes some updating of certain PDP provisions to that end.[15]

[27] With respect to the Kirimoko Block, the Interim Decision is explicit that it would not be appropriate to make any s293 directions for any uplifting of the BRA.

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15 6 September Memorandum at [4.4], [4.5].

We refer, in particular, to our findings at [208] – [211] which follow an extensive discussion of the arguments presented. The Joint Memorandum does not provide any sound basis for revisiting those findings. We decline to do so, albeit recognising that the Interim Decision records that we find "some justification for the concerns raised by Kirimoko as to the extent of Rural zoning and BRA overlay of Kirimoko Block".[16]

[28] As for QLDC's request for further clarity concerning the extent of BRA to be removed, the Interim Decision found in favour of the 10m BRA recommended by Mr Chrystal.[17] While that finding was with reference to Mr Chrystal's recommended structure plan it is plainly appropriate, in terms of the design of the PDP, that this also be explicit in relevant PDP planning maps. We accept QLDC's recommendation, in the Joint Memorandum, that this extent of removal of the BRA makes it also appropriate to revise specified PDP provisions as follows:

27.3.24.4	Ensure that the Landscape Buffer Area ~~and Building Restriction Area are~~ is planted in indigenous vegetation, which: … (a) …
27.7.29 MoD (n)	The provision and implementation of the landscape plan for the Landscape Buffer Area ~~and Building Restriction Area~~
27.7.29.3	Any subdivision that does not include a Landscape Plan for those parts of the Landscape Buffer Area ~~or Building Restriction Area~~ that adjoin the proposed subdivision.
27.13.19 (b)	Hāwea / Wānaka Sticky Forest Structure Plan Area, Typical Plant List: Landscape Buffer Area ~~and building restriction areas~~

[29] Therefore, we direct that, in addition to depicting Mr Chrystal's recommended 10m BRA in the new PDP structure plan for the Site, QLDC also depict that reduced BRA on the relevant planning maps and also make the above-

16 Interim Decision at [208].

17 Interim Decision, Annexure 4, at [16].

noted changes to the four PDP provisions.

Updated structure plan and planning maps

[30] The Joint Memorandum includes a structure plan and planning map. The structure plan is updated somewhat from the JWS – Planning (2) version. In particular, former references on the plan to PDP zones, the UGB and the ONL boundary are removed so as to ensure consistency with the approach under the PDP.[18] An updated planning map is also provided for the court's approval.

[31] We find the updated structure plan and planning maps reflect our Interim Decision and are appropriate. We direct QLDC to include them in the PDP in their updated form.

Section 293

The Remnant Area

[32] The Interim Decision found that maintaining Rural zoning over the Remnant Area "does not serve the PDP's intentions for Rural zoned land and is an anomaly".[19] Conversely, it found that extending the LLR zoning over the Remnant Area is logical and reasonably confined.[20] Similarly, it found that repositioning the UGB is similarly confined and essentially consequential on LLR rezoning of this part of the Site.[21] As noted, the Interim Decision reserved the court's capacity to make s293 directions for the purposes of any upzoning of the Remnant Area to reflect those evidential findings.[22] The court made an associated direction to the appellants to confirm their position on whether they would seek

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18 6 September Memorandum at [5].
19 Interim Decision, Annexure 3 at [56].
20 Interim Decision at [212].
21 Interim Decision at [212].
22 Interim Decision at [217] and [219(b)].

s293 directions to those ends.

[33] In response, the appellants confirm that they "wish to advance (and ultimately seek the formal issuing of)" s293 directions to upzone the Remnant Area to LLR and consequentially reposition the UGB.[23] They submit that there is a clear "nexus" or "rational connection" between the directions sought, Mr Beresford's original submission, and the appellants' modified relief sought through the case presented on their behalf to the court.[24] Furthermore, as a further factor favouring s293 directions, they note that the proposed amendments are neither overly complex, nor large scale.[25]

[34] They offer associated submissions that s293 directions for the Remnant Area would assist to remediate or complete what has already been considered in the hearing of their appeal.[26] Acknowledging that any upzoning of the Remnant Area and associated change to the UGB remain "live" issues, they submit that there is sufficient support for these PDP changes in the evidential findings in the Interim Decision.[27] In addition to referring to the above-noted findings, the appellants note that the Interim Decision found that consequential repositioning of the UGB would accord with relevant PDP objectives and policies as to the management of urban development.[28]

[35] The appellants acknowledge there will be a need to consider other matters, such as transport and servicing matters. However, they point out that nothing in the evidence on those matters would suggest a lack of capacity for some 20

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23 Appellants' memorandum dated 9 October 2024 at [1.1] – [1.2].

24 Appellants' memorandum dated 9 October 2024 at [3.9], and [2.2(d)] citing *Federated Farmers of New Zealand (Inc) Mackenzie Branch v Mackenzie District Council* [2014] NZHC 1616 at [145] and *Invercargill Airport Ltd v Invercargill City Council* [2018] NZEnvC 9 at [32].

25 Appellants' memorandum dated 9 October 2024 at [3.6].

26 Appellants' memorandum dated 9 October 2024 at [3.1], referring to *Hawthenden Ltd v Queenstown Lakes District Council* [2020] NZEnvC 157 at [14].

27 Appellants' memorandum dated 9 October 2024 at [3.2] and [2.2(c)] citing *Federated Farmers of New Zealand (Inc) Mackenzie Branch v Mackenzie District Council* [2014] NZHC 1616 at [141].

28 Appellants' memorandum dated 9 October 2024 at [3.4].

additional residential lots as may be yielded by upzoning of the Remnant Area. Specifically, nothing in the evidence of either Mr Penny or Mr McCartney would suggest their endorsement of a 150 lot yield outcome, according to the appellants' relief in the appeal, was finely balanced.

[36] The appellants also acknowledge a need to address the interface between the Remnant Area zoning and the Informal Recreation zoned area to the west of the Site. However, they submit that this can be readily dealt with, in discussion with QLDC, as part of implementing the s293 directions.[29]

[37] The appellants explain that they need to undertake consultation. We understand that in light of what the Interim Decision records, namely:[30]

> … the appellants, who are Ngāi Tahu Whānui, are some of the successors of certain persons to whom the Crown was required, under the South Island Landless Natives Act 1906 ('SILNA'), to have transferred land near "the Neck" between Lakes Hāwea and Wānaka, but never did so prior to that Act's repeal.

[38] The appellants report that they intend to engage experts to provide assessments relating to planning, transport, and infrastructure. That is on the understanding that, in view of the findings in the Interim Decision, it would not be necessary to also commission any technical landscape or visual amenity technical assessment.[31]

[39] The appellants explain that, once they have received the noted technical assessments, they would report back to the court seeking associated s293 directions for LLR upzoning of the Remnant Area along with associated procedural directions for the purposes of s293.

[40] Hence, at this stage, the appellants seek a confined direction that they report

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29 Appellants' memorandum dated 9 October 2024 at [3.7] – [3.8].

30 Interim Decision at [4].

31 Appellants' memorandum dated 9 October 2024 at [4.2] – [4.3].

back to the court in relation to s293 directions by 4 December 2024. QLDC is supportive of this approach. No party signals any opposition to the making of s293 directions on this matter.

Chapter 5 explanatory sentence

[41] QLDC recommends s293 directions as the most efficient means for remediating the inaccuracies in the PDP Ch 5 explanatory statement that are identified in the Interim Decision.[32] QLDC reports that it has consulted parties and other relevant entities about the corrections to the Ch 5 explanatory statement that it intends to seek through s293. As for the parties who have been active in the hearing, QLDC reports that the appellants and the Attorney-General support the proposed corrections and Kirimoko does not have any position on them. Similarly, nor does Northlake Investment Ltd have any position on the corrections QLDC proposes to bring forward through s293.[33] QLDC further explains that Te Rūnanga o Ngāi Tahu ('Ngāi Tahu'), Te Ao Marama Inc ('TAMI') and Aukaha have each been consulted and are supportive of its proposed corrections.[34]

[42] In view of the confined technical nature of this s293 issue (namely to correct inaccuracies in the explanatory text to Ch 5), and the outcomes of consultation, QLDC submits that there is no need for any directions for the public notification of its s293 proposal.[35] Rather, it recommends simply directions to allow for any party and Ngāi Tahu, TAMI and Aukaha to make written comment to the court (should any wish to do so).[36]

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32 QLDC memorandum dated 21 August 2024 at [13].
33 QLDC memorandum dated 9 October 2024 at [6].
34 QLDC memorandum dated 16 October 2024 at [5].
35 QLDC memorandum dated 16 October 2024 at [7].
36 QLDC memorandum dated 16 October 2024 at [9].

Evaluation

The Remnant Area

[43] On the basis of the further submissions we have summarised, we remain satisfied with what we signalled in the Interim Decision. That is, that it is sound and appropriate for s293 directions to be made for the consideration of any upzoning of the Remnant Area to LLR and repositioning of the UGB.

[44] In particular, we agree with the appellants that nothing in the evidence would suggest that allowing for an anticipated additional yield of some 20 lots (more or less) would be inappropriate. We also agree that there is a sufficient "nexus" and "rational connection" between the directions sought, Mr Beresford's original submission, and the appellants' modified relief sought through the case presented on their behalf to the court. As we have noted, Mr Beresford's original submission sought a much more extensive residential rezoning of the Sticky Forest land than the appellants have ultimately pursued. The proposed s293 directions concerning the Remnant Area fall comfortably within that ambit and are supported by the evidence.

[45] Hence, we confirm our provisional view that a s293 process is appropriate, in terms of relevant focus and ambit, for addressing all relevant matters for any upzoning of the Remnant Area as LLR (and the repositioning of the UGB).

[46] In view of the appellants' requested approach, our directions are confined at this stage to requiring the appellants to report back with proposed s293 directions following its receipt of the noted technical reports. In view of the findings in the Interim Decision on landscape and visual amenity values, we do not consider that any technical landscape or visual amenity assessment would need to be commissioned to support what the appellants would in due course seek by way of s293 directions including as to the preparation of proposed PDP provisions, consultation and associated procedures.

Correction of errors in the Ch 5 explanatory text

[47] The Interim Decision identifies factual inaccuracies in the explanatory text that introduces PDP Ch 5, including in its statement that:[37]

> The Ngāi Tahu Claims Settlement Act 1998 relates to remedying breaches of the Treaty of Waitangi and does not cover Maori Freehold and South Island Landless Natives Act lands.

[48] It is plainly in the public interest that those factual inaccuracies are corrected. We agree with QLDC that the only persons with potentially relevant interests as should be reflected in s293 directions are those it has consulted, namely Ngāi Tahu, TAMI and Aukaha and the parties. We similarly find QLDC's proposed s293 directions sound and appropriate, with one rider. That is that, insofar as Ngāi Tahu, TAMI and Aukaha would seek to exercise any right to offer written comments to the court on QLDC's proposed directions, they will each be granted waiver so as to be accorded s274 party status for those purposes. That is on the basis that there is no undue prejudice to any party in granting waiver and according them such status reflects their s274 position of having an interest greater than the general public has in this aspect of the appeal proceeding.

Other matters

RCL notation

[49] We accept QLDC's explanation in the Joint Memorandum. That is that updating of the PDP maps to reflect the upzoning of part of the Site to residential will automatically also see the deletion of the RCL notation over that part of the Site.[38] Hence, no further directions to those ends are needed.

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37 Interim Decision at [23] – [25].

38 QLDC August Memorandum at [8].

Dublin Bay PA Schedule

[50] We record that QLDC provides an update on the procedural status of its notified variation for the inclusion in the PDP of a schedule of landscape values for what is termed the Dublin Bay 'priority area'. The update is appreciated. However, nothing substantially or procedurally arises from it for the purposes of this decision.[39]

Timing for inclusion in the PDP of updated provisions

[51] This decision confirms as appropriate and final for the purposes of our Interim Decision the wording of the various PDP provisions as recommended in the Joint Memorandum. We direct that QLDC attend to updating the PDP in those respects.

[52] We do not at this stage make any direction concerning the timing of that updating. It may not be necessary to do so. We are mindful that an issue in the mix is whether PDP updating will also be directed under s293, particularly concerning the Remnant Area. It is sufficient at this stage that we direct QLDC to report back on its updating timetable intentions.

Outcome and directions

[53] The appeal is **allowed in part**, reserving jurisdiction under s293 for the noted purposes with respect to the Remnant Area and correction of errors in the PDP Ch 5 explanatory text.

[54] Whilst reserving capacity to make further or amended directions, it is **directed**:

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[39] Memorandum dated 21 August 2024 at [16].

(a) QLDC must update the PDP to give effect to this decision in the various respects noted concerning PDP provisions, the new structure plan and the planning maps, as soon as practicable;

(b) QLDC is to report to the court **within 20 working days** as to its intended timing for the updating of the PDP to those ends;

(c) the appellants are to confer with other parties and report to the court by memorandum proposing s293 directions for the Remnant Area by **5pm, Wednesday 4 December 2024**;

(d) QLDC must **within two working days** of the date of this decision serve a copy of this decision together with a further copy of its 16 October 2024 memorandum of counsel on Te Rūnanga o Ngāi Tahu, Te Ao Marama Inc and Aukaha;

(e) Te Rūnanga o Ngāi Tahu, Te Ao Marama Inc and Aukaha each may (should they wish to do so), **within 15 working days** of the date of this decision:

  (i) provide written or email comments to the court on anything in QLDC's 16 October 2024 memorandum (those comments being addressed to Christine.McKee@justice.govt.nz); and

  (ii) request leave to join the proceedings under s274 for the purposes of making any associated submissions or representations.

(f) any party wishing to do so may file a memorandum of counsel providing comments on QLDC's 16 October 2024 memorandum **within 15 working days** of the date of this decision.

Costs

[55] Costs are reserved. Any party seeking costs must file a proposed timetable direction **within 20 working days** of the date of this decision.

Leave to seek further or amended directions

[56] Leave is reserved to seek further (or amended) directions, following consultation with other parties, **within 10 working days** of the date of this decision.

For the court:

J J M Hassan
Environment Judge