IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

Decision No. [2026] NZEnvC 285

IN THE MATTER	of the Resource Management Act 1991
AND	appeals under clause 14 of the First Schedule of the Act
BETWEEN	QUEENSTOWN COMMERCIAL PARAPENTERS LIMITED
	(ENV-2025-CHC-75)
	TEKAPO LANDCO LIMITED AND GODWIT LEISURE LIMITED
	(ENV-2025-CHC-80)
	Appellants
AND	MACKENZIE DISTRICT COUNCIL
	Respondent

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

In Chambers at Christchurch

Date of Consent Order: 19 October 2026

CONSENT ORDER

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

(1) the appeal is allowed, and the Mackenzie District Council is directed to amend the Mackenzie District Plan by making the changes set out in Annexure 1, attached to and forming part of this consent order;
(2) the appeal is otherwise dismissed.

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

REASONS

Introduction

[1] Mackenzie District Council (MDC) is undertaking a rolling review of its district plan, which has been divided into stages. This proceeding concerns two appeals. One is by Queenstown Commercial Parapenters Limited (QCPL). The other is by Tekapo Landco Limited and Godwit Leisure Limited (TLL & GLL). Both are against Plan Change 29 (PC29) which was notified as part of Stage 4 of the review.

[2] PC29 focuses on updating the district plan to introduce new district plan provisions for open space and recreation zones, along with updated district-wide rules for noise, signage, and temporary activities to better manage land use and amenity effects within the Mackenzie District. It also encompassed several plan changes notified as part of Stage 3 (Variation 1 to Plan Change 23; Variation 2 to Plan Change 26; and Variation 2 to Plan Change 27).

[3] The appeals related to the Open Space Zone (OSZ) provisions for which various amendments were sought. I have read and considered the consent memorandum of the parties dated 21 April 2026 which sets out the agreement

---

1 Resource Management Act 1991.

reached between the parties to resolve the appeal.

[4] I have also read and considered the affidavit of Ms Elizabeth White which provides the rationale and an assessment in terms of s32AA of the RMA, for the agreed changes. Ms White explained the parties have agreed to:

(a) delete a sentence in the 'introduction' to the chapter that refers to the use of areas zoned OSZ being generally informal in nature;
(b) amend Pol OSZ-P2 to add a further qualifier as to the circumstances in which commercial recreation activities and community facilities are to be provided for;
(c) amend Pol OSZ-P4.2 to refer to views to any lake, rather than referring to "uninterrupted" views (and amend the order of the wording); and
(d) amend two matters of discretion in rr OSZ-R6 and OSZ-R7, which apply to commercial recreation activities and community facilities.

[5] Ms White's affidavit supports the assurances of the partis that the proposed amendments sought to resolve this appeal are appropriate, effective, and more efficient in achieving the plan's objectives. Overall, she considers the agreed amendments are relatively minor refinements that improve the clarity and effectiveness of these policies and ensure consistency with the drafting style of the rest of the plan. Further, Ms White records her view that the risk and costs involved with these changes are low.

Other relevant matters

[6] Each appellant has joined the other appeal as an interested party under s274 of the RMA and has signed the memorandum setting out the relief sought. No (other) person has given notice of an intention to become a party under s274.

[7] The consent memorandum records the parties' assurances 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.

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

Outcome

[9] All relevant parties to the proceeding have executed the memorandum requesting the orders. On the information provided to the court, I am satisfied that the orders will promote the purpose of the RMA so I will make the orders sought.

Orders

[10] The court makes this order under s279(1) RMA, by consent, rather than as a decision or determination on the merits under s297.

[11] This order is made on the basis of the joint memorandum recording the parties' full agreement.

[12] Based on the information provided and the assurances received, the court is satisfied that the orders will promote the purpose of the RMA. Accordingly, the appeal is allowed to the extent that MDC is directed to amend the Mackenzie District Plan as set out in Appendix 1, attached to and forming part of this order.



J J M Hassan
Environment Judge | Kaiwhakawā o te Kōti Taiao



APPENDIX 1

All changes are highlighted in yellow, with deletions struck through, and additions underlined.

This section has rules that are subject to appeal.

Open Space Zone (OSZ)

Introduction

The Open Space Zone encompasses areas of open space which provide for passive and active recreation opportunities, including walking and cycling connections in urban areas. ~~Use of these areas is generally informal in nature~~. The Open Space Zone is located within, or adjoining the District's town and settlements.

Limited built form is anticipated in this zone to support the recreational focus, such as seating, picnic and barbeque facilities, toilets, shelters and playground or sporting or other recreation equipment, reflecting the dominance of open space.

In lakeside areas, the maintenance of lake views and accessibility to the lake is also important.

Objectives and Policies

Objectives	
OSZ-O1	**Zone Purpose**
The Open Space Zone provides areas of open space which predominately provide for a range of passive and active recreational activities.	
OSZ-O2	**Zone Character and Amenity Values**
The Open Space Zone contains limited facilities and structures which support the purpose of the zone and maintain the predominance of open space.	
Policies	
OSZ-P1	**Recreational Activities**
Enable informal recreation opportunities, and facilities that support these, including walking and cycling connections, toilets, playgrounds, sporting equipment and picnic and barbeque areas.	
OSZ-P2	**Compatible Activities**
Provide for community facilities and commercial recreation activities which are of a nature and scale that ~~is~~ are complementary to and do not undermine the recreational focus of the zone.	
OSZ-P3	**Other Activities**
Only allow other activities where they: 1. have a functional need or operational need to locate within the zone; or 2. are compatible with the purpose of the zone and do not conflict with recreational uses; and 3. are of a location, nature and scale that does not preclude development of new open space and recreational activities.	
OSZ-P4	**Built Form**

Limit the scale of built form within the Open Space Zone to:
1. retain a clear predominance of open space; and
2. maintain ~~uninterrupted~~ views to any lake from urban areas ~~to any lake~~ and maintain the amenity of lakeside areas.

Rules

OSZ-R1	**Recreational Activities**	
Open Space Zone	**Activity Status: PER**	
OSZ-R2	**The Establishment or Expansion of Walking and Cycling Tracks**	
Open Space Zone	**Activity Status: PER** **Advice Note:** *The provisions in the Earthworks chapter apply to any earthworks associated with any walking and/or cycling track.*	
OSZ-R3	**Conservation Activity**	
Open Space Zone	**Activity Status: PER**	
OSZ-R4	**Landscaping**	
Open Space Zone	**Activity Status: PER** **Where:** The planting does not include any wilding conifers.	**Activity status when compliance is not achieved with R4.1: PR**
OSZ-R5	**Buildings and Structures**	
Open Space Zone	**Activity Status: PER** **Where:** 1. The building or structure is ancillary to a permitted activity. **And the activity complies with the following standards:** OSZ-S1 Height OSZ-S2 Setbacks OSZ-S3 Coverage OSZ-S4 Reflectivity	**Activity status when compliance is not achieved with R5.1: DIS** **Activity status when compliance with standard(s) is not achieved:** Refer to relevant standard(s).
OSZ-R6	**Commercial Recreation Activities**	

Open Space Zone	**Activity Status: RDIS** **Matters of discretion are restricted to:**	
	a. The nature, scale and intensity of the activity. b. Compatibility with recreational activities. c. Any impacts on other users of the site, or on accessibility. d. Compatibility ~~Consistency~~ with the ~~zone's anticipated~~ character and amenity values of the zone. e. Whether the activity has ~~Any~~ positive impacts ~~of the proposal~~ for users of the area.	
OSZ-R7	**Community Facilities**	
OSZ	**Activity Status: RDIS** **Matters of discretion are restricted to:** a. The nature, scale and intensity of the activity. b. Compatibility with recreational activities. c. Any impacts on other users of the site, or on accessibility. d. Compatibility ~~Consistency~~ with the ~~zone's~~ anticipated character and amenity values of the zone. e. Whether the activity has ~~Any~~ positive impacts ~~of the proposal~~ for users of the area.	
OSZ-R8	**Car Parking**	

OSZ	**Activity Status: RDIS** **Matters of discretion are restricted to:** a. The location and scale of any proposed car parking areas. b. Whether the car parking is necessary to support users of the area. c. Any impacts on other users of the area, or on accessibility. d. Consistency with the zone's anticipated character and amenity values. e. Any mitigation measures proposed to reduce visual impacts of car parking.	
OSZ-R9	**Activities Not Otherwise Listed**	
OSZ	**Activity Status: DIS**	
OSZ-R10	**Residential Units and Residential Activities**	
OSZ	**Activity Status: NC**	
OSZ-R11	**Industrial Activities**	
OSZ	**Activity Status: NC**	

Standards

OSZ-S1	**Height**	**Activity Status where compliance not achieved:**

OSZ	1. The maximum height of any building or structure shall not exceed 5m above ground level.	**RDIS** **Matters of discretion are restricted to:** a. The impact of the increased height on users of the site. b. The location, design, scale and appearance of the building or structure. c. Adverse effects on the streetscape. d. Adverse effects on the amenity values of neighbours on sites containing residential or other sensitive activities, including visual dominance, shading and effects on privacy. e. The extent to which the increase in height is necessary due to the functional and operational requirements of an activity.
OSZ-S2	**Setbacks**	**Activity Status where compliance not achieved:**
OSZ	1. Any building or structure shall be set back a minimum of 6m from any boundary (including a road boundary).	**RDIS** **Matters of discretion are restricted to:** a. The location, design, scale and appearance of the building or structure. b. For road boundaries, adverse effects on the streetscape. c. For internal boundaries, the extent of adverse effects on privacy, outlook, shading, and other amenity values for the adjoining property. d. Where the building or structure is opposite any residential zone, the effects of a reduced setback on the amenity values and outlook on that zone. e. The adequacy of any mitigation measures.
OSZ-S3	**Coverage**	**Activity Status where compliance not achieved:**

OSZ	1. The maximum building coverage of any site shall not exceed the lesser of 5% or 100m^2.	**RDIS** **Matters of discretion are restricted to:** a. The ratio of open space to built form. b. The location, design and appearance of buildings on the site. c. The visual impact of the built form on users of the zone, the streetscape and surrounding environment. d. The adequacy of any mitigation measures, including any landscaping proposed.
OSZ-S4	**Reflectivity**	**Activity Status where compliance not achieved:**
OSZ	1. Any building or structure shall be finished in materials with a light reflectivity value of no more than 40%.	**RDIS** **Matters of discretion are restricted to:** a. The location, design and appearance of buildings on the site. b. The visual impact of the built form on users of the zone, the streetscape and surrounding environment. c. The adequacy of any mitigation measures.

THE SEAL OF THE ENVIRONMENT COURT NEW ZEALAND