

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under Clause 14 of the
First Schedule to the Act

BETWEEN I H G QUEENSTOWN LIMITED and
CARTER QUEENSTOWN LIMITED

(ENV-2007-CHC-309)

Appellants

AND

QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge J R Jackson sitting alone under section 279 of the Act

In Chambers at Christchurch

CONSENT ORDER

Introduction

- [1] The Court has read and considered the appeal and the memorandum of the parties received on 3 February 2009.
- [2] Highside Limited, Future Recovery Limited, Philip Sleigh Family Trust, Laurent Rabot, Brian Kreft, Goldfield Investments Limited, Queenstown Gold Limited, Medcentre Queenstown Limited and Sebastian Smith have given notice of an intention to become a parties under section 274 and



have signed, through their counsel, the memorandum setting out the relief sought.

[3] The Court is making this order under s279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. 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 relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

Order

[4] Therefore the Court orders, by consent, that the appeal is allowed to the extent that the Queenstown Lakes District Council is directed to modify the Queenstown Lakes District Plan, as varied by Plan Change 10, as set out in the attached **Appendix A**.

[5] The appeal is otherwise dismissed.

[6] There is no order for costs.

DATED at CHRISTCHURCH 16 February 2009 .

J R Jackson

Environment Judge

Issued: 16 FEB 2009



APPENDIX A – AMENDED RULES

AMEND Rule 7.5.3.2 – Controlled Activities by inserting the following new clause:

(iv) Buildings on Lot 1 DP 15037 and Sections 10, 11 and 18 BLK VIII Town of Queenstown

In respect of external appearance and design of such buildings, generally in respect of Assessment Matter 7.7.2(iv)(1).

AMEND Rule 7.5.3.3(i) – Multi-Unit Developments by adding the following:

...Except that this rule shall only apply to Lot 1 DP 15037 and Sections 10, 11 and 18 BLK VIII Town of Queenstown in respect of external alterations.

AMEND Rule 7.5.3.3(ii) – Building Footprint by adding the following:

...Except that this rule shall not apply to Lot 1 DP 15037 and Sections 10, 11 and 18 BLK VIII Town of Queenstown.

AMEND Rule 7.5.3.3(iii) – Setback from Internal Boundaries by adding the following:

...Except that this rule shall not apply to Lot 1 DP 15037 and Sections 10, 11 and 18 BLK VIII Town of Queenstown.

AMEND Rule 7.5.4 – Non-Notification of Applications by inserting the following new clauses:

(v) *Applications made pursuant to rules 7.5.3.3(i) (Multi-Unit Developments) and 7.5.5.2(xvi) (Landscape Coverage) in relation to Lot 1 DP 15037 and Sections 10, 11 and 18 BLK VIII Town of Queenstown.*

(vi) *Applications made pursuant to rule 7.5.5.2(ii) (Setback from Roads) in relation to Lot 1 DP 15037 and Sections 10, 11 and 18 BLK VIII Town of Queenstown, except that the Council as owner of Beach Street, Shotover Street and Hay Street may be notified as an affected party.*

AMEND Rule 7.5.5.2(vi) – Continuous Building Length by adding the following:

...Except that this rule shall not apply to Lot 1 DP 15037 and Sections 10, 11 and 18 BLK VIII Town of Queenstown.

AMEND Rule 7.5.5.3(ii) – Building Coverage as follows:

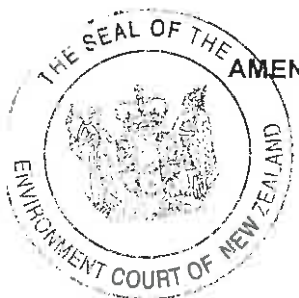


Table 7.3

Sub-Zone	Building Coverage
High Density Residential Sub-Zone A	6570%

AMEND Rule 7.5.5.3(v)(b) – Building Height by inserting the following new clauses:

- (vii) The maximum height for buildings on Lot 1 DP 15307 shall be defined by the measurements and images held within the electronic file described as Lot 1 DP 15307 – Building Height. Refer Appendix 4 – Interpretative Diagrams, Diagram 8.
- (viii) The height of any lift or plant tower on Lot 1 DP 15307 shall be permitted to exceed the height limit described in rule 7.5.5.3(v)(b)(vii) by up to an additional 3 metres, provided that the area of that additional over-run shall have a total area of no more than 40m² and shall be located at least 10 metres from a road boundary.

Appendix 4 – Diagram 8

