

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 HIGHSIDE LIMITED, FUTURE
RECOVERY LIMITED and PHILIP
SLEIGH FAMILY TRUST

(ENV-2007-CHC-318)

Appellants

AND

QUEENSTOWN LAKES DISTRICT
COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

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

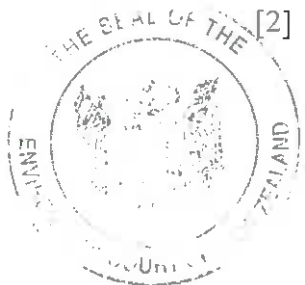
In Chambers at Christchurch

CONSENT ORDER

Introduction

[1] The Court has read and considered the appeal and the memorandum of the parties received on 15 July 2009.

[2] There are no remaining s274 parties to this appeal.



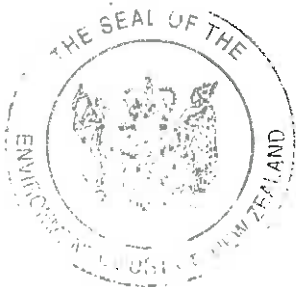
[3] The Court is making this order under s279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

- (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 Partially Operative District Plan, as varied by Plan Change 10, as set out below:

- (a) classify the land described below as High Density Residential Sub-Zone A:
 - 14 Huff Street, legally described as Lot 1 DP 20122, Certificate of Title OT11B/48 and;
 - 37,41, and 43 Hamilton Road, legally described as Lots 2,3 and 4 DP 7671, Certificate of Title 3838 and;
 - 34, 36, 40, 42, 46 and 48 Hamilton Road, legally described as Lots 28, 29, 30, 31, 32 and 33 DP 7671, Certificates of Title 3837, OT11B/646, OT11B/645 and OT372/140.

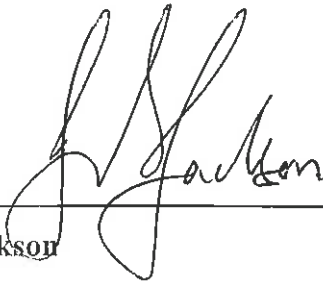


(b) Amend Rule 7.5.4 regarding non-notification of applications to read as shown in **Schedule A** attached to and forming part of this consent order.

[5] The appeal is otherwise dismissed.

[6] There is no order for costs.

DATED at CHRISTCHURCH 28 July 2009.



J R Jackson

Environment Judge

Issued: 29 JUL 2009



SCHEDULE A

The following schedule shows the text as it is to be adopted into the Queenstown Lakes Partially Operative District Plan, as a result of the appeal by Highside Limited, Future Recovery Limited and Philip Steigh Family Trust (ENV-2007-CHC-318). Text included as a result of the Highside Limited and Others appeal are shown as underlined. All other text is to remain as stated in the Council decision as notified.

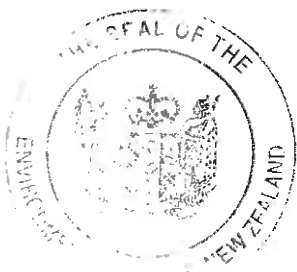
NB: As a result of resolution to all appeals, the paragraph numbering referred to above may be subject to change.

7.5.4 Non-notification of Applications:

Any application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with Section 93 of the Act, unless the Council considers special circumstances exist in relation to any such application:

(viii) Applications made pursuant to rules 7.5.3.3(ii); Building Footprint; 7.5.5.2(iv)(e); Setback from Internal Boundaries; 7.5.5.2(vii); Continuous Building Length; 7.5.5.2(xvii); Landscape Coverage in relation to:

- (a) land contained in, or formerly contained in, Lots 29 - 33 DP 7671 provided that the application is accompanied by a report from the Council's Urban Design Panel supporting the application in respect to breaches of these rules, except that the Council as owner of Section 129 Block XX Shotover Survey District and Section 110 Shotover Survey District may be notified as an affected party pursuant to Section 94(1) of the Act.
- (b) land contained in, or formerly contained in, Lot 28 DP 7671 provided that the application is accompanied by a report from the Council's Urban Design Panel supporting the application in respect to breaches of these rules, except that the Council as owner of Section 129 Block XX Shotover Survey District or the owner of Lot 27 DP 7671 may be notified as an affected party pursuant to section 94(1) of the Act.
- (c) land contained in, or formerly contained in, Lots 2 - 4 DP 7671 and Lot 1 DP 20122 provided that the application is accompanied by a report from the Council's Urban Design Panel supporting the application in respect to breaches of these rules, except that any adjoining



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property owner may be notified as an affected party pursuant to section 94(1) of the Act. For the avoidance of doubt an adjoining property owner does not include property owners separated by a road.



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