

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of an appeal under clause 14(1) of Schedule
1 to the Act
BETWEEN MACFARLANE INVESTMENTS LIMITED
(ENV-2018-CHC-89)
Appellant
AND QUEENSTOWN LAKES DISTRICT
COUNCIL
Respondent

Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 1 February 2019

CONSENT ORDER

- A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that the appeal is allowed to the extent that the Queenstown Lakes District Council is directed to amend the Proposed Queenstown Lakes District Plan as set out in Appendix 1 attached to and forming part of this order.
- B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS



Introduction

[1] Macfarlane Investments Limited ("Macfarlane") lodged an appeal under clause 14(1) of Schedule 1 of the Resource Management Act 1991 ("the RMA" or "the Act") against part of a decision of the Queenstown Lakes District Council on Standard 12.5.9 of the Proposed Queenstown Lakes District Plan which concerns height specific limits for a specific block within the Queenstown Town Centre.

[2] The court has now read and considered the consent memorandum of the parties dated 10 December 2018 and the memorandum of counsel in support of an early issue of consent order dated 17 December 2018 and which propose to resolve Macfarlane's appeal.

Other relevant matters

[3] In the minute dated 28 November 2018, the court indicated that it was minded to hold any consent memoranda from parties on file until the remainder of appeals on Stage 1 of the plan were dealt with, while reserving leave for parties to apply for early issue of any consent order that can be consider distinct and able to be resolved sooner.

[4] The parties advise¹ that the issue within this consent order is discrete as the proposed district plan provisions to be amended relate to one specific block of land within the Queenstown Town Centre and that there is no other land or other provision in Chapter 12 that would be affected by this amendment.

[5] The following parties gave notice of an interest in this appeal under Section 274 of the Act and have signed the memorandum setting out the relief sought:

- (a) Man Street Properties Limited;
- (b) Queenstown Views Limited; and
- (c) Well Smart Investment Holdings (NZQN) Limited.

[6] No other person has given notice of intention to become a party under section 274.




¹ Memorandum of counsel in support of an early issue of consent order dated 17 December 2018 at 4.

Orders

[7] The court is making this order under section 279(1) 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 the purpose and principles of the Act including, in particular, Part 2.



J R Jackson
Environment Judge



APPENDIX 1

(amendments shown in underline and ~~strikethrough~~ text)

12.5.9 Maximum building and façade height

12.5.9.1

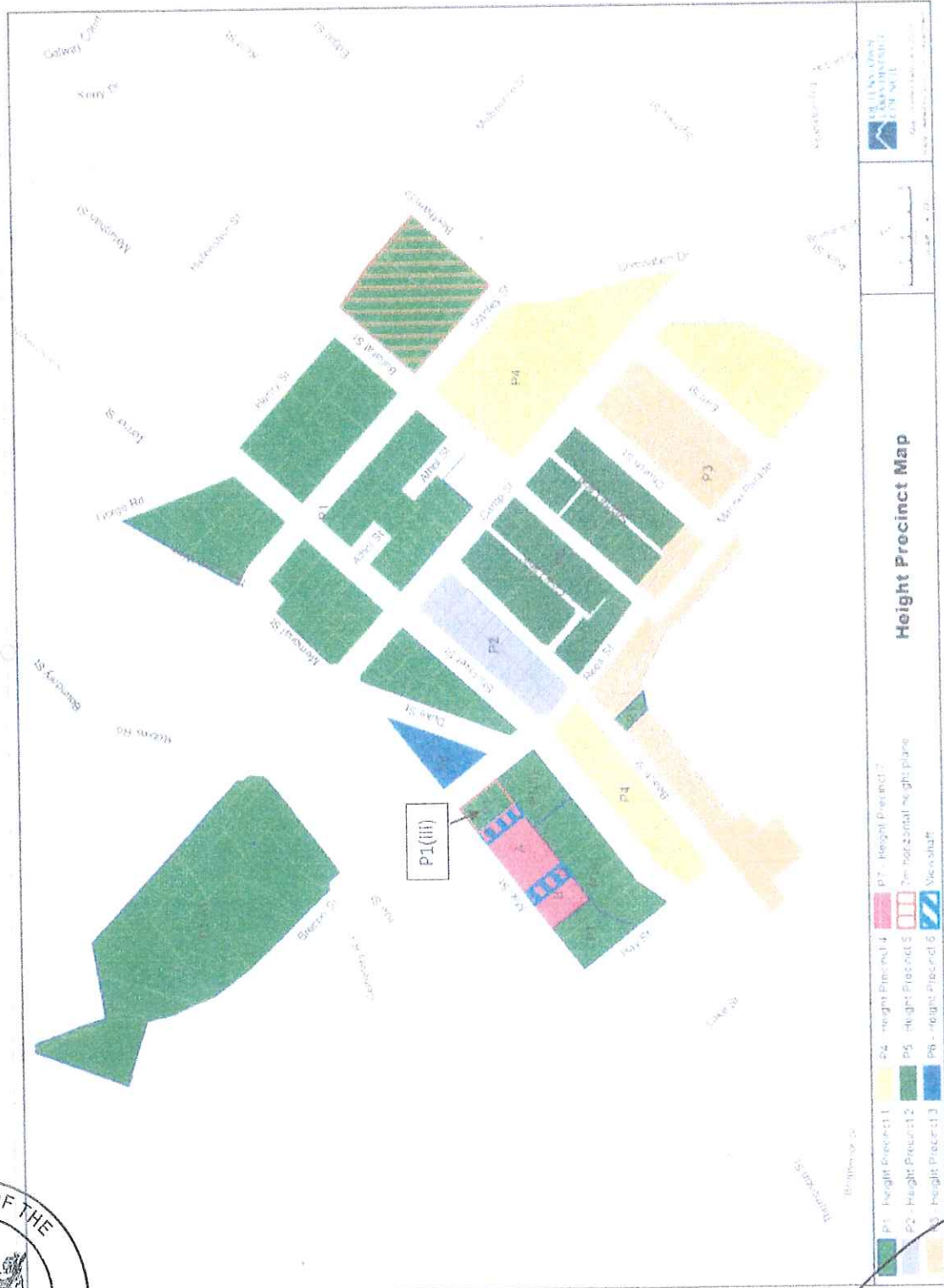
d. in addition, buildings within that part of the block bound by Man, Brecon, Shotover, and Hay streets shown on the Height Precinct Map as area P1

(i) shall not protrude through a horizontal plane drawn at 330.1 masl;
and that part of the block shown as P1 (ii), through a horizontal plane drawn at 327.1 masl; ~~and that part of the block shown as P1 (iii)~~
through a horizontal plane drawn at 335.1 masl.

CONSEQUENTIAL CHANGES TO FIGURE 2 OF CHAPTER 12

Amend Figure 2: Queenstown Town Centre Height precinct map, to show the easternmost area of P1 within the Hay/ Man/ Shotover/ Brecon block as P1(iii).





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