

**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 of the First
 Schedule of the Act
BETWEEN JADE LAKE QUEENSTOWN LIMITED
 (ENV-2018-CHC-075)
 Appellant
AND QUEENSTOWN LAKES DISTRICT
 COUNCIL
 Respondent

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

In Chambers at Christchurch

Date of Consent Order: 8 July 2019

CONSENT ORDER

A: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court,
by consent, orders that:

- (1) the appeal is allowed and the Queenstown Lakes District Council is directed to rezone 102-108 Wynyard Crescent, Fernhill, Medium Density Residential under the proposed Queenstown Lakes District Plan;
- (2) the appeal is otherwise dismissed.

B: Under s285 of the Resource Management Act 1991, there is no order as to costs.



REASONS

Introduction

[1] This proceeding concerns an appeal by Jade Lake Queenstown Limited, against part of a decision of the Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan – Stage 1. In particular, the appeal concerns the Council's decision not to rezone 102-108 Wynyard Crescent, Fernhill, as Medium Density Residential.

[2] The court has now read and considered the consent memorandum of the parties dated 14 June 2019, which proposes to resolve the appeal.

Other relevant matters

[3] No person has given notice of an intention to become a party under s274 of the Resource Management Act ("the RMA").

[4] Other consent orders which have been filed in relation to the proposed district plan are being held in abeyance. The parties have agreed that the site should be rezoned to Medium Density Residential and the orders are able to be made at this time since it involves a discrete issue which will not impact on other proposed plan appeals before the court.

Orders

[5] The court makes this order under s279(1) RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum (unless stated otherwise for specific reasons) 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 relevant requirements and objectives of the RMA including, in particular, pt 2.


J J M Hassan
Environment Judge

