

**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            P D GORDON FAMILY TRUST  
                              (ENV-2018-CHC-77)  
                              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: 9 August 2019

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**CONSENT ORDER**

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

- (1) the appeal is allowed to the extent that the Queenstown Lakes District Council is directed to amend the Rule 15.5.10 of Chapter 15 (Local Shopping Centre Zone) of the Proposed Queenstown Lakes District Plan, as set out in Appendix 1, attached to and forming part of this Order;
- (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 P D Gordon Family Trust against part of a decision of the Queenstown Lakes District Council on Chapter 15 of the proposed Queenstown Lakes District Plan – Stage 1. In particular, it relates to Topic 16 (Rezoning Appeals).

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

### **Other relevant matters**

[3] Mountain Range Lodge, Satomi Enterprises Ltd and Willowridge Developments Ltd have given notice of an intention to become a party under s274 of the Resource Management Act ('the RMA') and have signed the memorandum setting out the relief sought.

[4] Other consent orders which have been filed in relation to the proposed district plan are being held in abeyance. The court is satisfied that these orders are able to be made at this time since the appeal 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 requesting this order; and



- (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.



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**J J M Hassan**  
**Environment Judge**



APPENDIX 1

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

**15 Local Shopping Centre Zone**

**15.5 Rules - Standards**

	<b>Activities located in the Local Shopping Centre Zone</b>	<b>Activity status</b>
<b>15.5.10</b>	<p>Retail and Office activities</p> <p>a. individual Retail activities shall not exceed 300m<sup>2</sup> gross floor area;</p> <p>b. individual Office activities shall not exceed 200m<sup>2</sup> gross floor area; <u>and</u></p> <p>c. <u>in the Local Shopping Centre Zone at Cardrona Valley Road, in addition to Rule 15.5.10.a two individual retail activities may exceed 300m<sup>2</sup> gross floor area, but shall not exceed 400m<sup>2</sup> gross floor area.</u></p> <p>Note: All associated office, storage, staffroom and bathroom facilities used by the activity shall be included in the calculation of the gross floor area.</p>	NC

