

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 GOLDFIELDS INVESTMENTS
LIMITED

(ENV-2007-CHC-312)

Appellant

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, the respondent's reply, and the memorandum of the received on 31 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) The Appellants land namely Lot 2 DP 15118, Section 6-8 Block XLI Town of Queenstown and as Section 9 Block XLI Queenstown shall be zoned High Density Residential Sub-Zone B and the Respondents Planning Maps amended accordingly.
- (b) Add a new rule 7.5.4.vii to read as follows:

Applications in relation to land contained in, or formerly contained in, Section 6-9 Block XLI Town of Queenstown and Lot 2 DP15118 (commonly known as 53-65 Frankton Road) made pursuant to rules 7.5.3.3 ii Building Footprint; 7.5.5.2 i Building Coverage; 7.5.5.2 iii Setback from Roads; 7.5.5.2 iv(e) Setback from Internal Boundaries; 7.5.5.2 vii Continuous Building Length,



and 7.5.5.2 xvii Landscape Coverage, 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.

(c) Add a new assessment matter (L) to: Assessment Matters, Rule 7.7.2.xv, Setbacks from Roads, to read as follows:

(L) *Whether and the extent to which land has been required for roading improvements adjacent to land contained in , or formerly contained in, Sections 6-9 Block XLI Town of Queenstown and Lot 2 DP15118, and whether a reduction to a 2 metre front yard is appropriate.*

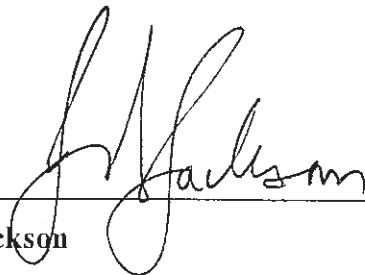
[5] The appeal is otherwise dismissed.

[6] There is no order for costs.

DATED at CHRISTCHURCH

7

August 2009.



J R Jackson

Environment Judge

Issued: 10 AUG 2009



