

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 REMARKABLES PARK LIMITED

(ENV-2009-CHC-038)

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 1 May 2009.
- [2] No person has given notice of an intention to become a party under s274.
- [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 Partially Operative Queenstown Lakes District Plan, as amended by Plan Change 11B, as set out below:

- (a) Amend the definition of Ground Level to contain the following exclusion:

"This definition does not affect or supersede the definition of "Ground Level" for the Remarkables Park Zone."

- (b) Interpretive Diagram 3 in Appendix 4 be amended to contain the following exclusion:

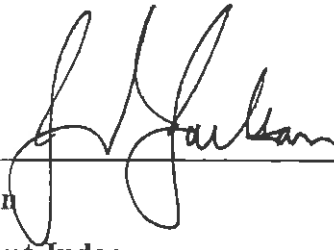
"This Interpretive Diagram does not apply to the Remarkables Park Zone nor does it affect or supersede the definition of "Ground Level" for the Remarkables Park Zone."



[5] The appeal is otherwise dismissed. The Court notes that there is an outstanding appeal on Plan Change 11B (ENV-2009-CHC-029) but that the outcome detailed in this consent order neither effects nor will be affected by the relief sought in that appeal.

[6] There is no order for costs.

DATED at CHRISTCHURCH 8 May 2009.



J R Jackson
Environment Judge

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