

BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under Clause 14, First  
Schedule of the Act

BETWEEN IHG QUEENSTOWN LIMITED AND  
CARTER QUEENSTOWN LIMITED

(ENV-2009-CHC-029)

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, the respondent's reply, and the memorandum of the parties dated 4 December 2009.

[2] Peninsula Road Limited has given notice of an intention to become a party under section 274 of the Act and has signed the memorandum setting out the relief sought.



[3] The Court is making this order under section 279(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 definition of "ground level" in the Queenstown Lakes District Plan is to read as follows (Note deletions shown as strike through, and additions underlined):

*The surface of the ground prior to any earthworks on the site, except that where the surface of the ground has been altered ~~through the formation of legal roads or~~ through earthworks carried out as part of a subdivision under the Resource Management Act 1991 or Local Government Act 1974 "ground level" means the finished surface of the ground following ~~the road formation or~~ completion of works associated with the most recently completed subdivision.*

*"Earthworks" has the meaning given in the definition of that term in this Plan and includes earthworks carried out at any time in the past.*

*"Completed subdivision" means a subdivision in respect of which a certificate pursuant to section 224(c) of the Resource Management Act 1991 or a completion certificate under the Local Government Act 1974 has been issued, ~~or a subdivision approved and completed under any previous legislation.~~*



*"Earthworks carried out as part of a subdivision" does not include earthworks that are authorised under any land use consent for earthworks, separate from earthworks approved as part of a subdivision consent.*

*This definition does not apply to Rules 10.6.5.1(xi)(a) and (b), which sets out special height rules for the area bounded by Man, Hay, Brecon and Shotover Streets in the Queenstown town centre.*

*Note:*

.....”

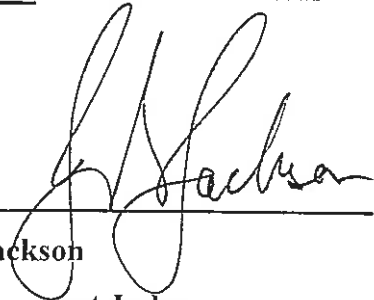
[5] The appeal is otherwise dismissed.

[6] There is no order as to costs.

**DATED** at CHRISTCHURCH

8

December 2009.

  
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J R Jackson  
Environment Judge



2009-chc-29 ihg qtn

Issued

- 9 DEC 2009

