

**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 section 120 of the Act
BETWEEN ROBERT DAULTREY, LEONORA
 FONATON HASTINGS, JOHN
 CRAWFORD ANDERSON, JANET
 ANDERSON, BRETT WHELAN,
 PENELOPE FIELD, BARRY ANDREWS,
 PATRICIA ANDREWS, HUGH MELDRUM
 and NICOLE MELDRUM

 (ENV-2018-CHC-187)

 Appellants
AND QUEENSTOWN LAKES DISTRICT
 COUNCIL

 Respondent
AND ALLENBY FARMS LIMITED

 Applicant

Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 6 March 2019

CONSENT ORDER

- A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that the appeal is allowed subject to conditions as set out in Appendix 1 attached to and forming part of this order.
- B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.



REASONS

Introduction

[1] Robert Daultrey, Leonora Fonaton Hastings, John Crawford Anderson, Janet Anderson, Brett Whelan, Penelope Field, Barry Andrews, Patricia Andrews, Hugh Meldrum and Nicole Meldrum lodged an appeal under section 120 of the Resource Management Act 1991 ("the RMA" or "the Act") against a decision of the Queenstown Lakes District Council granting resource consent for a two lot 'boundary adjustment' subdivision and construction of a road at Peak View Ridge, Wanaka. The appellants' appeal is in relation to the road construction only.

[2] The court has now read and considered the consent memorandum of the parties dated 15 February 2019 which proposes to resolve the appeal.

Other relevant matters

[3] No person has given notice of an intention to become a party under section 274 of the Act.

Orders

[4] The court is making this order under section 279(1) 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 the purpose and principles of the Act including, in particular, Part 2.



J R Jackson
Environment Judge



Appendix 1

[Retained and Amended Conditions and Advice Note

plus Retained and Amended Scheme Plan]

CONDITIONS

General Conditions

- 1 That the subdivision must be undertaken/carried out in accordance with the attached plan Allenby Farms Limited Wanaka, drawn by Paterson Pitts Group, Job no W4843.
 - Scheme Plan, Sheet 1, Revision 2 dated 28/11/2018.
- 2 This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 3 Lot 1 is intended for the purpose of access. This condition shall be recorded in a Consent Notice which shall be registered against the title for Lot 1.

Advice Note:

- 4 Lot 2 is a balance allotment intended for further development and has not been serviced in accordance with Council's standards and no development contributions have been paid. At the time of any future development of Lot 2, all necessary services shall be provided to the lot (and any additional lots) in accordance with Council's standards and connection policy as they apply at the time of the future development. For the purposes of this condition the term "necessary services" includes wastewater disposal, water supply, stormwater disposal, telecommunications and electricity supply. The costs of providing services and making any connections shall be borne by the owner of the lot for the time being and they shall also pay to the Queenstown Lakes District Council any applicable development contributions at that time.



