

**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 MICHAEL HANSEN
 (ENV-2018-CHC-202)
 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: 18 October 2019

CONSENT ORDER

- 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 Chapter 7 and the planning maps and legends 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 Michael Hansen against parts of a decision of the Queenstown Lakes District Council on Chapters 7 of the proposed Queenstown Lakes District Plan – Stage 1. In particular, it relates to Topic 6 (Residential).

[2] The court has now read and considered the consent memorandum of the parties dated 28 February 2019, which proposes to resolve this appeal.

Other relevant matters

[3] The other appeals allocated to Topic 6 have been reassigned¹ or withdrawn². The s274 parties present at Topic 6 mediation were parties to the Brandenburg appeal points (ENV-2018-CHC-071), and did not have an interest in Mr Hansen’s appeal. There were no s274 notices filed with respect to Mr Hansen’s appeal.

[4] In light of the reassignment and withdrawal of the other proceedings allocated to Topic 6, the resolution of this appeal disposes of the final remaining appeal point allocated to Topic 6.

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



¹ The Southern District Health Board (ENV-2018-CHC-73) appeal point was reassigned to Topic 16.
² Fred van Brandenburg (ENV-2018-CHC-71) withdrew the appeal points which related to Topic 6 by memorandum dated 15 February 2019. Willowridge Development Limited (ENV-2018-CHC-115) and Queenstown Airport Corporation Limited (ENV-2018-CHC-093) also sought relief in relation to provisions allocated to Topic 6 but withdrew their appeal points by way of memoranda dated, respectively, 30 January 2019 and 1 February 2019.

- (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.



J J M Hassan

Environment Judge



APPENDIX 1

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



7

Low Density Residential

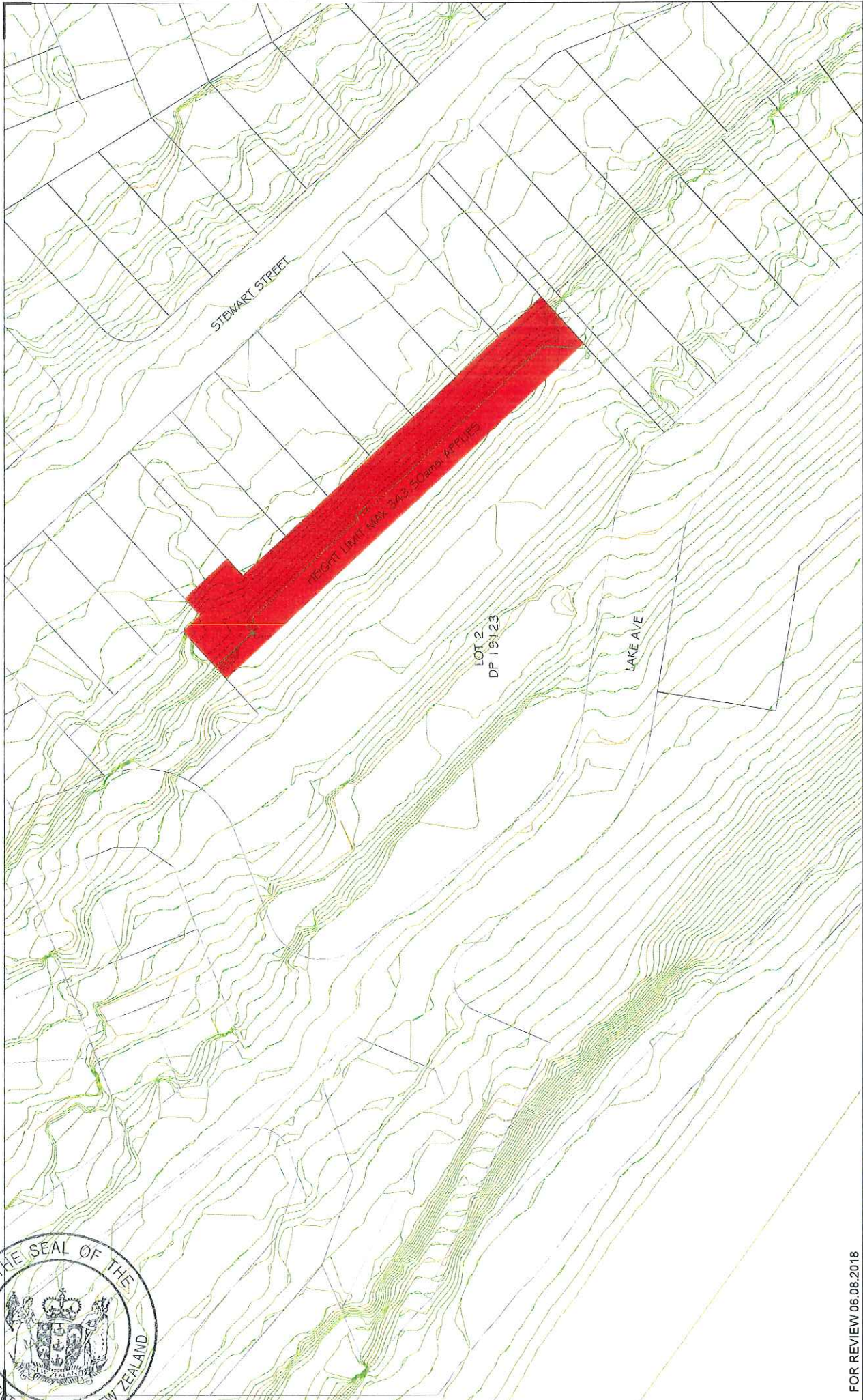
7.5

Rules - Standards

	Standards for activities in the Low Density Residential Zone	Non-compliance status
...
7.5.2	Building Height (for sloping sites) 7.5.2.1 Arrowtown: Maximum of 6 metres. 7.5.2.2 <u>Lake Avenue Height Restriction Area on Planning Map 33:</u> <u>No building or any part of a building shall protrude through 343.50 MASL.</u> 7.5.2.23 In all other locations: Maximum of 7 metres.	NC

Amend planning maps and legends to show the below orange area as 'Lake Avenue Height Restriction Area':





FOR REVIEW 06.08.2018

Clark Fortune McDonald & Associates
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Rev: B 200216 ADJUSTED HEIGHT LIMIT AREA

By:

Client: All information shown on this plan is correct to the best of our knowledge and belief. It is not to be used for any purpose other than that for which it was prepared. The user of this plan is advised to check the accuracy of the information shown on this plan before relying on it. The user of this plan is advised to check the accuracy of the information shown on this plan before relying on it. The user of this plan is advised to check the accuracy of the information shown on this plan before relying on it.

Surveyed: Signed: Date: Drawing No: 07
BM: 12224 Sheet: 001
Drawn: 1:500 @ A1 Scale: 1:1000 @ A3
Designed: 1:1000 @ A3 Datum & Level: NZTM / MSL

HEIGHT RESTRICTION ON LOT 2 DP 19123