

BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH

I MUA I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHĪ

IN THE MATTER	of the Resource Management Act 1991
AND	of an appeal under clause 14 of the First Schedule of the Act concerning the proposed Marlborough Environment Plan
BETWEEN	LEVIDE CAPITAL LIMITED (ENV-2020-CHC-65) Appellant
AND	MARLBOROUGH 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: 2 December 2020

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CONSENT ORDER

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A: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeal is allowed, and Marlborough District Council directed to amend Standard 9.2.1.5 of Volume 2, Chapter 9 of the proposed Marlborough Environment Plan as set out in Appendix 1, attached to and forming part of this order;
- (2) the appeal otherwise remains extant.

B: Under s285 of the Resource Management Act 1991, there is no order as to costs.



## REASONS

### Introduction

[1] These proceedings concern an appeal by Levide Capital Ltd against part of a decision of the Marlborough District Council regarding standard 9.2.1.5 in Volume 2, Chapter 9 (Business 1 Zone) of the proposed Marlborough Environment Plan.

[2] The court has now read and considered the consent memorandum of the parties dated 1 October 2020 which proposes to resolve the appeal.

### Other relevant matters

[3] Kirk Roberts has given notice of an intention to become a party under s274 of the Resource Management Act 1991 ('the RMA') and has signed the memorandum setting out the relief sought. Two other parties, Horticulture New Zealand and Trustpower Limited also joined the appellant's appeal under s274, the interest of those parties is not relevant to this order.

[4] The appellant had also appealed standard 9.2.1.6 seeking its deletion from the proposed Marlborough Environment Plan. However, this standard was deleted as a result of the panel's decision, so the provision cannot be appealed. Accordingly, the appellant's appeal point in relation to standard 9.2.1.6 is dismissed.

### 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;



- (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****Volume 2, Chapter 9, Business 1 & 2 Zones**

9.2.1.5 The height of a building or a structure must not exceed—

- (a) 20m, in the Blenheim Business Zone 1; and
- (b) 12m, in all other areas zoned Business 1 or 2, except that an aerial, plant room, water tank or similar structure occupying not more than 10% of the building roof area may exceed the maximum building height by up to 3m.

