

**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 QUEENSTOWN AIRPORT
 CORPORATION
 (ENV-2018-CHC-152)
 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: 23 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 37 of the Proposed Queenstown Lakes District 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] This proceeding concerns an appeal by the Queenstown Airport Corporation against parts of a decision of the Queenstown Lakes District Council on Chapter 37 of the proposed Queenstown Lakes District Plan – Stage 1. In particular, it relates to Topic 15 (Queenstown Events Centre).

[2] The court has now read and considered the consent memorandum of the parties dated 25 June 2019, which proposes to partially resolve this appeal.

Other relevant matters

[3] Board of Airline Representatives New Zealand Inc has given notice of its intention to become a party to the parts of this appeal in Topic 15 under s274 of the Resource Management Act ('the RMA') and has signed the memorandum setting out the relief sought.

[4] Remarkables Park Limited gave notice of its intention to become a party to the parts of this appeal in Topic 15 under s274 RMA, but subsequently withdrew its interest in Topic 15 prior to mediation.

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
- (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)

37 Designations

C.22 Designation # 29 – QLDC Events Centre and Aquatic Centre

Allowed Activities

6. The provision of community activities that ~~support the overall operation of the QEC~~ are connected with and ancillary to the general activities allowed by Condition 3.

Buildings

8. Buildings containing an Activity Sensitive to Aircraft Noise shall be designed to achieve an Indoor Design Sound Level of 40 dB Ldn within any Critical Listening Environment, based on the 2037 Noise Contours. Compliance shall be demonstrated by either installation of mechanical ventilation to achieve the requirements in Rule 36.6.2~~Table 5~~ of Chapter 36 (Noise) or by submitting a certificate to Council from a person suitably qualified in acoustics stating that the proposed construction will achieve the Indoor Design Sound Level with the windows open.

