

BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA

I MUA I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

IN THE MATTER	of the Resource Management Act 1991
AND	of an appeal under clause 14 of the First schedule of the Act
BETWEEN	GIBBSTON VALLEY STATION LIMITED (ENV-2018-CHC-054) Appellant
AND	QUEENSTOWN LAKES DISTRICT COUNCIL Respondent

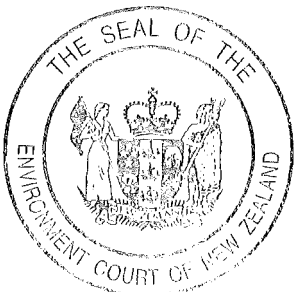
Environment Judge J J M Hassan – sitting alone pursuant to s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 9 September 2020

CONSENT ORDER

- A: Under s279(1)(h) of the Resource Management Act 1991, the Environment Court, orders that the decision made by the court on 27 November 2019 by way of consent order be reheard, on a limited basis, and determined by consent order.
- B: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:
- (1) the Queenstown Lakes District Council is directed to amend the provisions of Chapter 45 of the Queenstown Lakes District Plan as set out in Appendix 1, attached to and forming part of this consent order; and
 - (2) the application for rehearing is otherwise dismissed.
- C: Under s285 of the Resource Management Act 1991, there is no order as to costs.



REASONS**Introduction**

[1] On 27 November 2019 by way of consent order, the court decided the appeal by Gibbston Valley Station Limited ('GVS') against the decision of the Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan. The decision related to Topic 16 (Queenstown Rezoning). GVS has since provided a notice of motion for that decision to be reheard, on a limited basis, to address the following:

- (a) the correction of an error relating to Rule 45.4.6;
- (b) the addition of activity area 2 into Standard 45.5.16 to enable the owners of units primarily used for visitor accommodation within that activity area to make limited residential use of their unit for up to six months each year; and
- (c) any consequential amendments required.

[2] The court considers there is sufficient cause for rehearing under s294(1) of the Resource Management Act 1991 (the 'RMA') given new and important evidence has been provided¹ and due to the change in circumstances arising from the current Covid-19 pandemic for the resort's next intended stage of development.²

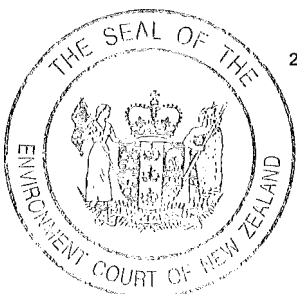
[3] The court has now read and considered the memorandum of the parties in support of consent order, dated 11 May 2020, which proposes to resolve the application for rehearing.

Other relevant matters

[4] The Otago Regional Council gave notice of an intention to become a party to the original proceeding under s274 of the RMA. They do not oppose the amendments and have signed the memorandum setting out the relief sought.

¹ The planners' joint witness statement, dated 11 May 2020, addressed the residential visitor accommodation error in rule 45.4.6. The planners agreed that residential activity within activity areas 1, 2 and 4 is a non-complying activity pursuant to rule 45.5.5 as it was not intended to be expressly provided for. Consequently, it is illogical and an error that residential visitor accommodation would be provided for as a permitted activity within those activity areas pursuant to rule 45.5.4. Further the planners addressed whether residential activity within visitor accommodation buildings located in activity area 2 should be provided for by Standard 45.5.16 which had not been considered previously.

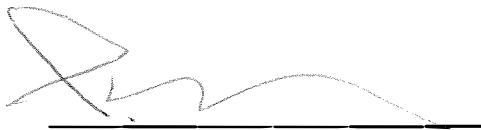
² G W Hunt, affidavit sworn 17 April 2020. Mr Hunt explained the importance of having an owner residential activity exemption extended to activity area 2 in light of the circumstances arising from Covid-19 and its impact on tourism.



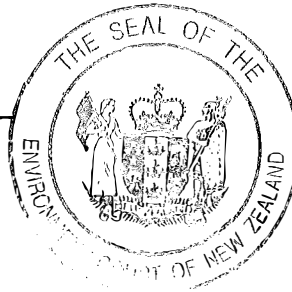
Orders

[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

The following amendments are to be made to the Rules as identified as follows (additions in underline, deletions in ~~strike-out~~).

45.4.4	Residential Activity in Activity Areas AA2, AA3, AA5, AA6 and AA8 that comply with the standards in Table 2.	P
45.4.5	Residential Activity in Activity Areas AA1, AA2, AA4, AA7, PL, LM and OSR.	NC
45.4.6	Residential Visitor Accommodation in AA1, AA2, AA3, AA4, AA5 and AA6 unless otherwise stated.	P
45.5.16	<p>Residential Activity within visitor accommodation buildings</p> <p><u>a.</u> Within those visitor accommodation buildings in <u>AA2, AA3, AA5 and AA6</u> where residential activity is not provided for by Rule 45.5.15, residential activity shall be limited to <u>that undertaken by the owners of the units for not more than 180 nights per year per unit.</u></p> <p><u>b.</u> <u>Within AA2, residential activity permitted by rule 45.5.16.a shall be limited to 85 visitor accommodation units.</u></p> <p>a. Not more than 180 nights per year; and</p> <p>b. Residential activity undertaken by the owners of the buildings.</p>	NC

