

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

IN THE MATTER of the Resource Management Act 1991
AND of appeals under Clause 14 of the First
Schedule of the Act
BETWEEN KOPUWAI INVESTMENTS LIMITED
(ENV-2018-CHC-125)
REPUBLIC HOSPITALITY GROUP
LIMITED
(ENV-2018-CHC-135)
Appellants
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: 26 July 2019

CONSENT ORDER

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

- (1) the appeals are allowed to the extent that the Queenstown Lakes District Council is directed to amend the provisions concerning Chapter 12 (Queenstown Town Centre: Entertainment Precinct) of the Proposed Queenstown Lakes District Plan, as set out in Appendix 1, attached to and forming part of this Order;
- (2) the appeals are otherwise dismissed.

Kopuwai & Republic Hospitality Group v QLDC Consent Order July 2019



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

REASONS

Introduction

[1] These proceedings concern appeals by Kopuwai Investments Limited and Republic Hospitality Group Limited against part of a decision of the Queenstown Lakes District Council on Chapter 12 of the proposed Queenstown Lakes District Plan – Stage 1. In particular, they relate to Topic 8 (Town Centres), Subtopic 4 (Entertainment Precinct).

[2] The court has now read and considered the consent memorandum of the parties dated 13 June 2019, which proposes to resolve these appeals.

Other relevant matters

[3] Imperium Group has given notice of an intention to become a party under s274 of the Resource Management Act ('the RMA') and has signed the memorandum setting out the relief sought.

[4] Other consent orders which have been filed in relation to the proposed district plan are being held in abeyance. The court is satisfied that these orders are able to be made at this time since the appeals involve a discrete issue which will not impact on other proposed plan appeals before the court.

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



QUEENSTOWN TOWN CENTRE 12

12 Queenstown Town Centre

12.5 Rules - Standards

	Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
12.5.10	<p data-bbox="1034 297 1058 371">Noise</p> <p data-bbox="900 297 999 1800">12.5.10.1 Sound* from activities in the Town Centre Zone and Town Centre Transition Sub-Zone (excluding sound from the sources specified in rules 12.5.10.3 to 12.5.10.5 below) shall not exceed the following noise limits at any point within any other site in these zones:</p> <ul style="list-style-type: none"> <li data-bbox="831 450 855 1093">a. Daytime (0800 to 2200hrs) 60 dB $L_{Aeq}(15 \text{ min})$ <li data-bbox="767 450 791 1093">b. Night-time (2200 to 0800hrs) 50 dB $L_{Aeq}(15 \text{ min})$ <li data-bbox="703 450 727 1055">c. Night-time (2200 to 0800hrs) 75 dB L_{Amax} <p data-bbox="647 297 671 1435">* measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008.</p> <p data-bbox="513 297 612 1800">12.5.10.2 Sound from activities in the Town Centre Zone and Town Centre Transition Sub-Zone (excluding sound from the sources specified in rules 12.5.10.3 and 12.5.10.4 below) which is received in another zone shall comply with the noise limits set for the zone the sound is received in.</p> <p data-bbox="410 297 477 1800">12.5.10.3 Within the Town Centre Zone, excluding the Town Centre Transition Sub-Zone sound* from music shall not exceed the following limits:</p> <ul style="list-style-type: none"> <li data-bbox="341 450 365 1518">a. 60 dB $L_{Aeq}(5 \text{ min})$ at any point within any other site in the Entertainment Precinct; and <li data-bbox="277 450 301 1727">b. at any point within any other site outside the Entertainment Precinct, other than as allowed for in c.: 	NC



QUEENSTOWN TOWN CENTRE 12

Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
<p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, and excluding any special audible characteristics and duration adjustments.</p> <p>12.5.10.4 Within the Town Centre Zone, excluding the Town Centre Transition Sub-Zone sound* from voices shall not exceed the following limits:</p> <ul style="list-style-type: none"> a. 65 dB $L_{Aeq(15\ min)}$ at any point within any other site in the Entertainment Precinct; and b. at any point within any other site outside the Entertainment Precinct, <u>other than as allowed for in c.:</u> <ul style="list-style-type: none"> i. daytime (0800 to 0100 hrs) 60 dB $L_{Aeq(15\ min)}$ ii. late night (0100 to 0800 hrs) 50 dB $L_{Aeq(15\ min)}$; and c. 60 dB $L_{Aeq(15\ min)}$ <u>at any point along the eastern boundary of Searle Lane (excluding any frontage south of Lot 1 DP 27486)</u> <p>*measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008.</p> <p>12.5.10.5 Within the Town Centre Zone, excluding the Town Centre Transition Sub-Zone sound* from any loudspeaker outside a building shall not exceed 75 dB $L_{Aeq(5\ min)}$ measured at 0.6 metres from the loudspeaker.</p> <p>* measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, excluding any special audible characteristics and duration adjustments.</p> <p>Exemptions from Rule 12.5.10:</p>	



QUEENSTOWN TOWN CENTRE 12

Standards for activities located in the Queenstown Town Centre Zone	Non-compliance status
<ul style="list-style-type: none">a. the noise limits in 12.5.10.1 and 12.5.10.2 shall not apply to construction sound which shall be assessed in accordance and comply with NZS 6803:1999.b. the noise limits in 12.5.10.1 to 12.5.10.5 shall not apply to outdoor public events pursuant to Chapter 35 of the District Plan.c. the noise limits in 12.5.10.1 and 12.5.10.2 shall not apply to motor/ water noise from commercial motorised craft within the Queenstown Town Centre waterfront Sub-Zone which is, instead, subject to Rule 36.5.13.	

