

**BEFORE THE ENVIRONMENT COURT**

Decision No. [2014] NZEnvC 224

**IN THE MATTER** of the Resource Management Act 1991 (the Act) and of appeals under Clause 14 of the First Schedule of the Act

**BETWEEN** QUEENSTOWN AIRPORT CORPORATION LIMITED

(ENV-2009-CHC-210)

TROJAN HOLDINGS LIMITED

(ENV-2009-CHC-211)

GARDEN CENTRES LIMITED

(ENV-2009-CHC-212)

QUEENSTOWN CENTRAL LIMITED

(ENV-2009-CHC-215)

THE STATION AT WAITIRI LIMITED

(ENV-2009-CHC-216)

AIR NEW ZEALAND LIMITED

(ENV-2009-CHC-221)

REMARKABLES PARK LIMITED  
AND SHOTOVER PARK LIMITED

(ENV-2009-CHC-222)

QUEENSTOWN LAKES COMMUNITY  
HOUSING TRUST

(ENV-2009-CHC-223)

Appellants



AND

QUEENSTOWN LAKES DISTRICT  
COUNCIL

Respondent

Hearing: In Chambers at Christchurch  
Court: Environment Judge J E Borthwick  
Date of Decision: 24 October 2014  
Date of Issue: 24 October 2014

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**ERRATUM**

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A: Under section 278 of the Resource Management Act 1991 and Rule 11.10 of the District Court Rules 2014, with regard to Annexure C of decision [2014] NZEnvC 197, I direct the Registrar to:

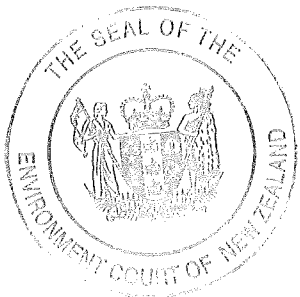
- (i) delete Rule 12.20.6.1(xxi)(a)(i) on page 12-31;
- (ii) substitute the definition of Activities Sensitive to Aircraft Noise (ASAN) on page D-1 with the following:

Activities Sensitive to Aircraft Noise

Means any residential activity, visitor accommodation, community activity and day care facility activity as defined in this District Plan including all outdoor spaces associated with any educational facility, but excludes police stations, fire stations, courthouses, probation and detention centres, government and local government offices.

- (iii) attach a copy of this Erratum to that decision.

B: I record that in all other respects decision [2014] NZEnvC 197 remains unchanged.



## REASONS

[1] The court issued a final decision in relation to this proceeding on 18 September 2014.<sup>1</sup> It has come to the court's attention that Annexure C to that decision contains two errors; one on page 12-31 and another on page D-1.

[2] In paragraph [43] the court states that the 10 metre building setback method 12.20.6.1(xxi)(a)(i) is not approved. Regrettably however, Rule 12.20.6.1(xxi)(a)(i) is included on page 12-31 in Annexure C. The Station at Waitiri Limited and Garden Centres Limited filed a memorandum dated 22 September 2014 requesting that the court delete Rule 12.20.6.1(xxi)(a)(i) in light of its ruling at paragraph [43]. No party opposes the correction being made.

[3] Secondly, the definition of Activities Sensitive to Aircraft Noise (**ASAN**), found on page D-1, is the original version of the definition notified for Plan Change 19. However, the parties had agreed that the definition was to be amended to be consistent with the definition of ASAN provided in Plan Change 35 and the definition of ASAN was confirmed by the court in the second and third interim decisions for Plan Change 35.<sup>2</sup> Unfortunately the amended definition was not included in the draft provisions filed with the court on 12 September 2014 upon which the court relied when issuing the final decision. The correct wording of the definition is as follows:

Activities Sensitive to Aircraft Noise

Means any residential activity, visitor accommodation, community activity and day care facility activity as defined in this District Plan including all outdoor spaces associated with any educational facility, but excludes police stations, fire stations, courthouses, probation and detention centres, government and local government offices.

[4] Counsel for Queenstown Airport Corporation Limited filed a notice of motion dated 16 October 2014 seeking that the court replace the definition provided in the final



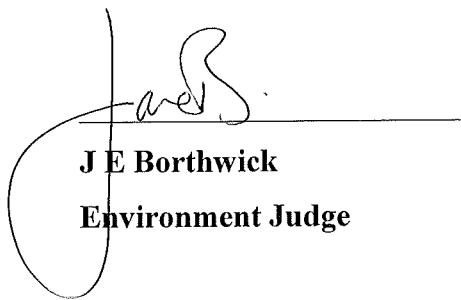
<sup>1</sup> Decision No [2014] NZEnvC 197.

<sup>2</sup> Decision No [2013] NZEnvC 28 and Decision No [2013] NZEnvC 93.

decision with the correct version at paragraph [3] above. This application for correction is not opposed.

**Outcome**

[5] In the circumstances I am satisfied that the two errors in decision [2014] NZEnvC 197 can be considered accidental slips and I am prepared to exercise my discretion under Rule 11.10 of the District Court Rules 2014 and direct the Registrar to amend the Final Decision in the manner proposed by the parties.

  
**J E Borthwick**  
**Environment Judge**

