

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**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 Act
BETWEEN REAL JOURNEYS LIMITED
(ENV-2018-CHC-131)
REAL JOURNEYS LIMITED (TRADING AS
GO ORANGE LIMITED)
(ENV-2018-CHC-138)
QUEENSTOWN WHARVES GP LIMITED
(ENV-2018-CHC-142)
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: 11 September 2020

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, and Queenstown Lakes District Council is directed
to amend the provisions of Chapter 6 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.

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

REASONS

Introduction

[1] This proceeding concerns appeals by Real Journeys Limited, Real Journeys Limited (trading as Go Orange Limited) and Queenstown Wharves GP Limited against parts of a decision of the Queenstown Lakes District Council on Chapter 6 of the proposed Queenstown Lakes District Plan – Stage 1. In particular, it relates to Topic 2 Subtopic 9 (Rural Landscape – Managing Activities on Lakes and Rivers).

[2] The court has received two memoranda that it has read and considered together. The court is satisfied that all parties to the proceeding executed the consent memorandum¹ dated 5 April 2019 which sought to resolve many of the appeal points allocated to subtopic 9. The second memorandum dated 3 August 2020 details further amendments sought to ensure proper alignment of the agreed amendments with the court's substantive Decision 2.2.² The court considers the Council has provided sufficient opportunity for the other parties to this proceeding to express their views on the further amendments sought by its August memorandum.³

Orders

[3] 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:

¹ Darby Planning Limited, Kawarau Jet Services Holdings Limited, Otago Regional Council, Queenstown Park Limited, Remarkables Park Limited and Te Anau Developments Limited joined these proceedings under s274 of the Act. All remaining s274 parties subsequently withdrew their interest in this subtopic and withdrew from mediation.

² *Upper Clutha Environmental Society Inc v Queenstown Lakes District Council* [2019] NZEnvC 205.

³ Feedback was received from Otago Regional Council in support of those amendments. No other party has provided feedback or sought to request further time to consider the Council's proposed drafting.



- (a) all relevant 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

(amendments shown in underline and ~~striethrough~~ text)



6 Landscape

6.2 Values

Private, commercial and public operators rely on the use, occupation of and access to lakes and rivers for a wide range of activities including recreation, commercial recreation, tourism, transport services and infrastructure. These activities could also include both temporary and permanent structures on the surface, and on the margins, of lakes and rivers.

Activities on the surface of lakes and rivers and their supporting infrastructure can have adverse effects on nature conservation values, landscape values, and navigational and congestion safety (including on other commercial operators and recreational users). New activities also have the potential to adversely affect established activities for example by detracting from the experience enjoyed by the users of existing activities and generating adverse safety effects.

Managing Activities on Lakes and Rivers

- 6.3.30 ~~Control~~ Manage the location, intensity and scale of buildings, structures on the surface and margins of water bodies including jetties, wharves, moorings and infrastructure on the surface and margins of water bodies recognising the functional needs of these activities, and the importance of lakes and rivers, including as a commercial recreation, tourism, transport and recreational resource, and ensure these structures are at a scale or in a location that, as far as practicable, maintain or enhance landscape quality and character, and amenity values.
- a. protects the values of Outstanding Natural Features and Outstanding Natural Landscapes; and
 - b. maintains the landscape character of Rural Character Landscapes and maintains or enhances their visual amenity values,
- (3.2.1.1, 3.2.4.1, 3.2.4.3, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.21, 3.3.26, 3.3.30, 3.3.32).
- 6.3.31 Recognise the character of the Frankton Arm including the established jetties and wharves, and provide for their maintenance, upgrade or expansion ~~on the basis that the visual qualities of the District's distinctive landscapes are maintained and enhanced.~~ (3.2.4.3, 3.2.5.1, 3.3.30).
- 6.3.32 Recognise the urban character of Queenstown Bay and provide for structures and facilities on the surface and margins of Queenstown Bay within the Queenstown Town Centre Waterfront Subzone providing they protect, ~~maintain or enhance the ability to appreciate~~ ion of the District's distinctive landscapes. (3.2.1.1, 3.2.4.1, 3.2.4.4, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.21, 3.3.30, 3.3.32).
- 6.3.33 Provide for appropriate commercial and recreational activities on the surface of water bodies that do not involve construction of new structures. (3.2.1.1, 3.2.4.4, 3.2.5.1, 3.2.5.2, 3.3.21, 3.3.30, 3.3.32).

