

**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 REAL JOURNEYS LIMITED
 (ENV-2018-CHC-131)
 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 26 of the Proposed Queenstown Lakes District Plan, as set out in Appendix A, 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 Real Journeys Limited against parts of a decision of the Queenstown Lakes District Council on Chapter 26 of the proposed Queenstown Lakes District Plan – Stage 1. In particular, it relates to Topic 5.

[2] The court has now read and considered the consent memorandum of the parties dated 21 June 2019, which proposes to partially resolve this appeal.

Other relevant matters

[3] The following parties have given notice of their intention to become a party to the parts of the appeals in Topic 5 under s274 of the Resource Management Act ('the RMA') and have signed the memorandum setting out the relief sought:

- (a) Heritage New Zealand Pouhere Taonga;
- (b) Otago Regional Council;
- (c) Real Journeys Limited (trading as Go Orange Limited);
- (d) Remarkables Park Limited; and
- (e) Queenstown Park Limited.

Orders

[4] 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 A

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

26.2 Identification and Protection

26.2.1 Categorisation and future protection

The District's most significant known heritage features are represented in the Inventory of Protected heritage Features. Although they all have heritage value, they are categorised according to their relative level of importance which allows different levels of regulatory protection to be applied. For heritage features there are three categories: 1 to 3, with Category 1 being the most significant.

Queenstown Lakes District Council acknowledges that the Inventory represents an identification and categorisation of heritage features at the time this plan was reviewed and may subsequently change. Nominations for inclusions, removals or amendments to categories for individual features will be considered, but should contain sufficiently detailed and robust reports in line with assessments that the Council uses. Evidence that affected owners have been informed and consulted should be provided and:

- a. for heritage precincts and Heritage Overlay Areas, a report from a person with relevant qualifications and/or experience in heritage conservation or landscape architecture ~~qualified a conservation / landscape architect~~ or a person with demonstrated experience as an adviser or manager on projects involving heritage precincts or areas, is recommended. These may include site specific reports from government bodies with a remit for heritage, such as Heritage New Zealand Pouhere Taonga and the Department of Conservation;
- b. for sites of significance to Maori, a detailed assessment of the extent of the site and related values should be prepared by the appropriately mandated iwi;
- c. for individual buildings and structures, a report from a person with relevant qualifications and/or experience in heritage conservation ~~suitably qualified conservation architect~~, using the Council's criteria, and for Category 1 features, a Conservation Plan. Any Conservation Plan shall be prepared in accordance with Heritage New Zealand's Best Practice guidelines;
- d. for sites that require the use of archaeological methods, a detailed assessment by a person with relevant qualifications and/or experience in archaeology ~~qualified and experienced archaeologist~~.



Encourage the ongoing economic use of heritage features, sites and areas by allowing adaptations and uses that are in accordance with best practice, and enhance heritage values in accordance with Policy 26.3.1.2;

- b. do not result in adverse cumulative effects through successive alterations over time;
- c. provide an economically viable use for the protected heritage feature, subject to any works being undertaken in a manner which respects its heritage values;
- d. recognise the need for modification through works which increase the resilience of heritage buildings by way of necessary repairs and upgrades ~~to meet building and safety standards~~, subject to these works being undertaken in a manner which respects heritage values.



26.5 Rules – Activities Table 1 General

Rule	Activity	Cat 1	Cat 2	Cat 3
26.5.X	<p><u>Notwithstanding 26.5.3 and 26.5.5, the relocation of Feature 3a (the Antrim's former engine and boiler) to another site or within the site</u></p> <p><u>Discretion is restricted to:</u></p> <p>a. <u>the effects on the heritage values and heritage significance of the feature in accordance with the evaluation criteria in Section 26.6;</u></p> <p>b. <u>the physical effects on the heritage fabric and the effects on the setting or extent of place of the feature;</u></p> <p>c. <u>any evidence that relocation is necessary for operational reasons;</u></p>		RD	

Rule	Activity	Cat 1	Cat 2	Cat 3
26.5.8	<p>Development within the setting or extent of place</p> <p><u>For the purpose of this rule, development means</u> Nnew buildings and structures, earthworks requiring consent under Chapter 25, car park areas exceeding 15m² within the view from a public road, and car park areas exceeding 40m² located elsewhere.</p> <p>* For Category 2 and 3 heritage features, discretion is restricted to:</p> <p>a. Development within the setting, or within the extent of place where this is defined in the Inventory under Rule 26.8;</p> <p>b. The extent of the development and the cumulative effects on the heritage feature, and its setting or extent of place;</p> <p>c. The effects on the heritage values and heritage significance of the feature in accordance with the evaluation criteria in Section 26.6.</p> <p><u>d. The operational reasons associated with the use of the heritage feature for the development to be located within the setting or extent of place</u></p> <p>Note: This rule does not apply to any use of buildings, structures and land other than the activities specified above.</p>	D	RD*	RD*



26.8 Inventory of listed Heritage Features

Ref No	Map Ref	Description	Legal Description (Valuation Reference)	HNZ Cat / No.	QLDC Cat
3a	37	The paddle steamship Antrim's former engines and boiler within the winding house, Kelvin Peninsula. Slipway and Cradle, Kelvin Peninsula	Section 25 SO 17906 and legal road between adjacent to Sections 25 and 26 SO 17906, Block 1, Coneburn SD (on water's edge) (Adjacent to 2909954900)		2 3
3b	37	<u>Slipway and Cradle, Kelvin Peninsula</u>	Section 26 SO 17906 and legal road between Sections 25 and 26 SO 17906		3





3a and 3b Antrim Engine and Boiler, and Slipway and Cradle, Kelvin Peninsula.
The Extent of Place is shown by the red outline.



Amended PDP planning map showing heritage items 3a and 3b

