

**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 REAL JOURNEYS LIMITED  
(ENV-2018-CHC-131)  
REAL JOURNEYS LIMITED (TRADING AS  
GO ORANGE LIMITED)  
(ENV-2018-CHC-138)  
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: 23 October 2019

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**CONSENT ORDER**

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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 Chapter 36 of the Proposed Queenstown Lakes District Plan, as set out in Appendix 1, attached to and forming part of this order;
- (2) the appeals otherwise remain extant.

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 (ENV-2018-CHC-131) and Real Journeys Limited (trading as Go Orange Limited) (ENV-2018-CHC-138) against parts of a decision of the Queenstown Lakes District Council on Chapter 36 of the proposed Queenstown Lakes District Plan – Stage 1. In particular, it relates to Topic 13 (Noise).

[2] The court has now read and considered the consent memorandum of the parties dated 28 May 2019, which proposes to partially resolve these appeals.

### **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 13 under s274 of the Resource Management Act ('the RMA') and have signed the memorandum setting out the relief sought:

- (a) Kawarau Jet Services Holding Limited;
- (b) Queenstown Park Limited;
- (c) Real Journeys Limited;
- (d) Real Journeys Limited (trading as Go Orange Limited);
- (e) Remarkables Park Limited;
- (f) Te Anau Developments 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.



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**J J M Hassan**  
**Environment Judge**



APPENDIX 1

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





**Rules - Standards**

**36.5**

Rule number	Specific Standards Activity or sound source	Assessment location	Time	Noise limits	Non-compliance status
<b>36.5.13</b>	Commercial Motorised Craft (excluding public water ferry services)  Sound from motorised craft must be measured and assessed in accordance with ISO 2922:2000 and ISO 14509-1:2008.	25 metres from the craft.	0800 2000h  2000h 0800h	77 dB $L_{A_{Smax}}$  67 dB $L_{A_{Smax}}$	NC
<b>36.5.14</b>	Sound from the Airport Zone – Queenstown received in the Residential Zones, and the Rural Zone, excluding sound from aircraft operations that are subject to the Queenstown Airport Designation No. 2.	At any point within the Residential Zone and at any point within the notional boundary in the Rural Zone.	0700h 2200h  2200h 0700h	55 dB $A_{eq}(15 \text{ min})$  45 dB $A_{eq}(15 \text{ min})$  70 dB $AF_{max}$	RD  Discretion is restricted to the extent of effects of noise generated on adjoining zones.

**36.5.x**

<u>Public water ferry services</u> <u>Sound from motorised craft must be measured and assessed in accordance with ISO 2922:2000.</u>	<u>25 metres from the craft.</u>	<u>0700 to 2200h</u> <u>2200h</u> <u>0700h</u>	<u>77 dB <math>L_{A_{Smax}}</math></u> <u>67 dB <math>L_{A_{Smax}}</math></u>	<u>RD</u>
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Discretion is restricted to the following matters:

1. The degree to which the activity supports an efficient and convenient passenger transport service.
2. As relevant to noise effects:
  - a. the degree to which the noise limit is exceeded;
  - b. the frequency and timing of craft movements, in particular between 2200 and 0700 hours;
  - c. the proximity of the craft route to sensitive receivers;
  - d. the nature of the ambient noise environment;
  - e. the degree to which noise effects can practicably be avoided, remedied or mitigated, including by noise attenuation of the craft; and
  - f. cumulative effects in conjunction with other surface water-based activities.
3. Location monitoring mechanisms of the craft and availability of records for Council inspection.