

**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 CARDRONA ALPINE RESORT LIMITED  
(ENV-2018-CHC-117)

REAL JOURNEYS LIMITED  
(ENV-2018-CHC-131)

REAL JOURNEYS LIMITED (TRADING AS GO ORANGE LIMITED)  
(ENV-2018-CHC-138)

REAL JOURNEYS LIMITED (TRADING AS CANYON FOOD AND BREW COMPANY)  
(ENV-2018-CHC-146)

NEW ZEALAND TUNGSTEN MINING LIMITED  
(ENV-2018-CHC-151)

TE ANAU DEVELOPMENTS LIMITED  
(ENV-2018-CHC-106)

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: 15 June 2020

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**CONSENT ORDER**

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CARDRONA ALPINE RESORT & ORS v QLDC Consent Order 2020



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 35 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 Cardrona Alpine Resort Limited, Real Journeys Limited, Real Journeys Limited (trading as Go Orange Limited), Real Journeys Limited (trading as Canyon Food and Brew Company), New Zealand Tungsten Mining Limited and Te Anau Developments Limited against parts of a decision of the Queenstown Lakes District Council on Chapter 35 of the proposed Queenstown Lakes District Plan – Stage 1. In particular, it relates to Topic 10 Subtopic 2 (Temporary Activities & Relocated Buildings – Temporary Activities).

[2] The court has now read and considered the consent memorandum of the parties dated 30 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 10 Subtopic 2 under s274 of the Resource Management Act ('the RMA') and have signed the memorandum setting out the relief sought:

- (a) Alaster Duncan;
- (b) Queenstown Park Limited;
- (c) Real Journeys Limited;
- (d) Real Journeys Limited (trading as Food and Canyon Brew Company);
- (e) Real Journeys Limited (trading as Go Orange Limited);
- (f) Remarkables Park Limited;
- (g) Soho Ski Area Limited & Blackmans Creek No 1 LP;

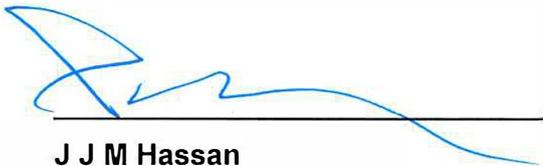


- (h) Te Anau Developments Limited; and
- (i) Treble Cone Investments.

### 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 1**

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



## 35 Temporary Activities and Relocated Buildings

### 35.2 Objectives and Policies

#### Policies

- 35.2.1.2 Permit small and medium-scale events ~~during daytime hours~~, subject to controls on event duration, frequency and hours of operation.

### 35.4 Rules - Activities

	Temporary Activities and Relocated Buildings	Activity Status
35.4.1	<p>Temporary Events held on public conservation land, including the use of the land as an informal airport, which holds a valid concession for the temporary event.</p> <p>For the purpose of this rule the relevant noise standards of the Zone do not apply.</p>	P
35.4.2	Temporary Events held within a permanent, purpose-built, hotel complex, conference centre, or civic building.	P
35.4.3	<p>Temporary Events held within the Open Space and Recreation Zones or any other Council-owned public recreation land, provided that:</p> <p>a. Noise Events do not occur during hours in which the night-time noise limits of the relevant Zone(s) are in effect, except for New Year's Eve.</p> <p>For the purpose of this rule the relevant noise standards of the Zone do not apply.</p>	P
<u>35.4.4</u>	<u>Temporary Events associated with a Ski Area Activity held within a Ski Area Sub Zone.</u>	<u>P</u>
<del>35.4.4</del> <u>35.4.5</u>	<p>Any other Temporary Events, provided that:</p> <p>a. the number of persons (including staff) participating does not exceed 500 persons at any one time;</p> <p>b. the duration of the temporary event does not exceed 3 consecutive calendar days (excluding set up and pack down);</p> <p>c. <u>In the Rural Zone the event does not operate outside of the hours of 0800 to 2000 (midnight). In all other zones the event does not operate outside of the hours of 0800 to 2000.</u> Set up and pack down outside of these hours is permitted;</p>	P



	Temporary Activities and Relocated Buildings	Activity Status
	<ul style="list-style-type: none"> <li>d. no site shall be used for any temporary event more than 7 times in any calendar year;</li> <li>e. all structures and equipment are removed from the site within 3 working days of the completion of the event;</li> <li>f. for the purpose of this rule the relevant noise standards of the Zone do not apply <u>during the hours of 0800 to 2200.</u></li> </ul>	
<b><u>35.4.5</u></b>	Temporary Events	P
<b><u>35.4.6</u></b>	<p>Informal airports for rotary wing aircraft flights in association with the use of a site for temporary events that are open to the general public provided that:</p> <ul style="list-style-type: none"> <li>a. the informal airport is only used during the hours of 0800 – 2000;</li> <li>b. no site shall be used for an informal airport for more than 7 days in any calendar year;</li> <li>c. no site shall be used for an informal airport more than one day in any calendar month;</li> <li>d. the aircraft operator has notified the Council's Planning Department concerning the use of the informal airport.</li> </ul> <p>For the purpose of this Rule the relevant noise standards of the Zone do not apply.</p>	
<b><u>35.4.6</u></b>	Temporary Filming	P
<b><u>35.4.7</u></b>	Held on public conservation land, including the use of the land as an informal airport, which holds a valid concession for the temporary filming activity.	
<b><u>35.4.7</u></b>	Temporary Filming, including the use of the land as an informal airport as part of that filming activity, provided that:	P
<b><u>35.4.8</u></b>	<ul style="list-style-type: none"> <li>a. the number of persons participating in the temporary filming does not exceed 200 persons at any one time within the Rural Zone, 100 persons in the Rural Lifestyle and Rural Residential Zones, and 50 persons in any other zone;</li> <li>b. within the Rural Zone, any temporary filming activity on a site, or in a location within a site, is limited to a total of 30 days, in any calendar year;</li> <li>c. in any other Zone, any temporary filming activity is limited to a total of 30 days (in any calendar year) with the maximum duration of film shooting not exceeding a total of 7 days in any calendar year;</li> <li>d. all building and structures are removed from the site upon completion of filming, and any damage incurred in public places is remediated;</li> </ul>	



	Temporary Activities and Relocated Buildings	Activity Status
	<p>e. the use of land as an informal airport as part of filming activity is restricted to the Rural Zone.</p> <p>For the purpose of this Rule:</p> <p>The relevant noise standards of the Zone do not apply to temporary filming and the associated use of the site as an informal airport. However Council will use its power under the Resource Management Act 1991 to control unreasonable and excessive noise.</p>	
<b><u>35.4.8</u></b>	Temporary Construction-Related Activities	P
<b><u>35.4.9</u></b>	<p>Any temporary building (including a Relocated Building), scaffolding, crane, safety fences, and other similar structures and activities that are:</p> <ol style="list-style-type: none"> <li>ancillary to a building, <del>or</del> construction <u>or maintenance</u> project and located on the same site;</li> <li>are limited to the duration of an active construction project;</li> <li>are removed from the site upon completion of the active construction project.</li> </ol>	
<b><u>35.4.9</u></b>	Temporary Construction-Related Activities	P
<b><u>35.4.10</u></b>	Any temporary food/beverage retail activity, for the direct purpose of serving workers of an active building or construction project.	
<b><u>35.4.10</u></b>	Temporary Military Training	P
<b><u>35.4.11</u></b>	Temporary Buildings and Temporary Activities related to temporary military training carried out pursuant to the Defence Act 1990, provided any such activity or building does not remain on the site for longer than the duration of the project.	
<b><u>35.4.11</u></b>	Temporary Utilities	P
<b><u>35.4.12</u></b>	<p>Any temporary utilities that:</p> <ol style="list-style-type: none"> <li>are required to provide an emergency service; or</li> <li>are related to, and required in respect of, a permitted temporary activity specified in this chapter of the District Plan.</li> </ol>	
<b><u>35.4.12</u></b>	Temporary Storage	P
<b><u>35.4.13</u></b>	<p>Any temporary storage or stacking of goods or materials, other than for farming purposes, that does not remain on the site for longer than 3 months and does not exceed 50m<sup>2</sup> in gross floor area.</p> <p>Note: Any temporary storage which fails to meet this permitted activity rule is subject to the rules of the relevant Zone.</p>	
<b><u>35.4.13</u></b>	Relocated Building	C
<b><u>35.4.14</u></b>	Control is reserved to:	



	Temporary Activities and Relocated Buildings	Activity Status
	<p>a. the reinstatement works required to the exterior of the building and the timeframe to execute such works;</p> <p>b. the timeframe for placing the building on permanent foundations and the closing in of those foundations;</p> <p>c. the nature of other works necessary to the relocated building to ensure the building is compatible with the amenity values of the area.</p> <p>This rule does not apply to buildings for Temporary Construction-Related Activities, as addressed in Rules below.</p>	
<b>35.4.14</b>	Any temporary activity or relocated building not otherwise listed as a permitted or controlled activity in this table.	D
<b><u>35.4.15</u></b>		

### 35.5 Rules – Standards

	Standards for Activities	Non-compliance Status
<b>35.5.1</b>	<p>Glare</p> <p>All fixed exterior lighting must be directed away from adjacent <u>sites, waterways</u> and roads.</p> <p><u>This rule shall not apply to glare from lighting used for health, safety and navigation purposes.</u></p>	<p>RD</p> <p>Discretion is restricted to:</p> <p>a. the effect of lighting on the amenity of adjoining properties, <u>road safety or navigational safety.</u></p>

