

In the Environment Court of New Zealand
Christchurch Registry

I Mua I Te Kōti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-131
ENV-2018-CHC-138
ENV-2018-CHC-106

Under	the Resource Management Act 1991
In the matter of	an appeal under Clause 14 of Schedule 1 of the Act against decisions of the Queenstown Lakes District Council on Stage 1 of the Proposed Queenstown Lakes District Plan
Between	Real Journeys Limited Appellant
And	Real Journeys (trading as Go Orange Limited) Appellant

(Continued on next page)

Memorandum of Counsel to seek leave to file amended notices of appeal

9 September 2019

Appellant's solicitors:

Maree Baker-Galloway
Anderson Lloyd
Level 2, 13 Camp Street, Queenstown 9300
PO Box 201, Queenstown 9348
DX Box ZP95010 Queenstown
p + 64 3 450 0700 | f + 64 3 450 0799
maree.baker-galloway@al.nz

**anderson
lloyd.**

And

Te Anau Developments

Appellant

May it please the Court

- 1 This Memorandum of Counsel is filed on behalf of Real Journeys Limited, Real Journeys (trading as Go Orange Limited) and Te Anau Developments Limited ('**Real Journeys**') in respect of their respective appeals on Stage 1 of the Queenstown Lakes Proposed District Plan.¹
- 2 Ahead of the mediation on Topic 21 Commercial Airports, Real Journeys has consulted with Queenstown Airport Corporation ('**QAC**') and Queenstown Lakes District Council ('**QLDC**') regarding Real Journeys appeal points relating to whether tourism activities that Real Journeys may operate fall under the definition of Activities Sensitive to Aircraft Noise ('**ASAN**').
- 3 Real Journeys has resolved their concerns with QAC and QLDC and thus no longer wishes to pursue their appeal points related to these issues. Counsel now respectfully requests leave to file amended notices of appeal withdrawing those points.
- 4 Specifically, Real Journeys wishes to withdraw its relief sought in its respective notices of appeal as follows:
 - (a) Rule 21.4.28 and Policy 21.2.7.1 (Real Journeys Limited (ENV-2018-CHC-131) at page 26 of Appendix A);
 - (b) Rule 21.4.28; Policy 21.2.7.1 and Standard 21.5.6 (Real Journeys T/A Go Orange (ENV-2018-CHC-138) at pages 18 and 20 of Appendix A); and
 - (c) Rules 21.4.28 and 21.4.27 (Te Anau Developments Ltd (ENV-2018-CHC-106) at pages 2-3 of Appendix A).
- 5 Counsel has consulted with Counsel for QAC and QLDC and confirms there are no issues as to costs in respect of these withdrawals.
- 6 All section 274 parties have been served with this Memorandum of Counsel and Amended Notices of Appeal.
- 7 Amended Notices of Appeal are lodged with this Memorandum of Counsel as follows:
 - (a) Real Journeys Limited Amended Appeal – track change version as **Appendix A**.

¹ ENV;2018-CHC-131; ENV-2018-CHC-138; ENV-2018-CHC-108.

- (b) Real Journeys Limited Amended Appeal – clean version as **Appendix B.**
- (c) Real Journeys (trading as Go Orange Limited) Amended Appeal – track change version as **Appendix C.**
- (d) Real Journeys (trading as Go Orange Limited) Amended Appeal – clean version as **Appendix D.**
- (e) Te Anau Developments Limited Amended Appeal – track change version as **Appendix E.**
- (f) Te Anau Developments Limited Amended Appeal – clean version as **Appendix F.**

Dated this 9th day of September 2019

Maree Baker-Galloway

Maree Baker-Galloway
Counsel for the Appellant