

IN THE MATTER of the Resource Management Act 1991 ("**RMA**")

AND

IN THE MATTER of hearings of submissions by **the Queenstown Lakes District Council ("Council")** on the Proposed Queenstown Lakes District Plan ("**Proposed Plan**").

**LEGAL SUBMISSIONS ON BEHALF OF
KAWARAU JET SERVICES HOLDINGS LIMITED ("KJET")**

1. KEY FOCUS / OUTCOME SOUGHT

- 1.1 KJet seeks a strategic planning framework that supports the sustainable use and development of the surface of the District's lakes and rivers. This framework is "most appropriate" in RMA terms, and is *necessary* for KJet to invest in its operations and contribute to regional growth. Currently, the goals, objectives and policies of the proposed plan fail to provide, facilitate, or encourage, this outcome.
- 1.2 Through this part of the hearing process,¹ KJet seeks a new policy be adopted that explicitly provides policy support for enabling a range of "appropriate" recreational and commercial recreational activities on the District's lakes and rivers.

2. KJET

- 2.1 KJet and its predecessor companies have operated on the district's lakes and rivers since the late 1950s, particularly Lake Wakatipu, and the Kawarau and Shotover Rivers. Throughout the 1980s and 1990s the company structure and operations have varied a number of times as KJet acquired other businesses, and associated boats and consents to operate in various areas. The business has always been locally owned and operated.

¹ KJet is also seeking complimentary changes to the provisions of Chapter 21 - Rural Zone - of the PDP, but these will be considered in a later hearing.

- 2.2 KJet employs 24 permanent staff, including drivers, mechanics, marketing and business development staff, accounts managers and reservations staff. Currently, KJet operates tours from the Main Town Pier, Queenstown, to Tucker Beach on the Shotover River, via Lake Wakatipu and the Kawarau River.
- 2.3 Many of these tours are offered in conjunction with other tourism activities and operators in the district including helicopter flights or charters, the Skyline luge experience, vineyard and cuisine tours, white-water rafting trips and Fiordland sightseeing excursions.
- 2.4 KJet is Qualmark endorsed visitor activity, and has been rated 4.5 stars, after 348 reviews, on Trip Advisor. All told, KJet is a long established and integral part of the local tourism industry that makes the District the internationally renowned "Adventure Capital of the World."

3. KJET'S COMMITMENT TO FUTURE INVESTMENT

- 3.1 KJet is committed to the sustainable growth and development of its activities, the tourism sector, and the region as a whole. KJet currently has two resource consent applications in the course of being processed by the Council. These are:
- (a) To replace or reinstate resource consents that were found by the Environment Court to have lapsed.² These consents (if granted) will authorise 4 boats to operate on Lake Wakitipu; the Kawarau River between the outlet and Arrow Confluence; and the Shotover River between the Confluence with the Kawarau River and Tucker Beach.
 - (b) To enable jetboat trips from the Arrow Confluence of Kawarau River down to the Kawarau Suspension Bridge (and back).³ This new route (if all approvals are obtained) will enable KJet to transport customers to the bungy site by water and provide a unique combined Jet boat and bungy experience. It will also join two internationally renowned experiences into a single memorable excursion, and continue to develop the region's

² Being resource consents RM990399, RM990398, and RM040414(b) following decision *Kawarau Jet Services v Queenstown Lakes District Council* [2015] NZEnvC 14.

³ KJet is separately seeking an exemption to the Navigation Safety Bylaw to enable these activities.

recreational commercial offerings for the good of both permanent residents and visitors.

- 3.2 While those consents have been lodged, they are still being processed. The provisions of the Proposed Plan are relevant matters for consideration.

4. RELIEF SOUGHT IN THIS HEARING

- 4.1 KJet supports Objective 3.2.1.3 in Chapter 3: Strategic Direction of the Proposed Plan. This Objective is to:

Enable the development of innovative and sustainable enterprises that contribute to the diversification of the District's economic base and create employment opportunities.

- 4.2 KJet's sustainable tourism activities in turn are entirely consistent with this objective, and its proposed Bungy Bridge offering in particular will bring further innovation and diversification to the tourism sector and the economic and employment base of the District.

- 4.3 However, at a policy level, the two supporting Policies 3.2.1.3.1 and 3.2.1.3.2 are narrowly focussed on commercially zoned land and climate change respectively. As such, and absent other policies the Proposed Plan, they fail to recognise, provide for, or enable other recreational and commercial recreational activities that support the objective. The implication is that only the two identified class of activities can achieve this goal (or at least, only those two have policy support).

- 4.4 In particular, the Policies fail to recognise and provide support for enabling sustainable activities in the rural areas and on the surface of the district lakes and rivers. Accordingly, the policies do not support development and diversification of a number of the region's most iconic activities (including jet boating, bungy jumping, rafting and scenic sightseeing or cruising operators). It undermines the incentives to, if not the ability of, those operators to invest, develop, and grow.

- 4.5 It might be said that these activities are caught within the broader Objective as "innovative and sustainable enterprises" generally. However, some will not necessarily be considered innovative – despite being sustainable, and/or representing sustainable management. Without specific policy recognition of these activities, they are at a

distinct disadvantage compared to operators whose activities are caught within Policies 3.2.1.3.1 and 3.2.1.3.2.

- 4.6 Accordingly, KJet seeks a new Policy 3.2.1.3.3 in order to help achieve the objective, as follows:

Provide for a range of appropriate Recreational and Commercial Recreational activities in the rural areas and on the lakes and rivers of the District.

- 4.7 This policy is most appropriate for recognising the significance of water based recreation, and the role that it plays in the District's tourism industry and wider economy, and providing operators of the activities with the same standing as similar operators already recognised by the Policies.
- 4.8 The addition of this policy will also ensure that, together, the policies are the "most appropriate" provisions to achieve Objective 3.2.1.3. Without this policy addition, this aspect of the District's strategic planning framework will favour activities in certain zones over others without good reason, and negatively impact the future operations and investment of some of the District's most iconic businesses.
- 4.9 In respect of s 32 of the RMA, the new Policy sought clearly promotes effectiveness and efficiency in that it gives effect to the Objective as there are a number of sustainable enterprises that utilise the rural and lakes and river surface resources. Providing for these within the policy framework enables the ongoing diversification of tourism products to be part of the economic base and provide for future employment opportunities in the region.
- 4.10 KJet also seeks a range of complimentary changes to the provisions of the Rural Zone Chapter, in terms of providing for appropriate recreational and commercial recreational activities. These changes will be addressed in a subsequent hearing.

Dated: 22 March 2016

J D K Gardner-Hopkins
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