Appendix B - A copy of the Appellant's submission and further submissions

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#### Submission on the Proposed Queenstown Lakes District Plan 2015 (Stage 1)

Pursuant to Clause 6 of Schedule 1, Resource Management Act 1991

To:	Queenstown Lakes District Council
	Queens to 1111

Address: Sent via email to: <a href="mailto:services@qldc.govt.nz">services@qldc.govt.nz</a>

Name of submitter: Te Anau Developments Limited

About the submitter: Te Anau Developments Limited is a wholly owned subsidiary of

Real Journeys Limited and is the land owner for Real Journeys at Walter Peak and of other Real Journeys land holdings

predominately in Te Anau.

A range of tourism activities are currently provided at Walter Peak. These include: High Country Farm Tours; Dining at the Colonel's Homestead Restaurant, which is located close to the steamships destination; Guided Cycling; Independent Cycling; Horse Trekking; and Scenic flights. Clients can stop off at Walter Peak for lunch during their scenic flight moreover Walter Peak offers an important wet day alternative destination for charter group fly Milford Sound cruise fly bookings mainly for the meetings, incentive and conferences market. These activities generate employment for about 45 Real Journeys staff some of whom are accommodated on site; more people are also employed at Walter Peak by the horse trek; and guided cycling operators.

The tourism activities provided at the base of Walter Peak rely on the ability for passengers to be transported from Queenstown Bay (primarily via the "TSS Earnslaw") and the ability to use, maintain and develop the buildings, structures, waste water treatment plant, flood protection works, energy generation and communication facilities, and spaces on the land owned or occupied by Te Anau Developments, including an existing airstrip.

Trade Competition: The submitter cannot gain an advantage in trade competition

Submission and decisions sought: This submission by Te Anau Developments Ltd is focused on

through this submission.

the Proposed District Plan provisions affecting the significant tourism activities provided at Walter Peak, including supporting infrastructure, and the ability to provide and access water transport activities between Beach Bay and Queenstown Bay. The specific proposed district plan provisions this submission relates to, and the decisions sought,

are as set out in the attached table.

**Hearings:** The submitter wishes to be heard in support of this submission.

Address for Service: Te Anau Developments Limited

C/- John Edmonds + Associates Ltd Email: reception@jea.co.nz

Phone: 03 450 0009

Date: 23<sup>rd</sup> October 2015

#### Te Anau Developments submission on the Proposed QLDC District Plan - Stage 1

Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline strikeout</u> )
1	All provisions	Alternative, amended, or such other relief deemed more consistent with or better able to give effect to these submissions or the provisions referred to by these submissions.
2	All provisions	That all provisions not amended in response to this submission be retained as notified unless it duplicates another provision in which case it should be deleted.
3	All provisions	Delete provisions where they duplicate or repeat other provisions.
4	Whole Plan	Delete all provisions which require "a report from an appropriately qualified and experienced", or amend provisions to clarify precisely what "appropriately qualified and experienced" entails.
5	Definitions	Insert new definition for "Tourism Activity". Suggested wording is as follows: <u>Tourism Activity:</u>
	Tourism Activity (new)	Means the use or development of a resource for the purpose of attracting visitors to the district, and includes associated buildings, structures, transport activities, and administration activities.
6	New Strategic Goal	If Goals are to be retained, then insert new strategic goal relating specifically to tourism. Suggested wording is as follows:  The ongoing growth of and support for tourism activities.
7	New Strategic Objective	Insert new strategic objective: <u>To recognise and provide for the significant socioeconomic benefits of tourism activities across the District.</u>
8	New Strategic Policy	Insert new strategic policy:  To provide for the significant socioeconomic benefits of tourism activities across the district by:  i. Maintaining and enhancing the districts natural character  ii. Protecting existing transport routes and access to key visitor attractions from incompatible uses and development of land and water  iii. Protecting existing buildings, structures and informal airports that support tourism activities from incompatible land use or development  iv. Enabling the use and development of natural and physical resources for tourism activity where adverse effects are avoided, remedied, or mitigated  v. Providing for the use and development of natural and physical resources for tourism activity where residual adverse

Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline strikeout</u> )
		effects can be appropriately offset or compensated
		vi. <u>Providing for activities and development which support tourism activities.</u>
9	All Rules in the plan	Amend rules as required to ensure:  (i) Tourism activities outside or not affected by a value protected by s6 of the RMA are enabled via the permitted, controlled, or restricted discretionary activity status;  (ii) Tourism activities within or affected by a value protected by section 6 of the RMA are provided for as a restricted discretionary or discretionary activity;  (iii) Tourism activities are not classified as a non-complying or prohibited activity.
10	Policy 3.2.1.1.3	Amend policy so that it applies across the district, not just in the Queenstown and Wanaka central business areas.  Promote growth in the visitor industry and encourage investment in lifting the scope and quality of attractions, facilities and services across the district within the Queenstown and Wanaka central business areas.
11	Policy 3.2.1.3.1	Amend policy as follows:  Provide for Enable a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification.
12	Objective 3.2.1.4	Amend objective as follows:  *Recognise Enable the potential for rural areas to diversify their land use beyond the strong productive value of farming, provided a sensitive approach is taken to rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests.
13	Objective 3.2.3.2	Amend objective as follows:  Protect the District's cultural heritage values <u>from inappropriate activities</u> and ensure development is sympathetic to them.
14	Policies 3.2.3.2.1	Amend policy as follows:  Identify heritage items and, in consultation with landowners and tenants, ensure they are protected from inappropriate development.
15	Objective 3.2.4.5	Amend objective as follows: <u>Maintain Preserve</u> or enhance the natural character of the beds and margins of the District's lakes, rivers and wetlands.
16	Objective 3.2.5.1	Amend objective as follows:  Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from <a href="inappropriate">inappropriate</a>

Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline</u> strikeout)
		subdivision, use and development.
17	Policies 3.2.5.1.1	Amend policy as follows:  Identify the district's Outstanding Natural Landscapes and Outstanding Natural Features on the District Plan maps, and  protect them from manage the adverse effects of subdivision and development.
18	Objective 3.2.5.2	Amend objective as follows: <u>Minimise Manage</u> the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.
19	Policy 3.2.5.5.2	Amend policy as follows:  Recognise that the retention of the character of rural areas is often dependent on the ongoing viability of land use farming and that evolving forms of agricultural land use, which may change the landscape character, are anticipated.
20	Objective 3.2.7.1	Amend objective as follows:  Protect Ngai Tahu values, rights and interests from inappropriate subdivision, use and development, including taonga species and habitats, and wahi tupuna.
21	Objective 3.2.7.2	Amend objective as follows:  Enable the expression of kaitiakitanga by providing for meaningful collaboration with Ngai Tahu in <u>significant</u> resource management decision making and <u>plan</u> implementation.
22	Plan Zoning	Rezone the "Rural General" zoned land identified in the image below (including land described as Pt. Sect 19 BLK III MID WAKATIPU SD, recreation reserve, Section 1 SO 10828, and marginal strip adjoining this land and adjoining the land owned by Te Anau Developments Ltd) to "Rural Visitor Walter Peak".

Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline strikeout</u> )
23	Plan Zoning	Consider rezoning all Rural Visitor Zones just Visitor Zones (i.e. remove them from the rural chapter provisions).
24	Chapter 12 Town Centre and Chapter 21 Rural	Extract provisions relating to the protection, use and development of the surface of lakes and rivers and their margins, and insert them into a specific chapter that focuses on development and activities carried out on the surface of water and within the margins of waterways
25	Objective 12.2.5 and supporting policies 12.2.5.1-12.2.5.6 Or New water chapter	Amend suite of provisions to ensure tourism activities, including the transport of passengers and supporting buildings, infrastructure, and structures, are specifically provided for.
26	Objective 21.2.12 and supporting polices 21.2.12.1-21.2.12.10 Or new "water" chapter	Amend suite of provisions to ensure tourism activities, including the transport of passengers and supporting buildings, infrastructure, and structures, are specifically provided for.
27	Chapter 21 Rural Or New "water" chapter	Insert new policy to avoid surface water activities that conflict with adjoining land uses or key tourism activities:  Avoid activities on the surface or bed of lakes and rivers that conflict with:  i. adjoining land use or  ii. visitor attraction activities or  iii. water transport activities



Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline strikeout</u> )
28	Chapter 21 Rural or new "water" chapter	Insert new policy to protect established key tourism activities:  Protect key tourism and transport activities by ensuring the following principles are applied when considering proposals that will occupy water space:  i. activities that promote the districts heritage and contribute public benefit should be encouraged;  ii. activities that result in adverse effects on established activities should be discouraged;  iii. long term occupation of water space should be avoided unless it has been strategically planned and is integrated with adjoining land and water use;  iv. occupation of water space shall not interfere with key navigational routes and manoeuvring areas;  v. adverse effects on the continued operation, safety and navigation of the "TSS Earnslaw".  vi. activities that adversely effect the operation, safety, navigation, and ability to maintain or upgrade the "TSS Earnslaw" and her supporting slipway facilities, are to be avoided.
29	Heritage Trees	Delete trees 189 (Douglas Fir) and 193 (Sycamore) from the list of protected trees.
30	Objective 21.2.11	Amend Objective as follows:  Manage the location, scale and intensity of New informal airports are provided for and existing informal airports are protected from surrounding incompatible land use activities.
31	Policy 21.2.11.1	Amend Policy as follows:  Recognise that informal airports are an appropriate activity within the rural environment, provided the informal airport is located, operated and managed so as to minimise avoid, remedy, or mitigate adverse effects on the surrounding existing rural amenity values.
32	Policy 21.2.11.2	Amend Policy as follows:  Protect rural amenity values, and amenity of other zones from the adverse effects that can arise from informal airports.  Protect existing informal airports from incompatible land use activities.
33	Rule 21.4.29	Amend rule as follows: 21.4.29 Activities, excluding tourism activities, within the Outer Control Boundary - Queenstown Airport On any site located within the Outer Control Boundary, which includes the Air Noise Boundary, as indicated on the District Plan Maps, any new Activity Sensitive to Aircraft Noise.
34	Chapter 21	Insert new rule (perhaps 21.4.29A) to protect existing airstrips from reverse sensitivity effects. Suggested wording is as



Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline strikeout</u> )
		follows:  Construction of dwellings or noise sensitive activities within 500m of an existing airstrip shall be a restricted discretionary activity. Council's discretion shall be restricted to the protection of the operation of the existing airport in terms of reverse sensitivity effects.
35	Chapter 30 Energy and utilities	Amend provisions to exclude tourism activities within rural visitor zones.  If relief is not accepted then the submitter requests that all provisions in chapter 30 be amended as required to ensure the development, operation, maintenance and upgrading of energy, utilities, and infrastructure related to tourism activities are specifically enabled or provided for.
36	Rule 30.4.17	Amend permitted activity rule as follows:  Flood Protection Works for the maintenance, reinstatement, repair or replacement of existing flood protection works. for the purpose of:  • maintaining the flood carrying capacity of water courses and/or maintaining the integrity of existing river protection works  • fill works undertaken within Activity Area 1f of the Shotover Country Special Zone
37	Rule 30.4.13.4	Amend rule to increase the permitted diameter of circular dishes (telecommunications) to a minimum of 2m.
38	Rule 30.4.13.4	Amend rule to exclude earthworks and trenching associated with the installation of any telecommunication and radio communication facility, navigation or meteorological communication facility.
39	Policy 35.2.1.2	Amend policy as follows:  Permit <u>weddings, temporary functions and small and medium-scale events during daytime hours,</u> subject to controls on event duration, frequency and hours of operation.
40	Policy 35.2.1.7	Amend policy as follows:  Recognise that noise is an anticipated component of temporary events and filming, while protecting <u>residential activities in residential zones residential amenity</u> from undue noise during night-time hours.
41	Definitions	Insert definition for "temporary storage"
42	Objective 35.2.5	Amend Objective as follows  Temporary Storage is provided for in rural areas, visitor and resort zones.

Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline strikeout</u> )
43	Policy 35.2.5.1	Amend policy as follows:
		Permit temporary storage related to farming, transport, tourism and visitor accommodation activities y.
44	Policy 35.2.5.1	Amend policy as follows:
		Ensure temporary storage not required for farming, transport, tourism and visitor accommodation activities purposes is of short duration and size to protect the visual amenity values of the area in which it is located.
45	New Rule (35.4.2A)	Insert new rule to permit temporary activities (including storage) carried out within the Cardrona Ski Activity Area and the Walter Peak Rural Visitor Zone
46	Rule 35.4.8	Amend rule to exclude activities carried out with the Cardrona Ski Activity Area, Walter Peak Rural Visitor Zone. Suggested wording is as follows:
		Any other Temporary Events, provided that:
		<ul> <li>The number of persons (including staff) participating does not exceed 500 persons at any one time</li> </ul>
		• The duration of the temporary event does not exceed 3 consecutive calendar days (excluding set up and pack down)
		<ul> <li>The event does not operate outside of the hours of 0800 to 2000. Set up and pack down outside of these hours is permitted</li> </ul>
		No site shall be used for any temporary event more than 12 times in any calendar 12 month period
		All structures and equipment are removed from the site within 3 working days of the completion of the event
		<ul> <li>For the purpose of this rule the relevant noise standards of the Zone shall not apply.</li> </ul>
		This rule does not apply to temporary activities undertaken within the Cardrona Ski Activity Area or the Rural Visitor Zone Walter Peak.
47	New Rule	Insert new rule to permit any temporary food/beverage retail activity, for the direct purpose of serving people at temporary events and functions. Suggested wording is as follows:
		Temporary food/beverage retail activity
		Any temporary food/beverage retail activity, for the direct purpose of serving people at temporary events and functions is a permitted activity.
48	Rule 35.4.12	Amend rule as follows:
		Temporary Construction-Related Activities
		Any temporary building (including a Relocated Building), scaffolding, crane, safety fences, and other similar structures and



Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline strikeout</u> )
		activities that are:
		Ancillary to a building or construction project and located on the same site
		Are limited to the duration of an active construction project
		Are removed from the site upon completion of the active construction project.
		<u>(ii)</u>
		• Associated with the construction (including reconstruction, repair, maintenance, upgrading) of vessel survey work undertaken in relation to the "TSS Earnslaw" and associated buildings and structures including slipway at Kelvin Peninsula;
		• Associated with the construction (including reconstruction, repair, maintenance, upgrading) of buildings, structures and infrastructure with the Rural Visitor Zone Walter Peak and Cardrona Ski Activity Area.
49	Rule 35.4.13	Amend rule as follows:
		Temporary Related Activities
		Any temporary food/beverage retail activity, for the direct purpose of serving <u>people at temporary events and functions or</u> workers of an active building or construction project.
50	Rule 35.4.16	Amend rule as follows:
		Temporary Storage
		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 50m² in gross floor area.
		Note: Any temporary storage which fails to meet this permitted activity rule is subject to the rules of the relevant Zone.
		This rule does not apply to the Rural Visitor Zone Walter Peak or Cardrona Ski Activity Area.
51	Rule 35.5.1	Amend rule as follows:
		Relocated Buildings
		A shipping container has had any signage removed and is painted out where used on a site for a period exceeding two three months.
52	New Rule	Insert new rule to permit glare from lighting used for health and safety. Suggested wording is as follows:
		Glare from lighting used for the purposes of health and safety is a permitted activity.
53	Rule 35.5.2	Amend rule to exclude glare from lighting used for health and safety. Suggested wording is as follows:



Submission point	Plan Provision	Relief sought (amended wording sought shown in <u>underline strikeout</u> )
		Glare
		All fixed exterior lighting shall be directed away from adjacent sites and roads.
		Discretion is restricted to the following:
		• the effect of lighting on the amenity of adjoining properties.
		This rule shall not apply to glare from lighting used for health and safety purposes.
54	Chapter 36 Table 1 - Noise	Amend table to include noise from vessels as a permitted activity (the permitted activity standards should not just be limited to noise from vehicles using roads)
55	Rule 36.5.13 – noise from helicopters	Amend rule so that the noise limits are measured as Lmax, not Ldn. Also amend rule so that non-conformance is a discretionary activity, not a non-complying activity.
56	Rule 36.5.14 – noise from fixed wing aircraft	Amend rule so that the noise limits are measured as Lmax, not Ldn. Also amend rule so that non-conformance is a discretionary activity, not a non-complying activity.

To: Queenstown Lakes District Council

Sent via email to services@qldc.govt.nz

**Submitter:** Te Anau Developments Limited

C/- John Edmonds & Associates Ltd, PO Box 95, Queenstown

Attention: Ben Farrell, Associate Planner

Mobile: 021 767622 Email: ben@jea.co.nz

This further submission relates to numerous original submissions as listed on the following pages. Te Anau Developments has an interest in many submission points raised by other original submitters. As the original submission by Te Anau Developments has wide scope (all provisions as notified) this further submission focuses on supporting or opposing specific relief sought by other submitters that appears to directly affect Te Anau Developments and is considered to be appropriate or inappropriate based on the information contained within the submission.

Te Anau Developments has an interest in the proposed district plan that is greater than the interest the general public has (Te Anau Developments could be directly affected by the relief sought in the original submissions).

A copy of this further submission will be served on the original submitters to which this further submission relates. Te Anau Developments wishes to be heard in support of this further submission and is willing to participate in pre-hearing meetings to discuss the matters raised in this submission. If other persons make a similar further submission then Te Anau Developments would consider presenting joint evidence at the time of the hearing.

John Edmonds + Associates (Attn: Ben Farrell)
For and behalf of Te Anau Developments Limited

18<sup>th</sup> December 2015

#### Further Submissions by Te Anau Developments Limited in support of an original submission

Te Anau Developments supports the following parts of the original submissions listed and seeks that QLDC allows the relief sought respectively to the extent that it does not undermine or prevent the relief originally sought by Te Anau Developments (unless otherwise agreed through the submission process).

process).	
#837 R. Buckham	
12.35.3.2	Introduce new provision for clarification overlapping with other zone provisions: 35.3.2.6 Any activity that falls to be a permitted activity under this chapter is not required to be considered under the provisions relating to the underlying zone.
Rule 35.4.8	Amend rule 35.4.8 to better provide for events, such as weddings and birthdays, that will run after 10pm.
# 600 Federated Fa	rmers of New Zealand
1.2.4	Amend 1.2.4 is re-written as (or words to similar effect)
Definition of utility	Utility - Federated Farmers supports the explicit exclusion of water tanks
Policy 33.2.2.2	Amend Policy 33.2.2.2 is amended as follows (or words to similar effect)
# 781 Chorus New 2	Zealand Limited
Definition of minor upgrading	Amend the definition of Minor Upgrading.
Definition of Telecommunication Facility	Amend the definition of Telecommunication Facility
Definition of Utility	Amend the definition of Utility or delete and use RMA definition of infrastructure instead.
Chapter 30	Chorus seek to amend the Utilities rule framework to better align with the objectives and policies. Chorus seek a new rule framework that appropriately manages the adverse effects of utilities but is more enabling. The rules of the proposed plan do not reasonably provide for standard sizes and forms of equipment commonly in use throughout the country. In addition, the parameters such as antenna dimensions and the failure to provide for key parts of telecommunication networks means that a number of un-necessary resource consents would be required. Chorus seek to insert matters of control and discretion that provide clear guidance to decision makers.
	[Real Journeys supports this submission in principle with the inclusion of Rural visitor zone under permitted status to improve communication across its operation including to vessels and coach fleet.]

Rule 30.5.7	Rule 30.5.7 Buildings in Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF) - Chorus seek to delete the proposed standard as it repeats the requirements of the rules.
Rule 30.5.8	Rule 30.5.8 Height - Chorus seek to delete the proposed standard as it repeats the requirements of the rules.
# 373 Department	of Conservation
New policy	New policy regarding long term protection of indigenous vegetation through non-regulatory method
# 806 Queenstown	Park Limited
Rule 30.4.18	Amend Rule 30.4.18 Flood Protection Works. Consider the location of provisions for flood protection works and whether they should sit within the utilities section, given that they do not 'fit' within the definition of utility. Provide clarification as to the relationship between these provisions and the Rural section and recognise that flood protection (and other hazard mitigation) can be undertaken by private land owners.
# 798 Otago Region	nal Council
Chapter 21 – rules	Avoid rules that overlap with regional rules and clarify this matter – include advice note.
Section 26.2	ORC opposes Section 26.2 where it is proposed that the role of the general public is to prove the relevance of any features for inclusion in the plan. This is inconsistent with both the requirements of the Act and QLDC's approach to the management of other resources.
Chapter 12	ORC requests the addition of a policy to the Objective which provides for conveniently-integrated journeys that combine travel on land and water, in order to improve accessibility through better connectivity.
# 719 NZ Transport	t Agency
Policy 28.3.1.1	Amend Policy 28.3.1.1
# 836 Arcadian Triar	ngle Limited
Definition of Nature Conservation Value	Amend definition

3.2.4, 3.4.2.7, 3.2.4.7.1	Amend chapter 3 (3.2.4, 3.4.2.7, 3.2.4.7.1) to appropriately provide for a high level direction in relation to recreation.
6.4.1.4	Delete or amend policy
Overall –	Amend the district plan to maintain the operative district plan permitted activity 'default' consent status for any activity not otherwise specified or listed as having an identified consent status.
21.7.2.1	Delete rule

#### Further Submissions by Te Anau Developments in opposition of an original submission

Te Anau Developments opposes the following parts of the original submission by the Department of Conservation (#373) and seeks that QLDC does not allow the relief sought (or other similar relief sought by another submitter) unless otherwise agreed through the submission process.

# 373 Department of Conservation			
Definition for biodiversity offsetting	Proposed definition for biodiversity offsetting		
3.2.4.2.1	Amend policy 3.2.4.2.1		
3.2.4.2.2 + 30.2.3.6	Amend Policy 3.2.4.2.2 + Policy 30.2.3.6		
33.1 Purpose (para 4)	Amendment to 33.1 Purpose (para 4)		
33.2.1	Amend Objective 33.2.1		
33.2.1.1 & 33.2.1.2	Delete Policy 33.2.1.1 & Policy 33.2.1.2		
33.2.1.3	Amendment to Policy 33.2.1.3		
33.2.1.7	Amendment to policy 33.2.1.7		
33.1.2.8	Amendment to policy 33.1.2.8		
33.2.1	Proposed new policy to give effect to Objective 33.2.1		
33.2.2	Amendment to Objective 33.2.2		
33.2.2.2	Amendment to Policy 33.2.2.2		
33.2.2.3	Deletion of Policy 33.2.2.3		
33.2.2.4	Proposed new policy 33.2.2.4		
33.2.3	Proposed change to objective 33.2.3		
33.3.4.3	Amendment to section 33.3.4.3		
Chapter 33 Table 1	Amendment to Table 1		
Chapter 33 Table 2	Amendment to Table 2		
Chapter 33 Table 3	Deletion of Table 3		