

In the Environment Court of New Zealand  
Christchurch Registry

I Te Koti Taiao o Aotearoa  
Ōtautahi Rohe

**ENV-2018-CHC-131**

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Under	the Resource Management Act 1991 ( <b>RMA</b> )
In the matter of	An appeal under clause 14(1) of Schedule 1 of the RMA in relation to the proposed Queenstown Lakes District Plan
Between	<b>Real Journeys Limited</b>
	Appellant
And	<b>Queenstown Lakes District Council</b>
	Respondent

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**Amended Notice of Appeal**

9 September 2019

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**Appellant's solicitors:**

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**anderson  
lloyd.**

**To** The Registrar  
Environment Court  
Christchurch

- 1 Real Journeys Limited (**Real Journeys**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 Real Journeys made a submission (#621) and further submission (#1341) on the PDP.
- 3 Real Journeys is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 Real Journeys received notice of the decision on 7 May 2018.
- 5 The decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the decisions appealed relate to:
  - a) Chapter 2 Definitions;
  - b) Chapter 3 Strategic Direction;
  - c) Chapter 6 Landscapes;
  - d) Chapter 12 Queenstown Town Centre Zone;
  - e) Chapter 21 Rural;
  - f) Chapter 26 Historic Heritage;
  - g) Chapter 27 Subdivision;
  - h) Chapter 28 Natural Hazards;
  - i) Chapter 35 Temporary Activities and Relocated Buildings;
  - j) Chapter 36 Noise.
- 7 Reasons for appeal and relief sought:

### **Background**

- 8 Real Journeys is a family-owned tourism business that was founded in 1954 by tourism and conservation pioneers Sir Les and Lady Olive Hutchins. Les and Olive Hutchins began operating the Manapouri-Doubtful Sound Tourist Company, running four day excursions which included a Lake Manapouri cruise, a trek over

the Wilmot Pass to accommodation at Deep Cove, and a cruise on Doubtful Sound. In 1966 Les and Olive acquired Fiordland Travel Ltd, with its Te Anau Glow-worm Caves and Milford Track Lake Transport operations and began trading as Fiordland Travel Limited. Ongoing expansion followed with the purchase of the vintage steamship "TSS Earnslaw" in Queenstown in 1969 and with the establishment of cruises in Milford Sound in 1970.

- 9 Since 2002, Fiordland Travel Ltd has operated all its tourism excursions under the 'Real Journeys' brand and in 2006 changed its company name to Real Journeys Limited. Real Journeys now has operational bases in Bluff, Stewart Island, Milford Sound, Te Anau, Manapouri and Queenstown. Today the company remains true to its founders and their guiding principles of conservation and hospitality.
- 10 Real Journeys operates and owns world renowned natural heritage tourism activities throughout the southern South Island, primarily in Christchurch, Stewart Island, Te Anau, Milford Sound, Doubtful Sound, Wanaka and Queenstown. Real Journeys is widely regarded as a leader in the New Zealand tourism industry and is regularly named as one of New Zealand's highest achieving tourism companies. Queenstown is a spectacular alpine resort with magnificent scenery and is a four season destination for visitors.
- 11 Real Journeys has a considerable asset base and investment interest in the protection of and ability to use, develop and access the district's natural and physical resources. Real Journeys will continue to invest in the growth of Queenstown tourism sector and contribute to the management of the district's significant natural, heritage and other environmental values.
- 12 Real Journeys employs over 700 people in Queenstown and at Cardrona and has considerable investment in local infrastructure and other assets. Real Journeys owns or has an interest in and operates the following tourism activities in Queenstown:
  - a) "TSS Earnslaw" Vintage Steamship Cruises;
  - b) Walter Peak: Farm Tours; and Walter Peak Colonel's Homestead Restaurant;
  - c) O'Regans Wharf;
  - d) Shotover and Kawara River rafting;
  - e) Queenstown Water Taxis;
  - f) Thunder Jet;
  - g) Cardrona Alpine Resort;

- h) Go Orange;
  - i) Canyon Food and Brew Company; and
  - j) Southern Lakes Information Centre
- 13 In addition, the following excursions at Walter Peak are operated in conjunction with Real Journeys on a profit sharing basis: Walter Peak Guided Cycling; Walter Peak Horse Treks;). Real Journeys also owns a substantial coach fleet based in Queenstown which provides transport access from Queenstown to the following major tourism activities outside Queenstown:
- a) Day and overnight cruises and kayak excursions on Milford Sound;
  - b) Day and overnight cruises and kayak excursions on Doubtful Sound;
  - c) Milford Track Guided Day Walks;
  - d) Te Anau Glow Worm Caves tours;
  - e) Coach services to the Districts four ski fields; and
  - f) Landsborough Wilderness Experience (3 day rafting trip).
- 14 In support of its activities, Real Journeys relies on the operation, maintenance, upgrading of and access to various tourism assets and infrastructure in Queenstown Lakes District, including land, buildings, structures (including wharves, jetties, moorings; slipways; boat ramps; ski field infrastructure, private roads, parking facilities, maintenance facilities; reserve facilities) located at: Queenstown Bay / CBD; Walter Peak; and the Cardrona Alpine Resort. Real Journeys has a fleet of passenger vehicles including coaches, vessels, and; various commercial buildings/offices some of which are leased. Real Journeys owns the "TSS Earnslaw" Vintage Steamship and is responsible for the operation, maintenance and upgrading of the steamship as well as the slipway and surrounding land area at Kelvin Heights Peninsula. Real Journeys is reliant on the continued and ongoing use of and access to the bed and surface of Lake Wakatipu, and the public road network.

### **Real Journeys Conservation Principles**

- 15 Conservation is part of Real Journeys heritage and a cornerstone of the day to day business.
- 16 To honour its conservation commitments and philosophy, Real Journeys works closely with the Department of Conservation and local communities. Real

Journeys contributes significant funds and in-kind support towards a variety of projects that ensure biodiversity and conservation benefits.

#### **“TSS Earnslaw” – The lady of the lake**

- 17 Real Journeys owns and operates the “TSS Earnslaw” Vintage Steamship. Real Journeys is also responsible for the operation, maintenance and upgrading of the steamship as well as the slipway and surrounding land area and buildings at Kelvin Heights Peninsula, and the Steamer Wharf berthing and mooring infrastructure in Queenstown Bay and at Walter Peak. The “TSS Earnslaw” is a 1912 Edwardian vintage twin screw steamer plying the waters of Lake Wakatipu. It is one of the oldest tourist attractions in New Zealand and the only remaining commercial passenger-carrying coal-fired steamship in the southern hemisphere. The “TSS Earnslaw” is surveyed for carrying up to 410 passengers and provides a unique historic transport service. It carries about 250,000 passengers each year.
- 18 The “TSS Earnslaw” continues its routine operation carrying tourist passengers across Lake Wakatipu from Queenstown to Walter Peak High Country Farm, a tourism operation with farm tours, horse treks, cycle tours, barbecue lunches and evening dining at the Colonel's Homestead. The ship also provides an important transport link back to Queenstown for Walter Peak High Country Station and other farmers located around Walter Peak. The ship works fourteen-hour days in the summer months and cruises for eleven months of the year.
- 19 Each year, the TSS Earnslaw undergoes an annual survey, typically from late May to early June, and she is typically maintained on the Kelvin Peninsula slipway. Real Journeys employs about 35 staff to operate and maintain the steamship and at present is investing about a million dollars annually to maintain the steamship for out of water survey and its supporting infrastructure. Due to the size and hull shape of the steamship; her corresponding momentum and her historic telegraph control system, the “TSS Earnslaw” requires parts of Lake Wakatipu to remain free of vessel traffic; structures and moored vessels in order to provide for the continued use of the steamship as a key transport vessel and to ensure the protection of people's health and safety.
- 20 The continued operation of the “TSS Earnslaw” passenger service relies on continued access to the water space and wharf and berthing facilities in Beach Bay at Walter Peak, and Queenstown Bay (Steamer Wharf). Further the Fiordland Class vessels remain critical to Real Journeys' operation in Queenstown. These vessels are used to transport staff and freight to and from Walter Peak daily and operate when the “TSS Earnslaw” is out of service for maintenance; breakdowns or adverse weather such as gale force winds. The

Fiordland Class vessels require access to Kingston as they are trailered to Kingston and access the lake at that point.

- 21 Continued provision of access to and use of the slipway facilities at the Kelvin Peninsula are necessary to maintain the "TSS Earnslaw" and protect its heritage values. These facilities are historic and require constant maintenance and upgrading in order to fulfil their purpose and to meet relevant safety and engineering standards.

#### **Reasons for the relief sought**

- 22 Tourism is the district's major industry. The significant benefits of tourism activities that attract people to the district should be specifically recognised and enabled by the district plan. Generally, the proposed district plan does not satisfactorily recognise the importance of key tourism and transport activities or provide for the growth of these sectors. Some ski area activities in the established ski fields are provided for but overall the PDP will place inappropriate restrictions on or unnecessary uncertainty for new development opportunities in favour of the protection of existing landscape and amenity values.
- 23 The rural and landscape provisions (upon which the majority of the district's outdoor tourism activities are carried out) are of particular concern. Accordingly, Real Journeys is seeking overarching amendments to the PDP to ensure it recognises and provides for the protection and ongoing growth of tourism and transport activities, including water transportation activities. In order to satisfactorily recognise and provide for tourism and transport activity the following is considered necessary:
  - 24 Strong strategic objectives and supporting policies to recognise the importance of the tourism and transport sectors and provide for tourism and supporting transport activities across the district are sought. This is required to ensure the plan is framed in such a way that facilitates flow-on amendments to all other chapters;
  - 25 Various amendments throughout other chapters are sought to ensure the objectives, policies and rules appropriately protect existing tourism activity operations and do not inappropriately restrict growth opportunities;
  - 26 A definition of a "tourism activity" or similar to differentiate tourism activities from other commercial activities is sought. Ring fencing tourism activities should provide more certainty to all parties interested in the enabling and management of tourism activities in the district and enable the plan to be administered more efficiently and effectively overall;

- 27 Recognition that privately owned and operated infrastructure may not meet the RMA definition of infrastructure or network utility is required as otherwise these buildings and structures may not be afforded an appropriate level of protection under the RPS or the district plan. It is therefore important to ensure all buildings and structures which support tourism activities are included in the definition of Tourism Activity, or otherwise provided for in the district plan.
- 28 Recognition that the majority of the district's tourism activity relies on safe and efficient access to and the maintenance and enhancement of the district natural resources is sought. It is important that existing transport and tourism infrastructure is protected from incompatible activities and development;
- 29 Recognition that tourism activities, including ancillary transport services and buildings and structures, often have locational, technical, and operational constraints (practical constraints) which can prevent all adverse effects from being avoided, remedied or mitigated is required. In these scenarios, it may be appropriate for residual adverse effects to be offset or compensated.

#### **Further and consequential relief sought**

- 30 Real Journeys opposes any alternative provisions contrary to achieving the above outcomes and seeks alternative, consequential, or necessary additional relief to that set out in this appeal and to give effect to the matters raised generally in this appeal and Real Journeys' PDP submissions.

#### **Attachments**

The following documents are **attached** to this notice:

- a) **Appendix A** – relief sought
- b) **Appendix B** - A copy of the Appellant's submission and further submissions;
- c) **Appendix C** - A copy of the relevant parts of the decision; and
- d) **Appendix D** - A list of names and addresses of persons to be served with this notice.

Dated this 9<sup>th</sup> day of September 2019



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Maree Baker-Galloway/Rosie Hill  
Counsel for the Appellant

### **Address for service of the Appellants**

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### **Advice to recipients of copy of notice of appeal**

#### *How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the Appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

#### *Advice*

If you have any questions about this notice, contact the Environment Court in Christchurch.



Provision (PDP decision version)	Reason for appeal	Relief sought
<b>Chapter 2 Definitions</b>		
<p>Definitions</p> <p>Tourism Activity (new) and Visitor Industry (new)</p>	<p>The plan does not provide specific definition for tourism. The plan does introduce a new strategic policy for the “visitor industry” but does not define the “visitor industry”. The panel in its decision did not demonstrate an understanding of what the tourism/visitor industry is (e.g. any person from outside the district is a visitor/tourist, not just New Zealanders).</p>	<p>Insert new definition for “Tourism Activity”. Suggested wording is as follows:</p> <p><u>Tourism Activity:</u></p> <p><u>Means the use or development of a resource for the purpose of attracting visitors to the district, and includes associated buildings, structures, infrastructure, transport activities, and administration activities.</u></p> <p>And</p> <p>Insert new definition for “<u>Visitor Industry</u>” which reflects the intent of new strategic policies, and which recognises the breadth of the visitor industry applicable, including domestic tourists.</p>
<b>Chapter 3 Strategic Direction</b>		
<p>3.2.1.7 Agricultural land uses consistent with the maintenance of the character of rural landscapes and significant nature conservation values are enabled. (also elaborates on SO 3.2.4 and 3.2.5 following)</p>	<p>The Objective fails to recognise and provide for tourism activities in the rural zone</p>	<p>Amend objective 3.2.1.7 as follows:</p> <p><u>Agricultural and tourism land uses that maintain consistent with the maintenance of the district's outstanding natural landscape character of rural landscapes and significant nature conservation values are enabled. (also elaborates on SO 3.2.4</u></p>

Provision (PDP decision version)	Reason for appeal	Relief sought
3.2.1.8 Diversification of land use in rural areas beyond traditional activities, including farming, provided that the character of rural landscapes, significant nature conservation values and Ngāi Tahu values, interests and customary resources, are maintained. (also elaborates on S.O.3.2.5 following)	The Objective fails to recognise and provide for tourism activities in the rural zone. Maintaining character of rural landscapes and is contrary to maintaining and enhancing nature conservation values.	and 3.2.5 following)  Amend Objective 3.2.1.8 as follows:  <del>3.2.1.8 Diversification of land use in rural areas beyond traditional activities, including farming, provided that the character of rural landscapes, significant nature conservation values and Ngāi Tahu values, interests and customary resources, are maintained. (also elaborates on S.O.3.2.5 following)</del>
Policy 3.2.4.3  The natural character of the beds and margins of the District's lakes, rivers and wetlands is preserved or enhanced.	In some instances this is not possible to achieve if read as a bottom line, e.g. the provision of wharves for public access	Amend policy 3.2.4.3 as follows:  The natural character of the beds and margins of the District's lakes, rivers and wetlands is preserved or enhanced <u>where possible, and otherwise protected from inappropriate development.</u>
Strategic Objective 3.2.5.1  The landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration.	The objective should focus on the protection of natural values from inappropriate development	Amend strategic objective as follows:  <del>3.2.5.1 The landscape and visual amenity values and the natural character values of Outstanding Natural Landscapes and Outstanding Natural Features are protected from significant adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration.</del>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>Strategic objective 3.2.5.2</p> <p>The rural character and visual amenity values in identified Rural Character Landscapes are maintained or enhanced by directing new subdivision, use or development to occur in those areas that have the potential to absorb change without materially detracting from those values.</p>	<p>The objective should be amended to ensure appropriate development in rural landscapes in enabled</p>	<p>Amend strategic objective 3.2.5.2 as follows:</p> <p>3.2.5.2 The rural character and visual amenity values in identified Rural Character Landscapes are maintained or enhanced by <u>managing directing</u> new subdivision, use or development <u>or directing new subdivision, use or development</u> to occur in those areas that have the potential to absorb change without materially detracting from those values.</p>
<p>3.3.1 Make provision for the visitor industry to maintain and enhance attractions, facilities and services within the Queenstown and Wanaka town centre areas and elsewhere within the District's urban areas and settlements at locations where this is consistent with objectives and policies for the relevant zone. (relevant to S.O. 3.2.1.1 and 3.2.1.2)</p>	<p>The panel introduced this new strategic policy into the PDP. The policy should be elevated to an objective, with more specific polices provided to ensure visitor activities are sufficiently provided for.</p> <p>The policy is focused on urban areas and should capture all of the district (namely the rural environment)</p>	<p>Amend policy 3.3.1 to include it as a strategic objective, and;</p> <p>Amend policy 3.3.1 as follows:</p> <p>3.3.1 Make provision for the visitor industry to maintain, <u>and enhance, upgrade and expand</u> attractions, facilities and services, <u>including supporting infrastructure</u> <del>within the Queenstown and Wanaka town centre areas and elsewhere within the District's urban areas and settlements at locations where this is consistent with objectives and policies for the relevant zone.</del> (relevant to S.O. 3.2.1.1)</p>
<p>New objective 3.3.x</p>	<p>The PDP needs to have a strong objective providing for the benefits of tourism activities and development to "compete" against the overwhelming protectionist provisions in the district plan, especially in respect of:</p>	<p>Insert new strategic objective:</p> <p><u>The local, regional and national importance of the district's visitor industry is recognised and provided for by protecting</u></p>

Provision (PDP decision version)	Reason for appeal	Relief sought
	<ul style="list-style-type: none"> <li>• resource consents (so that part 2 can apply on a case by case basis)</li> <li>• future plan changes/variatioins</li> <li>• writing polices and rules in other chapters (e.g. being the most appropriate method to implementing objectives)</li> </ul>	<u>established visitor attractions and facilitating appropriate growth in the industry</u>
New Objective and policy	A new objective and associated policy is sought to recognise the benefits associated with providing a water based public transport systems.	<u>Objective:</u> <u>Achieve sustainable water based transport linkages between the Kawarau River and Queenstown Bay, recognising the river and land as a strategic transportation resource.</u>  <u>Policy</u> <u>Recognise and provide for the benefits associated with provision of a water based transport system, including the provision of strategically located jetties and associated structures, that will provide a key linkage between Queenstown Park, Remarkables Park, and the Frankton Arm and Queenstown.</u>
New policy 3.3.1.2	Previous policies recognising the growth in visitor industry and attractions as a social and cultural benefit to the District have been deleted. These are sought to be reinstated	Add new policy 3.3.1.2  <u>Promote growth in the visitor industry and encourage investment in lifting the scope and quality of attractions, facilities and services across the district</u>

Provision (PDP decision version)	Reason for appeal	Relief sought
New Strategic policy 3.3.x	The following policy is not currently provided for in the PDP, despite its strategic importance to the District.	Insert new strategic policy: <u>Provide a planning framework that protects established visitor attractions.</u>
New Strategic policy 3.3.x	The following policy is not currently provided for in the PDP, despite its strategic importance to the District.	Insert new strategic policy: <u>Provide a planning framework that protects established transport activities and services.</u>
New Strategic policy 3.3.x	The following policy is not currently provided for in the PDP, despite its strategic importance to the District.	Insert new strategic policy: <u>Enable a planning framework that provides for the integrated management of transport networks including both private and transportation systems.</u>
3.3.19 Manage subdivision and / or development that may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity and natural character is maintained or enhanced. (relevant to S.O. 3.2.1.8, 3.2.4.1, 3.2.4.3, 3.2.4.4, 3.2.5.1 and 3.2.5.2)	Wharves and moorings required to provide and develop public water transport impact sections of lake & river margins & beds. It is not always possible to maintain and enhance natural character.	Amend policy 3.3.19 as follows  3.3.19 Manage subdivision and / or development that may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity and natural character is maintained or enhanced <u>where possible, or otherwise mitigated.</u> (relevant to S.O. 3.2.1.8, 3.2.4.1, 3.2.4.3, 3.2.4.4, 3.2.5.1 and 3.2.5.2)

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>Strategic policy 3.3.20</p> <p>Enable continuation of existing farming activities and evolving forms of agricultural land use in rural areas except where those activities conflict with significant nature conservation values or degrade the existing character of rural landscapes. (relevant to S.O. 3.2.1.7, 3.2.5.1 and 3.2.5.2)</p>	<p>The Policy is onerous and should include existing tourism and transportation activities.</p>	<p>Amend policy 3.3.20 as follows:</p> <p>Enable continuation of existing farming, <u>tourism and transport</u> activities <del>and evolving forms of agricultural land use in rural areas except where those activities conflict with significant nature conservation values or degrade the existing character of rural landscapes.</del> (relevant to S.O. 3.2.1.7, 3.2.5.1 and 3.2.5.2)</p>
<p>Strategic policy 3.3.21</p> <p>Recognise that commercial recreation and tourism related activities seeking to locate within the Rural Zone may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values. (relevant to S.O. 3.2.1.1, 3.2.1.8, 3.2.5.1 and 3.2.5.2)</p>	<p>Policy should simply provide for commercial recreation and tourism related activities.</p>	<p>Amend policy 3.3.21 as follows</p> <p>3.3.21 <del>Recognise that</del> <u>Facilitate</u> commercial recreation and tourism related activities <del>seeking to locate within the Rural Zone may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values.</del> (relevant to S.O. 3.2.1.1, 3.2.1.8, 3.2.5.1 and 3.2.5.2)</p>
<p>Strategic policy</p> <p>3.3.25 Provide for non-residential development with a</p>	<p>The inclusionary statement is unnecessary</p>	<p>Amend policy 3.3.25 as follows:</p> <p>3.3.25 Provide for non-residential development with a</p>

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<p>functional need to locate in the rural environment, including regionally significant infrastructure where applicable, through a planning framework that recognises its locational constraints, while ensuring maintenance and enhancement of the rural environment. (relevant to S.O. 3.2.1.8, 3.2.1.9 3.2.5.1 and 3.2.5.2)</p>		<p>functional need to locate in the rural environment, including <del>regionally significant infrastructure where applicable</del>, through a planning framework that recognises its locational constraints, while ensuring maintenance and enhancement of the rural environment. (relevant to S.O. 3.2.1.8, 3.2.1.9 3.2.5.1 and 3.2.5.2)</p>
<p>Strategic policy 3.3.26</p> <p>That subdivision and / or development be designed in accordance with best practice land use management so as to avoid or minimise adverse effects on the water quality of lakes, rivers and wetlands in the District. (relevant to S.O. 3.2.1.8, 3.2.4.1 and 3.2.4.3)</p>	<p>The reference to best practice is uncertain and unnecessary</p>	<p>Amend strategic policy 3.3.26 as follows:</p> <p>3.3.26 That subdivision and / or development be designed in <del>accordance with best practice land use management</del> so as to avoid or minimise adverse effects on the water quality of lakes, rivers and wetlands in the District. (relevant to S.O. 3.2.1.8, 3.2.4.1 and 3.2.4.3)</p>
<p>Strategic policy 3.3.30</p> <p>3.3.30 Avoid adverse effects on the landscape and visual amenity values and natural character of the District's Outstanding Natural Landscapes and Outstanding Natural Features that are more than minor and or not temporary in duration. (relevant to S.O.3.2.5.1)</p>	<p>The policy will inhibit appropriate development</p>	<p><del>3.3.30 Avoid adverse effects on the landscape and visual amenity values and natural character of the District's Outstanding Natural Landscapes and Outstanding Natural Features that are more than minor and or not temporary in duration. (relevant to S.O.3.2.5.1)</del></p> <p><u>Carefully manage land use change within the District's Outstanding Natural Landscapes and Outstanding Natural</u></p>

Provision (PDP decision version)	Reason for appeal	Relief sought
		<u>Features via the resource consent process to ensure the District's outstanding natural values are protected from inappropriate development and maintained or enhanced.</u>
<p>Strategic policy 3.3.32</p> <p>Only allow further land use change in areas of the Rural Character Landscapes able to absorb that change and limit the extent of any change so that landscape character and visual amenity values are not materially degraded. (relevant to S.O. 3.2.19 and 3.2.5.2)</p>	<p>The policy will inhibit appropriate development.</p>	<p>3.3.32 Only a-<del>Allow</del> further land use change in areas of the Rural Character Landscapes able to absorb that change and <del>limit the extent of any change so that landscape character and visual amenity values are not materially degraded.</del> (relevant to S.O. 3.2.19 and 3.2.5.2)</p>
Chapter 6 Landscapes		
<p>Title of Chapter 6</p>	<p>The chapter is broader than landscapes and rural character as the chapter includes lakes rivers, and margins and built form outside the urban environment (the "rural environment")</p>	<p><del>Landscapes and Rural</del> <u>Environment Character</u></p>
<p>6.2 values</p> <p>...</p> <p>The lakes and rivers both on their own and, when viewed as part of the distinctive landscape, are a significant element of the national and international identity of the District and provide</p>	<p>Provide alternative wording regarding the importance of the freshwater resources, and role within the "rural environment".</p>	<p>Amend policy 6.1 as follows:</p> <p>The lakes and rivers both on their own and, when viewed as part of the distinctive landscape, are a significant element of the national and international identity of the District and provide for a wide range of amenity and recreational opportunities.</p>



Provision (PDP decision version)	Reason for appeal	Relief sought
<p>for a wide range of amenity and recreational opportunities. They are nationally and internationally recognised as part of the reason for the District's importance as a visitor destination, as well as one of the reasons for residents to belong to the area. Managing the landscape and recreational values on the surface of lakes and rivers is an important District Plan function.</p>		<p>They are nationally and internationally recognised as part of the reason for the District's importance as a visitor destination, as well as one of the reasons for residents to belong to the area. <del>Managing the landscape and recreational values on the surface of lakes and rivers is an important District Plan function.</del></p>
<p>Policy 6.3.2</p> <p>Exclude identified Ski Area Sub-Zones and the area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps from the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories applied to the balance of the Rural Zone and from the policies of this chapter related to those categories. (3.2.1.1, 3.4.4.4, 3.3.21).</p>	<p>Amend the policy to also exclude Rural Visitor Zones and Resort Zones, as provision for landscapes are better to be included at the specific chapter level for those areas</p>	<p>Amend policy 6.3.2 as follows:</p> <p>Exclude identified Ski Area Sub-Zones, <u>Rural Visitor Zones</u>, and <u>Resort Zones</u> and the area of the Frankton Arm located to the east of the Outstanding Natural Landscape line as shown on the District Plan maps from the Outstanding Natural Feature, Outstanding Natural Landscape and Rural Character Landscape categories applied to the balance of the Rural Zone and from the policies of this chapter related to those categories. (3.2.1.1, 3.4.4.4, 3.3.21).</p>
<p>Policy 6.3.9</p> <p>Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration where the landscape and nature conservation values would be</p>	<p>The policy as currently worded will inhibit appropriate development in landscapes</p>	<p>Amend policy 6.3.9 as follows:</p> <p>6.3.9 Encourage subdivision and development proposals to promote indigenous biodiversity protection and regeneration</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land. (3.2.1.7, 3.2.4.1, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.20, 3.3.30, 3.3.32)</p>		<p>where the landscape and nature conservation values would be maintained or enhanced, particularly where the subdivision or development constitutes a change in the intensity in the land use or the retirement of productive farm land. (3.2.1.7, 3.2.4.1, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.20, 3.3.30, 3.3.32).</p>
<p>Policy 6.3.10 Ensure that subdivision and development in the Outstanding Natural Landscapes and Rural Character Landscapes adjacent to Outstanding Natural Features does not have more than minor adverse effects on the landscape quality, character and visual amenity of the relevant Outstanding Natural Feature(s). (3.2.5.1, 3.3.30).</p>	<p>Amend the policy to reflect the legislative standard applicable to section 6 landscapes</p>	<p>Amend policy 6.3.10 as follows:  Ensure that <u>Discourage</u> subdivision and development in the Outstanding Natural Landscapes and Rural Character Landscapes adjacent to Outstanding Natural Features <del>does not</del> <u>that are likely to</u> have <u>significant</u> <del>more than minor</del> adverse effects on the landscape quality, character and visual amenity of the relevant Outstanding Natural Feature(s). (3.2.5.1, 3.3.30).</p>
<p>Policy 6.3.12  Recognise that subdivision and development is inappropriate in almost all locations in Outstanding Natural Landscapes and on Outstanding Natural Features, meaning successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and</p>	<p>Amend the policy to reflect the legislative standard applicable to section 6 landscapes</p>	<p>Delete Policy 6.3.12</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>associated roading and boundary changes will be reasonably difficult to see from beyond the boundary of the site the subject of application. (3.2.1.1, 3.2.5.1, 3.3.21, 3.3.30).</p>		
<p>Policy 6.3.14</p> <p>Recognise that large parts of the District's Outstanding Natural Landscapes include working farms and accept that viable farming involves activities that may modify the landscape, providing the quality and character of the Outstanding Natural Landscape is not adversely affected. (3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.5.1, 3.3.20, 3.3.30).</p>	<p>Amend the policy to remove a primacy for farming activities</p>	<p>Amend policy 6.3.14 as follows:</p> <p>6.3.14 Recognise that large parts of the District's Outstanding Natural Landscapes include <del>working farms and accept that viable farming involves</del> activities that may modify the landscape, providing the quality and <u>overall</u> character of the Outstanding Natural Landscape is not <u>materially degraded</u> <del>adversely affected</del>. (3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.5.1, 3.3.20, 3.3.30).</p>
<p>Policy 6.3.16</p> <p>Maintain the open landscape character of Outstanding Natural Features and Outstanding Natural Landscapes where it is open at present. (3.2.1.7, 3.2.1.8, 3.2.4.1, 3.2.5.1, 3.3.20-21, 3.3.30).</p>	<p>It is unclear whether this provision would inhibit or discourage appropriate development, such as revegetation as part of proposed developments</p>	<p>Delete policy 6.3.16</p>
<p>Policy 6.3.19</p> <p>Recognise that subdivision and development is unsuitable in</p>	<p>The standard for development in amenity landscapes is not consistent with section 7 of the Act</p>	<p>Delete policy 6.3.19</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>many locations in Rural Character Landscapes and successful applications will need to be, on balance, consistent with the objectives and policies of the Plan. (3.2.1.1, 3.2.1.7, 3.2.5.2, 3.3.20-24, 3.3.32).</p>		
<p>Policy 6.3.23</p> <p>Ensure incremental changes from subdivision and development do not degrade landscape quality or character, or important views as a result of activities associated with mitigation of the visual effects of proposed development such as screen planting, mounding and earthworks. (3.2.1.1, 3.2.1.8, 3.2.5.2, 3.3.21, 3.3.24, 3.3.32).</p>	<p>Ensure a consistent policy approach with the legislative standard of section 6</p>	<p>Amend policy 6.3.23 as follows:</p> <p>6.3.23 Ensure incremental changes from subdivision and development do not <u>significantly</u> degrade landscape quality or character, or important views as a result of activities associated with mitigation of the visual effects of proposed development such as screen planting, mounding and earthworks. (3.2.1.1, 3.2.1.8, 3.2.5.2, 3.3.21, 3.3.24, 3.3.32).</p>
<p>Policy 6.3.26</p> <p>Avoid adverse effects on visual amenity from subdivision, use and development that:</p> <ul style="list-style-type: none"> <li>a. is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); or</li> <li>b. forms the foreground for an Outstanding Natural Landscape</li> </ul>	<p>Ensure a consistent policy approach with the legislative standard of section 6</p>	<p>Delete policy 6.3.26</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>or Outstanding Natural Feature when viewed from public roads. (3.2.1.1, 3.2.1.8, 3.2.5.1, 3.2.5.2, 3.3.20-21, 3.3.24-25, 3.3.30, 3.3.32).</p>		
<p>Policy 6.3.30</p> <p>6.3.30 Control the location, intensity and scale of buildings, jetties, moorings and infrastructure on the surface and margins of water bodies and ensure these structures maintain or enhance landscape quality and character, and amenity values. (3.2.1.1, 3.2.4.1, 3.2.4.3, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.21, 3.3.26, 3.3.30, 3.3.32).</p>	<p>Amend the policy to recognise the locational constraints of these types of activities</p>	<p>Amend policy 6.3.30 as follows:</p> <p>6.3.30 <del>Control</del> <u>Manage</u> the location, intensity and scale of buildings, jetties, moorings and infrastructure on the surface and margins of water bodies <u>recognising the importance of the lakes and rivers as a tourist, transport, recreational and landscape resource</u> and ensure these structures <u>do not have inappropriate adverse effects on</u> <del>maintain or enhance</del> landscape quality and character, and amenity values. (3.2.1.1, 3.2.4.1, 3.2.4.3, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.21, 3.3.26, 3.3.30, 3.3.32).</p>
<p>Policy 6.3.31</p> <p>Recognise the character of the Frankton Arm including the established jetties and provide for these on the basis that the visual qualities of the District's distinctive landscapes are maintained and enhanced. (3.2.4.3, 3.2.5.1, 3.3.30).</p>	<p>Amend the policy to recognise the strategic importance of these jetties to future transport options</p>	<p>Amend Policy 6.3.31 as follows:</p> <p>Recognise the character of the Frankton Arm including the established jetties and provide for <del>these</del> <u>their expansion, upgrade, or addition on</u> the basis that the visual qualities of the District's distinctive landscapes <u>not adversely affected from inappropriate development</u> <del>are maintained and enhanced</del>.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
		(3.2.4.3, 3.2.5.1, 3.3.30).
<p>Policy 6.3.32</p> <p>Recognise the urban character of Queenstown Bay and provide for structures and facilities providing they protect, maintain or enhance the appreciation of the District's distinctive landscapes. (3.2.1.1, 3.2.4.1, 3.2.4.4, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.21, 3.3.30, 3.3.32).</p>	<p>Amend the policy to recognise that structures within a built environment may not necessarily maintain and enhance landscapes</p>	<p>Policy 6.3.32</p> <p>Recognise the urban character of Queenstown Bay and provide for structures and facilities <del>providing they protect, maintain or enhance the appreciation of the District's distinctive landscapes.</del> (3.2.1.1, 3.2.4.1, 3.2.4.4, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.21, 3.3.30, 3.3.32).</p>
<p>Policy 6.3.33</p> <p>Provide for appropriate commercial and recreational activities on the surface of water bodies that do not involve construction of new structures. (3.2.1.1, 3.2.4.4, 3.2.5.1, 3.2.5.2, 3.3.21, 3.3.30, 3.3.32).</p>	<p>This policy will prevent appropriate redevelopment of existing infrastructure</p>	<p>Amend policy 6.3.33 as follows:</p> <p>Provide for appropriate commercial and recreational activities on the surface of water bodies <del>that do not involve construction of new structures.</del> (3.2.1.1, 3.2.4.4, 3.2.5.1, 3.2.5.2, 3.3.21, 3.3.30, 3.3.32).</p>
<p>Chapter 12 Queenstown Town Centre Zone</p>		
<p>Policy 12.2.3.5</p> <p>Ensure that the location and direction of lights in the Town Centre does not cause significant glare to other properties, roads, and public places and promote lighting design that mitigates adverse effects on views of the night sky.</p>	<p>This policy should include waterways as light spill adversely affects navigational safety.</p>	<p>Amend policy 12.2.3.5 as follows:</p> <p>Ensure that the location and direction of lights in the Town Centre does not cause significant glare to other properties, <u>waterways</u>, roads, and public places and promote lighting</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
		design that mitigates adverse effects on views of the night sky.
<p>Policy 12.2.4.1</p> <p>12.2.4.1 Encourage a reduction in the dominance of vehicles within the Town Centre and a shift in priority toward providing for public transport and providing safe and pleasant pedestrian and cycle access to and through the Town Centre.</p>	<p>Commercial operators should be recognised in this policy as this industry also contributes to a reduction in congestion and private vehicle use</p>	<p>Amend policy 12.2.4.1 as follows:</p> <p>12.2.4.1 Encourage a reduction in the dominance of vehicles within the Town Centre and a shift in priority toward providing for public <u>and commercial</u> transport <u>operators</u> and providing safe and pleasant pedestrian and cycle access to and through the Town Centre.</p>
<p>Policy 12.2.4.5</p> <p>Plan for future public transport options by considering the needs of public transport services and supporting infrastructure when designing roading improvements or considering jetty applications.</p>	<p>The policy should apply broader than jetty applications – water transport requires more infrastructure from fuelling facilities to shelters</p>	<p>Amend policy 12.2.4.5 as follows:</p> <p>Plan for future public transport options by considering the needs of public transport services and supporting infrastructure when designing roading improvements <u>or the provision of on-water transport options.</u> <del>considering jetty applications.</del></p>
<p>Policy 12.2.5.3</p> <p>Conserve and enhance, where appropriate, the natural qualities and amenity values of the foreshore and adjoining waters, recognising in particular, the predominantly undeveloped character of the 'Queenstown beach and gardens foreshore area' (as identified on the Planning Map) and the important contribution this area makes to providing views to the lake and mountains, pedestrian and cycle connections, water-based commercial recreation activities, and passive recreation</p>	<p>The interface between policies 12.2.5.1 and 12.2.5.3 is difficult to reconcile, and while it is appropriate to maintain natural qualities and amenity values, this does not need to be provided for in a separate policy to "conserve and enhance" when such an appropriate needs to be balanced against the need for vibrancy.</p>	<p>Delete Policy 12.2.5.3</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>opportunities.</p> <p>Policy 12.2.5.6</p> <p>Provide for structures within the Queenstown Bay waterfront area subject to compliance with strict bulk location and appearance criteria , provided the existing predominantly open character and a continuous pedestrian waterfront connection will be maintained or enhanced</p>	<p>Amend the policy so that health and safety considerations are paramount and to enhance pedestrian connectivity, rather than focus on visual impacts</p>	<p>Amend policy 12.2.5.6 as follows:</p> <p>12.2.5.6 Provide for structures within the Queenstown Bay waterfront area <del>subject to compliance with strict bulk location and appearance criteria, which are safe and adequate for purpose, and which maintain or enhance</del> <u>provided the existing predominantly open character and a continuous pedestrian waterfront connections with water transport and commercial recreation activities will be maintained or enhanced.</u></p>
<p>New Policy to be inserted into Chapter 12 Queenstown Town Centre and Chapter 21 Rural</p>	<p>Insert new policy into Chapters 12 and 21 to protect established key tourism activities</p>	<p>Insert new policy</p> <p><u>Protect key tourism and transport activities by ensuring the following principles are applied when considering proposals that will occupy water space:</u></p> <ol style="list-style-type: none"> <li>i. <u>activities that promote the districts heritage and contribute public benefit should be encouraged;</u></li> <li>ii. <u>activities that result in adverse effects on established activities should be discouraged;</u></li> <li>iii. <u>long term occupation of water space should be avoided unless it has been strategically planned and is integrated with adjoining land and water use;</u></li> <li>iv. <u>occupation of water space shall not interfere with key navigational routes and manoeuvring areas;</u></li> <li>v. <u>adverse effects on the continued operation, safety and navigation of the "TSS Earnslaw"; and.</u></li> </ol>



Provision (PDP decision version)	Reason for appeal	Relief sought
		<p><u>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.</u></p>
<p>Rule 12.4.3</p> <p>Commercial Activities within the Queenstown Town Centre Waterfront Sub-Zone (including those that are carried out on a wharf or jetty) except for those commercial activities on the surface of water that are provided for as discretionary activities pursuant to Rule 12.4.7.2.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> <li>a. any adverse effects of additional traffic generation from the activity;</li> <li>b. the location and design of access and loading areas in order to ensure safe and efficient movement of pedestrians, cyclists, and vehicles; and</li> <li>c. the erection of temporary structures and the temporary or permanent outdoor storage of equipment in terms of: <ul style="list-style-type: none"> <li>i. any adverse effect on visual amenity and on pedestrian or vehicle movement; and</li> <li>ii. the extent to which a comprehensive approach has been</li> </ul> </li> </ul>	<p>Amend Rule to refine the listed matters of control</p>	<p>Amend Rule 12.4.3 as follows:</p> <p>...</p> <p><del>a. any adverse effects of additional traffic generation from the activity;</del></p>

Provision (PDP decision version) taken to providing for such areas within the Sub-Zone	Reason for appeal	Relief sought
Rule 12.4.7	Further provisions are required in respect of recognising existing structures, the need to maintain and enhance these, and the need to support more than one refuelling facility	<p>Amend Rule 12.4.7 to provide for:</p> <ul style="list-style-type: none"> <li>- the maintenance of existing wharves and jetties as a permitted activity provided the scale, intensity, and character of the building or structures is maintained</li> <li>- provide for minor upgrades and extensions to existing wharves and jetties, where this does not increase the scale of the structure by more than minor degree from that as at 1 January 2018.</li> </ul> <p>Amend 12.4.7.2 as follows:</p> <p><del>d. provide for or support the provision of one central facility in Queenstown Bay for boat refuelling, bilge pumping, sewage pumping</del></p> <p>Insert new controlled activity rule:</p> <p><u><i>12.4.7.x Excluding maintenance and alterations permitted by rule 12.4.7.0 above, the construction and use of a single story building for the purpose of a ticketing office is a restricted</i></u></p>

Provision (PDP decision version)	Reason for appeal	Relief sought
		<p><u>discretionary activity. Council's discretion is limited to:</u></p> <ul style="list-style-type: none"> <li>• <u>Building location, design and use in terms of compatibility with the nature and scale of existing buildings and open spaces, including the ability to maintain a continuous waterfront walkway;</u></li> <li>• <u>Accessibility in terms of servicing requirements;</u></li> <li>• <u>Outdoor storage requirements;</u></li> <li>• <u>Storage and disposal of waste;</u></li> <li>• <u>Signage platforms; and</u></li> <li>• <u>Health and safety.</u></li> </ul>
<p>Rule 12.4.8.2</p> <p>12.4.8.2 Any buildings located on Wharves and Jetties within the Queenstown Town Centre Waterfront Sub-Zone. (NC)</p>	<p>Buildings on the Wharves of the waterfront subzone are anticipated and necessary for servicing the visitor industry</p>	<p>Amend Rule 12.4.8.2 as follows:</p> <p>Either delete this rule or otherwise amend the activity status to discretionary</p>
<p>Omission of PDP Standard 12.5.4.1</p>	<p>Standard 12.5.4.1 as notified in the PDP relating to the storage of equipment associated with transporting goods</p>	<p>Clarify that the activity status of temporary storage of equipment associated with transporting people and goods is permitted.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
Chapter 21 Rural		
<p>21.2.12 Objective</p> <p>The natural character of lakes and rivers and their margins is protected, maintained or enhanced, while providing for appropriate activities on the surface of lakes and rivers, including recreation, commercial recreation and public transport.</p>	<p>Amend the objective to recognise that appropriate structures will in some instances not achieve maintenance and enhancement</p>	<p>Amend objective 21.2.12 as follows:</p> <p>Objective - The natural character of lakes and rivers and their margins is protected from <u>inappropriate development</u>, <del>maintained or enhanced</del>, while providing for appropriate activities on the surface of lakes and rivers, including recreation, commercial recreation and public transport <u>and associated infrastructure</u>.</p>
<p>Policy 21.2.12.2</p> <p>Enable people to have access to a wide range of recreational experiences on the lakes and rivers, based on the identified characteristics and environmental limits of the various parts of each lake and river.</p>	<p>The policy is uncertain in identifying the particular characteristics and environmental limits. These could be in the district plan as opposed to leaving it to a case-by-case assessment regime.</p>	<p>Amend policy 21.2.12.2 as follows:</p> <p>Enable people to have access to a wide range of recreational experiences on the lakes and rivers, <del>based on the identified characteristics and environmental limits of the various parts of each lake and river.</del></p>
<p>Policy 21.2.12.3</p> <p>Avoid or mitigate the adverse effects of frequent, large-scale or intrusive commercial activities such as those with high levels of noise, vibration, speed and wash, in particular motorised craft, in areas of high passive recreational use, significant nature</p>	<p>Amend this policy to protect established activities</p>	<p>Amend policy 21.2.12.3 as follows:</p> <p><u>Recognise the importance of providing a water based transport system while avoiding remedying or mitigating</u> <del>e</del> the adverse</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
conservation values and wildlife habitat.		effects of <u>newly proposed</u> frequent, large-scale or intrusive commercial activities such as those with high levels of noise, vibration, speed and wash, in particular motorised craft, in areas of high passive recreational use, significant nature conservation values and wildlife habitat.
<p>Policy 21.2.12.4</p> <p>Have regard to the whitewater values of the District's rivers and, in particular, the values of parts of the Kawarau, Nevis and Shotover Rivers as three of the few remaining major unmodified whitewater rivers in New Zealand, and to support measures to protect this characteristic of rivers.</p>	The policy needs to provide for existing operations and safety impacts to keep the river accessible	<p>Amend policy 21.2.12.4 as follows:</p> <p>Have regard to the whitewater values of the District's rivers and, in particular, the values of parts of the Kawarau, Nevis and Shotover Rivers as three of the few remaining major unmodified whitewater rivers in New Zealand, and to support measures to protect this characteristic of rivers, <u>while ensuring the safe maintenance and operation of established activities in these locations</u></p>
<p>Policy 21.2.12.8</p> <p>21.2.12.8 Encourage development and use of water based public ferry systems including necessary infrastructure and marinas, in a way that avoids adverse effects on the environment as far as possible, or where avoidance is not practicable, remedies and mitigates such adverse effects.</p>	Amend policy to clarify its application to public transport	<p>Amend policy 21.2.12.8 as follows:</p> <p>Encourage development and use of water based <u>transport</u> <del>public ferry systems</del> including necessary infrastructure and marinas, in a way that avoids adverse <u>inappropriate</u> effects on the environment as far as possible, or <u>otherwise</u> <del>where avoidance is not practicable</del>, remedies and mitigates such</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
		adverse effects.
<p>Policy 21.2.12.9</p> <p>Take into account the potential adverse effects on nature conservation values from the boat wake of commercial boating activities, having specific regard to the intensity and nature of commercial jet boat activities and the potential for turbidity and erosion.</p>	<p>The impacts of wakes on nature conservation values are complex and site specific, further certainty is required in respect of the application of this policy.</p>	<p>Delete policy 21.2.12.9 or otherwise clarify how this will be determined and taken into account</p>
<p>Policy 21.2.12.10</p> <p>Ensure that the nature, scale and number of commercial boating operators and/or commercial boats on waterbodies do not exceed levels such that the safety of passengers and other users of the water body cannot be assured.</p>	<p>Clarify the policy as 'exceedance' is uncertain</p>	<p>Amend policy 21.2.12.10 as follows;</p> <p>Ensure that the nature, scale and number of <u>newly proposed</u> commercial boating operators and/or commercial boats on waterbodies do <u>not adversely impact on exceed levels such that the safety of passengers and other users of the water body cannot be assured.</u></p>
<p>21.2.1 Objective</p> <p>A range of land uses, including farming and established activities, are enabled while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.</p>	<p>Objective does not sufficiently recognise tourism activity as established. The second (protectionist) part of this objective could be deleted as it is not necessary</p>	<p>Amend objective 21.2.1 as follows:</p> <p>A range of land uses, including farming, <u>tourism activity</u>, and established activities, are enabled <del>while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.</del></p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>21.2.1.1 policy</p> <p>Enable farming activities while protecting, maintaining and enhancing the values of indigenous biodiversity, ecosystem services, recreational values, the landscape and surface of lakes and rivers and their margins</p>	<p>Policy does not sufficiently recognise tourism activity as established. The second (protectionist) part of this objective could be deleted as it is not necessary</p>	<p>Amend policy 21.2.1.1 as follows:</p> <p>Enable farming <u>and tourism</u> activities while protecting, maintaining and enhancing the values of indigenous biodiversity, ecosystem services, recreational values, the landscape and surface of lakes and rivers and their margins.</p>
<p>Policy 21.2.4.2</p> <p>Control the location and type of non-farming activities in the Rural Zone, so as to minimise conflict between permitted and established activities and those that may not be compatible with such activities.</p>	<p>Existing activities extend beyond farming and which require reverse sensitivity protection</p>	<p>Amend policy 21.2.4.2 as follows:</p> <p>Control the location and type of <u>new activities</u> non-farming activities in the Rural Zone, so as to minimise conflict between permitted and established activities and those that may not be compatible with such activities.</p>
<p>Objective and policy suite 21.2.9</p>	<p>Enable tourism and recreation growth within the Rural Zone</p>	<p>Amend objective and policy suite as follows:</p> <p>21.2.9 Provision for diversification of farming and other rural activities <u>that have a functional need for location within the rural land resource</u> protect landscape and natural resource values and maintains the character of rural landscapes.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
		<p><del>21.2.9.2 Ensure that revenue producing activities utilise natural and physical resources (including existing buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural resources</del></p> <p>21.2.9.3 Provide for the establishment <u>and operation</u> of activities such as tourism, commercial recreation or visitor accommodation located within the <u>Rural Zone, particularly farms</u> where these enable landscape values and indigenous biodiversity to be sustained in the longer term.</p>
<p>Policy 21.2.1.5</p> <p>Have regard to the location and direction of lights so they do not cause glare to other properties, roads, public places or views of the night sky.</p>		<p>Amend Policy 21.2.1.5 as follows:</p> <p>Have regard to the location and direction of lights so they do not cause glare to other properties, <u>waterways</u>, roads, public places or views of the night sky.</p>
<p>Policy 21.2.1.11</p> <p>Provide for the establishment of commercial, retail and industrial activities only where these would protect, maintain or enhance rural character, amenity values and landscape values.</p>		<p>Amend Policy 21.2.1.11 as follows:</p> <p>Provide for the establishment of commercial, retail and industrial activities <del>only</del> where these would protect, maintain or enhance rural character, amenity values and landscape values.</p>
<p>Policy 21.2.1.15</p> <p>Ensure traffic from new commercial activities does not diminish</p>		<p>Amend policy 21.2.1.15 as follows:</p> <p>Ensure traffic from new commercial activities does not <u>have</u></p>



Provision (PDP decision version)	Reason for appeal	Relief sought
rural amenity or affect the safe and efficient operation of the roading and trail network, or access to public places.		<u>inappropriate adverse effects on</u> <del>diminish</del> rural amenity or affect the safe and efficient operation of the roading and trail network, or access to public places.
New Chapter	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.	Insert new chapter providing specifically for waterways and their use
New Policy - water chapter	Insert new policy to ensure that, within the Frankton Arm, decision-makers on resource consent applications should prioritise the safety and operational functions of structure over landscape and amenity values.	Insert new policy <u>Prioritise the safety and function of jetties and structures over effects on landscape and amenity values when determining resource consent applications for jetties and structures located in the Frankton Arm</u>
New Policy to be inserted into Chapter 12 Queenstown Town Centre and Chapter 21 Rural	Insert new policy into Chapters 12 and 21 to protect established key tourism activities	Insert new policy <u>Protect key tourism and transport activities by ensuring the following principles are applied when considering proposals that will occupy water space:</u> vi. <u>activities that promote the districts heritage and contribute public benefit should be encouraged;</u> vii. <u>activities that result in adverse effects on established activities should be discouraged;</u> viii. <u>long term occupation of water space should be avoided unless it has been strategically planned and is integrated with adjoining land and water use;</u> ix. <u>occupation of water space shall not interfere with key navigational routes and manoeuvring areas;</u>

Provision (PDP decision version)	Reason for appeal	Relief sought
		<ul style="list-style-type: none"> <li>x. <u>adverse effects on the continued operation, safety and navigation of the "TSS Earnslaw"; and</u></li> <li>xi. <u>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.</u></li> </ul>
<p>Rule 21.9.1</p> <p>Commercial recreational activities must be undertaken on land, outdoors and must not involve more than 12 persons in any one group.</p>	<p>Permitted standard has been increased to 12 people however as sought in the original submission, 15 pax is consistent with the Otago CMS and the operational capacity of a number of existing water craft</p>	<p>Increase the permitted standard to 15 persons</p>
<p>Rule 21.15.6</p>	<p>Amend to recognise the importance of existing jetty infrastructure</p>	<p>Amend Rule 21.15.6 as follows:</p> <ul style="list-style-type: none"> <li>- include a controlled activity for extensions and upgrades or replacement to existing structures, within defined standards</li> <li>- ensure that maintenance of existing structures is not captured by this rule and is otherwise permitted</li> </ul>
<p>Rule 21.15.7</p> <p>Subject to Rule 21.15.8 any structure or mooring that passes across or through the surface of any lake or river or is attached to the bank of any lake and river, other than where fences cross lakes and rivers.</p>	<p>Clarify the application and activity status of this rule and rule 21.15.8 to provide for existing and necessary structures requiring this functional location, such as erosion control structures and permitted pipelines through the Regional Plan</p>	<p>Amend Rule 21.15.7 to clarify its application to necessary structures or otherwise delete</p>
<p>Rule 21.15.8</p> <p>Any structures or mooring that passes across or through the</p>	<p>As above</p>	<p>Amend Rule 21.15.8 to clarify its application to necessary structures or otherwise delete</p>

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<p>surface of any lake or river or attached to the bank or any lake or river in those locations on the District Plan Maps where such structures or moorings are shown as being non-complying.</p>		
<p>New Rule</p>	<p>Provide a new rule to recognise the purpose of commercial boating activities, particularly as related to transport activities</p>	<p>Insert new rule to control Commercial boating activities carried out for the purposes of the water based transport. Matters of control should also be established. Suggested wording is as follows:</p> <p><u>Commercial boating activities and water transport are controlled activities in respect of:</u></p> <ul style="list-style-type: none"> <li>• <u>Location, scale and intensity of the activity.</u></li> <li>• <u>Amenity effects, including loss of privacy, remoteness or isolation.</u></li> <li>• <u>Congestion and safety, including effects on other commercial operators and recreational users.</u></li> <li>• <u>Waste disposal.</u></li> <li>• <u>Cumulative effects.</u></li> <li>• <u>Parking, access safety and transportation effects.</u></li> </ul>
<p>Standard 21.5.6</p>	<p>Amend standard to exclude jetties associated with the operation of a water based public transport activity OR amend standards to provide flexibility around the location and length of jetties especially if a certain location or length of jetty will</p>	<p>Amend standard to exclude jetties associated with the operation of a water based transport activity OR amend standards to provide flexibility around the location and length of</p>

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	facilitate water based public transport.	jetties especially if a certain location or length of jetty will facilitate water based transport.
Assessment Matters 21.21	Assessment matters unfairly tip the balance towards landscape protection and they are not most appropriate methods for implementing the objectives	Delete assessment matters 21.21 or otherwise amend to reflect higher order provisions
Standard 21.16.3.1 Kawarau River, Lower Shotover River downstream of Tucker Beach and Lake Wakatipu within Frankton Arm - Commercial motorised craft, other than public transport ferry activities, may only operate between the hours of 0800 to 2000.	Existing activities operate beyond these hours without adverse effects (e.g. the TSS Earnslaw)	Delete standard 21.16.3.1
Chapter 26 Historic Heritage		
26.2.1	Various references to appropriately qualified and experienced conservation / landscape architect are not appropriate given a breadth of skills are applicable I respect of assessing these matters	Delete requirement for “a report from an appropriately qualified and experienced conservation / landscape architect” or amend provision to clarify precisely what a “appropriately qualified and experienced conservation / landscape architect” entails.
26.2.3	Various references to appropriately qualified and experienced conservation / landscape architect are not appropriate given a breadth of skills are applicable I respect of assessing these matters	Delete requirement for “a report from an appropriately qualified and experienced conservation / landscape architect” or amend provision to clarify precisely what a “appropriately qualified and experienced conservation / landscape architect” entails.
26.2.4	Various references to appropriately qualified and experienced	Delete requirement for “a report from an appropriately qualified

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	conservation / landscape architect are not appropriate given a breadth of skills are applicable I respect of assessing these matters	<i>and experienced conservation / landscape architect</i> “ or amend provision to clarify precisely what a “ <i>appropriately qualified and experienced conservation / landscape architect</i> ” entails.
<p>Policy 26.3.2.1</p> <p>Encourage the ongoing economic use of heritage features, sites and areas by allowing adaptations and uses that are in accordance with best practice, and:</p> <p>a. enhance heritage values in accordance with Policy 26.3.1.2;</p> <p>b. do not result in adverse cumulative effects through successive alterations over time;</p> <p>c. provide an economically viable use for the protected heritage feature, subject to any works being undertaken in a manner which respects its heritage values;</p> <p>d. recognise the need for modification through works which increase the resilience of heritage buildings by way of repairs and upgrades to meet building and safety standards, subject to these works being undertaken in a manner which respects heritage values.</p>	Ensure the ongoing viability and safety of heritage items	<p>Amend policy 26.3.2.1 as follows:</p> <p>...</p> <p>d. recognise the need for modification through works which increase the resilience of heritage buildings by way of <u>necessary</u> repairs and upgrades to meet building and safety standards, subject to these works being undertaken in a manner which respects heritage values.</p>
Rule 26.6.4	Amend rule to change activity status to ensure onsite	Amend Rule 26.6.4 to provide for removal or relocation (on

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	<p>relocation is not prohibited and is provided for, preferably as a restricted discretionary activity matter with discretion restricted to the effects on heritage values and consideration of the benefits associated with the relocation.</p> <p>At some point Antrim engine &amp; boiler (category 2) will be uneconomic to continue to use. Hence want the ability to maintain on site but install modern equipment which may warrant moving Antrim engine &amp; boiler</p>	<p>site) as an RD activity</p>
<p>Rule 26.5.8</p> <p>Development within setting or extent of place</p> <p>New buildings and structures, earthworks requiring consent under Chapter 25, car park areas exceeding 15m<sup>2</sup> within the view from a public road, and car park areas exceeding 40m<sup>2</sup> located elsewhere.</p> <p>* For Category 2 and 3 heritage features, discretion is restricted to:</p> <p>a. Development within the setting, or within the extent of place where this is defined in the Inventory under Rule 26.8;</p> <p>b. The extent of the development and the cumulative effects on</p>	<p>Need to provide for development if keeps feature economic and useable.</p>	<p>Delete Rule 26.5.8 or otherwise provide clarification in its application</p>

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<p>the heritage feature, and its setting or extent of place;</p> <p>c. The effects on the heritage values and heritage significance of the feature in accordance with the evaluation criteria in Section 26.6.</p> <p>Note: This rule does not apply to any use of buildings, structures and land other than the activities specified above.</p>		
Chapter 28 Natural Hazards		
<p>Objective 28.3.2</p> <p>Development on land subject to natural hazards only occurs where the risks to the community and the built environment are appropriately managed.</p>	Amend to reflect the legislative standard of Section 6(h)	<p>Amend Objective 28.3.2 as follows:</p> <p>Development on land subject to <u>significant risks from</u> natural hazards only occurs where the risks to the community and the built environment are appropriately managed.</p>
<p>Policy 28.3.2.3</p> <p>Ensure all proposals to subdivide or develop land that is subject to natural hazard risk provide an assessment that meets the following information requirements, ensuring that the level of detail of the assessment is commensurate with the</p>	Amend the policy to recognise a lack of data available, and locational and other constraints for some remote areas.	<p>Amend Policy 28.3.2.3 as follows:</p> <p>Ensure all proposals to subdivide or develop land that is subject to <u>significant</u> natural hazard risk <u>identified on District Plan Maps</u> <del>provide an assessment that meets the following information requirements, ensuring that the level of detail of the</del></p>

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<p>level of natural hazard risk:</p> <p>a. the likelihood of the natural hazard event occurring over no less than a 100 year period;</p> <p>b. the type and scale of the natural hazard and the effects of a natural hazard on the subject land;</p> <p>c. the effects of climate change on the frequency and scale of the natural hazard;</p> <p>d. the vulnerability of the activity in relation to the natural hazard;</p> <p>e. the potential for the activity to exacerbate the natural hazard risk both within and beyond the subject land;</p> <p>f. the potential for any structures on the subject land to be relocated;</p> <p>g. the location, design and construction of buildings and structures to mitigate the effects of natural hazards, such as the raising of floor levels;</p>		<p><del>assessment is commensurate with the level of natural hazard risk: <u>is assessed in terms of:</u></del></p> <p>a. the likelihood of the natural hazard event occurring over no less than a 100 year period;</p> <p>b. the type and scale of the natural hazard and the effects of a natural hazard on the subject land;</p> <p>c. the effects of climate change on the frequency and scale of the natural hazard;</p> <p>d. the vulnerability of the activity in relation to the natural hazard;</p> <p>e. the potential for the activity to exacerbate the natural hazard risk both within and beyond the subject land;</p> <p>f. the potential for any structures on the subject land to be relocated; and</p> <p>g. the location, design and construction of buildings and structures to mitigate the effects of natural hazards, such as</p>



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<p>h. management techniques that avoid or manage natural hazard risk to a tolerable level, including with respect to ingress and egress of both residents and emergency services during a natural hazard event.</p>		<p>the raising of floor levels.</p> <p><del>h. management techniques that avoid or manage natural hazard risk to a tolerable level, including with respect to ingress and egress of both residents and emergency services during a natural hazard event.</del></p>
<p>Chapter 35 Temporary Activities</p>		
<p>Policy 35.2.1.2 Permit small and medium-scale events during daytime hours, subject to controls on event duration, frequency and hours of operation.</p>	<p>Delete the restriction of day time hours, and otherwise permit such events in remote locations where adverse effects are unlikely, such as Walter Peak</p>	<p>Amend Policy 35.1.2 as follows:</p> <p>Permit small and medium-scale events <del>during daytime hours,</del> subject to controls on event duration, frequency and hours of operation.</p>
<p>Policy 35.2.1.7</p> <p>Recognise that noise is an anticipated component of temporary events and filming, while protecting residential amenity from undue noise during night-time hours.</p>	<p>Ensure that the policy is only applicable in residential areas given these activities are common in other areas such as rural visitor zones</p>	<p>Amend Policy 35.2.1.7 as follows:</p> <p>Recognise that noise is an anticipated component of temporary events and filming, while protecting residential amenity <u>in established residential zones</u> from undue noise during night-time hours.</p>

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<p>Rule 35.4.12</p> <p>Temporary Storage</p> <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>This rule could inhibit appropriate activities such as storage of goods in the off season on ski fields, or stacking firewood</p>	<p>Define temporary storage or otherwise delete this rule as unclear what this policy would extend to</p>
<p>Policies 35.2.5.1</p> <p>Permit temporary storage related to farming activity.</p>	<p>The policy should be amended to recognise the importance of tourism, transport, and associated activities</p>	<p>Amend Policies 35.2.5.1 as follows</p> <p>Permit temporary storage related to farming activity, <u>transport, tourism, and visitor accommodation activities.</u></p>
<p>Policy 35.2.5.2</p> <p>Ensure temporary storage not required for farming purposes is of short duration and size to protect the visual amenity values of the area in which it is located.</p>	<p>The policy should be amended to recognise the importance of tourism, transport, and associated activities</p>	<p>Amend Policy 35.2.5.2 as follows:</p> <p>Ensure temporary storage not required for farming <u>transport, tourism, and visitor accommodation activities.</u> purposes is of short duration and size to protect the visual amenity values of the area in which it is located.</p>
<p>Rule 35.4.1; 35.4.2; 35.4.3</p>	<p>All SASZs and Rural Visitor Zones should be included in these permitted activity rules, and which are not necessarily on</p>	<p>Include permitted activity rules for temporary storage and events carried out in ski area subzones and Rural visitor Zones</p>

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	conservation or public land.	
Rule 35.4.4	These rules should exclude SASZs and Visitor Zones as such activities are expected in those locations and their remoteness remedies adverse effects	Amend Rule 35.4.4 as follows:  ...  <u>This rule does not apply to temporary activities undertaken within the Cardrona Ski Activity Area or the Rural Visitor Zone Walter Peak.</u>
35.4.7  e. the use of land as an informal airport as part of filming activity is restricted to the Rural Zone.	Such activities are anticipated in the Rural Visitor Zones	Amend Rule 35.4.7 as follows  ...  e. the use of land as an informal airport as part of filming activity is restricted to the Rural Zone <u>and Rural Visitor Zones.</u>
35.4.11 Temporary utilities	Such activities are anticipated in the Rural Visitor Zones and Ski Area Subzones	Amend Rule 35.4.11 as follows:  ...  <u>c. are required for power generation in the Rural Visitor Zones or Ski Area Subzones</u>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>Rule 35.4.8 – permitted temporary construction related activities</p>	<p>Include provision for the necessary site controls related to maintenance of the Earnslaw, or otherwise amend and broaden the definition of temporary construction related activities, including through provisions for repairs and maintenance</p>	<p>Amend Rule 35.4.8 as follows:</p> <p>...</p> <ul style="list-style-type: none"> <li>• <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;</u></li> <li>• <u>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.</u></li> </ul>
<p>Rule 35.5.2 Glare</p> <p>All fixed exterior lighting must be directed away from adjacent sites and roads.</p>	<p>Amend to ensure protection of waterways for navigational safety and proved for health and safety</p>	<p>Amend Rule 35.5.2 as follows:</p> <p>All fixed exterior lighting must be directed away from adjacent sites, <u>waterways</u>, and roads.</p> <p>...</p> <p><u>This rule shall not apply to glare from lighting used for health and safety purposes.</u></p>

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<b>Chapter 36 Noise</b>		
Chapter 36 Noise	The TSS Earnslaw has been operating on Lake Wakatipu since 1912 and transports around 250,000 passengers yearly.	Include in Chapter 36 a carve-out provision from noise limits for the TSS Earnslaw
36.5.2	<p>Clarify the application of this rule. Further uncertainty needs to be considered in the case of multi-engined craft. If the sound of a specific multi-engined craft is dominated by exhaust noise, the phasing of its engines, when running at nominally the same engine speed, can have a significant effect upon the vessel's pass by noise. Extreme examples of maximum AS-weighted sound pressure levels of up to 6 dB of the variability have been recorded. Hence other authorities often recommended allow at least 3 dB variation for twin engine vessels.</p> <p>Also clarify the methods and application of ISO 2922:2000 + ISO 14509-1:2008</p>	Delete Rule 36.5.2 or otherwise clarify as set out in the appeal.
Rule 36.5.13	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 Also clarify the methods and application of ISO 2922:2000 + ISO 14509-1:2008 specifically in respect of Rural Visitor Zones	Delete Rule 36.5.13 or otherwise clarify as set out in the reasons for appeal

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

**Appendix C** - A copy of the relevant parts of the decision

**Appendix D** - A list of names and addresses of persons to be served with this notice.