

Attachment 1 – KJet’s submission and further submission

Queenstown Lakes District Council

Proposed District Plan - Submission Form

Clause 6 of First Schedule, Resource Management Act 1991
FORM 2

Correspondence to:
Attn: Submission Team
Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

For office use only

Submission No:

Receipt Date:

1. Submitter details:

Full Name of Submitter: KAWARAU JET SERVICES HOLDINGS LIMITED
("KJet")

Address for Service: C/- Brown & Company Planning Group, PO Box 1467,
QUEENSTOWN

Email: office@brownandcompany.co.nz

Contact Person: J Brown / A Hutton

2. Scope of submission:

2.1 This is a submission to the Queenstown Lakes District Proposed District Plan ("PDP"), notified 26 August 2015

2.2 Summary and general submission:

KJet was first established in 1960 and has been operating a commercial jet boating business for over 50 years, running boats on Lake Wakatipu and the Kawarau and Lower Shotover Rivers.

KJet supports the PDP to the extent that it will (or will better):

- (a) promote sustainable management of resources, and achieve the purpose and principles of the Resource Management Act 1991 ("Act");
- (b) meet the reasonably foreseeable needs of future generations;
- (c) enable social, economic and cultural well being;
- (d) avoid, remedy or mitigate adverse effects;
- (e) promote the efficient use and development of natural and physical resources
- (f) recognise the value of existing investment;

- (g) recognise the benefits that commercial jet boat operators, like KJet, bring to the District and enable existing operators to continue to operate efficiently and effectively into the future;
- (h) represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other means available in terms of section 32 and other provisions of the Act;

Without limiting the generality of the above, this submission seeks modifications to the PDP to:

- (a) achieve greater recognition in the District Plan of commercial motorised activities on the surface of the District's waterways;
- (b) better promote the sustainable use and development of the District's waterway resource so as to enable people and communities to provide for their economic, cultural and social wellbeing; and
- (c) enhance the safety for all users of the waterways.

The details of the submission and the reasons for the submission are set out in Part 3 below.

2.3 The specific provisions that my submission relates to are:

- (a) Chapter 3: Strategic Direction – Objective 3.2.1.3 and allied policies.
- (b) Chapter 21: Rural zone – Zone Purpose 21.1, Objective 21.2.12 and allied policies; Table 1 (Rule 21.4.24), and Table 9 (Rules 21.5.38 – 21.5.27) and Rule 21.6
- (c) Any other provisions relevant to the purpose of this submission described in Part 2.2 above and Part 3 below.

3. Submission

3.1 Chapter 3: Strategic Direction

3.1.1 Goals, objectives and policies:

- (a) KJet generally **SUPPORTS** the goals, objectives and policies in Chapter 3.2, but seeks the addition of a new policy as follows:

Objective 3.2.1.3 Enable the development of innovative and sustainable enterprises that contribute to diversification of the District's economic base and create employment opportunities.

Policies 3.2.1.3.1 Provide for a wide variety of activities and sufficient capacity within commercially zoned land to accommodate business growth and diversification.

3.2.1.3.2 Encourage economic activity to adapt to and recognise opportunities and risks associated with climate change and energy and fuel pressures.

3.2.1.3.3 Provide for a range of appropriate Recreational and Commercial Recreational

activities in the rural areas and on the lakes and rivers of the District.

- (b) The reasons for the general support and the modifications sought are:
- (i) An over-arching strategic direction is necessary to provide the foundation themes and overall framework for the subsequent chapters of the District Plan. Chapter 3 adequately achieves this direction particularly in relation to how the District Plan will manage the rapid population growth of the District and the effects of population growth on the District's natural and physical resources.
 - (ii) KJet considers that commercial recreational activities such as jet boating should be actively recognised in the strategic direction of the District Plan.
 - (iii) Objective 3.2.1.3 and its allied policies recognise the importance of innovative and sustainable enterprises and should include the long established recreational and commercial recreational activities that occur in the District, for example commercial jet boating.
 - (iv) The proposed addition of Policy 3.2.1.3.3 recognises the benefits of such enterprises by providing for a range of appropriate recreational and commercial recreational activities in the rural areas and on the lakes and rivers of the District.

3.2 Chapter 21: Rural Zone

3.2.1 Zone Purpose 21.1

- (a) KJet **SUPPORTS** the Zone Purpose in 21.1.
- (b) The reason for the support is:

The Zone Purpose recognises that the rural areas of the District contain the lakes and rivers and acknowledges the desire for recreation, commercial and tourism activities within these areas.

3.2.2 Objective 21.2.12 and associated policies relating to the surface of lakes and rivers and their margins

- (a) KJet generally **SUPPORTS** the objective and policies but seeks modifications as follows.

21.2.12 Objective ***Protect, maintain or enhance the surface of lakes and rivers and the margins as far as possible while providing for a wide range of appropriate recreational and commercial recreational activities.***

- (b) The reasons for the support and amendments are:
 - (i) The policies in general recognise and provide for the recreational use of the District's waterways, and also recognise that certain activities can have adverse effects which should be avoided, remedied or mitigated. These provisions are supported as they are consistent with the sustainable management purpose of the Act.
 - (ii) Objective 21.2.12 currently only promotes the protection, maintenance or enhancement of the waterways but, unlike the policies that serve it, the

objective does not recognise that the waterways are used and will continue to be used for a range of commercial and non-commercial recreational activities. This can be addressed by the addition of the words “*while providing for a wide range of appropriate recreational and commercial recreational activities.*” This ensures that the objective is appropriately balanced and provides better context for its allied policies.

3.2.3 Rules – Rule 21.4.24, Table 9 (Rules 21.5.38 – 21.5.47) and Rule 21.6

- (a) KJet generally **SUPPORTS** Table 1 Rule 21.4.24 and Table 9 (being the rules for activities on the surface of the lakes and rivers) and Rule 21.6 (non-notification of certain applications).
- (b) The reasons for this support are:
 - (i) The activity status provided for the various types of commercial activities on the surface of the waterways are appropriate for the level of assessment necessary for resource consents.
 - (ii) In Rule 21.5.39, the discretion that is restricted to commercial non-motorised boating activities is appropriate and importantly it includes: “*congestion and safety, including effects on other commercial operators and recreational users*”. This is a necessary component of the assessment, as conflicts between existing or new motorised and existing or new non-motorised boating activities should be assessed in detail at the time of any application.
 - (iii) Safety is a relevant consideration under Section 5 of the Act.
 - (iv) KJet supports rule 21.6 which does not apply to restricted discretionary activities (so that the default position with respect to notification and written approvals under the RMA applies instead). This is important, in order to ensure that all commercial users of a water body are aware of all applications so that any safety concerns can be properly assessed in the determination of applications, including by way of safe operational plans that take into account existing users.
- (c) KJet considers that some minor clarifications could be made to Table 9 as there appears to be some inconsistency in the application of the labels of “activity status” and “non-compliance status” in the right hand column of the table. (For example, in Rule 21.5.44 “activity status” is the appropriate label because that is the status that attaches to the activities described, whereas for rule 21.5.45 the activity in question should only have non-complying status if the standards are not complied with, so that “non-compliance status” would be a more appropriate label than “activity status”.)

3.3 Part 2 and section 32 of the Act

3.3.1 Section 5

Subject to the modifications sought in this submission, the PDP achieves the sustainable management purpose of the Act by enabling people and communities of the District to provide for their collective well-being and safety in a manner that: sustains the potential of the lakes and rivers of the District for future generations; will continue to safeguard the life-supporting capacity of the water resources; and will avoid or mitigate potential adverse effects of the commercial activities on the environment.

The purpose of the Act is therefore achieved by the PDP and the proposed modifications sought in this submission.

3.3.2 Section 6

The relief sought in this submission is consistent with, and does not undermine the important values in section 6 of the Act. In particular, these values will not be undermined by KJet's operations given the context of jetboat operations and other tourism and commercial recreational operations in Queenstown.

3.3.2 Section 7

The modifications sought in this submission are directly relevant to achieving the following matters to which particular regard must be given:

- (b) *the efficient use and development of natural and physical resources;*
- (ba) *the efficiency of the end use of energy;*
- (c) *the maintenance and enhancement of amenity values;*
- (f) *maintenance and enhancement of the quality of the environment;*
- (g) *any finite characteristics of natural and physical resources;*

The provisions will encourage safe and therefore efficient use and development of the waterways resources. At the same time, the provisions will maintain and enhance amenity values and the quality of the environment, recognising the finite nature of the District's waterways

3.3.3 Summary – Part 2 of the Act

KJet considers that the PDP, with the modifications sought in this submission, will achieve the purpose and principles of the Act, for the reasons set out above.

3.3.4 Section 32

KJet considers that:

- (a) The evaluation carried out for the PDP as notified did not adequately examine valid alternatives in relation to the subject matter of this submission;
- (b) The objectives, as sought to be modified by this submission, are the most appropriate way to achieve the purpose of this Act;
- (c) The policies, as sought to be modified by this submission, and the rules for commercial recreation on the waterways of the District, are the most appropriate way to achieve the objectives;
- (d) There are no other reasonably practicable alternative options for achieving the relevant objectives;
- (e) The methods (policies and rules) are the most effective and efficient for achieving the relevant objectives;
- (f) The provisions will have significant benefits and minimal costs, taking into account the economic growth and employment that are anticipated to be provided for and enhanced by the provisions; and

- (g) There is no risk of acting (by adopting the modifications sought in this submission) because there is no uncertainty or insufficient information about the subject matter of the provisions.

4. KJet seeks the following decision from the Queenstown Lakes District Council:

- 4.1 KJet seeks the relief set out in Parts 3.1 – 3.3 of this submission.
- 4.2 KJet further seeks any additional, alternative or consequential relief necessary or appropriate to address the matters raised in this submission (including the general submission at 2.2 above) and/or the relief requested in this submission, including any such other combination of plan provisions, objectives, policies, rules and standards provided that the intent of this submission, as set out in Parts 2 and 3 of this submission, is enabled.

KJet **DOES** wish to be heard in support of this submission.

If others make a similar submission, KJet will consider presenting a joint case with them at a hearing.

Signature of Submitter



J A Brown
*Authorised to sign on behalf of
Kawarau Jet Services Holdings Ltd.*

Date: 23 October 2015

Telephone: 03 409 2258 / 021 529 745

Notes to person making submission:

If you make your submission by electronic means, the email address from which you send the submission will be treated as an address for service.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of Schedule 1 of the Resource Management Act 1991.

The submitter could NOT gain an advantage in trade competition through this submission

Queenstown Lakes District Council – Proposed District Plan Stage 1

Further Submission

In support, or in opposition to, submissions to the Proposed District Plan ("PDP") under Clause 8 of First Schedule, Resource Management Act 1991 ("**Act**").

To: Queenstown Lakes District Council
Private Bag 50072
Queenstown

Attention: Planning Policy

1. Submitter details:

Full Name of Further Submitter:	Kawarau Jet Services Holdings Limited ("KJet")
Address for Service:	C/- Brown & Company Planning Group, PO Box 1467, QUEENSTOWN
Email:	office@brownandcompany.co.nz
Contact Person:	A Hutton / J Brown
Phone:	03 4092258

2. Submitter Status

KJet has an interest in the proposal greater than the general public has, for the following reasons:

- KJet holds resource consents to operate commercial jet boating activities on Lake Wakatipu and the Kawarau and Shotover Rivers; and
- The PDP and changes thereto may directly affect KJet's future operations.

KJet, also made an original submission on the matters to which the submissions (on which KJet makes these further submissions) relate.

3. KJet makes the further submissions set out in the following table:

In each case, while specific reasoning and relief is stated, KJet generally relies on the reasons given in its original submission, and the need to achieve the purpose of the Act. The relief sought is to be consistent with those matters.

Original Submitter	Submission Number	Support/Oppose	Reasons for Submission	I seek the following:
Real Journeys Ltd	621.5 . 10	SUPPORT	<p>The submission requests modifications to the PDP relating to to tourism activities.</p> <p>KJet supports these modifications for the reasons set out on pages 2 . 5 of the original submission.</p>	That submissions 621.5 . 10 are adopted.
Real Journeys Ltd	621.58	OPPOSE	<p>The submission requests that Objective 21.2.12 be amended to be <i>the surface of lakes and rivers and their margins are safeguarded from inappropriate use and development.</i></p> <p>KJet's original submission seeks that Objective 21.2.12 be amended to Protect, maintain or enhance the surface of lakes and rivers and their margins as far as possible while providing for a wide range of appropriate recreational and commercial recreational activities.</p> <p>KJet prefers the wording proposed in its own original submission, as that wording is more enabling of appropriate activities</p>	That submission 621.58 is rejected.

Original Submitter	Submission Number	Support/Oppose	Reasons for Submission	I seek the following:
			while retaining the central purpose of the objective.	
Real Journeys Ltd	621.69	OPPOSE	<p>The submission requests that Rural Objective 21.2.12 be replaced with %<i>Recognise the importance of providing a water based public transport system while avoiding, remedying or mitigating the adverse effects of activities and structures on the surface of lakes and rivers and their margins.</i>+ </p> <p>KJet opposes the wholesale change to the purpose of the Objective. Although it supports the intent of the submission to include, within the framework of the provisions, reference to public transport, this should be within the policies of Objective 21.2.12 and not a change to the objective itself.</p>	That submission 621.69 is rejected, on the basis that the intent is achieved through existing provisions or other amendments.
Real Journeys Ltd	621.75	SUPPORT	<p>The submission requests that Policy 21.2.12.10 is amended as follows: %<i>Protect historical and well established commercial boating operations from incompatible activities and manage new commercial operations to Ensure that the nature, scale and number of new</i></p>	That submission 621.75 is adopted.

Original Submitter	Submission Number	Support/Oppose	Reasons for Submission	I seek the following:
			<p><i>commercial boating operators and/or commercial boats on waterbodies do not exceed levels where the safety of passengers and other users of the water body cannot be assured.+</i></p> <p>KJet supports this submission as safety is the critical aspect of the commercial use of the District's waterways. Protecting existing operators is important, with any growth needing to be as safe as practicable.</p>	
Real Journeys Ltd	621.80	OPPOSE	<p>The submission requests that a new policy be inserted into the rural chapter or a new chapter, as follows:</p> <p><u><i>%Avoid activities on the surface or bed of lakes and rivers that conflict with:</i></u></p> <p><i>i. adjoining land use or</i> <i>ii. visitor attraction activities or</i> <i>iii. water transport activities+</i></p> <p>The submission is opposed because <i>%avoid+</i> is too determinative and may foreclose opportunities for activities that may mitigate or remediate conflicts while not necessarily avoiding them altogether.</p>	That submission 621.80 is rejected.
Jet Boating New Zealand	758.1	SUPPORT	KJet generally supports the	That the submission 758 is

Original Submitter	Submission Number	Support/Oppose	Reasons for Submission	I seek the following:
			submission 758 except where the submission conflicts with KJet's original submission (which is only in relation to the wording of Objective 21.2.12).	adopted subject to the amendments sought by KJet to Objective 21.2.12.
Queenstown Wharves GP Limited	766.18	SUPPORT	The submitter requests that under Objective 21.2.12 an additional objective is included to support provision of water based public transport. This is supported for the reasons set out in the submission.	That submission 766.18 is adopted.
Queenstown Wharves GP Limited	766.30	SUPPORT	The submitter requests that rule 21.5.43 commercial ferry operations for public transport are a Controlled Activity. This is supported provided that the matters of control include the effects of the activity on the safety of all users of the waterways.	That submission 766.30 is adopted.
Queenstown Park Ltd	806.130	SUPPORT	JKet supports the submitter's request that Rural Policy 21.2.12.9 is amended to recognise that management techniques can be used to appropriately manage effects from commercial jet boat use.	That submission 806.130 is adopted.
Queenstown	806.131	SUPPORT	JKet supports the	That submission

Original Submitter	Submission Number	Support/Oppose	Reasons for Submission	I seek the following:
Park Ltd			submitter's request that Rural Policy 21.2.12.10 is amended to recognise that management techniques can be used to appropriately manage effects from commercial jet boat use.	806.131 is adopted.

4. **KJet DOES wish to be heard in support of this further submission.**
5. **If others make a similar submission, KJet WILL consider presenting a joint case with them at the hearing.**

Signed: J Brown/ A Hutton



Dated: 18 December 2015