

ANNEXURE A

Queenstown Park Limited's submission and further submission

SUBMISSION ON PROPOSED QUEENSTOWN LAKES DISTRICT PLAN

Clause 6 of Schedule 1, Resource Management Act 1991

To: Queenstown Lakes District Council

Submitter Details:

Name of submitter: Queenstown Park Limited

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1. This is a submission on the Proposed Queenstown Lakes District Plan (Stage 2).
2. **Trade Competition**
 - 2.1 The submitter could not gain an advantage in trade competition through this submission.
3. **Queenstown Park Limited (QPL) submission is that:**
 - 3.1 **QPL** owns Queenstown Park (formerly known as Kawarau Station & Cone Peak Station). Queenstown Park is a 2,000ha site located on the true right bank of the Kawarau River, which extends to an altitude of approximately 1000masl (to be known as "**Queenstown Park**"). The land is zoned Rural General in the operative District Plan. The PDP proposes to zone it Rural with some Outstanding Natural Landscape (**ONL**) classification. QPL has sought a special zone for the land by way of submission on the district plan review (Stage 1).
4. **QPL opposes aspects of the following Chapters in Stage 2 of the PDP Review:**
 - 4.1 Chapter 25 – Earthworks;
 - 4.2 Chapter 29 – Transport;
 - 4.3 Chapter 38 – Open Space and Recreation.

4.4 QPL as a significant stakeholder in the district has concerns regarding the content and application of parts of the above chapters. These concerns indicate that the above Chapters:

- (i) do not promote sustainable or integrated management;
- (ii) do not manage the use, development and protection of natural and physical resources;
- (iii) do not avoid, remedy or mitigate adverse effects;
- (iv) do not meet the requirements under section 32 of the Act;
- (v) are not the “most appropriate” way to achieve the purpose of the Act;
- (vi) are not efficient or effective; and
- (vii) do not represent sound resource management practice.

4.5 There are some aspects that QPL supports. These are specifically identified in this submission.

Without derogating from the generality of the above, QPL makes the following specific submissions:

5. Earthworks Chapter

5.1 QPL was involved in Plan Change 49 to the Operative District Plan (**PC49**), including the submission of consent documents to the Environment Court resolving appeals on PC49. The consent documents were endorsed by the Environment Court in April 2016 and PC49 was made operative in July 2016.

5.2 The primary position of QPL is that the Operative District Plan's earthworks provisions (Section 22) as amended by PC49 be retained.

5.3 In the alternative, QPL's submission on the content of Chapter 25 is as follows.

- 5.4 The revised chapter provides for exemptions to the Earthworks rules under 25.3.4.5. These include:

25.3.4.5 Earthworks for the following shall be exempt from the rules in Tables 25.1 to 25.3:

- a. Erosion and sediment control except where subject to Rule 25.5.20 setback from waterbodies.
- b. The digging of holes for off al pits.
- c. Fence posts.
- d. Drilling bores.
- e. Mining Activity, Mineral Exploration or Mineral Prospecting.
- f. Planting riparian vegetation.
- g. Internments within legally established burial grounds.
- h. Maintenance of existing and in-service vehicle accesses and tracks, excludes their expansion.
- i. Deposition of spoil from drain clearance work within the site the drain crosses.
- j. Test pits or boreholes necessary as part of a geotechnical assessment or contaminated land assessment where the ground is reinstated to existing levels within 48 hours.
- k. Firebreaks not exceeding 10 metres width.
- l. Cultivation and cropping.
- m. Fencing in the Rural Zone, Wakatipu Basin Rural Amenity Zone (excluding the Precinct), Rural Lifestyle Zone and Gibbston Character Zone where any cut or fill does not exceed 1 metre in height or any land disturbance does not exceed 1 metre in width.**

[emphasis added]

- 5.5 QPL has a vast network of fences and continues to maintain, develop and upgrade fences as part of its farming operation. Although QPL supports an exemption from the earthworks rules for fencing, QPL considers the 1m cut/fill height and width restrictions are impractical.
- 5.6 In QPL's experience, to form a reasonable hill country fence line that is effective at managing stock, a bench wider than 1m is required. Even utilising the smallest digger to form a bench to then place the posts for a fence line requires a bench wider than 1m. Effectively, the width of the bench needs to safely accommodate the machinery that is forming the fence line.
- 5.7 Given the sloping terrain of QPL's land, ensuring any cuts are less than 1m along the entire length of a fence line is very difficult (if not impossible) to achieve. QPL understand the limitation on cut heights is in part to manage the potential visibility of fence lines that can arise where large and continuous cuts can make fence lines stand out within the landscape.

- 5.8 However, QPL considers a more refined approach to this exemption can ensure fences are not overly visible whilst ensuring some genuine ability exists for the construction of fences without the need for a resource consent.
- 5.9 QPL considers the exemption should provide for a percentage of cuts to exceed 1m within an upper limit of 2m whilst the 1m width restriction should be removed all together.
- 5.10 QPL considers an arrangement as noted above would better enable fences to be constructed without resource consent whilst ensuring potential environmental effects associated with their formation is appropriately managed.
- 5.11 QPL opposes the use of the word “minimise” in objective 25.2.1. It seeks that the words “avoid, remedy and mitigate” be used, noting that these terms are used in policy 25.2.1.3. Remediation and mitigation are well established techniques that are used to effectively manage the adverse effects of earthworks.
- 5.12 QPL seeks that “Bulk Earthworks” (as described in the Operative District Plan) be expressly provided for as a restricted discretionary activity in Chapter 25.
- 5.13 QPL seeks the deletion of the words “while being protected from adverse effects” in Objective 25.2.2. Objective 25.2.1 addresses adverse effects. Objective 25.2.2 is intended to recognise the benefits derived from earthworks.
- 5.14 QPL considers that Policy 25.2.2.1 that follows Objective 25.2.2 should not be “subject to objective 25.2.1”.
- 5.15 QPL supports the recognition of the need for operational efficiency of farming, but considers that operational efficiency is also important for other activities (such as tourism, recreation, commercial, visitor accommodation). These references to operational efficiency should not be limited to farming (or the Ski Area subzones – policy 25.2.2.1 (b)).
- 5.16 QPL support restricted discretionary activity status for earthworks in accordance with Rules 25.5.11, and 25.5.15 to 25.5.22. However, QPL seek that:
- a) Earthworks for the “improvement and formation/creation” of track access (rather than only “maintenance”) be a permitted activity via rule 25.3.4.5;

- b) Maintenance, improvement and creation of recreational trails be a permitted activity; and
- c) These activities be permitted in all zones.

In the alternative, the above activities be provided for as controlled activities.

- 5.17 QPL opposes the requirement for an erosion and sediment management design plan prepared by a suitably qualified person for all earthworks requiring resource consent. QPL considers that such a plan is only required for bulk earthworks in excess of 50,000m³.

6. Transport Chapter

Water Ferry Service

- 6.1 Proposed new Policy 12.2.5.7 and Rule 12.4.17 in the Queenstown Town Centre Zone have been the subject of Memoranda and Minutes in relation to water based passenger transport. The Transport Chapter also addresses “public water ferry services” (in particular, Objective 29.2.1, Policy 29.2.1.2, Rule 29.4.8 and the definition of “Public Water Ferry Service”).
- 6.2 QPL supports Objective 29.2.1 and Policy 29.2.1.2. QPL also generally supports Rule 29.4.8, but considers that the restricted discretionary activity assessment matters should expressly refer to reducing reliance on vehicles and roads. QPL seeks that a new item “f” be added to Rule 29.8.3.1 as follows:
- “reduces demand on the roading network and provides an alternative to cars or other road based transport”
- 6.3 QPL opposes the definition of “Public Water Ferry Service” proposed in the Variation to the Stage 1 Definitions section. The proposed definition is as follows:

Means a ferry service for the carriage of passengers for hire or reward, which is available to the public generally and is operated to a regular schedule, but does not include any such service that:

- is contracted or funded by the Ministry of Education for the sole or primary purpose of transporting school children to and from school; or
- is operated for the sole or primary purpose of transporting passengers to or from a predetermined event; or

- is operated for the sole or primary purpose of tourism.

The definition is limited to that part of the ferry service that occurs on the surface of the water and excludes any associated activity that occurs on land or on a structure attached to land, including the lake bed.

6.4 QPL seeks the deletion of the third bullet point in the definition because:

- (a) The purpose of the ferry service is not relevant to implementing the relevant objectives and policies;
- (b) The persons using the ferry service may be a combination of residents and tourists. It is conceivable that at some times, persons using the ferry service will be predominantly tourists. This could trigger non-compliance with the definition;
- (c) Tourists are also members of the public; and
- (d) Provided the ferry service is safe and there is adequate capacity on the water for the ferry to operate, the intended or actual customers of it should not matter.

7. Open Space and Recreation

7.1 QPL supports the general thrust of Chapter 38. In particular, QPL supports recognition of:

- (a) maintenance and enhancement of integrated public access connections through walking and cycling tracks (policy 38.2.1.1);
- (b) access along lake and river margins (policy 38.2.1.1); and
- (c) interface between activities within open space and recreation zones (Objective 38.2.4)

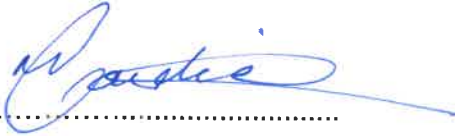
7.2 QPL opposes protection of established activities where those activities are contrary to the proposed policy framework and the public access imperatives contained therein. Chapter 38 should acknowledge that some historic uses of reserves and open space may no longer be appropriate.

7.3 QPL considers Objective 38.2.3 and its associated policies should be amended so that references to '*do not degrade*' and '*do not detract*' are clarified given the thrust of the objective is manage effects of commercial activities. It is considered it should be clear that this objective and policy suite apply to established and proposed activities.

- 7.4 QPL generally supports the Purpose, Objectives and Policies for the Informal Recreation Zone. In particular, QPL supports:
- (a) Ensuring ease of access (as stated in the first paragraph of the “Purpose”);
 - (b) Providing for and enhancing walking and cycle links (as stated in the first paragraph of the “Purpose” and policy 38.4.1.6);
 - (c) Provision of open areas fronting the district’s lakes (as stated in the second paragraph of the “Purpose”);
 - (d) Ensuring that commercial recreation uses complement the values of a reserve (policy 38.4.1.2); and
 - (e) Encouraging access and use (policies 38.4.1.3 and 38.4.1.4)
- 7.5 QPL supports the inclusion of land in the Shotover delta (below and to the north-east of the RESA) within the Informal Recreation zone but also considers given the size of this area some of it should be zoned Active Sport and Recreation. This land is well located near existing and future urban areas, and can be linked to future open spaces within the RPZ.
- 7.6 QPL notes Part Section 131 Block III Shotover Survey District, located below Lake Hayes Estate, was previously designated reserve but hasn’t been zoned although the land adjoining it has. QPL considers this land should be zoned CPZ due to the proximity of the land to the river and trail networks. This makes this land ideal as a community purpose access reserve.
- 7.7 QPL considers the height limit for buildings within Part Section 131 Block III Shotover Survey District should also be increased to 15m and the total ground floor area of buildings provided for on this site should be increased to 1500m².
- 7.8 QPL opposes the default status of non-complying for any activity not listed in Table 38.1 as specified by Rule 38.9.1.
- 8. The submitter seeks the following decision from the Queenstown Lakes District Council:**
- 8.1 The Proposed District Plan (Stage 2) is amended to reflect the matters raised in this submission.

- 8.2 Any consequential relief or alternative amendments to the provisions required to give effect to the matters raised in this submission.
9. **The submitter wishes to be heard in support of their submission.**
10. **If others make a similar submission the submitter will consider presenting a joint case with them at a hearing.**

Signature.....



Date.....

23 / 02 / 18

**QUEENSTOWN PARK LIMITED- FURTHER SUBMISSION ON THE QUEENSTOWN
LAKES PROPOSED DISTRICT PLAN STAGE 2**

TO: QUEENSTOWN LAKES DISTRICT COUNCIL

Private Bag 50077

Queenstown

NAME: QUEENSTOWN PARK LIMITED

Attn: Tim Williams

PO Box 1075

QUEENSTOWN 9348

This is a further submission on the Queenstown Lakes District Council's Proposed District Plan Stage 2 (**PDP-S2**). Queenstown Park Limited (**QPL**) has an interest greater than the public generally. QPL owns a 2000ha Station located adjacent to the Kawarau River, and extending to an elevation of 1100masl. QPL actively farms the station and also has proposals for the land that would see parts of it developed for tourism/ resort use, a gondola connection to the Remarkables Ski Field and residential uses.

The **attached** table (**Attachment A**) is organised by submitter number and records the submissions that QPL supports and/or opposes together with the reasons for each further submission.

QPL wishes to be heard in support of this further submission.

If others present a similar submission QPL will consider presenting a joint case with them at the hearing.

Dated: 27 April 2018

J D Young

Counsel for Queenstown Park Limited

ATTACHMENT A: FURTHER SUBMISSIONS TABLE QUEENSTOWN PARK LIMITED (QPL)

Submitter	Submitter number	Provision	Support/oppose	Reason
Active Transport	2078.1	Requirement for planning maps to identify key active transport network linkages	Support	QPL supports the concept of active transport network linkages but would want to understand and be involved in any potential mapping of these.
James Nona	2238.1	Requirement for more not less parking	Oppose	For the reasons outlined in QPL's primary submission.
James Nona	2238.11	Requirement for provision requiring reduce parking onsite be removed	Oppose	For the reasons outlined in QPL's primary submission.
Clark Fortune McDonald & Associates	2297.6	Requirement for assessment matters to support consideration of a shortfall in parking	Support	For the reasons outlined in QPL's primary submission.
Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, Hokonui Runanga, Te Runanga o Waihopai, Te Runanga o Awarua and Te Runanga o Oraka-Aparima (Kai Tahu	2329.3	Chapter 29 - Transport	Oppose	It is unclear how these matters would relate to the Transport Chapter and without clarity uncertainty exists as to how this could impact the chapter
Safari Group of Companies Limited	2339.6	Inclusion of Objectives and Policies which reduce onsite car and coach parking for hotels	Support	For the reasons outlined in QPL's primary submission.
RCL Henley Downs Ltd	2465.3	Deletion of the word public	Support	QPL supports the concept of the provisions applying equally to private transport.

RCL Henley Downs Ltd	2465.6	Inclusion of the reference to 'the benefits of the proposal' as a matter of discretion.	Support	For the reasons outlined in QPL's primary submission.
RCL Henley Downs Ltd	2465.39	Amendment of policy 29.2.1.2 to refer to 'all' water ferry services not only public water ferry service	Support	QPL's support widening the consideration of this proposal given the benefits of a Ferry Service can arise regardless of whether it is public or private.
Real Journeys Ltd	2466.1	Inclusion of benefits of all forms of transport	Support	For the reasons outlined in QPL's primary submission and because all forms of transport provide benefits and should be recognised accordingly.
Real Journeys Ltd	2466.2	Inclusion of benefits of all forms of transport	Support	For the reasons outlined in QPL's primary submission and because all forms of transport provide benefits and should be recognised accordingly.
Real Journeys Ltd	2466.37	Inclusion of the reference to 'the benefits of the proposal' as a matter of discretion.	Support	For the reasons outlined in QPL's primary submission.
Shundi Customs Limited	2474.31	Addition of 'the practicality of constructing to the standards given matters such as site constraints' to matters of discretion	Support	QPL supports greater recognition of the fact the site constraints can make it impracticable to meet parking and transport standards and this should be taken into account in any assessment.
Cardrona Alpine Resort Limited	2492.27	Inclusion of an objective and associated policies supporting activities that help resolve traffic congestion	Support	For the reasons outlined in QPL's primary submission.
Te Anau Developments Limited	2494.48	Deletion of 29.2.4.3 and provision of amended wording.	Support	For the reasons outlined in QPL's primary submission.
Shaping our Future	2511.3	That objectives are aligned with Shaping our Future's overall vision and reports	Support	For the reasons outlined in QPL's primary submission.
Second Kawarau Bridge Group	2569.1	Designation for a bridge connection downstream of existing Kawarau Bridges at Kawarau Falls	Support/Oppose	Although QPL supports a second bridge location it considers the location as shown in the submitter submission is inappropriate. A second bridge(s) should be provided for downstream of the location shown in the submitters

				submission.
Queenstown Water Taxis Ltd (QWT)	2594.1	More enabling approach to water ferry services	Support	QPL considers provision of water ferry is critical to the future of the districts transport infrastructure.
Queenstown Water Taxis Ltd (QWT)	2594.2	The definition of Public Water Ferry Service	Support	QPL supports amending this definition to remove the word public.
Queenstown Water Taxis Ltd (QWT)	2594.3	Distinction between Water Ferry Service and Commercial Boating Activity	Support	QPL agrees that further synergy is warranted between these two terms
Queenstown Airport Corporation	2618.9	Definition of Regionally Significant Infrastructure	Support	QPL considers this definition should be amended as requested by QAC and that the definition should also include RPL's proposed passenger gondola connecting the Remarkables Park town Centre to the residential areas at Lake Hayes Estate, Shotover Country and Bridesdale, extending to the Remarkables Ski Field and linking to a ferry terminal on the Kawarau River.
Well Smart Investments Ltd	2601.7	Amendment of Policy 29.2.2.5	Support	QPL supports providing greater flexibility.
Well Smart Investments Ltd	2601.9	Amendment of Policy 29.2.3.1	Support	For the reasons outlined in RPL's primary submission. Given there is reference to an external document any requirements should be included in the chapter and 'encouraged' is a more appropriate term than 'required'
Well Smart Investments Ltd	2601.11	Replacement of the word 'avoid' with 'manage in policy 29.2.4.1	Support	QPL considers manage provides a better reflection of the options available than avoidance.
Well Smart Investments Ltd	2601.27	Adding a matter relating to the practicality of constructing to the Code of Practice	Support	For the reasons outlined in QPL's primary submission the interrelationship between this chapter and the code is unclear and any assessment should be clearly

				provided within the chapter provisions. Therefore greater discretion in terms of applying the code is required.
Loris King	2076.6	Chapter 38 - Open Space and Recreation	Oppose	There will be instances where buildings other than those associated with sport activities will be appropriate in an Open Space area
Real Journeys Ltd	2466.6	Chapter 38 - Open Space and Recreation That the Open Space Chapter recognises and provides for the benefits of commercial recreation.	Support	In some instances permitting commercial activities will enhance the enjoyment of open space and recreation areas
Queenstown Airport Corporation	2618.17	38.2 - Objectives and Policies - District Wide	Oppose	The proposal will not achieve sustainable or integrated management of resources
Queenstown Airport Corporation	2618.18	38.2 - Objectives and Policies - District Wide	Oppose	The proposal will not achieve sustainable or integrated management of resources
Queenstown Airport Corporation	2618.2	38.8 - Other Provisions and Rules	Oppose	The proposal will not achieve sustainable or integrated management of resources
Queenstown Airport Corporation	2618.21	38.10 - Rules - Standards	Oppose	The proposal will not achieve sustainable or integrated management of resources
Queenstown Airport Corporation	2618.22	38.10 - Rules - Standards	Oppose	The proposal will not achieve sustainable or integrated management of resources
Queenstown Airport Corporation	2618.24	Chapter 38: Variation to Stage 1 PDP Chapter 2: Definitions	Oppose	The proposal will not achieve sustainable or integrated management of resources
Queenstown Airport Corporation	2618	QAC has submitted that the Open Space Zone at the Shotover Delta should be zoned Ruralor have restrictions imposed	Oppose	This land is well suited to a wide range of recreation activities and, given its close proximity to the new Wakatipu High

		on the recreational activities that can be undertaken.		School and residential development at Remarkables Park and its central location relative to residential areas at Lake Hayes Estate, Shotover Country, Jacks Point, Hanley's Farm and Quail Rise, the recreation land at the Shotover Delta is particularly well suited to development as playing fields for organised sport and recreation.
Real Journeys Ltd	2466.152	Chapter 25 - Earthworks	Support	Trail construction should be exempted
Queenstown Trails Trust	2575.7	25.3 - Other Provisions and Rules	Support	Trail construction should be exempted
Cardrona Alpine Resort Limited	2492.13	25.3.4 - General Rules	Support	Earthworks within a legal road corridor should be exempted
Darby Planning LP	2376.26	25.3.4 - General Rules	Support	Earthworks associated with any subdivision should be exempted. Exemption should apply to all subdivision – not just controlled or restricted discretionary
Te Anau Developments Limited	2494.16	25.3.4 - General Rules	Support	Exemption should not be limited to riparian planting
Glendhu Bay Trustees Ltd	2382.19	25.5 - Rules - Standards		There are instances where earthworks within 10 metres of a water body are required. Small volumes, as proposed by the submitter, should be permitted.
QLDC Chief Executive - submitting on behalf of Queenstown	2239.6 &.7	25.5 - Rules - Standards - Table 25.3	Support	Minor dredging or excavation around wharf (docking) facilities should be exempted or permitted but the exemption or permitted status should apply to all wharf structures not just those owned by

Lakes District Council				Council
Department of Conservation	2242.16	25.8.6 - Effects on water bodies, ecosystem services and indigenous biodiversity	Oppose	The submitters suggested inclusion (d) is already adequately covered by 25.8.6 (c). The use of the term "avoidance" by the submitter, without further qualification, is opposed as it will not achieve sustainable management of resources.