

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL HEARINGS PANEL

UNDER the Resource Management Act 1991

IN THE MATTER of the review of parts of the Queenstown Lakes District Council's District Plan under the First Schedule of the Act

AND

IN THE MATTER of submissions and further submissions by **QUEENSTOWN PARK LIMITED, REMARKABLES PARK LIMITED** and **QUEENSTOWN WHARVES (GP) LIMITED**

**SUBMISSIONS OF COUNSEL FOR QUEENSTOWN PARK LIMITED,
REMARKABLES PARK LIMITED AND QUEENSTOWN WHARVES (GP) LIMITED**

HEARING STREAM 05 – DISTRICT WIDE

**CHAPTER 30 – ENERGY AND UTILITIES, CHAPTER 35 – TEMPORARY ACTIVITIES &
RELOCATED BUILDINGS AND CHAPTER 36 - NOISE**

2 SEPTEMBER 2016

**BROOKFIELDS
LAWYERS**

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1. INTRODUCTION

1.1 These submissions are made on behalf of Queenstown Park Limited (**QPL**), Remarkables Park Limited (**RPL**) and Queenstown Wharves (GP) Limited (**QWL**).

1.2 As noted in the submissions and further submissions of QPL, RPL and QWL to the Proposed Queenstown Lakes District Plan (**PDP**):

- (a) QPL owns Queenstown Park Station (formerly known as Cone Peak Station) - a 2000ha site located on the true right bank of the Kawarau River and extends to an altitude of approximately 1000masl (herein referred to as "Queenstown Park"). QPL seeks that Queenstown Park be managed by a Special Zone specific to the site, including access linkages between Queenstown Park, Remarkables Park and the Remarkables ski field (**Queenstown Park Special Zone** or **QPSZ**);
- (b) RPL is a development company that owns 150ha of land zoned Remarkables Park Zone (**RPZ**), which provides for a town centre and mixed-use urban development in Queenstown; and
- (c) QWL is a listed company that owns the St Omer and O'Reagan wharves located within the Queenstown Town Centre Waterfront zone. QWL also owns a wharf at Kelvin Heights.

1.3 In addition to the matters canvassed in their submissions and further submissions to the PDP, it is important to QPL, RPL and QWL that the district wide provisions forming the subject of this hearing stream address the following matters:

- (a) For QPL and QWL, that the provisions on public transport in Chapter 30 of the PDP (Energy and Utilities) include references to gondolas and ferries.
- (b) For RPL, ensuring that the RPZ is preserved and noted as being exempt from the provisions in Chapters 30, 35 and 36.
- (c) For QPL and RPL:
 - (i) That the provisions on temporary events in Chapter 35 (Temporary Activities and Relocated Buildings) are applied consistently across privately owned and public land; and

- (ii) That the provisions for noise in Chapter 36 of the PDP are consistent with, but do not extend or embellish, those agreed to as part of Plan Change 35 – Queenstown Airport Aircraft Noise Boundaries (**PC35**).¹

2. CHAPTER 30 – ENERGY AND UTILITIES

- 2.1 QPL's key submission and further submission points on this chapter focus on public transport as a means of reducing energy use. In particular QPL is concerned to ensure that the references to public transport in this chapter recognise (and include references to) the potential for water-based public transport and the provision of a gondola between the RPZ to Queenstown Park and to the Remarkables ski field to reduce reliance on private motor vehicle use.
- 2.2 QWL noted in paragraph 1.1 of its submission² that it wished to ensure that the wharves in its ownership are protected but that there is also opportunity for public transport linkages both within the Frankton Arm of Lake Wakatipu and along the Kawarau River. There is also the potential for a ferry linkage to Jacks Point that ought to be recognised and provided for.
- 2.3 RPL's concerns with this chapter pertain (in the main) to ensuring that it does not apply to the RPZ, which is excluded from the PDP review.
- 2.4 Counsel notes that the Section 42A Hearing Report for this chapter:
- (a) Makes no reference at all to QWL's submission point or to the likes of ferries; and
 - (b) Rejects both QPL³ and RPL's⁴ submission points with no detailed explanation given (or able to be ascertained) in either the body or Appendix 2 of the report as to the reasons.
- 2.5 It is submitted that the report's generic reference to rejecting QPL's further submission on the definition of 'regionally significant infrastructure' on the basis that a gondola is not regionally significant is vague and insufficient. Should the gondola

¹ PC35 is currently on hold before the Environment Court pending the outcome of the hearings for QAC's Notice of Requirement proceeding for Lot 6 (land owned by RPL) which was adjourned in December 2015 pending the outcome, among other matters, of an aeronautical study by QAC.

² Dated 23 October 2015.

³ See Appendix 2 to the Section 42A Hearing Report on Chapter 30, reference: 806.204.

⁴ Ibid, reference: FS1117.20.

proceed (which is QPL's intention), it is undeniable that it will represent a "game changing" tourist experience and will be a significant addition to Queenstown's tourism offering. It may also provide a commuter transport option for residents of Lake Hayes Estate to Remarkables Park.

- 2.6 Counsel also submits that the recommendation to reject QPL's submission point on accounting for water-based public transport and the use of a gondola between the RPZ to Queenstown Park and the Remarkables ski field precludes the opportunities that such matters provide for the Council to meet its section 31 functions and Part 2 obligations in a manner that is innovative, cost-effective, and accounts for Queenstown's natural environs.
- 2.7 It is also submitted that the lack of reference to QWL's submission in the hearing report for this chapter is an omission that needs to be addressed.
- 2.8 On RPL's concern that the RPZ remain excluded from the provisions in this chapter and from the district plan review in its entirety, this is a matter that may need to be clarified and confirmed at the hearing. It is also for note that this particular point applies across all the district-wide provisions and not just for Chapter 30.
- 2.9 In general, it is submitted that Chapter 30 provisions that account for the submissions and further submissions of QPL, RPL and QWL in relation to public transport matters, and particularly with regard to gondolas and ferries, are appropriate and best meet the purposes of the Act.

3. CHAPTER 35 - TEMPORARY ACTIVITIES AND RELOCATED BUILDINGS

- 3.1 QPL supports the provision for temporary events and recognises the importance of such events for the district's social, economic and cultural wellbeing. However, the amended PDP provision that any event held on land owned by the Queenstown Lakes District Council (**Council**) or the Department of Conservation (**DOC**) is a permitted activity provided it has Council or DOC approval, requires additional clarification. While QPL supports this proposed amendment, that support is subject to confirmation that the amendment proposed:

- (a) Is due to (or based on) DOC and Council requirements for granting approval of temporary events being consistent with the requirements of the PDP;

- (b) Is a way of ensuring that temporary events are managed consistently and that adverse effects are managed effectively; and
- (c) Can be applied consistently to both privately owned land as well as DOC and Council land (as public land).

3.2 Counsel notes that while the Section 42A Hearing Report for this chapter recommends that QPL's submission point be accepted⁵, it is otherwise silent on whether the provisions for public and private land are consistent across the chapter. It is apparent from the content of the Hearing Report that while greater provision is made for temporary events on private land, such provision differs to that for public land with there being the likes of caps on the number of temporary events that can be held on a private site over a 12 month period for example.⁶

3.3 As private landowners interested in hosting temporary events from time to time, QPL and RPL consider that the provisions in this chapter should be applied consistently to both private and public land. While arguably there are reasons for certain temporary (civic) events to be held on public land, there appears to be no evidential basis for a cap on the number of such events on private land which would be subject to the same conditions.

3.4 Counsel submits that it is in line with the wellbeing provisions in Part 2 of the Act to apply a consistent approach to temporary events on public and private land. In the absence of that approach, a detailed explanation is warranted on the differing levels of scrutiny on this matter.

4. CHAPTER 36 - NOISE

4.1 RPL lodged further submissions against the submissions of QAC (that were supported by BARNZ) on noise matters⁷ which:

- (a) Impacted the provisions in the RPZ (which RPL understands have been excluded from this PDP process); and
- (b) Were inconsistent with the provisions agreed in PC35.⁸

⁵ Section 42A Hearing Report for Chapter 35, Appendix 2 reference: 806.225

⁶ Ibid, page 35.

⁷ Ibid, paragraph 7.4.

⁸ Supra 1.

- 4.2 While the Section 42A Hearing Report for this chapter notes at paragraph 8.73 that, as far as the reporting officer is aware, "there are not any changes being made to this chapter that materially affect development in the Remarkables Park Zone", it is unclear whether:
- (a) There are changes proposed that may still affect development in the RPZ at some level (even if they are not considered of 'material' effect); and
 - (b) This is the reason for the recommended 'rejection' of RPL's submission and further submission points on this matter and confirmation to this effect is sought.
- 4.3 Counsel submits that while it may be the view of the reporting officer that a certain situation exists, that does not alleviate RPL's concern that QAC's and BARNZ's proposed amendments to this chapter could negatively impact the RPZ.
- 4.4 Also, RPL wishes to preserve the status of the provisions agreed to in PC35.⁹ At present, the Environment Court hearing on that plan change is in abeyance pending the resolution of QAC's NOR proceeding on Lot 6, which is currently adjourned pending the completion of an aeronautical study by QAC. The NOR proceeding relates to Lot 6 on DP304345 being land RPL owns.
- 4.5 It is submitted that confirmation or clarification that the provisions in this chapter do not apply to or affect the RPZ in any manner, subject to the resolution of PC35 and the Lot 6 NOR proceeding, is required.

DATED the 2nd day of September 2016

J D Young

Counsel for Queenstown Park Limited, Remarkables Park Limited and Queenstown Wharves (GP) Limited

⁹ Counsel also notes an expectation that these matters will be discussed in the hearing stream for the Airport Designation and Airport Mixed Use Zone scheduled to be heard in late October and late November this year.