

Before Queenstown Lakes District Council

In the matter of the Resource Management Act 1991

And **The Queenstown Lakes District Proposed District Plan –
Topic 15**

Legal Submissions for

Real Journeys Limited (#2466)

Go Orange Limited (#2581)

Cardrona Alpine Resort Limited (#2492)

Te Anau Developments Limited (#2494)

Together (**Real Journeys Group**)

Dated 21 September 2018

Solicitors:

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May it please the Panel

Introduction

- 1 These legal submissions are presented on behalf of Go Orange Limited (#2581), Real Journeys Limited (#2466), Cardrona Alpine Resort Limited (#2492) and Te Anau Developments Limited (#2494) (together, the **Real Journeys Group** or **Submitters**).
- 2 Real Journeys is as much a transport company as it is a tourism company. The Real Journeys group remains a private, family owned company and is now the largest tourism operator in the region with operational bases in Christchurch, Milford Sound, Te Anau, Manapouri, Queenstown, Wanaka and Stewart Island. The company operates 30 vessels (excluding kayaks and rafts) and approximately 50 coaches across the group; Real Journeys employs 500 staff during the peak summer months and in excess of 1000 staff across the group; and 950,000 passengers travelled with Real journeys in the last 12 months, and 1.4 million across the Group.
- 3 Details of the expansion of the company and its subsidiaries are addressed further in the introduction of Ms Black's evidence for Real Journeys.
- 4 By way of general introduction / overview of the relief sought in respect of each of those Submissions, I note the following:
 - (a) The Real Journeys Limited submission provides a general umbrella or overview submission in respect of Stage 2 of the District Plan review (**DPR**). This submission represents a range of property / commercial interests across the District, including those related to visitor accommodation, commercial/hospitality, and recreational activities. The primary intent of this umbrella submission is to draw attention to fundamental issues with the Topic 15 chapters, and a disconnect between those provisions, the higher order provisions of Stage 1 PDP, and the RPS.
 - (b) Go Orange Limited (**Go Orange**) has recently acquired Queenstown Rafting, who in turn made a submission on Stage 1 of the PDP. Go Orange raised matters in its submission relevant to tourism activities including the transport network, waterbodies, Council reserves, earthworks, signage and visitor accommodation. The submission was written on the understanding that the intertwining matters raised by Queenstown Rafting in its Stage 1 process remain valid and will be carried through to the Stage 2 decision making process. Go Orange employs over 250 staff across the Southern Lakes and Southland regions. Go Orange is the result of a

merger of adventure tourism businesses; Go Orange, Queenstown Rafting, and Kiwi Discovery. Queenstown Rafting was New Zealand's largest white water rafting operator, Kiwi Discovery was one of the best known ski, sightseeing and adventure activity operators in Queenstown and Go Orange operates cruises and sea kayaking on Milford and Doubtful Sounds, as well as cycling in Fiordland National Park. These Fiordland day cruises are serviced by daily coach services ex Queenstown and indeed to operate all the Go Orange products Go Orange has an extensive shuttle bus and coach fleet.

- (c) Go Orange operates white water rafting on the iconic Shotover and Kawarau Rivers, day and multi-day sea kayaking expeditions in Fiordland, full-package hiking/walking on the 'great walks', and the Landsborough Wilderness Experience - a multi-day adventure tour incorporating a 3 day white water raft down the Landsborough River in South Westland. Go Orange also has an active winter ski season offering and is the only Queenstown company that services transport and equipment hire to all four ski fields in the lakes district. This winter ski operation is complementary to the operation of Cardrona Alpine Resort and enables Go Orange staff to be redeployed to winter based activities improving staff retention.
- (d) Cardrona Alpine Resort Limited (**CARL**) caters for the broadest range of ski/board related activities in New Zealand and is a premier resort for snow sports in Australasia. The resort caters for guests of all abilities and disciplines year round making it the most diverse field in New Zealand. Recent development in the 2014 and 2015 summer has seen Cardrona grow into a summer resort offering lift accessible mountain biking, gravity karts, walking and adventure trails and night time sightseeing adventures. Cardrona Alpine Resort is focused on developing a year round activity base for summer and winter operation offering year round lift accessible terrain, on mountain accommodation, food and beverage service, retail, and mountain based tourism activities. The Cardrona Alpine Resort generates employment for about 560 (520 seasonal staff and 40 year round) people. The operation of the Cardrona Alpine Resort relies on the ability to develop, operate, maintain and upgrade a considerable network of built infrastructure, primarily relating to the ski field, including a network of roads/trails, parking areas, buildings, energy generation, snow making, communication, accommodation, retail and cafe facilities.
- (e) CARL is particularly interested in Topic 15 provisions relating to signage, earthworks, and transport in terms of the functionality and development of the Cardrona Ski Area Subzone (SASZ). Appropriate provisions in these chapters are critical to the realising the potential of the resort, and ensuring

efficient and effective year round operation consolidation and growth of the SASZ.

- (f) Te Anau Developments Limited (**TAD**) is the land owner for Real Journeys at Walter Peak and of other Real Journeys land holdings predominately in Te Anau. A range of tourism activities are currently provided at Walter Peak. These include: High Country Farm Tours; Dining at the Colonel's Homestead Restaurant, which is located close to the steamships destination; Guided Cycling; Independent Cycling; Horse Trekking; and Scenic flights. Clients can stop off at Walter Peak for lunch during their scenic flight moreover Walter Peak offers an important wet day alternative destination for charter group fly Milford Sound cruise flybookings mainly for the meetings, incentive and conferences market. These activities generate employment for about 45 Real Journeys staff some of whom are accommodated on site; more people are also employed at Walter Peak by the horse trek; and guided cycling operators. The tourism activities provided at the base of Walter Peak rely on the ability for passengers to be transported from Queenstown Bay (primarily via the "TSS Earnslaw") and the ability to use, maintain and develop the buildings, structures, waste water treatment plant, flood protection works, energy generation and communication facilities, and spaces on the land owned or occupied by Te Anau Developments, including an existing airstrip.
- (g) TAD is particularly interested in Topic 15 provisions relating to earthworks and transport in terms of the functionality and development of the TAD owned properties. Appropriate provisions in these chapters are critical to the efficient and effective year round operation consolidation and growth of the TAD experiences operated.

Summary of relief sought

5 By way of broad overview, the Submissions seek the following outcomes for the Stage 2, Topic 15 chapters of the PDP:

6 ***Transport***

- (a) The benefits of all forms of transport services and infrastructure, in particular transport provided by private commercial operations, to the district's economy and overall transport network be specifically recognised;
- (b) All transport services and associated infrastructure is provided for and not discouraged. This includes providing equally for both public and private transport services. The different modes of transport should be articulated,

particularly: **Land transport**; inclusive of walking access and the cycle trails network; **Water transport**; particularly passenger transport services; **Air transport**; including the use of private helicopter services.

- (c) Retention or inclusion of provisions which support or promote activities and development that will reduce congestion in the Queenstown CBD, for example provisions which seek to avoid campervans circulating and parking in the CBD.
- (d) Recognise the role and benefits of passenger transport services (including private coaches or buses and water taxis) in supporting the transportation of visitors throughout the district and reducing vehicle movements.
- (e) Ensure coaches and buses can provide pick up and drop off services to Visitor Accommodation Activities and Residential Visitor Accommodation Activities.

7 **Earthworks**

- (a) Ensure the benefits of earthworks are recognised separate to managing their effects, with the changes sought to objective 25.2.2, Policy 25.2.2.1 turning the focus firstly to recognising the benefits of earthworks, as distinct from managing their effects.
- (b) Avoid overlap with the functions of the regional council specifically the Regional Water Plan, in particular Rule 13.5. This includes deleting proposed standards 25.5.12, 25.5.13, 25.5.14, and 25.5.20.
- (c) Permit day-to-day farming activities in the Rural General Zone, including: cultivation, planting, fencing, maintenance and upgrading of access tracks, creation and maintenance of firebreaks, Installation of culverts, clearance of drains, burying underground power cables, waterlines and installation of stock water troughs, installation of irrigation systems including buried waterlines, clearance of exotic vegetation, bores and geotechnical investigations, including test pits, composting and burying of waste, including cleared vegetation, works within the bed of any lake or river, including but not limited to the clearance of debris, maintenance and repair of existing infrastructure.
- (d) Clarify (or stipulate) that the setback from waterbodies standard does not apply a setback from artificial watercourses.
- (e) Provide for the construction of walking and cycle trails in any zone.

- (f) Ensure earthworks within Ski Area Sub Zones, including the making of tracks for summer recreation activities such as mountain biking, are exempt from requiring resource consent.
- (g) Ensure earthworks undertaken for the purpose of constructing, maintaining or upgrading private roads and parking areas associated with accessing Ski Area Sub Zones, are exempt from requiring resource consent.

8 **Signage**

- (a) The objectives and policies recognise the general intent of signage is to be conspicuous, and thus signs will often appear in contrast to buildings or structures upon which signage is located.
- (b) Health and safety, interpretative, and sponsorship signage associated with events is enabled.
- (c) Signage is provided for as a permitted activity where it is not visible from a public space or neighbouring property.
- (d) The Assessment Matters are deleted.

9 **Open Space and Recreation**

- (a) Delete or significantly amend the Chapter to create a simpler framework, for example one or two zones with only a few objectives and policies and methods which provide for a range of open space and recreation activities as either permitted, controlled or discretionary activities.
- (b) Recognise the benefits of and provide for commercial recreation and transport activities in all open space zones. Ensure these activities are not discouraged.
- (c) Permit or control the ongoing use, maintenance and upgrading, of existing infrastructure located within the open space zone.

10 **Visitor Accommodation**

- (a) Recognise the role and benefits of passenger transport services (including private coaches or buses) in supporting the transportation of visitors throughout the district and reducing vehicle movements.
- (b) Ensure taxis, coaches and shuttle buses can provide pick up and drop off services to VA and RVA.

- 11 Further reasons supporting those general amendments, and details of particular amendments sought to Topic 15 chapters are included within each of the submissions. These legal submissions focus however on detailed provisions as set out in the evidence lodged for Submitters and the remaining areas of disagreement between Council and the Submitters, following the exchange of rebuttal evidence.
- 12 To avoid repetition for the Panel, these legal submissions have been structured to address specific chapters in Topic 15, rather than focus on individual concerns of the submitters jointly represented in these submissions. Where a matter is particularly relevant for an individual submitter this has been stated.
- 13 The Submitters jointly have provided two briefs of evidence supporting their submissions as follows:
 - (a) **Fiona Black** – operational and company evidence;
 - (b) **Ben Farrell** – planning evidence.
- 14 Attached to these submissions as Appendix 1 is also the evidence of Erik Barnes presented in Stage 1 topic 1B in his role as the then Infrastructure and Assets Manager for CARL. Mr Barnes will be present at the hearing should the panel have any questions relating to operational issues and CARL.

Earthworks – Chapter 25

- 15 The Submitters, in particular CARL, supported a number of changes to objectives, policies, rules, and standards, within Chapter 25 as set out in the Submission and Mr Farrell's evidence, applicable to regulation of earthworks in SASZs. The key reasoning behind these submissions is to reflect the planning framework under the Operative Plan, excluding earthworks in SASZs from regulation in Chapter 22.
- 16 The exception of earthworks rules and standards in SASZs, and changes sought to objective 25.2.2 and Policy 25.2.2.1 are intended to more clearly recognise the **benefits** of earthworks for the continued operation and development of ski areas and the substantial contribution ski fields make to the social and economic well-being of the District. Earthworks are a necessary part of the development and ongoing operation of these areas. The weight placed on objectives and policies and associated exemptions in the rules should be broad enough to enable and encompass earthworks activities undertaken during the operation of modern ski-fields, such as the installation and maintenance of infrastructure associated with snow making, and creation of trails and development ancillary to the resort's services and attractions.

- 17 There are many unique factors relating to earthworks in SASZs which justify different regulation to other zones in the District. For example, rules in relation to the control of earthworks near waterbodies may capture activities relevant to snow making, which require the creation of reservoirs and the diversion of streams. It is also currently unclear whether these standards are aimed at protecting natural or significant waterbodies; and not waterbodies created for the purpose of snow making.
- 18 The submission from CARL and others sought generic amendments to ensure earthworks within Ski Area Sub Zones, including the making of tracks for summer recreation activities such as mountain biking, are exempt from requiring resource consent. This is the same issue as raised by other submitters, and that Table 3 Standards, particularly Standards 25.5.12 - 14, 25.5.20 and 25.5.21 should not apply to SASZ at all. Those standards control earthworks in relation to erosion and sediment control, effects of earthworks on roads, dust, and waterbodies. The Council's key reasoning for continuing not to exempt earthworks activities in SASZs from these standards appears to be that:

there is a risk that earthworks within the SASZs may result in adverse effects that need to be appropriately managed¹.

- 19 This position appears to be an assumption with respect to anticipated effects and the need to regulate / manage these, rather than any particular evidence support an effects- based conclusion as to the need for regulation. This position is contrary to the case law discussed by Counsel in the course of Hearing Stream 14:

In considering what rule may be the *most appropriate* in the context of the evaluation under s 32 of the Act, the presumptively correct approach remains as expressed in *Wakatipu Environmental Society Inc v Queenstown Lakes District Council*² namely where the purpose of the Act and the objectives of the Plan can be met by a **less restrictive** regime then that regime should be adopted. Such an approach reflects the requirement in s 32(1)(b)(ii) to examine the efficiency of the provision by identifying, assessing and, if practicable, quantifying all of the benefits and costs anticipated from its implementation. It also promotes the purpose of the Act by being **enabling** so that people can provide for their well-being while addressing the effects of their activities.³

¹ Para 3.9, Mr Wyett rebuttal evidence.

² *Wakatipu Environmental Society Inc v Queenstown Lakes District Council* Decision C153/2004 at [56].

³ *Royal Forest and Bird Protection Society of New Zealand Inc v Whakatane District Council*, [2017] NZEnvC 051, at [59].

20 Furthermore, the partial exemptions now proposed by Council will result in uncertainty, potential costs and issues with enforcement, as well as drafting difficulties in the Plan. Given the location, limited number, and unique activities which occur within SASZs, this new regulation is unnecessary, and complete exemption is more appropriate. Moreover this exact debate was had only two years ago, in PC49 (discussed below)⁴.

Operative Plan Change 49

21 Subjecting earthworks within SASZs to greater regulation as compared to the Operative position is not only contrary to the above case law, it is not justified in the sense that it represents a fundamental change to the (recently) approved Operative earthworks chapter.

22 The Operative earthworks chapter was only recently made operative on 30 June 2016. The need / efficiency of completely reviewing this chapter again now is questioned, particularly given it is not entirely clear from the section 32 reports, what effects have changed such as to justify a need to change regulation.

23 After considering the same matters before this Tribunal, the Commission on PC49 concluded:

The Commission is also satisfied that earthworks in the Ski Area Sub-Zones should be exempt from Section 22. This is consistent with the Operative District Plan and recognises that substantial earthworks are required in conjunction with ski-field operations, including the establishment of ponds for snowmaking and earthworks for other recreational activities such as cycling and walking⁵.

...

The Commission acknowledges that the submitter and several other submitters represented at the hearing promoted that the Ski Area Sub Zone earthworks exemptions be continued into PC 49. The Commission accepts that the ski-fields are an important part of the District's tourism base and economy; and that substantial earthworks are associated with ongoing ski-field development. The Commission finds that it is appropriate to amend PC 49 to provide for the exemptions for earthworks in the Ski Area Sub-Zone to be continued in the context of PC 49⁶.

...

⁴ See pages 22 – 28, Council Decision PC49.

⁵ Page 36, Council Decision PC49.

⁶ Ibid, at 41.

The evidence and submissions presented at the hearing have demonstrated that substantial earthworks are required within the Ski Area Sub-Zones, particularly associated with creating dams for snowmaking as well as for other ski-field related purposes. Earthworks are also required to accommodate other forms of recreational activity including cycle and walking tracks. The Commission also acknowledges that the rules in the Operative District Plan exempt earthworks within the Ski Area Sub-Zone from the relevant earthworks rules. In all the circumstances the Commission considers that the earthworks within the Ski Area Sub-Zones should be exempt from the rules in Section 22 as introduced by PC 49⁷.

- 24 There is no need to reinvent the wheel here. The situation has not changed in the last two years to stray from the above approach, the activities, effects, and consequently, the debate, all remain the same; and it is submitted the Panel are therefore justified in coming to the same conclusion.

Duplication of regulation with ORC

- 25 As discussed in Mr Farrell's Evidence in Chief, it is generally less efficient, and is unnecessary, to duplicate regulation in the District Plan where that is otherwise adequately managed through Regional Plans. As discussed by Mr Farrell, Proposed Rules relating to earthworks within or near waterbodies (including 25.5.20 and 25.3.4.5) to align with the permitted activity standards in the Regional Water Plan. In Mr Farrell's expert opinion, the Council has not provided sufficient evidence to justify that the environmental effects of land uses permitted by rules 13.5.1 and 14.5.1 of the Regional Water Plan warrant management (intervention) under the District Plan.

General Rules 25.3.1.1 and 25.3.1.2

- 26 Mr Wyeth's rebuttal evidence agrees with Mr Farrell's concerns that a new term 'land disturbance' could create uncertainty. In response, it is proposed to amend the reference in 25.3.1.1 to 'earthworks within Significant Natural Areas' (para 4.8 rebuttal evidence).

- 27 Mr Farrell agrees with the amendments suggested.

Rule 25.3.4.5 to permit earthworks undertaken for the installation of rock culverts, rock armouring and deepening stream beds to divert the scree, water and rocks away from the structures.

⁷ Ibid, at 61.

- 28 As discussed in Mr Farrell's evidence, these activities are managed by ORC through the Regional Water Plan with respect to activities located in the bed of a lake or river. The duplication of regulation between QLDC and ORC is considered unnecessary. Furthermore, Ms Black also considers that requiring additional authorisations under the PDP for maintaining rock culverts and armouring is unwarranted given this work is managed by ORC and she seeks amendments to Standard 25.5.20 to allow works to be undertaken within and around alluvial fan channels to protect buildings and properties.
- 29 In response, Mr Wyeth for the Council proposes an exemption to Standard 25.5.20 for earthworks associated with the maintenance or repair of existing water defence structures (para 4.13 rebuttal evidence).
- 30 The Submitters agree this amendment addresses the concerns raised and this issue is not discussed further.

Rule 25.5.20 – setback from waterbodies

- 31 Mr Farrell is of the opinion that, based on recent experiences with other planning instruments, 10m setback as blanket approach is not justified compared to the operative position of 7m. Mr Farrell suggests valid alternatives could include a stepped approach according to the topographical nature of the land and the likelihood consequently of effects on natural values of waterbodies; a smaller setback is justified where the adjacent land is flat, as the risk of adverse effect is reduced.
- 32 Mr Wyeth considers that there would compliance issues and complexities with a stepped approach as proposed by Mr Farrell (paras 4.16- 4.17 rebuttal evidence). It is unclear why this would be difficult to administer in the plan when numerous other rules rely on slope to determine applicable standards, for example sloping sites in residential zones with differential height limits for buildings.
- 33 Counsel does not reiterate the position above in respect of the debates under PC49, but the argument is respectfully the same, that the Council has not justified an effects-based case to impose more restrictive standards than those under the Operative regime.

Transport – Chapter 29

- 34 As summarised in Mr Farrell's evidence, the core issues pursued by the Submitters in respect of the Transport chapter relate to the role and recognition of private as well as public transport services; the provision of (alternative) water based transport services; and provisions to reduce traffic congestion issues in Queenstown.

- 35 As discussed in Ms Black's operational evidence, Real Journeys provides a number of 'private' charter and transport experiences, both on land and water, which benefit the public generally in terms of consolidation and optionality to transport in the District.
- 36 The RMA does not distinguish between public and private transport providers and nor does the Land Transport Act 1998. It is assumed that the jurisdiction to provide provisions in the District Plan relating to transport come within the general ambit of section 31 functions, presumably pursuant to the 'establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the, development, or protection of land and associated natural and physical resources of the district' (section 31(1)(a)).
- 37 As a general principle it is therefore submitted that the Plan should recognise and provide for modes of transport according to their outcomes or effects, rather than their particular ownership status. I.e. where public benefit is provided by privately owned transport, there is no justification to treat this differently to council owned companies or service contracted by the regional council.
- 38 I rely on Mr Farrell's expert opinion that it is appropriate for the District Plan to recognise and provide for any transport service that offers unexclusive and regular trips between destinations. This is because these activities form part of the transportation system and are effective at moving members of the public, including visitors, around the District and do not have any adverse effects that are any different.
- 39 To achieve this outcome, Mr Farrell promotes a broadened definition of transport infrastructure and for references to 'public' to also be broadened to capture privately provide transport services to the public and water based transport.
- 40 Ms Jones considers this amendment at paras 15.3 – 15.4 of her rebuttal evidence, commenting that the exclusion of other tourism operators in the definition of public water ferry services would make Rule 21.15.9 (relating to commercial boating activity) redundant.
- 41 It is submitted that where tourism operators are providing a genuine service of public transport (as commonly understood) then this should legitimately be treated on the same footing as publicly provided water ferry services as the effects and the benefits are likely to be the same. Commercial boating which does not have the core purpose of transportation of the public would not fall to be

captured within the 'public water ferry services definition' and would still be considered a separate discretionary rather than restricted discretionary activity⁸.

- 42 Regarding the need to emphasise water based transport, Ms Jones comments that shore-based facilities are included in the definition of transport infrastructure and that it is unnecessary to include water-based infrastructure within the definition as the only rule that refers to the term 'transport infrastructure' relates to activities within roads.
- 43 In response to Ms Black's evidence, Ms Jones provides a list of methods in the PDP Chapter 29 aiming to achieve the objective of recognising the role of coaches in reducing congestion on roads (para 16.1 rebuttal evidence). For clarification, these are not suggested amendments to the PDP as notified.

Signs – Chapter 31

- 44 Ms Black and Mr Farrell provide examples and evidence as to practical constraints of the permitted signage requirements in SASZs. Ms Leith's response is that these constraints in reality would not be of concern because sign or signage as defined only relates to where this can be seen from any public place or road.
- 45 Ms Leith also agrees with Mr Farrell's amendments to policy 31.2.7.2 in relation to amenity from surrounding public places. This issue is therefore not addressed further.

Open Space and Recreation – Chapter 38

- 46 Mr Farrell and Ms Black provide a range of amendments suggested to objectives and policies of Chapter 38 to simplify their application and ensure that an appropriate balance is struck when providing for open space and recreation needs of the District.

Objective 38.2.1

- 47 As discussed by Ms Black and supported by Mr Farrell, the Submitters seek to amend this objective to ensure it does not have the consequence of implying that recreational and open space needs of the District are not also met by the private commercial / tourism sector. Ms Edgley in her rebuttal focuses on the exclusion of the word 'met' rather than the general application principle of this objective (para 8.2 rebuttal).

⁸ RJs also supports the definition sought by QPL

48 An objective should be an achievable and realistic outcome / aim. By replacing the word 'met' with 'supported' in this objective, it applies broader to the notion that the District's recreation needs are not exclusively met through the Council's recreation zones. This is an appropriate planning outcome in this District where diverse tourism and recreation opportunities are provided across a range of zones.

Policy 38.2.1.3

49 The submitters are principally concerned with the standard set in this policy to achieve protection and enhancement of all ecological values. The submissions sought to 'soften' the application of this policy to ensure it relates to significant ecological values such that it can be more practically applied. Council's rebuttal evidence does not assess the merits of the change sought in the submission as she states no specific amendments have been sought (para 8.3 rebuttal). For clarification the amendments sought are the same as in the submission:

Policy 38.2.1.3 protect and enhance significant ecological values, ~~including habitats for indigenous fauna.~~

Policy 38.2.1.4

50 Ms Edgley's rebuttal evidence refers to different statuses for activities within these zones as an example of how conflicts between activities are managed. The Submitters remain of the opinion that there is uncertainty in management of conflicts between different activities in these zones. For example, whether priority goes to those already established activities first, or on a first in first serve basis.

51 The wording sought in the submission helps to clarify this issue to some extent, but could also be clarified further by cross referencing other policies and methods to implement the policy, rather than inferring this from activity statuses.

Policies 38.2.2.2 and 38.2.2.5 / 38.2.3.2

52 The Submitters seeks to delete policy 38.2.2.2 as it is superfluous and seeks to amend 38.2.2.5 to add the qualifier of 'significant'. I rely on Mr Farrell's opinion in respect of the use of the qualifier significant in drafting as well as Ms Black's practical evidence on the application of these policies to achieving good environmental outcomes.

53 In my submission, the qualifiers suggested are appropriate given there is likely to be some degradation expected and which is associated commercial activities being established in places with open space / landscape values. Degrade is also a strong directive word to be used in a policy, and which is not used in the RMA therefore its application to these policies must be carefully considered.

Objective 38.2.3

- 54 The amendments sought by the Submitters seek to ensure that broader commercial activities are provided for and which are appropriate in recreation zones. Ms Edgley does not appear to have addressed this particular objective in rebuttal evidence. For clarification, the objective as written in the submission contained a typo and should be amended as follows:

Objective 38.2.3 Commercial activities are generally only limited to those that have a functional requirement to locate within Open Space and Recreation Zones and are compatible with [and] do not significantly degrade existing open space and recreation values.

- 55 Given no rebuttal has been provided on this point, it is assumed these changes should be acceptable.

Objective 38.2.4

- 56 Ms Black seeks to include the consideration of health and safety matters into objective 38.2.4 given this is particularly relevant to activities being undertaken within waterbodies and their margins and the interface / management of multiple activities.
- 57 Ms Edgley's rebuttal does not agree with the inclusion based upon the effects of health and safety otherwise being addressed through separate legislation.
- 58 The RMA does not preclude the management of effects related to people's health and safety. This is a core issue relevant to the management of resources within the environment, as broadly defined to include people and their communities. The social, cultural and economic wellbeing of people and their communities are specifically provided for within section 5 of the Act and in my submission this is intrinsically linked to health and safety regulation. There is no RMA reason to preclude management of resources from achieving sound health and safety outcomes, and no specific duplication issues would be seen as a result of this amendment.

General RDA activities and assessment matters (all chapters)

59 As stated by Mr Farrell in paragraph 27, there is the risk with inconsistent application of RDA rules that the positive benefits of RD activities are not taken to account, unless explicitly listed as a matter of discretion.

Dated this 21st day of September 2018

A handwritten signature in blue ink that reads "Maree Baker-Galloway". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Maree Baker-Galloway/Rosie Hill
Counsel for the Submitters

**Appendix 1 – Statement of Evidence of Erik Barnes for Cardrona Alpine Resort
Limited in Stage 1 Topic 1B of the District Plan Review**

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL PROPOSED DISTRICT
PLAN HEARINGS PANEL**

UNDER the Resource Management Act 1991

**IN THE MATTER OF the Proposed Queenstown Lakes District Plan [Part
One]**

STATEMENT OF ERIK BARNES

FOR

CARDRONA ALPINE RESORT LTD

Dated: 23 March 2016



1. INTRODUCTION

- 1.1. Thank you for the opportunity to talk to our submission today.
- 1.2. I am Erik Barnes and work as the Infrastructure and Assets Manager for Cardrona Alpine Resort Ltd. I have worked for CARL for the past 20 months with previous roles as the GM for Infrastructure at Queenstown Lakes and Southland District Council. I also spent 12 years managing the operations and infrastructure with the US and NZ Antarctic Programmes.
- 1.3. I want to acknowledge the Council's efforts with the District Plan review and appreciate the complexity and volume of work that has led to this point and that will follow.
- 1.4. Today I want to provide an overview of Cardrona Alpine Resort and why this work is important to us as a business, for the community of the Queenstown Lakes district and nationally.

2. WHO ARE WE

- 2.1. Cardrona Alpine Resort was founded by, John Lee, a local in the Cardrona Valley and visionary. He believed in creating a place for people to enjoy the stunning Cardrona mountains and promoting the growth of the region.
- 2.2. Cardrona was then purchased by an Australian owner, the Veals. Development and growth continued with the installation of new lifts and buildings. The ski area saw continued growth in visitor numbers.
- 2.3. In recent years Cardrona has been purchased by Real Journey's. Back in NZ ownership and a passion for supporting the development of our local region, RJs has provided a great boost and energy to push our development forward into new areas. This development will continue to help support the economic growth and job opportunities for Queenstown, Wanaka, and across the region.
- 2.4. As a winter resort, Cardrona Alpine Resort offers the broadest range of ski/board related activities in New Zealand and is a premier resort for snow sports in Australasia. The resort caters for guests of all abilities and disciplines making it the most diverse field in New Zealand.
 - 2.4.1. Facilities range from ski school to a Ministry of Education certified pre-school and child care facilities. For the more advanced a "high performance centre" is provided which trains skiers and snowboarders, including top international skiers/snowboarders. Cardrona is regularly a venue for competitive ski and snowboard events and championships attracting competitors from around the globe.
 - 2.4.2. We have the largest and most diverse terrain park with two world class half-pipes, park features for the first time skier to Olympic and X-games athletes.
- 2.5. As a summer resort, Cardrona has invested heavily in the development of summer activities and growth.
 - 2.5.1. Last year we initiated summer operations with lift assisted mountain biking and the development of seven trails, one lift operating and opened the cafe. Our first year of operations was over a 16-day period as a trial.
 - 2.5.2. The success of this trial has led to the continued development and

operation this summer for over 70 days. We have further invested and developed lift assisted mountain biking with over 20 trails and connections, two running lifts, and developed a southern hemisphere first with Mountaincarting activities on two trails. The café and hotel are also open and on most nights fully booked.

- 2.6. As a town connector, Cardrona has again invested heavily in the development of 'Cardrona Corner,' an information, tourism centre and retail shop based in the main street of Wanaka.

3. WHY WE CARE

- 3.1. Cardrona is about creating '**epic experiences on our mountain with our people**'
 - 3.1.1. Our values embrace our people, excellence, safety, and innovative growth.
 - 3.1.2. When we talk about our 'people' we mean everyone. Our staff, our guests, and our local communities.
 - 3.1.3. When we talk about 'our mountain', it is for all of us to enjoy and have fun. In the winter and summer, year round.
- 3.2. We are a commercial business but understand the social connections and contributions we all need to embrace, to make all of us successful. Whether it is on the mountain, locally in Cardrona Village, Queenstown, Wanaka, or Nationally.
- 3.3. CARL is committed to growing the business, investing in new infrastructure, and pushing into new opportunities for year round operation.
- 3.4. We are community focused, passionate, and have a drive and commitment to ensure excellence and innovation in what ever we do.
- 3.5. As a community we share each others success and need to ensure we are able to effectively manage and promote growth in year round tourism opportunities.
- 3.6. As an employer we need to help promote sustained growth and build the local capability for retaining expertise so people can make a life and support their family.
 - 3.6.1. The Cardrona Alpine Resort generates employment for about 560 staff in winter.
 - 3.6.2. With the focus on growth and the development of our summer operations we have expanded employment for summer staff from 0 three years ago to over 100 staff in the 2016 summer.
 - 3.6.3. The investment, development, and growth of Cardrona has also led to a significant increase in full time staff from 10 in 2013 to 40 in 2016.
- 3.7. As a company we are committed to building our business and supporting the development of our local community.
 - 3.7.1. As an example of this, is our support in working with the local Cardrona Valley residents and Council to look for ways to deal with the issue of sewage treatment in the Cardrona Valley.

4. GROWING WITH THE COMMUNITY AND OUR CHALLENGE

- 4.1. Significant pressures face the ski/boarding industry with rising costs of operation; growth of tourism; increasing expectations from guests; increased safety requirements and changes to legislation; the fast paced nature of changing trends; climate change pressures and the need to look at more unique products to ensure financial viability in the future.

- 4.2. Cardrona has seen sustained visitor growth of around 10% over the past several years. With an average of 250,000 guests coming to our resort in the winter and summer guest numbers increasing.
- 4.3. This growth is predicted to continue, meaning a higher level of demand and need to expand to support the growth.
- 4.4. Cardrona Alpine resort is committed to investing in the future. Through development of new infrastructure, expansion of our business into year around activities and supporting our people and communities to succeed.
- 4.5. The district plan is an important element in helping us all recognise the importance of tourism and providing the mechanisms to help manage growth in an appropriate manner that,
 - 4.5.1. does not stifle sound investment opportunities; and
 - 4.5.2. promotes development; and
 - 4.5.3. promotes the ability to work more efficiently and effectively; and
 - 4.5.4. supports the growth of our local people with year round employment to build a stronger community and family connections; and
 - 4.5.5. supports our drive of creating 'epic experiences on our mountain with our people.'

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