

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-138

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

Amended Notice of Appeal

~~19 February 2019~~ 11 March 2019

Appellant's solicitors:

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**anderson
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To The Registrar
Environment Court
Christchurch

- 1 Real Journeys (trading as Go Orange Limited) (**Go Orange**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 Go Orange made a submission (#621) and further submission (#1341) on the PDP. Queenstown Rafting made a submission (#167) and further submission (#1333) on the PDP. Queenstown Water Taxis made a submission (#658) on the PDP.
- 3 Go Orange is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 Go Orange received notice of the decision on 7 May 2018.
- 5 The decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the decisions appealed relate to:
 - (a) Chapter 3 Strategic Direction;
 - (b) Chapter 6 Landscapes;
 - (c) Chapter 21 Rural;
- 7 Reasons for appeal and relief sought:

Background

- 8 Go Orange is a wholly owned subsidiary of Real Journeys Limited. Real Journeys also owns the Queenstown Rafting, Queenstown Water Taxi and Thunder Jet brands, operated by Go Orange. Go Orange provides multi-service tourism offerings throughout the Queenstown Lakes District and Southland Region, including:
 - (a) Ski and snowboarding mountain packages;
 - (b) Milford and Doubtful Sound day cruises serviced by coaches;
 - (c) Thunder Jet - jet boating;
 - (d) Queenstown Water Taxis;

- (e) Guided rafting and kayaking;
 - (f) Guided walking and cycling;
- 9 In addition to the above, Go Orange offers multi day packages to visitors and operates a substantial transport fleet of coaches and busses, to ensure a high quality and full service tourism package is offered.
- 10 Go Orange has the following particular interests in respect of the PDP:
- (a) To ensure the PDP appropriately recognises and provides for the significant benefits which tourism and associated industry provide for the region at the strategic level and higher order chapters;
 - (b) Recognition and protection is afforded to the operation of private commercial transport options, such as coach and bus services, which contribute to reducing congestion and reliance on private vehicle use in the same way that 'public' transport does;
 - (c) To ensure the protection of existing established commercial activity and recreational activities, in particular on the surface of lakes and rivers, from adverse impacts of newly established activities;
 - (d) To provide for appropriate enhancement and expansion of commercial recreation opportunities on lakes and rivers; and
 - (e) Recognise the benefits in diversifying public transport to include on water transport options, and associated infrastructure and access required for those operations, such as wharves and jetties.
- 11 Pursuant to the above interests, Go Orange sets out its opposition to the PDP decision, the associated relief sought, and any reasons for appeals in **Appendix A**.

Further and consequential relief sought

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

Attachments

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

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

Dated this ~~19th~~ 11th day of ~~February~~ March 2019



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Advice to recipients of copy of notice of appeal

How to become party to proceedings

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

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

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

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

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

Advice

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

Appendix A - Relief Sought

Provision (PDP decision version)	Reason for appeal	Relief sought
Chapter 3 Strategic Direction		
<p>Policy 3.2.4.3</p> <p>The natural character of the beds and margins of the District's lakes, rivers and wetlands is preserved or enhanced.</p>	<p>In some instances this is not possible to achieve if read as a bottom line, e.g. the provision of wharves for public access</p>	<p>Amend policy 3.2.4.3 as follows:</p> <p>The natural character of the beds and margins of the District's lakes, rivers and wetlands is preserved or enhanced <u>where possible, and otherwise protected from inappropriate development.</u></p>
<p>3.3.1 Make provision for the visitor industry to maintain and enhance attractions, facilities and services within the Queenstown and Wanaka town centre areas and elsewhere within the District's urban areas and settlements at locations where this is consistent with objectives and policies for the relevant zone. (relevant to S.O. 3.2.1.1 and 3.2.1.2)</p>	<p>The panel introduced this new strategic policy into the PDP. The policy should be elevated to an objective, with more specific polices provided to ensure visitor activities are sufficiently provided for.</p> <p>The policy is focused on urban areas and should capture all of the district (namely the rural environment)</p>	<p>Amend policy 3.3.1 to include it as a strategic objective, and;</p> <p>Amend policy 3.3.1 as follows:</p> <p>3.3.1 Make provision for the visitor industry to maintain, <u>and enhance, upgrade and expand attractions, facilities and services, including supporting infrastructure</u> within the Queenstown and Wanaka town centre areas and elsewhere within the District's urban areas and settlements at locations where this is consistent with objectives and policies for the relevant zone. (relevant to S.O. 3.2.1.1)</p>
<p>New Objective and policy</p>	<p>A new objective and associated policy is sought to</p>	<p><u>Objective:</u></p>

Provision (PDP decision version)	Reason for appeal	Relief sought
	<p>recognise the benefits associated with providing a water based public transport systems.</p>	<p><u>Achieve sustainable water based transport linkages between the Kawarau River and Queenstown Bay, recognising the river and land as a strategic transportation resource.</u></p> <p><u>Policy</u></p> <p><u>Recognise and provide for the benefits associated with provision of a water based transport system, including the provision of strategically located jetties and associated structures, that will provide a key linkages.</u></p>
<p>New Strategic policy 3.3.x</p>	<p>The following policy is not currently provided for in the PDP, despite its strategic importance to the District.</p>	<p>Insert new strategic policy:</p> <p><u>Provide a planning framework that protects established visitor attractions.</u></p>
<p>New Strategic policy 3.3.x</p>	<p>The following policy is not currently provided for in the PDP, despite its strategic importance to the District.</p>	<p>Insert new strategic policy:</p> <p><u>Provide a planning framework that protects established transport activities and services.</u></p>
<p>New Strategic policy 3.3.x</p>	<p>The following policy is not currently provided for in the PDP, despite its strategic importance to the District.</p>	<p>Insert new strategic policy:</p> <p><u>Enable a planning framework that provides for the integrated management of transport networks including both private and transportation systems.</u></p>
<p>3.3.19 Manage subdivision and / or development that may</p>	<p>Wharves and moorings required to provide and</p>	<p>Amend policy 3.3.19 as follows</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity and natural character is maintained or enhanced. (relevant to S.O. 3.2.1.8, 3.2.4.1, 3.2.4.3, 3.2.4.4, 3.2.5.1 and 3.2.5.2)</p>	<p>develop public water transport impact sections of lake & river margins & beds. It is not always possible to maintain and enhance natural character.</p>	<p>3.3.19 Manage subdivision and / or development that may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity and natural character is maintained or enhanced <u>where possible, or otherwise mitigated.</u> (relevant to S.O. 3.2.1.8, 3.2.4.1, 3.2.4.3, 3.2.4.4, 3.2.5.1 and 3.2.5.2)</p>
<p>Strategic policy 3.3.20</p> <p>Enable continuation of existing farming activities and evolving forms of agricultural land use in rural areas except where those activities conflict with significant nature conservation values or degrade the existing character of rural landscapes. (relevant to S.O. 3.2.1.7, 3.2.5.1 and 3.2.5.2)</p>	<p>The Policy is onerous and should include existing tourism and transportation activities.</p>	<p>14 Amend policy 3.3.20 as follows:</p> <p>15 Enable continuation of existing farming, <u>tourism and transport activities</u> and evolving forms of agricultural land use in rural areas except where those activities conflict with significant nature conservation values or degrade the existing character of rural landscapes. (relevant to S.O. 3.2.1.7, 3.2.5.1 and 3.2.5.2)</p>
<p>Strategic policy 3.3.21</p> <p>Recognise that commercial recreation and tourism related activities seeking to locate within the Rural Zone may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or</p>	<p>Policy should simply provide for commercial recreation and tourism related activities.</p>	<p>16 Amend policy 3.3.21 as follows</p> <p>3.3.21 Recognise that <u>Facilitate</u> commercial recreation and tourism related activities seeking to locate within the Rural Zone may be appropriate where these activities enhance the appreciation of landscapes, and</p>

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enhance landscape quality, character and visual amenity values. (relevant to S.O. 3.2.1.1, 3.2.1.8, 3.2.5.1 and 3.2.5.2)		on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values. (relevant to S.O. 3.2.1.1, 3.2.1.8, 3.2.5.1 and 3.2.5.2)
Strategic policy 3.3.25 Provide for non-residential development with a functional need to locate in the rural environment, including regionally significant infrastructure where applicable, through a planning framework that recognises its locational constraints, while ensuring maintenance and enhancement of the rural environment. (relevant to S.O. 3.2.1.8, 3.2.1.9 3.2.5.1 and 3.2.5.2)	The inclusionary statement is unnecessary	Amend policy 3.3.25 as follows: 3.3.25 Provide for non-residential development with a functional need to locate in the rural environment, including regionally significant infrastructure where applicable, through a planning framework that recognises its locational constraints, while ensuring maintenance and enhancement of the rural environment. (relevant to S.O. 3.2.1.8, 3.2.1.9 3.2.5.1 and 3.2.5.2)
Strategic policy 3.3.26 That subdivision and / or development be designed in accordance with best practice land use management so as to avoid or minimise adverse effects on the water quality of lakes, rivers and wetlands in the District. (relevant to S.O. 3.2.1.8,	The reference to best practice is uncertain and unnecessary	Amend strategic policy 3.3.26 as follows: 3.3.26 That subdivision and / or development be designed in accordance with best practice land use management so as to avoid or minimise adverse effects on the water quality of lakes, rivers and

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3.2.4.1 and 3.2.4.3)		wetlands in the District. (relevant to S.O. 3.2.1.8, 3.2.4.1 and 3.2.4.3)
Chapter 6 Landscapes		
<p>6.2 values</p> <p>...</p> <p>The lakes and rivers both on their own and, when viewed as part of the distinctive landscape, are a significant element of the national and international identity of the District and provide for a wide range of amenity and recreational opportunities. They are nationally and internationally recognised as part of the reason for the District's importance as a visitor destination, as well as one of the reasons for residents to belong to the area. Managing the landscape and recreational values on the surface of lakes and rivers is an important District Plan function.</p>	<p>Provide alternative wording regarding the importance of the freshwater resources, and role within the "rural environment".</p>	<p>Amend policy 6.1 as follows:</p> <p>The lakes and rivers both on their own and, when viewed as part of the distinctive landscape, are a significant element of the national and international identity of the District and provide for a wide range of amenity and recreational opportunities. They are nationally and internationally recognised as part of the reason for the District's importance as a visitor destination, as well as one of the reasons for residents to belong to the area. Managing the landscape and recreational values on the surface of lakes and rivers is an important District Plan function.</p>
<p>Policy 6.3.30</p> <p>6.3.30 Control the location, intensity and scale of buildings, jetties, moorings and infrastructure on the surface and margins</p>	<p>Amend the policy to recognise the locational constraints of these types of activities</p>	<p>Amend policy 6.3.30 as follows:</p> <p>6.3.30 Control <u>Manage</u> the location, intensity and scale of buildings, jetties, moorings and infrastructure on the surface</p>

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<p>of water bodies and ensure these structures maintain or enhance landscape quality and character, and amenity values. (3.2.1.1, 3.2.4.1, 3.2.4.3, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.21, 3.3.26, 3.3.30, 3.3.32).</p>		<p>and margins of water bodies <u>recognising the importance of the lakes and rivers as a tourist, transport, recreational and landscape resource</u> and ensure these structures <u>do not have inappropriate adverse effects on</u> maintain or enhance landscape quality and character, and amenity values. (3.2.1.1, 3.2.4.1, 3.2.4.3, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.21, 3.3.26, 3.3.30, 3.3.32).</p>
<p>Policy 6.3.31</p> <p>Recognise the character of the Frankton Arm including the established jetties and provide for these on the basis that the visual qualities of the District's distinctive landscapes are maintained and enhanced. (3.2.4.3, 3.2.5.1, 3.3.30).</p>	<p>Amend the policy to recognise the strategic importance of these jetties to future transport options</p>	<p>Amend Policy 6.3.31 as follows:</p> <p>Recognise the character of the Frankton Arm including the established jetties and provide for these <u>their expansion, upgrade, or addition on</u> the basis that the visual qualities of the District's distinctive landscapes <u>not adversely affected from inappropriate development</u> are maintained and enhanced. (3.2.4.3, 3.2.5.1, 3.3.30).</p>
<p>Policy 6.3.32</p> <p>Recognise the urban character of Queenstown Bay and provide for structures and facilities providing they protect, maintain or enhance the appreciation of the District's distinctive landscapes. (3.2.1.1, 3.2.4.1, 3.2.4.4, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.21, 3.3.30, 3.3.32).</p>	<p>Amend the policy to recognise that structures within a built environment may not necessarily maintain and enhance landscapes</p>	<p>Policy 6.3.32</p> <p>Recognise the urban character of Queenstown Bay and provide for structures and facilities providing they protect, maintain or enhance the appreciation of the District's distinctive landscapes. (3.2.1.1, 3.2.4.1, 3.2.4.4, 3.2.5.1, 3.2.5.2, 3.3.19, 3.3.21, 3.3.30, 3.3.32).</p>

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<p>Policy 6.3.33</p> <p>Provide for appropriate commercial and recreational activities on the surface of water bodies that do not involve construction of new structures. (3.2.1.1, 3.2.4.4, 3.2.5.1, 3.2.5.2, 3.3.21, 3.3.30, 3.3.32).</p>	<p>This policy will prevent appropriate redevelopment of existing infrastructure</p>	<p>Amend policy 6.3.33 as follows:</p> <p>Provide for appropriate commercial and recreational activities on the surface of water bodies that do not involve construction of new structures. (3.2.1.1, 3.2.4.4, 3.2.5.1, 3.2.5.2, 3.3.21, 3.3.30, 3.3.32).</p>
<p>Chapter 12 Queenstown Town Centre Zone</p>		
<p>Policy 12.2.4.1</p> <p>12.2.4.1 Encourage a reduction in the dominance of vehicles within the Town Centre and a shift in priority toward providing for public transport and providing safe and pleasant pedestrian and cycle access to and though the Town Centre.</p>	<p>Commercial operators should be recognised in this policy as this industry also contributes to a reduction in congestion and private vehicle use</p>	<p>Amend policy 12.2.4.1 as follows:</p> <p>12.2.4.1 Encourage a reduction in the dominance of vehicles within the Town Centre and a shift in priority toward providing for public <u>and commercial</u> transport <u>operators</u> and providing safe and pleasant pedestrian and cycle access to and though the Town Centre.</p>
<p>Policy 12.2.4.5</p> <p>Plan for future public transport options by considering the needs of public transport services and supporting infrastructure when designing roading improvements or considering jetty applications.</p>	<p>The policy should apply broader than jetty applications – water transport requires more infrastructure from fuelling facilities to shelters</p>	<p>Amend policy 12.2.4.5 as follows:</p> <p>Plan for future public transport options by considering the needs of public transport services and supporting infrastructure when designing roading improvements <u>or the provision of on-</u></p>

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		<u>water transport options, considering jetty applications.</u>
<p>Policy 12.2.5.3</p> <p>Conserve and enhance, where appropriate, the natural qualities and amenity values of the foreshore and adjoining waters, recognising in particular, the predominantly undeveloped character of the 'Queenstown beach and gardens foreshore area' (as identified on the Planning Map) and the important contribution this area makes to providing views to the lake and mountains, pedestrian and cycle connections, water-based commercial recreation activities, and passive recreation opportunities.</p>	<p>The interface between policies 12.2.5.1 and 12.2.5.3 is difficult to reconcile, and while it is appropriate to maintain natural qualities and amenity values, this does not need to be provided for in a separate policy to "conserve and enhance" when such an appropriate needs to be balanced against the need for vibrancy.</p>	<p>Delete Policy 12.2.5.3</p>
<p>Policy 12.2.5.6</p> <p>Provide for structures within the Queenstown Bay waterfront area subject to compliance with strict bulk location and appearance criteria , provided the existing predominantly open character and a continuous pedestrian waterfront connection will be maintained or enhanced</p>	<p>Amend the policy so that health and safety considerations are paramount and to enhance pedestrian connectivity, rather than focus on visual impacts</p>	<p>Amend policy 12.2.5.6 as follows:</p> <p>12.2.5.6 Provide for structures within the Queenstown Bay waterfront area <u>subject to compliance with strict bulk location and appearance criteria, which are safe and adequate for purpose, and which maintain or enhance provided the existing predominantly open character and a continuous pedestrian waterfront connections with water transport and commercial recreation activities will be maintained or enhanced.</u></p>
<p><u>New Policy – water chapter to be inserted into Chapter 12</u></p>	<p><u>Insert new policy into Chapters 12 and 21 to protect</u></p>	<p><u>Insert new policy</u></p>

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<p><u>Queenstown Town Centre and Chapter 21 Rural</u></p>	<p><u>established key tourism activities</u></p>	<p><u>Protect key tourism and transport activities by ensuring the following principles are applied when considering proposals that will occupy water space:</u></p> <ul style="list-style-type: none"> i. <u>activities that promote the districts heritage and contribute public benefit should be encouraged;</u> ii. <u>activities that result in adverse effects on established activities should be discouraged;</u> iii. <u>long term occupation of water space should be avoided unless it has been strategically planned and is integrated with adjoining land and water use;</u> iv. <u>occupation of water space shall not interfere with key navigational routes and manoeuvring areas;</u> v. <u>adverse effects on the continued operation, safety and navigation of the "TSS Earnslaw"; and,</u> <p><u>activities that adversely effect the operation, safety, navigation, and ability to maintain or upgrade the "TSS Earnslaw" and her supporting slipway facilities, are to be avoided.</u></p>
<p>Rule 12.4.3</p> <p>Commercial Activities within the Queenstown Town Centre Waterfront Sub-Zone (including those that are carried out on a wharf or jetty) except for those commercial activities on the surface of water that are provided for as discretionary activities pursuant to Rule 12.4.7.2.</p> <p>Control is reserved to:</p>	<p>Amend Rule to refine the listed matters of control</p>	<p>Amend Rule 12.4.3 as follows:</p> <p>...</p> <p>a. any adverse effects of additional traffic generation from the activity;</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>a. any adverse effects of additional traffic generation from the activity;</p> <p>b. the location and design of access and loading areas in order to ensure safe and efficient movement of pedestrians, cyclists, and vehicles; and</p> <p>c. the erection of temporary structures and the temporary or permanent outdoor storage of equipment in terms of:</p> <p>i. any adverse effect on visual amenity and on pedestrian or vehicle movement; and</p> <p>ii. the extent to which a comprehensive approach has been taken to providing for such areas within the Sub-Zone</p>		
<p>Rule 12.4.7</p>	<p>Further provisions are required in respect of recognising existing structures, the need to maintain and enhance these, and the need to support more than one refuelling facility</p>	<p>Amend Rule 12.4.7 to provide for:</p> <ul style="list-style-type: none"> - the maintenance of existing wharves and jetties as a permitted activity provided the scale, intensity , and character of the building or structures is maintained - provide for minor upgrades and extensions to existing wharves and jetties, where this does not increase the scale of the structure by more than 20% from than as at 1 January 2018

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		<p>Amend 12.4.7.2 as follows:</p> <p>d. provide for or support the provision of one central facility in Queenstown Bay for boat refuelling, bilge pumping, sewage pumping</p> <p>Insert new controlled activity rule:</p> <p><u>12.4.7.x Excluding maintenance and alterations permitted by rule 12.4.7.0 above, the construction and use of a single story building for the purpose of a ticketing office is a restricted discretionary activity. Council's discretion is limited to:</u></p> <ul style="list-style-type: none"> <u>• Building location, design and use in terms of compatibility with the nature and scale of existing buildings and open spaces, including the ability to maintain a continuous waterfront walkway;</u> <u>• Accessibility in terms of servicing requirements;</u> <u>• Outdoor storage requirements;</u> <u>• Storage and disposal of waste;</u> <u>• Signage platforms; and</u> <u>• Health and safety.</u>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>Rule 12.4.8.2</p> <p>12.4.8.2 Any buildings located on Wharfs and Jetties within the Queenstown Town Centre Waterfront Sub-Zone. (NC)</p>	<p>Buildings on the Wharves of the waterfront subzone are anticipated and necessary for servicing the visitor industry</p>	<p>Amend Rule 12.4.8.2 as follows:</p> <p>Either delete this rule or otherwise amend the activity status to discretionary</p>
<p>Omission of PDP Standard 12.5.4.1</p>	<p>Standard 12.5.4.1 as notified in the PDP relating to the storage of equipment associated with transporting goods</p>	<p>Clarify that the activity status of temporary storage of equipment associated with transporting people and goods is permitted.</p>
<p>Chapter 21 Rural</p>		
<p>21.2.12 Objective</p> <p>The natural character of lakes and rivers and their margins is protected, maintained or enhanced, while providing for appropriate activities on the surface of lakes and rivers, including recreation, commercial recreation and public transport.</p>	<p>Amend the objective to recognise that appropriate structures will in some instances not achieve maintenance and enhancement</p>	<p>Amend objective 21.2.12 as follows:</p> <p>Objective - The natural character of lakes and rivers and their margins is protected from <u>inappropriate development</u>, maintained or enhanced, while providing for appropriate activities on the surface of lakes and rivers, including recreation, commercial recreation and public transport <u>and associated infrastructure</u>.</p>

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<p>Policy 21.2.12.2</p> <p>Enable people to have access to a wide range of recreational experiences on the lakes and rivers, based on the identified characteristics and environmental limits of the various parts of each lake and river.</p>	<p>The policy is uncertain in identifying the particular characteristics and environmental limits. These could be in the district plan as opposed to leaving it to a case-by-case assessment regime.</p>	<p>Amend policy 21.2.12.2 as follows:</p> <p>Enable people to have access to a wide range of recreational experiences on the lakes and rivers, based on the identified characteristics and environmental limits of the various parts of each lake and river.</p>
<p>Policy 21.2.12.3</p> <p>Avoid or mitigate the adverse effects of frequent, large-scale or intrusive commercial activities such as those with high levels of noise, vibration, speed and wash, in particular motorised craft, in areas of high passive recreational use, significant nature conservation values and wildlife habitat.</p>	<p>Amend this policy to protect established activities</p>	<p>Amend policy 21.2.12.3 as follows:</p> <p><u>Recognise the importance of providing a water based transport system while a</u>Avoiding, remedying or mitigating the adverse effects of <u>newly proposed</u> frequent, large-scale or intrusive commercial activities such as those with high levels of noise, vibration, speed and wash, in particular motorised craft, in areas of high passive recreational use, significant nature conservation values and wildlife habitat.</p>
<p>Policy 21.2.12.4</p> <p>Have regard to the whitewater values of the District's rivers and, in particular, the values of parts of the Kawarau, Nevis and Shotover Rivers as three of the few remaining major unmodified whitewater rivers in New Zealand, and to support</p>	<p>The policy needs to provide for existing operations and safety impacts to keep the river accessible</p>	<p>Amend policy 21.2.12.4 as follows:</p> <p>Have regard to the whitewater values of the District's rivers and, in particular, the values of parts of the Kawarau, Nevis and Shotover Rivers as three of the few remaining major unmodified whitewater rivers in New Zealand, and to support</p>

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measures to protect this characteristic of rivers.		measures to protect this characteristic of rivers, <u>while ensuring the safe maintenance and operation of established activities in these locations</u>
<p>Policy 21.2.12.8</p> <p>21.2.12.8 Encourage development and use of water based public ferry systems including necessary infrastructure and marinas, in a way that avoids adverse effects on the environment as far as possible, or where avoidance is not practicable, remedies and mitigates such adverse effects.</p>	Amend policy to clarify its application to public transport	<p>Amend policy 21.2.12.8 as follows:</p> <p>Encourage development and use of water based <u>transport</u> public ferry systems including necessary infrastructure and marinas, in a way that avoids adverse <u>inappropriate</u> effects on the environment as far as possible, or <u>otherwise</u> where avoidance is not practicable, remedies and mitigates such adverse effects.</p>
<p>Policy 21.2.12.9</p> <p>Take into account the potential adverse effects on nature conservation values from the boat wake of commercial boating activities, having specific regard to the intensity and nature of commercial jet boat activities and the potential for turbidity and erosion.</p>	The impacts of wakes on nature conservation values are complex and site specific, further certainty is required in respect of the application of this policy.	Delete policy 21.2.12.9 or otherwise clarify how this will be determined and taken into account
<p>Policy 21.2.12.10</p> <p>Ensure that the nature, scale and number of commercial boating operators and/or commercial boats on waterbodies do not exceed levels such that the safety of passengers and other users of the water body cannot be assured.</p>	Clarify the policy as 'exceedance' is uncertain	<p>Amend policy 21.2.12.10 as follows;</p> <p>Ensure that the nature, scale and number of <u>newly proposed</u> commercial boating operators and/or commercial boats on waterbodies do <u>not adversely impact on exceed levels</u> such</p>

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

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

Provision (PDP decision version)	Reason for appeal	Relief sought
New Chapter	Extract provisions relating to the protection, use and development of the surface of lakes and rivers and their margins, and insert them into a specific chapter that focuses on development and activities carried out on the surface of water and within the margins of waterways.	Insert new chapter providing specifically for waterways and their use
New Policy - water chapter	Insert new policy to ensure that, within the Frankton Arm, decision-makers on resource consent applications should prioritise the safety and operational functions of structure over landscape and amenity values.	Insert new policy <i><u>Prioritise the safety and function of jetties and structures over effects on landscape and amenity values when determining resource consent applications for jetties and structures located in the Frankton Arm</u></i>
New Policy —water chapter to be inserted into Chapter 12 Queenstown Town Centre and Chapter 21 Rural	Insert new policy <u>into Chapters 12 and 21</u> to protect established key tourism activities	Insert new policy <i><u>Protect key tourism and transport activities by ensuring the following principles are applied when considering proposals that will occupy water space:</u></i> vi. <i><u>activities that promote the districts heritage and contribute public benefit should be encouraged;</u></i> vii. <i><u>activities that result in adverse effects on established activities should be discouraged;</u></i> viii. <i><u>long term occupation of water space should be avoided unless it has been strategically planned and is integrated with adjoining land and water use;</u></i> ix. <i><u>occupation of water space shall not interfere with key navigational routes and manoeuvring areas;</u></i> x. <i><u>adverse effects on the continued operation, safety and navigation of the “TSS Earnslaw”; and</u></i> xi. <i><u>activities that adversely effect the operation, safety, navigation, and ability to maintain or upgrade the “TSS Earnslaw” and her supporting slipway facilities.</u></i>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>Rule 21.4.28</p> <p>Activities Sensitive to Aircraft Noise within the Outer Control Boundary - Queenstown Airport On any site located within the Outer Control Boundary, which includes the Air Noise Boundary, as indicated on the District Plan Maps, any new Activity Sensitive to Aircraft Noise.</p> <p>PR</p> <p>[and to the extent required associated policy 21.2.7.1]</p> <p>Policy 21.2.7.1</p> <p>Prohibit all new activities sensitive to aircraft noise on Rural Zoned land within the Outer Control Boundary at Queenstown Airport and Wanaka Airport to avoid adverse effects arising from aircraft operations on future activities sensitive to aircraft noise</p>	<p>The Rule introduces a prohibition on all new Activities Sensitive to Aircraft Noise inside of the Outer Control Boundary of the Queenstown Airport.</p> <p>The Outer Control Boundary extends east and west of the main runway, and includes all of the eastern foreshore of Frankton Arm (that is included in the Rural zone), including the Remarkables Primary School, Allan Crescent parks, Shoreline Road picnic areas, the Frankton Camping Ground, including parts of the Frankton Marina.</p> <p>The appellant considers that alternative public transport opportunities need to be explored, and this should include park and ride facilities associated with water taxi services.</p> <p>The prohibition of Rule 21.4.29 may extinguish the ability to establish any community activities to be established anywhere along the foreshore of Frankton Arm inside of the OCB.</p>	<p><i>are to be avoided.</i></p> <p>Delete rule 21.4.29 or change the activity status to Non-Complying</p> <p>Amend Policy 21.2.7.1 as follows:</p> <p><u>Discourage</u> Prohibit all new activities sensitive to aircraft noise on Rural Zoned land within the Outer Control Boundary at Queenstown Airport and Wanaka Airport to avoid, <u>remedy or mitigate</u> adverse effects arising from aircraft operations on future activities sensitive to aircraft noise</p>
<p>Rule 21.15.6</p>	<p>Amend to recognise the importance of existing jetty infrastructure</p>	<p>Amend Rule 21.15.6 as follows:</p> <p>- include a controlled activity for extensions and upgrades or</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
		<p>replacement to existing structures, within defined standards</p> <p>- ensure that maintenance of existing structures is not captured by this rule and is otherwise permitted</p>
<p>Rule 21.15.7</p> <p>Subject to Rule 21.15.8 any structure or mooring that passes across or through the surface of any lake or river or is attached to the bank of any lake and river, other than where fences cross lakes and rivers.</p>	<p>Clarify the application and activity status of this rule and rule 21.15.8 to provide for existing and necessary structures requiring this functional location, such as erosion control structures and permitted pipelines through the Regional Plan</p>	<p>Amend Rule 21.15.7 to clarify its application to necessary structures or otherwise delete</p>
<p>Rule 21.15.8</p> <p>Any structures or mooring that passes across or through the surface of any lake or river or attached to the bank or any lake or river in those locations on the District Plan Maps where such structures or moorings are shown as being non-complying.</p>	<p>As above</p>	<p>Amend Rule 21.15.8 to clarify its application to necessary structures or otherwise delete</p>
<p>New Rule</p>	<p>Provide a new rule to recognise the purpose of commercial boating activities, particularly as related to transport activities</p>	<p>Insert new rule to control Commercial boating activities carried out for the purposes of the water based transport. Matters of control should also be established. Suggested wording is as follows:</p> <p><u>Commercial boating activities and water transport are controlled activities in respect of:</u></p> <p>• <u>Location, scale and intensity of the activity.</u></p>

Provision (PDP decision version)	Reason for appeal	Relief sought
		<ul style="list-style-type: none"> • <u>Amenity effects, including loss of privacy, remoteness or isolation.</u> • <u>Congestion and safety, including effects on other commercial operators and recreational users.</u> • <u>Waste disposal.</u> • <u>Cumulative effects.</u> • <u>Parking, access safety and transportation effects.</u>
Standard 21.5.6	Amend standard to exclude jetties associated with the operation of a water based public transport activity OR amend standards to provide flexibility around the location and length of jetties especially if a certain location or length of jetty will facilitate water based public transport.	Amend standard to exclude jetties associated with the operation of a water based transport activity OR amend standards to provide flexibility around the location and length of jetties especially if a certain location or length of jetty will facilitate water based transport.
Assessment Matters 21.21	Assessment matters unfairly tip the balance towards landscape protection and they are not most appropriate methods for implementing the objectives	Delete assessment matters 21.21 or otherwise amend to reflect higher order provisions
<p>Standard 21.16.3.1</p> <p>Kawarau River, Lower Shotover River downstream of Tucker Beach and Lake Wakatipu within Frankton Arm - Commercial motorised craft, other than public transport ferry activities, may only operate between the hours of 0800 to 2000.</p>	Existing activities operate beyond these hours without adverse effects (e.g. the TSS Earnslaw)	Delete standard 21.16.3.1

Provision (PDP decision version)	Reason for appeal	Relief sought
Chapter 35 Temporary Activities		
<p>Policy 35.2.1.7</p> <p>Recognise that noise is an anticipated component of temporary events and filming, while protecting residential amenity from undue noise during night-time hours.</p>	<p>Ensure that the policy is only applicable in residential areas given these activities are common in other areas such as rural visitor zones</p>	<p>Amend Policy 35.2.1.7 as follows:</p> <p>Recognise that noise is an anticipated component of temporary events and filming, while protecting residential amenity <u>in established residential zones</u> from undue noise during night-time hours.</p>
<p>Rule 35.4.12</p> <p>Temporary Storage</p> <p>Any temporary storage or stacking of goods or materials, other than for farming purposes, that does not remain on the site for longer than 3 months and does not exceed 50m² in gross floor area.</p>	<p>This rule could inhibit appropriate activities such as storage of goods in the off season on ski fields, or stacking firewood</p>	<p>Define temporary storage or otherwise delete this rule as unclear what this policy would extend to</p>
<p>Policies 35.2.5.1</p> <p>Permit temporary storage related to farming activity.</p>	<p>The policy should be amended to recognise the importance of tourism, transport, and associated activities</p>	<p>Amend Policies 35.2.5.1 as follows</p> <p>Permit temporary storage related to farming activity, <u>transport, tourism, and visitor accommodation activities.</u></p>

Provision (PDP decision version)	Reason for appeal	Relief sought
<p>Policy 35.2.5.2</p> <p>Ensure temporary storage not required for farming purposes is of short duration and size to protect the visual amenity values of the area in which it is located.</p>	<p>The policy should be amended to recognise the importance of tourism, transport, and associated activities</p>	<p>Amend Policy 35.2.5.2 as follows:</p> <p>Ensure temporary storage not required for farming <u>transport, tourism, and visitor accommodation activities</u>. purposes is of short duration and size to protect the visual amenity values of the area in which it is located.</p>
<p>Rule 35.5.2 Glare</p> <p>All fixed exterior lighting must be directed away from adjacent sites and roads.</p>	<p>Amend to ensure protection of waterways for navigational safety and proved for health and safety</p>	<p>Amend Rule 35.5.2 as follows:</p> <p>All fixed exterior lighting must be directed away from adjacent sites, <u>waterways</u>, and roads.</p> <p>...</p> <p><i><u>This rule shall not apply to glare from lighting used for health and safety purposes.</u></i></p>
<p>Chapter 36 Noise</p>		
<p>Chapter 36 Noise</p>	<p>The TSS Earnslaw has been operating on Lake Wakatipu since 1912 and transports around 250,000 passengers yearly.</p>	<p>Include in Chapter 36 a carve-out provision from noise limits for the TSS Earnslaw.</p>

Provision (PDP decision version)	Reason for appeal	Relief sought
36.5.2	<p>Clarify the application of this rule. Further uncertainty needs to be considered in the case of multi-engined craft. If the sound of a specific multi-engined craft is dominated by exhaust noise, the phasing of its engines, when running at nominally the same engine speed, can have a significant effect upon the vessel's pass by noise. Extreme examples of maximum AS-weighted sound pressure levels of up to 6 dB of the variability have been recorded. Hence other authorities often recommended allow at least 3 dB variation for twin engine vessels.</p> <p>Also clarify the methods and application of ISO 2922:2000 + ISO 14509-1:2008</p>	Delete Rule 36.5.2 or otherwise clarify as set out in the appeal.
Rule 36.5.13	<p>Amend rule so that the noise limits are measured as Lmax, not Ldn. Also amend rule so that non-conformance is a discretionary activity, not a non-complying activity Also clarify the methods and application of ISO 2922:2000 + ISO 14509-1:2008 specifically in respect of Rural Visitor Zones</p>	Delete Rule 36.5.13 or otherwise clarify as set out in the appeal

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

Appendix C - A copy of the relevant parts of the decision; and

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