

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-

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
	Appellant
And	Queenstown Lakes District Council
	Respondent

Notice of Appeal

19 June 2018

Appellant's solicitors:

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To The Registrar
Environment Court
Christchurch

- 1 Real Journeys Limited (**Real Journeys**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 Real Journeys made a submission (#621) and further submission (#1341) on the PDP.
- 3 Real Journeys is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 Real Journeys 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 2 Definitions;
 - b) Chapter 3 Strategic Direction;
 - c) Chapter 6 Landscapes;
 - d) Chapter 12 Queenstown Town Centre Zone;
 - e) Chapter 21 Rural;
 - f) Chapter 26 Historic Heritage;
 - g) Chapter 27 Subdivision;
 - h) Chapter 28 Natural Hazards;
 - i) Chapter 35 Temporary Activities and Relocated Buildings;
 - j) Chapter 36 Noise.
- 7 Reasons for appeal and relief sought:

Background

- 8 Real Journeys is a family-owned tourism business that was founded in 1954 by tourism and conservation pioneers Sir Les and Lady Olive Hutchins. Les and Olive Hutchins began operating the Manapouri-Doubtful Sound Tourist Company, running four day excursions which included a Lake Manapouri cruise, a trek over

the Wilmot Pass to accommodation at Deep Cove, and a cruise on Doubtful Sound. In 1966 Les and Olive acquired Fiordland Travel Ltd, with its Te Anau Glow-worm Caves and Milford Track Lake Transport operations and began trading as Fiordland Travel Limited. Ongoing expansion followed with the purchase of the vintage steamship "TSS Earnslaw" in Queenstown in 1969 and with the establishment of cruises in Milford Sound in 1970.

- 9 Since 2002, Fiordland Travel Ltd has operated all its tourism excursions under the 'Real Journeys' brand and in 2006 changed its company name to Real Journeys Limited. Real Journeys now has operational bases in Bluff, Stewart Island, Milford Sound, Te Anau, Manapouri and Queenstown. Today the company remains true to its founders and their guiding principles of conservation and hospitality.
- 10 Real Journeys operates and owns world renowned natural heritage tourism activities throughout the southern South Island, primarily in Christchurch, Stewart Island, Te Anau, Milford Sound, Doubtful Sound, Wanaka and Queenstown. Real Journeys is widely regarded as a leader in the New Zealand tourism industry and is regularly named as one of New Zealand's highest achieving tourism companies. Queenstown is a spectacular alpine resort with magnificent scenery and is a four season destination for visitors.
- 11 Real Journeys has a considerable asset base and investment interest in the protection of and ability to use, develop and access the district's natural and physical resources. Real Journeys will continue to invest in the growth of Queenstown tourism sector and contribute to the management of the district's significant natural, heritage and other environmental values.
- 12 Real Journeys employs over 700 people in Queenstown and at Cardrona and has considerable investment in local infrastructure and other assets. Real Journeys owns or has an interest in and operates the following tourism activities in Queenstown:
 - a) "TSS Earnslaw" Vintage Steamship Cruises;
 - b) Walter Peak: Farm Tours; and Walter Peak Colonel's Homestead Restaurant;
 - c) O'Regans Wharf;
 - d) Shotover and Kawara River rafting;
 - e) Queenstown Water Taxis;
 - f) Thunder Jet;
 - g) Cardrona Alpine Resort;

- h) Go Orange;
 - i) Canyon Food and Brew Company; and
 - j) Southern Lakes Information Centre
- 13 In addition, the following excursions at Walter Peak are operated in conjunction with Real Journeys on a profit sharing basis: Walter Peak Guided Cycling; Walter Peak Horse Treks;). Real Journeys also owns a substantial coach fleet based in Queenstown which provides transport access from Queenstown to the following major tourism activities outside Queenstown:
- a) Day and overnight cruises and kayak excursions on Milford Sound;
 - b) Day and overnight cruises and kayak excursions on Doubtful Sound;
 - c) Milford Track Guided Day Walks;
 - d) Te Anau Glow Worm Caves tours;
 - e) Coach services to the Districts four ski fields; and
 - f) Landsborough Wilderness Experience (3 day rafting trip).
- 14 In support of its activities, Real Journeys relies on the operation, maintenance, upgrading of and access to various tourism assets and infrastructure in Queenstown Lakes District, including land, buildings, structures (including wharves, jetties, moorings; slipways; boat ramps; ski field infrastructure, private roads, parking facilities, maintenance facilities; reserve facilities) located at: Queenstown Bay / CBD; Walter Peak; and the Cardrona Alpine Resort. Real Journeys has a fleet of passenger vehicles including coaches, vessels, and; various commercial buildings/offices some of which are leased. Real Journeys owns the "TSS Earnslaw" Vintage Steamship and is responsible for the operation, maintenance and upgrading of the steamship as well as the slipway and surrounding land area at Kelvin Heights Peninsula. Real Journeys is reliant on the continued and ongoing use of and access to the bed and surface of Lake Wakatipu, and the public road network.

Real Journeys Conservation Principles

- 15 Conservation is part of Real Journeys heritage and a cornerstone of the day to day business.
- 16 To honour its conservation commitments and philosophy, Real Journeys works closely with the Department of Conservation and local communities. Real

Journeys contributes significant funds and in-kind support towards a variety of projects that ensure biodiversity and conservation benefits.

“TSS Earnslaw” – The lady of the lake

- 17 Real Journeys owns and operates the “TSS Earnslaw” Vintage Steamship. Real Journeys is also responsible for the operation, maintenance and upgrading of the steamship as well as the slipway and surrounding land area and buildings at Kelvin Heights Peninsula, and the Steamer Wharf berthing and mooring infrastructure in Queenstown Bay and at Walter Peak. The “TSS Earnslaw” is a 1912 Edwardian vintage twin screw steamer plying the waters of Lake Wakatipu. It is one of the oldest tourist attractions in New Zealand and the only remaining commercial passenger-carrying coal-fired steamship in the southern hemisphere. The “TSS Earnslaw” is surveyed for carrying up to 410 passengers and provides a unique historic transport service. It carries about 250,000 passengers each year.
- 18 The “TSS Earnslaw” continues its routine operation carrying tourist passengers across Lake Wakatipu from Queenstown to Walter Peak High Country Farm, a tourism operation with farm tours, horse treks, cycle tours, barbecue lunches and evening dining at the Colonel's Homestead. The ship also provides an important transport link back to Queenstown for Walter Peak High Country Station and other farmers located around Walter Peak. The ship works fourteen-hour days in the summer months and cruises for eleven months of the year.
- 19 Each year, the TSS Earnslaw undergoes an annual survey, typically from late May to early June, and she is typically maintained on the Kelvin Peninsula slipway. Real Journeys employs about 35 staff to operate and maintain the steamship and at present is investing about a million dollars annually to maintain the steamship for out of water survey and its supporting infrastructure. Due to the size and hull shape of the steamship; her corresponding momentum and her historic telegraph control system, the “TSS Earnslaw” requires parts of Lake Wakatipu to remain free of vessel traffic; structures and moored vessels in order to provide for the continued use of the steamship as a key transport vessel and to ensure the protection of people's health and safety.
- 20 The continued operation of the “TSS Earnslaw” passenger service relies on continued access to the water space and wharf and berthing facilities in Beach Bay at Walter Peak, and Queenstown Bay (Steamer Wharf). Further the Fiordland Class vessels remain critical to Real Journeys' operation in Queenstown. These vessels are used to transport staff and freight to and from Walter Peak daily and operate when the “TSS Earnslaw” is out of service for maintenance; breakdowns or adverse weather such as gale force winds. The

Fiordland Class vessels require access to Kingston as they are trailered to Kingston and access the lake at that point.

- 21 Continued provision of access to and use of the slipway facilities at the Kelvin Peninsula are necessary to maintain the "TSS Earnslaw" and protect its heritage values. These facilities are historic and require constant maintenance and upgrading in order to fulfil their purpose and to meet relevant safety and engineering standards.

Reasons for the relief sought

- 22 Tourism is the district's major industry. The significant benefits of tourism activities that attract people to the district should be specifically recognised and enabled by the district plan. Generally, the proposed district plan does not satisfactorily recognise the importance of key tourism and transport activities or provide for the growth of these sectors. Some ski area activities in the established ski fields are provided for but overall the PDP will place inappropriate restrictions on or unnecessary uncertainty for new development opportunities in favour of the protection of existing landscape and amenity values.
- 23 The rural and landscape provisions (upon which the majority of the district's outdoor tourism activities are carried out) are of particular concern. Accordingly, Real Journeys is seeking overarching amendments to the PDP to ensure it recognises and provides for the protection and ongoing growth of tourism and transport activities, including water transportation activities. In order to satisfactorily recognise and provide for tourism and transport activity the following is considered necessary:
 - 24 Strong strategic objectives and supporting policies to recognise the importance of the tourism and transport sectors and provide for tourism and supporting transport activities across the district are sought. This is required to ensure the plan is framed in such a way that facilitates flow-on amendments to all other chapters;
 - 25 Various amendments throughout other chapters are sought to ensure the objectives, policies and rules appropriately protect existing tourism activity operations and do not inappropriately restrict growth opportunities;
 - 26 A definition of a "tourism activity" or similar to differentiate tourism activities from other commercial activities is sought. Ring fencing tourism activities should provide more certainty to all parties interested in the enabling and management of tourism activities in the district and enable the plan to be administered more efficiently and effectively overall;

- 27 Recognition that privately owned and operated infrastructure may not meet the RMA definition of infrastructure or network utility is required as otherwise these buildings and structures may not be afforded an appropriate level of protection under the RPS or the district plan. It is therefore important to ensure all buildings and structures which support tourism activities are included in the definition of Tourism Activity, or otherwise provided for in the district plan.
- 28 Recognition that the majority of the district's tourism activity relies on safe and efficient access to and the maintenance and enhancement of the district natural resources is sought. It is important that existing transport and tourism infrastructure is protected from incompatible activities and development;
- 29 Recognition that tourism activities, including ancillary transport services and buildings and structures, often have locational, technical, and operational constraints (practical constraints) which can prevent all adverse effects from being avoided, remedied or mitigated is required. In these scenarios, it may be appropriate for residual adverse effects to be offset or compensated.

Further and consequential relief sought

- 30 Real Journeys 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 Real Journeys' PDP submissions.

Attachments

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

- a) **Appendix A** – relief sought
- b) **Appendix B** - A copy of the Appellant's 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 day of June 2018



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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.