

FORM 5
SUMBMISSION ON PROPOSED TE TAI O POUTINI PLAN

Clause 6 of Schedule 1, Resource Management Act 1991

To: Te Tai o Poutini Plan Committee

Submitter Details:

Name of submitter:

Totally Tourism Limited

Address for Service:

Totally Tourism Limited
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1. This is a submission on the Proposed Te Tai o Poutini Plan.

2. Trade Competition

The submitter could not gain an advantage in trade competition through this submission.

3. Omitted

4. Totally Tourism Limited's submission is that:

4.1 Totally Tourism Limited "**TTL**" is the umbrella company to some of New Zealand's original sightseeing, leisure and adventure activity companies including; The Helicopter Line, Mitre Peak Cruises, Milford Sound Scenic Flights, Glacier Helicopters, Harris Mountains Heli-Ski, Challenge Rafting and Alpine Guides.

4.2 TTL and its subsidiary companies are long established operators and employers within the Westland District. In addition, TTL and its subsidiary companies are owners of rural, commercial, and residential properties in both Fox Glacier and Franz Josef Glacier.

4.3 Importantly, TTL is also the owner of the land located north of the Franz Josef Township known as Franz Alpine Resort.

4.4 TTL's subsidiaries The Helicopter Line "**THL**" and Glacier Helicopters "**GH**" are also significant users of the Franz Josef Heliport.

4.5 Given the submitters extensive landholdings, existing commercial, commercial recreation, and residential activities/properties, the submitter has a direct and significant interest in the outcome of the Proposed Plan "PP"

4.6 The submitter generally **supports** the PP subject to the following comments.

Submitters Position

Proposed Airport Zone – Franz Josef

4.7 The submitter supports the acknowledgement of the Franz Josef Heliport and the inclusion of the Airport Zone in the PP. The intention of the Zone to ensure that the Heli port continues to operate as significant tourism and industry infrastructure is fully supported.

- 4.8 The submitter supports the definition of Airport Activities and Rule AIRPZ-R1 which provides for airport activities as a Permitted Activity.
- 4.9 The submitter agrees with the identification of an air noise boundary within which new buildings housing noise sensitive activities shall be required to meet minimum levels of acoustic insulation.
- 4.10 However, the 50dB L_{dn} noise contour identified on the proposed plan maps is understood to be based upon helicopter operations based on levels of use as of 2017¹.
- 4.11 The submitter suggests that the noise contour modelling should be updated to reflect the busiest period of operations pre-covid and that the intensity of use (and therefore footprint of the noise contour) is likely to be larger if based upon the summer 2018 or 2019 period.
- 4.12 While tourism in Westland has been significantly affected by Covid, it will return at some point. Limiting helicopter operations to the 2017 level of operations will have a potential adverse effect on the economic well-being of the submitter, other aircraft operators, and the Franz Josef community if flight operations are restricted.
- 4.13 The overview for the Airport Zone in the PP notes that this Zone (inclusive of Franz Josef Heliport) plays a significant role in facilitating access, trade, tourism, and economic activity locally, regionally, and nationally.
- 4.14 Accordingly, given the significance of this Zone to the economic well-being of Franz Josef, there should be some scope for growth back to the more prosperous pre-Covid times.
- 4.15 The submitter acknowledges and supports the consenting pathway available if noise limits from aircraft operations at Franz Josef Airport exceed the 50db L_{dn} noise contour as a Restricted Discretionary Activity as per proposed Rule NOISE R10(5).
- 4.16 Notwithstanding this noise Rule, there is no guarantee that any resource consent sought under that Rule would be granted. Therefore, the submitter still considers it vitally important that the noise contour is based on the busiest pre-Covid period.

¹ Franz Josef and Fox Glacier Information Sheet, page 2, 3rd to last paragraph.

Proposed Settlement Zone – Cook Flat Road

4.17 The submitter is the owner of Lot 2 Deposited Plan 408756 & Lot 9 Deposited Plan 1433 which are located off Cook Flat Road, Fox Glacier as illustrated below:

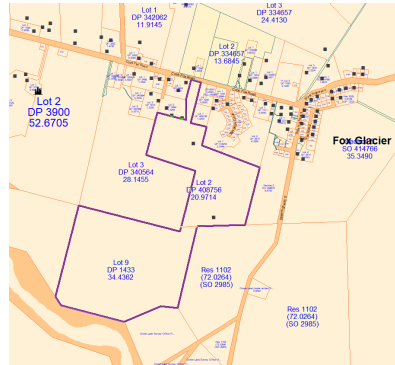


Figure 1. Submitters Landholdings on Cook Flat Road, Fox Glacier

4.18 Under the Operative Westland District Plan both Lots are in the Rural Zone with a small portion of the leg in access of Lot 2 DP 408756 contained within the Tourist Zone.

4.19 Under the PP, Lot 2 DP 408756 is proposed to become Settlement Zone as illustrated below.

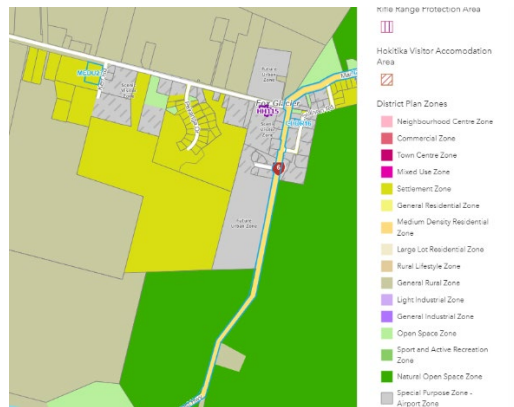


Figure 2. Proposed Zoning <https://westcoast.isoplan.co.nz/eplan/#/Property/0>

4.20 The submitter fully supports the 'up-zoning' of Lot 2 DP 408756 to Settlement Zone. It is considered that this provides for a logical consolidation of residential, commercial, recreational, and rural community uses in close proximity to the existing 'Town Centre' / Scenic Visitor Zone.

4.21 Enabling this type of land use will help to prevent the spread of urban development further down Cook Flat Road and into the rural environment further west of the existing township.

4.22 The submitter has no concerns with their other land parcel Lot 9 DP 1433, being located within the General Rural Zone. Given the vegetation on this site, its cohesiveness with the vegetation on the land to the south and east (Westland National Park), and the proximity of the Fox River along the southern boundary, General Rural Zone is considered appropriate for this site.

Proposed Settlement Zone – Franz Alpine Resort

4.23 The submitter is the owner of Lot 33 Deposited Plan 409401. The site is located off Donovan Drive and comprises a land area of 72.79Ha. The site is illustrated below:

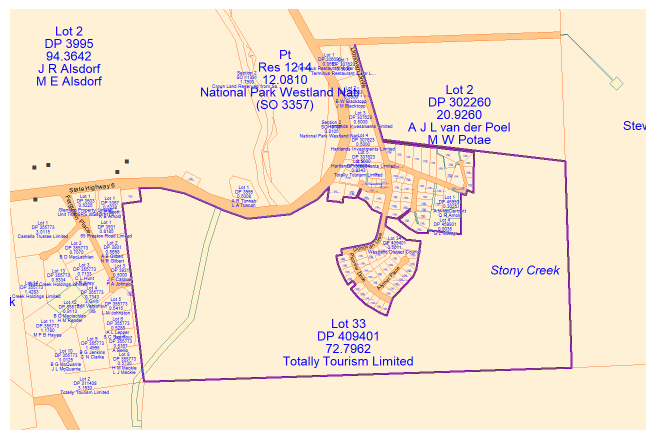


Figure 3. Lot 33 DP 409401

4.24 Under the Operative Westland District Plan, the subject site is primarily located within the Tourist Zone and Residential Zones with a small area of Rural Zone along the north eastern boundary. Part 5.4A of the Operative Westland District Plan contains an Outline Development Plan for this landholding that confirms this Zoning and identifies a 'core commercial area'.

4.25 Under the PP, this land holdings zoning is changed to Settlement Zone, Settlement Zone Rural Residential Precinct, and General Rural Zone. Eastern parts of the site (predominantly in the General Rural Zone) are affected by the earthquake hazard overlays. The majority of the General Rural Zone and a portion of the Settlement Zone in the eastern part of the site are also affected by the Outstanding Natural Landscape overlay.

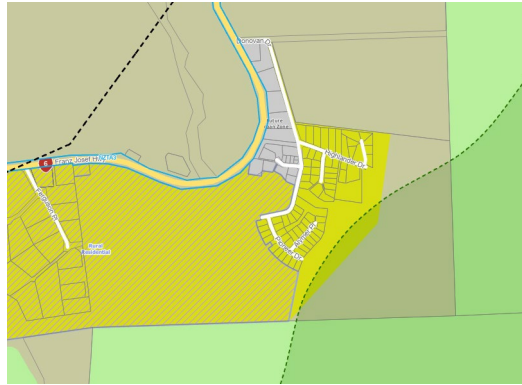


Figure 3. Lot 33 Deposited Plan 409401 Showing Zones and ONL Overlay

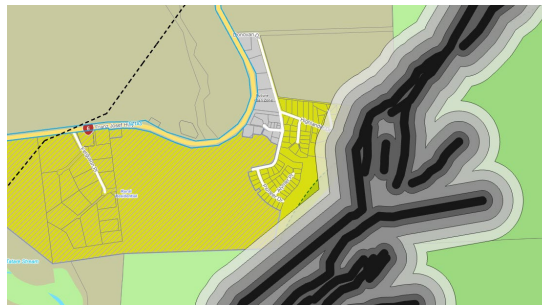


Figure 4. Lot 33 Deposited Plan 409401 Showing Earthquake Overlay

- 4.26 The submitter opposes the zoning applied to the subject site for the following reasons.
- 4.27 First, the location of the Outstanding Natural Landscape “ONL” line over the eastern part of the site is incongruous with Settlement Zone boundary. Specifically, it seems at odds to apply a zoning that enables residential, commercial, and recreational land use and then apply an ONL status to the same land.
- 4.28 The submitter considers that the ONL line should follow the eastern edge of the Settlement Zone boundary and only encapsulate the submitters land contained in the General Rural Zone.
- 4.29 Second, the submitter opposes the application of the Settlement Zone - Rural Residential Precinct over the land that was previously contained in the Tourist Zone and Residential Zone.
- 4.30 Revoking this Zoning which provided for residential and commercial activities as illustrated in Part 5.4A of the Operative Westland District Plan, significantly de-values the submitters land and changes the anticipated level of commercial and community development for those residential lot owners who have already bought land and established residences in the Franz Alpine Resort.

- 4.31 While it is understood that the PP is amending the zoning to incorporate nationally consistent planning framework/zoning and the existing Zoning cannot be retained in its current format, the submitter suggests that their land outside of the General Rural Zone, be changed from Settlement Zone Precinct 4 Rural Residential to Settlement Zone Precinct 2 – Settlement Centre Precinct.
- 4.32 The submitter considers that this will more closely align with the existing zoning applicable to their landholding and will provide for an appropriate level of mixed use residential and commercial development where there is likely to be a sizeable focal community.
- 4.33 The proposal to apply this zoning is not to take away from and fragment the commercial area of Franz Josef. It is accepted that it is important to ensure that these areas and the Scenic Visitor Zone applied to them, continue to be the focus for commercial development and support of the visitor industry.
- 4.34 However, providing for a higher residential density and enabling commercial and community land uses on the submitters land that complement existing and future residential activity through the application of the Settlement Zone Precinct 2 on the submitters land is appropriate, and should be provided for.

Franz Josef Township

- 4.35 The submitter, through its subsidiaries The Helicopter Line "**THL**" and Glacier Helicopters "**GH**", are owners of commercial properties on Cron Street and residential properties on Graham Place.
- 4.36 These properties were all contained within the Tourist Zone under the Operative Westland District Plan and are now proposed to fall within the Proposed Plan's Settlement Zone. The properties are all affected to varying degrees by the Earthquake Hazard Overlay's.
- 4.37 Overall, the submitter does not oppose the Settlement Zoning of these properties and the location of the Earthquake Hazard Overlay's. The submitter acknowledges that the existing Township is affected by natural hazard issues and that the re-zoning of the land north east of State Highway to 'Scenic Visitor Zone' is a response to increase the townships resilience to natural hazards.
- 4.38 This is a logical response to the long-term retention of the existing Franz Township and providing for future development expansion away from the most severe natural hazards. However, the submitter considers that it is important to maintain a commercial presence along the State Highway to draw people into the Township and to maintain the existing commercial

investments in this area provided that the existing risk is 'tolerable' and not exacerbated.

- 4.39 Accordingly, in regard to the Earthquake Hazard Overlay's, the submitter specifically supports the Permitted Activity provisions for:
- Repairs and maintenance of existing occupied and unoccupied buildings.
 - New unoccupied buildings.
 - Reconstruction and replacement of lawfully established buildings destroyed by natural disaster or act of god.
- 4.40 The submitter also supports the proposed Restricted Discretionary and Discretionary Activity Consent pathway for additions and alterations to residential and commercial buildings within the Earthquake Hazard Overlay's.
- 4.41 However, the submitter suggests that the Proposed Plan should include provision for reconstruction and replacement of existing buildings in the Earthquake Hazard Overlay's other than where they have been damaged/destroyed by natural disaster.
- 4.42 For example, the submitter seeks to have the ability to replace their existing buildings to modernise them but retain the existing gross floor area and internal occupancy levels and therefore, not exacerbating the potential risk to life. Rather, a modern replacement building is likely to have less risk to life than the existing structures on the submitter's properties.
- 4.43 The notified provisions would make such a proposal a Non-Complying Activity for new buildings pursuant to Rules NH-R19 or Restricted Discretionary for residential buildings (Rule NH-R21, NH-R25,) or fully Discretionary for commercial buildings (Rule NH-R22, NH-R26) in the 20m, 50m, and 100m overlays respectively. Beyond these areas (150m and 200m overlays), the activity status drops to Restricted Discretionary for all new buildings.
- 4.44 All of the submitter's properties (residential and commercial) in the vicinity of the Earthquake Hazard Overlay's fall within or partly within the 20m, 50m, and 100m overlays. These properties are developed and contain existing commercial and residential activities.
- 4.45 It is considered that Proposed Plan should be revised to include a Restricted Discretionary Activity Consent status for reconstruction and replacement of

existing buildings (that do not fall within the scope of Rule NH-R1) in these overlays where the existing gross floor area and occupancy is not increased.

4.46 The Rule could be similar to the existing Restricted Discretionary Activity provisions which require a hazard risk assessment and matters of discretion limited to:

1. Implementation of recommendations in accompanying hazard risk assessment;
2. Risk to life, property and the environment from the proposal and any measures to mitigate those risks;
3. The location and design of proposed buildings, vehicle access and infrastructure in relation to natural hazard risk; and
4. Any adverse effect on the environment of any proposed natural hazard mitigation measures.

4.47 The submitter seeks that the Hazards and Risks - Ngā Pūmate me ngā Mōrea chapter of the PP is amended accordingly.

5. The submitter seeks the following decision from the Te Tai o Poutini Plan Committee:

5.1 The submitter seeks that the relevant Zoning, Objectives, Policies, and provisions of the PP are amended to take into account the concerns raised in the body of this submission regarding the noise contours for the Franz Airport and the zoning applied to the existing Franz Alpine Resort.

5.2 Regarding the submitters land on Cook Flat Road, Fox Glacier, the submitter seeks that the notified Settlement Zone applied to Lot 2 DP 408756 is retained along with the notified Objectives, Policies, and provisions to provide for residential, commercial, recreational, and rural community uses in close proximity to the existing 'Town Centre' / Scenic Visitor Zone.

5.3 The submitter seeks the Objectives, Policies, and provisions of the Hazards and Risks chapter enables the replacement/reconstruction of existing buildings in the Earthquake Hazard Overlay's which do not exceed the current GFA, through a Restricted Discretionary Activity consent process.

5.4 The submitter also seeks such further or consequential / alternative amendments necessary to give effect to this submission.

6) The submitter wishes to be heard in support of their submission.

- 7) If others make a similar submission the submitter will consider presenting a joint case with them at a hearing.

A handwritten signature in black ink, appearing to read 'Sean Dent', written in a cursive style.

Sean Dent on behalf of Totally Tourism Limited

Date...31 October 2022