

QUEENSTOWN LAKES DISTRICT COUNCIL

Recommendations following the hearing of submissions and further submissions on proposed Private Plan Change 52 – Mount Cardrona Station Special Zone

PURSUANT TO CLAUSE 10 OF SCHEDULE 1 OF THE RESOURCE MANAGEMENT ACT 1991, PRIVATE PLAN CHANGE 52 IS RECOMMENDED TO BE APPROVED WITH MODIFICATIONS

THE FULL RECOMMENDATION IS SET OUT BELOW

Hearing Panel:	The plan change request, submissions and further submissions were heard by Hearing Commissioners: Jan Caunter (Chair) Rachel Dimery Ross McRobie
Queenstown Lakes District Council:	Nigel Bryce (reporting planner) David Compton-Moen (landscape) J Enright and O Brown (traffic) Stephanie Prendergast (Administrator)
Appearances:	
Applicant/ Requestor:	Warwick Goldsmith/ Rosie Hill (Counsel)
	Chris Morton (Director)
	Fraser Colegrave (Economist) – by telephone
	Ben Espie (Landscape architect) – in person
	Tom Heller (Engineer - water) – in person
	David Moore (Golf course designer) – by telephone
	Ian Munro (Urban Designer) – by telephone
	Chris Rossiter (Traffic engineer) – by telephone
	Graeme Halliday (Geotechnical engineer) – in person
	Jeff Brown (Planner) – in person
Submitters:	Rebecca Holden (Cardrona Alpine Resort Limited) – in person
	Ian Leslie – in person
	Blyth Adams (Cardrona Resident and Ratepayers Association) – in person
PPC52 Notification Date:	23 February 2017
Hearing:	11 July 2017
Hearing Closed:	17 November 2017

RECOMMENDATIONS OF THE COMMISSIONERS

INTRODUCTION

1. The Queenstown Lakes District Council has appointed Jan Caunter (Chair), Rachel Dimery and Ross McRobie as the hearings commissioner panel to hear and make a recommendation on Mount Cardrona's proposed Private Plan Change 52 (PC52) to the Operative Queenstown Lakes District Plan.
2. A hearing was held at the Lake Wanaka Centre on 11 July 2017. The hearing was then adjourned. The Commission was concerned that some aspects of the Request were not clear or required further information, particularly on traffic effects. We requested and received a series of further information (refer Minutes dated 13 July 2017 and 10 August 2017 attached as Appendix 1)
3. The hearing closed on 17 November 2017.

EXECUTIVE SUMMARY

4. We accept that PC52 delivers a better outcome for the MCSSZ than its predecessor, Plan Change 18.
5. While the Request identifies the intent of PC52 as a mix of residential and tourism development, we have assessed the proposal as primarily a tourism development, given that much of the residential component of the development is more directed at short stay, visitor accommodation. We do not entirely accept the Requestor's evidence that the market process contemplated for residential development will be significantly more affordable to residents or that a permanent housing supply will be delivered. We do accept that there is potential for PC52 to better serve the market and attract developmental growth (including tourism growth) to Cardrona through the introduction of a golf course and associated hotel development and that PC52 delivers housing to support a tourism development.
6. We accept most of the PC52 provisions tabled with the final section 42A report received from Mr Bryce dated 6 October 2017 and further developed in the Requestor's Reply dated 13 October 2017, subject to our further modifications. These modifications are identified under the Issues and Section 32 sections of our decision.
7. We recommend that PC52 be approved subject to modifications, with the submissions and further submissions accepted or rejected to the extent that the provisions at Appendix 3 are either retained or amended.
8. We set out our reasons below.

BACKGROUND

9. The land subject to PC52 is legally described as Lots 1-8 and Lots 10-12 DP 446161, Sec 6 SO 459975 and Lots 7-8 DP 21223 ("the subject site").

Private Plan Change 18

10. Private Plan Change 18, applying to the subject site, was made operative in December 2011 following the resolution of Environment Court appeals.¹
11. The purpose of the operative Mount Cardrona Station Special Zone (MCSSZ) is as follows:

The Zone is configured in a manner that creates a high quality sustainable environment. It provides significant benefits to the wider community through the provision of a range of housing options, recreational activities, protection of open space, commercial activities, visitor accommodation, educational and community facilities, sustainable infrastructure design, and the creation of a distinctive destination."

12. The operative MCSSZ encompasses approximately 130 hectares of land, including 92 hectares of open space areas that protect the heritage and open space values of the Zone. The MCSSZ is located within an Outstanding Natural Landscape.

13. Future development in the MCSSZ is to be managed in accordance with:

- Structure Plan A – Mt Cardrona Station Structure Plan;
- Structure Plan B – Height Restrictions;
- Structure Plan C – Public Access and Walkaways; and
- Structure Plan D – Mitigation Planting Plan.

These are all contained within section 12.22 Structure Plan, which forms part of the Queenstown Lakes District Council Operative District Plan ("ODP").

14. The operative version of Structure Plan A identifies 8 Activity Areas within the site, as follows:

- a. Activity Area 1 – Village Centre – entrance to Village and greatest scale and intensity of development
- b. Activity Area 2 – Living Areas A and B – visitor accommodation and residential development
- c. Activity Area 3 – Living Areas B, C and D, comprising:
 - i. 3 (Living Area C) – residential development
 - ii. 3a (Living Area D) – residential development with height and setback restrictions
 - iii. 3b – educational and community precinct
- d. Activity Area 4 – Living Area E – larger residential sections, limits on coverage and height of buildings
- e. Activity Area 5 comprising:
 - i. Area 5a – limited commercial and recreational development at woolshed and homestead sites. This is visible from Cardrona valley Road
 - ii. Area 5b – horse trekking and other commercial recreation operations or farming activities
- f. Activity Area 6 – Commonage – formal and informal recreation activities open to the public, extends throughout the Village
- g. Activity Area 7 – Heritage Area – protection of heritage features throughout the site and future protection of open space surrounding the Village

¹ Brooklyne Holdings Limited v Queenstown Lakes District Council [2010] NZEnvC 187

- h. Activity Area 8a – located at base of Cardrona Skifield Access Road – acknowledges existing and future uses comprise access, parking, road maintenance equipment storage, chain hire and ticketing
 - i. Activity Area 8b – provides access to the Cardrona Skifield, no buildings or structures are anticipated.
15. Sitting outside the District Plan, the Mt Cardrona Design Guidelines and the Design Review Board are intended to assist in achieving the design objectives for the MCSSZ through ensuring consistent design at the subdivision and building design stages. The Design Guidelines and the advice of the Design Review Board must be taken into account in the consideration of any subdivision consent or resource consent for any building. Covenants are placed on every certificate of title requiring that all buildings are assessed by the Design Review Board.
16. Also sitting outside the District Plan provisions is the Mt Cardrona Station Stakeholders Deed. We have not seen that Deed but Mr Bryce noted in his section 42A report that the Deed essentially confirms an agreement between Mount Cardrona Station Limited (“MCSL”) and Council on the delivery of community housing, reserves and open space, staging of the development, implementation of the owner’s sustainability guide, infrastructure delivery, use of the Design Guidelines, planting responses identified in the Mitigation Planting Plan, and vesting and stopping of roads. We were advised by Mr Bryce that under the Stakeholder Deed, MCSL is required to contribute to community housing lots, comprising 4 residential lots within Activity Area 2b and 4 residential lots in Activity Area 3.

Private Plan Change 52 (PC52)

17. PC52 seeks to change the operative associated supporting structure plans to provide for the inclusion of a golf course within the MCSSZ. There are associated flow-on effects throughout the MCSSZ. The specific changes as notified were:
- a. Change to the operative Chapter 15 (Subdivision and Development) as this relates to the MCSSZ, largely relating to minimum lot sizes, as follows:
 - i. Reduce the minimum lot size required on Activity Area 3 from 500m² to 300m², with a minimum 350m² minimum average, to provide for flexibility in subdivision design, and in Activity Area 4 to reduce from 1000m² to 800m² to increase the potential density in these areas and to in part compensate for the commercial and recreation areas lost by the inclusion of the golf course;
 - ii. Delete the provision restricting commercial development in Activity Area 1a to increase flexibility in overall development sequencing;
 - b. Amend the policy framework to reflect amendments to the MCSSZ Structure Plan including:
 - i. Introduction of a golf course into the MCSSZ;
 - ii. Deleting Activity Area 6a (Village Green) and replacing it with a village square or public space area (within Activity Area 1a). The intention is that this will be more centrally located and support the Zone’s commercial centre, hotel and commercial hub for the golf course;
 - iii. Provide gondola access to the Cardrona Ski Area;
 - iv. Introduction of an area for car parking and shuttle bus operations for the Cardrona Ski Area (Activity Area 8c). This area would also include road maintenance, equipment storage, chain hire and ticketing. Any buildings would be small-scale.
 - c. Reconfigure Structure Plan Activity Areas A, C and D to provide for the following changes:
 - i. Introduce a new Activity Area 9 to contain the golf course;

- ii. Shift the village core Activity Area 1a so that it is more centrally located;
 - iii. Expand Activity Area 4 to the west (in part) to compensate for the loss of residential development to the golf course;
 - iv. Introduce a new Activity Area 8c, at the north-western part of the Zone, to enable the co-ordination of car parking and shuttle bus access to the Cardrona Ski Area (see all activities proposed here as described above);
 - v. Delete Activity Area 6a, Village Green, due to the change to the core area of the Village;
 - vi. Delete Activity Area 3a, as this will be located within the golf course and is therefore redundant;
 - vii. Expand Activity Area 5b adjacent to the Cardrona Ski Area access road to enable appropriate activities which could benefit from this vicinity to the access road;
 - viii. Re-orient the main access road into the MCSSZ from Cardrona Valley Road to enable a more appropriate location for the intersection.
- d. Modify the provisions to reflect the changes to the Structure Plans outlined above. This includes a change to the activity status of gondolas from Discretionary to Controlled. (This aspect of the plan change was later withdrawn. We comment on this further below).
18. The Plan Change Request was supported by a section 32 evaluation and a number of technical reports.
19. PC52, as notified, did not require any changes to the objectives of the MCSSZ. The Requestor's position was that changes to the policies and rules that have been sought fit within the existing MCSSZ objectives and there was no need to amend them.
20. Through the hearing process, the Request has been further modified in response to submissions and issues raised by the Commission.

PRELIMINARY PROCEDURAL MATTERS

21. Potential hearing dates were discussed between the Council and the Requestor in late May/ early June 2017. The Commission's Chair requested the Council to contact both the Requestor and the submitters to be sure there were no conflicts for the parties on the hearing date, given the forthcoming lengthy district plan review hearing due to commence in Queenstown on 24 July 2017. Hearing dates of 11 and 12 July 2017 were agreed. The Council and Requestor agreed that the pre-circulation of evidence was appropriate. Directions were duly issued on 7 June 2017.
22. The Requestor's evidence was received on 26 June 2017, accompanied by a Memorandum from Mr Goldsmith, counsel for the Requestor. Mr Goldsmith advised us that there was little between the Council's section 42A report and the Requestor, and the Requestor had therefore prepared only two statements of evidence, from Ben Espie (landscape architect) and Jeff Brown (planner) respectively. To our surprise, given the earlier consultation on hearing dates, we were also advised that several of the Requestor's witnesses were not available to attend the hearing for questioning.
23. In response, the Commission issued a Second Minute dated 28 June 2017, noting these matters and expressing concern at the approach taken by the Requestor to the

hearing. We noted we were likely to have several key questions for the Requestor's witnesses. We directed that the hearing dates be abandoned, given witness unavailability.

24. Mr Goldsmith responded, seeking that the hearing dates be reinstated and indicating four witnesses were now proposed to be called by the Requestor, to appear in person. One further witness would be available by telephone. The Commission's Third Minute followed, reiterating many of the points made in the Second Minute, particularly noting the need for the Commission to make an independent recommendation to the Council on the Plan Change Request, regardless of the content of the section 42A report. We invited comment from submitters on the proposal to reinstate the hearing dates, but subject to the date for expert evidence from submitters being extended by 3 days, given they had been potentially prejudiced by the earlier abandonment of the hearing dates.
25. As there was no objection to the reinstatement of the hearing, or the extension of time for the lodgement of expert evidence for the submitters, the hearing proceeded on 11 July. As noted in the table at the start of this decision, many of the Requestor's witnesses appeared by telephone. Mr Munro had been due to appear in person, but due to inclement weather on the day of the hearing, had to cancel his travel plans and instead also appeared by telephone.
26. Otherwise, as already referred to, we issued Minutes dated 13 July and 10 August 2017 seeking further information (Appendix 1).

STATUTORY FRAMEWORK

27. The statutory framework for plan changes is comprehensively set out in Colonial Vineyard Limited v Marlborough District Council² and has been simplified in the more recent decision in Appealing Wanaka Inc v Queenstown Lakes District Council³. The decision in Appealing Wanaka followed the Supreme Court ruling in Environmental Defence Society v The New Zealand King Salmon Company Limited⁴ and also followed the introduction of section 32AA of the Act.⁵
28. Section 32 sets out the legal requirements for preparing and publishing evaluation reports (which include plans). It includes a qualitative analysis of the costs and benefits of the provisions to implement the specified objectives as required by section 32(2) of the Act. Section 32AA requires further evaluation for any changes proposed since the original plan was prepared and must be undertaken in accordance with section 31(1) – (4). The assessment requires a level of detail that corresponds to the scale and significance of the changes.⁶
29. The Court said this in Appealing Wanaka:⁷

“[34] The RMA provides a number of matters which a territorial authority must consider. The principal matters to be considered when preparing a plan or

² [2014] NZEnvC 55

³ [2015] NZEnvC 139

⁴ [2014] NZSC 38

⁵ Section 32AA came into force by virtue of section 70 of the Resource Management Amendment Act 2013

⁶ Section 32AA(1)(c)

⁷ At [34], [35], [37]

plan change are set out in sections 74 and 75 of the RMA. These state (relevantly):

74 Matters to be considered by territorial authority

- (1) A territorial authority must prepare and change its district plan in accordance with-
 - a. its functions under section 31; and
 - b. the provisions of Part 2; and
 - c. a direction given under section 25A(2); and
 - d. its obligation (if any) to prepare an evaluation report in accordance with section 32; and
 - e. its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and
 - f. any regulations.
- (2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to –
 - a. any-
 - i. proposed regional policy statement; or
 - ii. proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and
 - b. any-
 - i. management plans and strategies prepared under other Acts; and
 - ii. [Repealed]
 - iii. relevant entry of the New Zealand Heritage List/Rarangi Korero required by the Heritage New Zealand Pouhere Taonga Act 2014; and
 - iii. regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahanga mataitai, or other non-commercial Maori customary fishing), - to the extent that their content has a bearing on resource management issues of the district; and
 - c. the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities,
- (2A) A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.
- (3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.

75 Contents of district plans

- (1) A district plan must state –
 - a. the objectives for the district; and
 - b. the policies to implement the objectives; and
 - c. the rules (if any) to implement the policies.
- (2) A district plan may state –
 - a. the significant resource management issues for the district; and

- b. the methods, other than rules, for implementing the policies for the district; and
 - c. the principal reasons for adopting the policies and methods; and
- (3) A district plan must give effect to –
- a. any national policy statement; and
 - b. any New Zealand coastal policy statement; and
 - c. any regional policy statement.
- (4) A district plan must not be inconsistent with –
- a. a water conservation order; or
 - b. a regional plan for any matter specified in section 30(1).

[35] Apart from their formal requirements as to what a district plan must (and may) contain, those sections impose three sets of positive substantive obligations on a territorial authority when preparing or changing a plan. These are first to ensure the district plan or change accords with the authority's functions under section 31, including management of the effects of development, use and protection of natural and physical resources in an integrated way; second to give the proper consideration to Part 2 of the RMA and the list of statutory documents in section 74 and 75; and third to evaluate the proposed plan or change under section 32 of the RMA.

...

[37] Of course where the subject of consideration is a plan change rather than a proposed new plan, that list of considerations also needs to consider the provisions of the plan being changed, that is the operative district plan. In fact, assessing how a plan change fits into an operative district plan may not be straight forward. Broadly, plan changes fall on a line between two extremes. At one end a plan change may be totally subservient to the objectives, policies and even rules of the operative district plan it proposed to amend, in which case the question of whether the plan change integrates the management of adverse effects is unlikely to arise. At the other end, rather than to fit within the district plan (other than in the necessary geographical sense that it must be within the district's boundaries) a plan change may be designed to be added to the operative plan. In the latter case, the first set of considerations under section 74(1)(a) RMA – integrated management – may be very important, as may Part 2 and the statutory documents. It is therefore important to work out at the start where and how the plan change is proposed to fit into the operative district plan.

....

[38].....At first sight section 74 and section 32 require each new objective to be tested against the principles of the Act but not against the other objectives and policies of the operative district plan. However, at least in cases where a plan change is designed to fit within an operative district plan, we consider the proper approach is to view the plan change (proposed purpose, subordinate objectives and all) as a policy change to implement the higher order objectives and policies in the operative district plan."

30. The King Salmon decision referred to above addressed the manner in which the New Zealand Coastal Policy Statement should be given effect to in considering a plan change proposal. The majority of the Supreme Court held that each relevant policy of the New Zealand Coastal Policy Statement had to be considered. It rejected a broad overall judgement of the policies.

31. The Supreme Court decision also determined that the RMA delivers a hierarchy of policy documents, such that lower order documents should give effect to and implement the higher order documents. It was unnecessary to refer back to Part 2 of the Act in determining how plan changes should be decided provided the operative plan in question is sufficiently certain, and is not incomplete or invalid.
32. Given current debate about the interpretation of this case law, we have taken the precaution of including in our assessment an evaluation against Part 2.
33. In the context of PC52, two higher order documents were potentially relevant, the National Policy Statement on Urban Development Capacity 2016 and the Otago Regional Policy Statement. We address the NPS later in our decision.
34. In our opinion, the ODP is the main document of relevance against which this Request should be assessed. It implements the higher order provisions of the Operative Regional Policy Statement and the RMA. The Proposed Regional Policy Statement has less legal weight given it is still the subject of appeals. We agree with the Requestor that there are no higher order documents that render the ODP uncertain, incomplete or invalid. We note that there was no debate between the planning witnesses on the evaluation of PC52 against the Otago Regional Policy Statement.

Part 2 RMA

35. For completeness, we have evaluated this proposal against Part 2. The following provisions are relevant:
 - a. Section 5
 - b. Section 6(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
 - c. Section 6(f) The protection of historic heritage from inappropriate subdivision, use, and development.
 - d. Section 6(h) The management of significant risks from natural hazards.
 - e. Section 7(b) The efficient use and development of natural and physical resources;
 - f. Section 7(c) The maintenance and enhancement of amenity values;
 - g. Section 7(f) The maintenance and enhancement of the quality of the environment;
 - h. Section 7(g) Any finite characteristics of natural and physical resources
 - i. Section 8.

National Policy Statement on Urban Development Capacity 2016 (“NPS”)

36. The Requestor and Mr Bryce have made reference to the National Policy Statement for Urban Development Capacity 2016. In opening submissions, counsel for the Requestor submitted this document had “only ancillary relevance” to PC52 and the broader matters covered by the ODP.⁸ Despite this, Mr Brown’s evidence assessed the NPS in some detail, and concluded that PC52 was consistent with the key relevant objectives and policies of the NPS.⁹

⁸ Requestor opening legal submissions paragraph 16

⁹ Evidence JA Brown paragraphs 5.1-5.6

37. The Preamble to the NPS notes:

“This national policy statement provides direction to decision-makers under the Resource Management Act 1991 (RMA) on planning for urban environments. It recognises the national significance of well-functioning urban environments, with particular focus on ensuring that local authorities, through their planning, both:

- enable urban environments to grow and change in response to the changing needs of the communities, and future generations; and*
- provide enough space for their populations to happily live and work. This can be both through allowing development to go “up” by intensifying existing urban areas, and “out” by releasing land in greenfield areas.”¹⁰*

38. It also states that the NPS *“aims to ensure that planning decisions enable the supply of housing to meet demand”* and that this is linked to housing supply and affordability.¹¹ It notes that the NPS is:¹²

“...about recognising the national significance of:

- a) Urban environments and the need to enable such environments to develop and change; and*
- b) Providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments.”*

39. Mr Brown’s evidence was that the MCSSZ contributed to the District’s fulfilment of the NPS obligations and that PC52 does not affect that because the yield of residential and business yield is largely unaffected by the change.

40. The NPS defines “urban environment” as “an area of land containing, or intended to contain, a concentrated settlement of 10,000 people or more and any associated business land, irrespective of local authority or statistical boundaries.” PC52 does not meet that definition. The MCSSZ land is not located close to any other urban environment in a way that would bring the NPS into play. We do not consider the NPS to be relevant.

¹⁰ National Policy Statement on Urban Development Capacity 2016, page 3

¹¹ At pages 3-4

¹² At page 9

Other Relevant Council Documents

41. A number of Council strategies and plans are either directly relevant or have some bearing on the Request. A full explanation of these documents is set out in Mr Bryce's section 42A report. We summarise the documents below.

Cardrona Community Plan 2020 (2003)

42. Developed through a community workshop in 2003, this document sets out the vision, goals and priorities for the Cardrona community for the 10-20 year period following its adoption. The key community outcomes include creating and maintaining walkways and reserve areas adjacent to the Cardrona River, retaining the general character of the landscape surrounding the township, enhancing public facilities and services to provide for the needs of a growing community and growing visitor numbers and retaining the Rural Visitor Zones with some amendments to enable logical development to occur. Mr Bryce noted there are a number of infrastructural responses that are still to be delivered through the future development of the MCSSZ, including the wastewater system. This document remains relevant to PC52.

Long Term Council Plan 2012-2022

43. This is a ten-year action plan developed by the Council under the Local Government Act 2002. It allows a co-ordinated response to growth issues, which include infrastructure.

Wanaka 2020 (2002 and 2007)

44. This document is more relevant to the Wanaka township than to Cardrona and we have not given it much weight for that reason. It sets the key community outcomes for Wanaka and addresses matters such as the management of growth and provision of infrastructure.

Housing Our People in our Environment Strategy (2005)

45. The Council adopted this strategy in 2005. It is focused on increasing the supply of affordable and community housing within the district. It was revised in 2007 through Plan Change 24. The provision for community housing to give effect to the strategy was established through PC18. The level of community housing proposed through PC52 will not be less than the provision agreed with the Council under PC18.

A Growth Management Strategy for the Queenstown Lakes District (2007)

46. This non-statutory document assists to guide the Council and community in planning for future growth and development of the District. It identifies a number of growth management principles including:
- Principle 1 – Growth is located in the right places. This notes that growth is to be accommodated mainly in the two urban centres of Queenstown and Wanaka and, relevantly, existing special zones outside of these centres. Growth in the Cardrona Valley is centred on the Cardrona Township and MCSSZ.
- Principle 2 – The type and mix of growth meets current and future needs.

Southern Sky Lighting Strategy 2017

47. This includes provisions addressing light pollution and is particularly relevant to PC52. Light pollution has been raised by several submitters.

EVIDENCE HEARD

For the Requestor

48. The Requestor presented statements of evidence or summary statements from the following witnesses:
 - a. David Moore
 - b. Ben Espie
 - c. Ian Munro
 - d. Tom Heller
 - e. Graeme Halliday
 - f. Chris Rossiter
 - g. Jeff Brown.
49. These witnesses were available for questioning, as was Mr Colgrave, an economist. Other technical reports forming part of the Request, but which were not the subject of questioning or evidence covered cultural impacts, ecological effects, archaeological effects and a soil contamination assessment.
50. **Mr Moore** is a co-owner of Greg Turner Golf Limited, a company focused on the design and construction supervision of new courses, existing course revisions and upgrades. His report covered the design of the golf course now proposed for Mt Cardrona Station, the growth and evolution of golf tourism generally but also specifically in this district, and an explanation of the Site Masterplan for the MCS golf course. Mr Moore's report recommended a short form of golf for this site, 12 holes routed so as to facilitate play of 2 returning loops of 6, providing the opportunity for 6, 9 and 12 hole golf. He told us that 9 hole golf is being used by New Zealand Golf to promote the sport to potential new entrants, where time constraints may discourage them from playing 18 holes. We questioned Mr Moore on the use of fertilisers and water on a course such as this. He advised us that link courses, as proposed here, require firm ground, with local plants and less water being applied. The ball bounces more and is part of this golfing experience. Plants can tolerate drought. The design works with the topography and natural contours of the site and involves less earthworks.
51. In terms of golf tourism, Mr Moore confirmed in questioning that New Zealand has the highest proportion of golf courses in the world, other than Scotland. The Wakatipu Basin is an international golf destination, with several high-end courses available. We were told that golfers will spend up to an hour travelling to destination golf courses. Mr Moore considered there was an undersupply of golf courses of the kind proposed here. He expected the course would attract golfers travelling between Queenstown and Wanaka through the Cardrona Valley, perhaps en route to the new proposed Parkins Bay golf course near Wanaka.
52. **Mr Espie** is a Director of Vivian and Espie Limited and provided landscape evidence. He was of the opinion that the Cardrona Valley provides a high-quality landscape character and visual amenity and noted the ONL classification. At a broad scale, he considered PC52 would have a negligible effect of the landscape character of the Cardrona Valley, and that, at a fine scale, there would be some effect of the MCS village development, being now more focused on golf. This did not affect landscape character. The replacement of built development under the operative PC18 with golf course activity had some potential positive effects as the MCSSZ would appear

“softer and greener and therefore less incongruous with its setting.”¹³ The replacement of built development with open space would deliver similar effects. That open space area would be more visually discernible than the proposed area of extended built development. Overall, Mr Espie was of the opinion that PC52 would not result in any significant adverse effects in relation to landscape or visual amenity.

53. Mr Espie agreed with the points made by Mr Compton-Moen in his report (see below).

54. **Mr Munro** is a self-employed urban planner and urban designer and gave urban design evidence. He opined that “the site, with its varied topography and outstanding natural setting, will create a high amenity golf development which encourages short-stay visitation and tourism related activity that complements the ski-field related activities already in existence.”¹⁴ He noted that the golf activities and resulting settlement structure now proposed through PC52 were a compatible ‘fit’ in urban design terms and could enable a well-designed development that is responsive to its landscape setting. Mr Munro’s urban design report noted that PC52 promoted a less rigid ‘urban’ structure, with more of an informal urbanism familiar in rural settings (notably at the interface between development and open space areas). In particular, Mr Munro noted:

- a. The high degree of open space surrounding the developable area, which will be permanently protected;
- b. Retention of existing access from the site to the Cardrona Valley Road and skifield access road. The internal network is anchored by a ‘U-shaped’ road that circumnavigates the development area and connects the northern and southern blocks. The urban design report recommended that cul-de-sac roads, or accessways should be avoided where practicable. Rear lots should also be avoided where practicable;
- c. The comprehensive series of bridle paths and walkways which circumnavigate the development area and which also run internally through the site;
- d. The continued development yield achieved through PC52, at approximately 800 units maximum;
- e. The provision for visitor accommodation and secondary dwelling units;
- f. The higher average density of development now promoted through PC52. Higher development intensity will be located adjacent to the highest order movement routes, around the village core with its planned hotel and commercial uses, and associated open space. It is intended that this concentration will assist the village centre to develop as a viable commercial node;
- g. Areas of lower density are intended to provide a buffer between high and low density residential areas;
- h. The continued application of height restriction lines through Structure Plan B;
- i. The appropriate location of building masses and densities relative to visual and landscape sensitivities;
- j. Overall, a less rigid planning framework will apply so far as that relates to the distribution of housing densities.

¹³ Evidence of Ben Espie paragraph 3, summarising the key conclusions of his landscape report dated 30 November 2016

¹⁴ Summary of Evidence Ian Munro paragraph 5(b)

55. **Mr Heller** is a Director of Environmental Associates Limited. His evidence and report addressed the availability and supply of water to the MCSSZ. Mr Heller's evidence particularly responded to matters raised by Mr Leslie, a submitter, on water supply. We address this evidence in more detail later in this decision.
56. **Mr Halliday** is a Senior Engineering Geologist at Geosolve Limited. His geotechnical assessment included site mapping and observations on site, noting that natural hazards of concern to the Otago Regional Council associated with the Pringles Creek catchment and the Nevis Cardrona Fault Zone had been previously investigated by Royden Thomson, Geologist. The Cardrona fault is identified approximately 300m to the west of the proposed development area. The average return period for earthquakes on this fault is 5000-10,000 years, therefore the risk of strong ground shaking or surface rupture is considered by Mr Halliday to be very low. The main seismic risk is from an earthquake on the Alpine Fault, which has a 30% probability in the next 50 years. This would subject this site, and the whole Wanaka region, to strong ground shaking.
57. The QLDC and ORC maps have identified alluvial fan and active fault hazards within and near the proposed site. Geological mapping has identified shallow landslide and mining hazards in the site area. Mr Halliday's assessment was that there was a negligible risk to the site from flooding and debris flow due to the deeply incised creeks and the lack of recent alluvial fan deposits.
58. **Mr Rossiter** is a Principal Transportation Engineer with TDG. His assessment provided an update on recent traffic counts and an assessment of potential traffic effects that could arise from PC52. This built on an earlier assessment undertaken in 2007 for PC18. The assessment assumed about 580 residential units and 140 hotel rooms, treating each hotel room as providing for visitor accommodation to be consistent with the original PC18 assessment. He also assumed the traffic generation for the golf course would be highly seasonal, 20 rounds a day in winter versus 80 rounds a day in summer, generating up to 80 vehicles per day (vpd) in winter and 320vpd in summer.
59. Overall, the expected traffic generation if the MCSSZ was developed to its maximum limit was 3,980-4,220vpd. The change to the golf course use would mean a marginally higher level of traffic over residential development only. Mr Rossiter recommended that it would be necessary to provide left and right turn lanes for the intersection of the MCSSZ with Cardrona Valley Road, and the intersection of Tuohys Gully Road with Cardrona Valley Road, just to the south. The MCSSZ intersection would include an intersection 25m to the north of the Tuohys Gully Rd intersection.
60. Mr Rossiter's assessment did not include an assessment of the traffic safety issues arising from the intersection of the MCSSZ link road with the Cardrona Skifield Access Rd. This formed part of our further information request dated 13 July 2017.
61. **Mr Colegrave** is an economist with Fraser Colegrave. His assessment was that the golf course would attract visitors into the MCSSZ development and support its commercial elements. It would also make the Zone an attractive place to live and boost residential values. Average selling prices would be in the range of \$878,000 - 925,000. He also noted that the PC52 development would enable Cardrona to become a year-round tourism destination and would make a better contribution to dwelling supply because it would achieve lower selling process and therefore be more affordable. The acceleration of the wastewater infrastructure for Cardrona Village to be achieved through PC52 was another positive factor.

62. **Mr Brown** is a Director of Brown and Company Planning Group Limited. His firm prepared the Assessment of Environmental Effects for PC52 and drafted the proposed PC52 plan provisions. He explained the reason behind PC52, noting here his doubt as to whether the original PC18 contained the right mix of activities and standards to enable its development. He noted that Cardrona had continued to be regarded as a winter season destination, while other parts of the district had developed into 4 season development. PC52 sought to match that through the addition of the golf development and associated short stay accommodation. Mr Brown noted the hotel development had generated some operator interest.
63. Mr Brown also noted the operative MCSSZ contained comparatively prescriptive planning provisions that limited design responses to market needs. He outlined the changes sought to the operative zone, noting the change of activity status for the gondola was intended to match the status sought in the Ski Area Sub Zones and the Rural Zone through submissions to the Proposed District Plan.
64. Mr Brown was of the opinion that the National Policy Statement on Urban Development Capacity 2016 was relevant and that the MCSSZ did not affect the District's fulfilment of the need to provide housing capacity. As noted above, we do not consider the NPS to be relevant.
65. **Mr Morton** is a Director of MCS and gave oral evidence. He outlined the upfront costs involving wastewater, water and roading as being one of the reasons PC18 did not get off the ground. In reviewing the future development for the site, he spoke with Greg Turner, golf designer, and hotel operators, to explore the possibility of adding golf to the development. The advice MCS received was that it was possible to design golf courses for this altitude, and that there was a moving trend towards 12 hole courses. The biggest limiting factor in introducing the golf course to the MCSSZ was that it moved development close to the water race. Mr Morton advised us that he was not sure if the gondola would proceed. It had been included in the development as a possibility. Mr Morton confirmed in questioning that he did not expect there to be a 40% absence of home owners here. The hotel and golf course would be the first stage of development, with the balance feeding out to the west.

From Submitters

66. **Ms Holden** gave evidence for Cardrona Alpine Resort Limited (CARL). CARL supported the plan change request, particularly the identification of Activity Area 8c (AA8c), subject to some minor amendments to enable small-scale associated commercial activities within this activity area (such as chain fitting and a coffee cart). AA8c adjoins the Cardrona Skifield Access Road, the latter being privately owned by CARL. The area is known as the 'Pines Car Park'. It is relatively flat.
67. Ms Holden noted the car park is located within the Rural General zone on land legally described as Lot 1 DP 19394 and Lots 10-13 DP21223, held in Computer Freehold Register OT13A/681 and owned by CARL. Mitigation mounding proposed to occur though PC52 would be located within the MCS land, immediately adjacent to the carpark.
68. **Mr Leslie** owns a property at 6 Gin and Raspberry Lane and shares 450m of boundary with the MCSSZ. In summary, Mr Leslie's evidence addressed the following topics:

- his opinion of the underlying philosophy behind the development changing from residential to resort;
- concerns (also shared by his neighbours) about the protection of residential amenity for properties to the south of the MCSSZ land. This particularly related to activities, including the erection of buildings and structures, proposed for the Area Activity 6 land and the need to protect the night sky;
- the higher density now proposed for the development, which Mr Leslie considered resulted in less space between aspects of the development and a higher land value;
- the proposal for a gondola to be considered as a controlled activity, which would not be publicly notified;
- the paper road status of Pringles Creek Road, which he had understood was to be removed through PC18;
- mitigation planting; and
- the extent of available and consented water supply and more proactive measures for the more efficient use and recycling of water within the zone.

69. **Mr Adams** gave evidence for Cardrona Residents and Ratepayers Association. He noted the Association's support for PC52 because it provided more residential units, a hotel and a golf course, all of which would provide employment for those in Cardrona Village. The opportunity to provide wastewater infrastructure was also a positive benefit. He did not see any need for a sports field to be provided for the Village. Mr Adams noted the difficulty for people to buy or rent in Cardrona Village at the present time, adding that more residential properties should assist. Ski workers are based in Queenstown and Wanaka at the present time.

For Council

70. **Mr Bryce** prepared a section 42A report, which included a landscape assessment from Mr Compton-Moen. The section 42A report helpfully set out the background to MCSSZ, the statutory framework and a section 32 evaluation and noted the main issues. Mr Bryce addressed a number of discussion points and recommendations in response to these issues, which are generally discussed in our own assessment below. Our discussion covers the points below in a different order and under some different headings, and includes other issues we considered to be relevant.

71. The main issues identified by Mr Bryce were:

- a. Economic benefits and effectiveness of PC52;
- b. Effects on landscape and visual amenity values;
- c. Effects on heritage values;
- d. Structure Plan: Activity Areas 6 and 7b;
- e. Structure Plan: Activity Area 8c (car park area);
- f. Effects on paper road;
- g. Mount Cardona Design Guidelines;
- h. Effects on water supply and Pringles Creek;
- i. Amendments to specific rules.

72. Mr Bryce recommended that the MCSSZ be amended in accordance with the outcomes expressed within PC52, subject to several amendments.

73. **Mr Compton-Moen's** landscape and urban design report discussed several key issues and suggested some improvements. Overall, Mr Compton-Moen considered that PC52 would not have an adverse effect on the urban design values of the Operative Structure Plan and some changes would have a positive effect. He noted that some of the village success would be dependent on the implementation of the

Design Guidelines. He considered the change to landscape and visual effects arising from PC52 to be negligible and, in some cases, positive.

74. As we had requested further information on some primary issues, we provided Mr Bryce with the opportunity to provide us with a final section 42A report. We received this on 6 October 2017. Mr Bryce addressed the withdrawal of the gondola provisions, the capturing of stormwater and greywater from buildings within the zone, transportation issues and Activity Areas 6 and 7b and he provided a further section 32 evaluation. We discuss these matters in our assessment of the issues below.

Requestor's right of reply

75. The Requestor's Reply dated 13 October 2017 was brief. In response to the Council's Reply, the Requestor noted most matters raised by the Council were agreed. The matters not agreed were:
- a. Amendments to the Design Guidelines and Assessment Matter 15.2.7.3(ix) addressing final road widths and dimensions. The Requestor accepted the intent of the Council's amendments but suggested refined wording;
 - b. Amendments to Rule 12.22.2.2(a) and Assessment Matter 12.22.5(1) addressing the deletion of the sports field in AA6. The intent of the changes was accepted by the Requestor, subject to minor wording changes.
76. Otherwise, the Requestor relied on points it had already made in post-hearing memoranda and provided a range of final proposed amendments to PC52 in response to matters raised by the Commission and submitters over the course of the hearing. A table was provided setting out those changes.

ISSUES

77. We have identified the following relevant issues:
- a. The intent of PC52 and economic effects
 - b. Gondola
 - c. Urban design
 - d. Landscape and amenity effects
 - e. Traffic effects
 - f. Effects on heritage values and protection of existing water race
 - g. Activity Area 6 and 7b
 - h. Activity Area 8
 - i. Design Guidelines
 - j. Natural hazards
 - k. Water supply
 - l. Wastewater and greywater
 - m. Paper road, pedestrian and cycling linkages
 - n. The overlap between subdivision and design review
 - o. Reinstatement of the public easement in gross on Structure Plan C
78. We have also included a section addressing amendments sought to specific rules that fall outside the above issues.

The intent of PC52 and economic effects

79. We have at times struggled to understand the real intent of PC52 and what it is seeking to deliver to the market. The reports and evidence variously refer to a permanent residential development for Cardrona, a mix of tourism and residential

development (including short stay residential) and a predominantly tourism development. The rates of occupation forecast may depend to some extent on the nature of the development underpinning the Request.

80. If the focus is indeed tourism, we have been disappointed in the lack of cohesive planning between MCS and Cardrona Alpine Resort Limited (CARL) to achieve an outcome that would benefit both operations and deliver a sustainable option for the future tourism development of MCS, Cardrona Village itself and Cardrona Alpine Resort. While there have been discussions between MCS and CARL about a gondola operation (at least so far as the connection point on the Skifield access road is concerned) and the development of Activity Area 8C comprising a range of activities related to transport to the ski area, there has not been a more comprehensive plan put before us involving the hotels and other short term stay residential development. In fact, when we explored some overlaps between the two operations with Ms Holden, appearing for CARL, it was clear that Ms Holden's brief was limited to the matters outlined in CARL's submission and no more. She had no comment, for example, on the gondola.
81. The same comment applies to the provision of worker accommodation at MCSSZ. It was acknowledged by the Requestor that ski workers in and around Wanaka struggle to find affordable accommodation that is reasonably close to their place of work. It seems to us that a joint approach to this issue could have addressed a number of problems and enabled a more sustainable resolution to this problem.
82. In questioning, we asked Mr Colegrave whether the housing would be for permanent residents or visitor accommodation. He indicated there would be "an element of permanent residents".
83. We were not presented with evidence that there is a strong demand for permanent housing at this location. Mr Goldsmith confirmed in questioning that PC52 was about enabling an outcome and that the residential development would proceed if there is demand for it. Given Mr Morton's indication that the hotel and golf course would proceed first, we have approached our assessment on the basis that the development is more tourism based than intent on establishing a permanent residential population.
84. A number of original submitters identified the economic benefits of PC52 and considered it to be a more efficient and effective means of achieving the purposes of the Act. No submitter sought that PC52 be rejected.
85. Submissions raised the following points:
 - a. PC52 is a more efficient and effective means of achieving the purpose of the Act than the current plan provisions;¹⁵
 - b. The plan change will make MCS an all-year round destination;¹⁶
 - c. The plan change will be beneficial to the Cardrona Village and the local economy. The proposed golf course will be a great asset to the area and provides opportunities for locals and visitors;¹⁷
 - d. Support for the Activity Area 8c provisions as they better reflect the existing use than the existing zoning. PC52 is likely to be complementary to future

¹⁵ Submission 52/06/03

¹⁶ Submission 52/01/01

¹⁷ Submission 52/04/01

logical uses of the adjacent area and is likely to enable efficient integration of the transport network and access to Mt Cardrona;¹⁸

- e. PC52 will be an improvement to the existing zoning and the golf course will make the development more attractive. The hotel will give visitors more reason to stay and will offer employment opportunities for the Cardrona community;¹⁹
- f. The plan change will facilitate infrastructural support for Cardrona Valley, including greywater and sewerage disposal. It will also provide new residential and recreational activity and provide a solution to the Cardrona Skifield parking issues;²⁰
- g. Strong support for PC52 as an immediate neighbour.²¹

86. The Request was supported by a comprehensive section 32 assessment, as were further changes proposed by the Requestor following the hearing. The assessment concluded PC52 is the most effective and efficient approach to deliver the development and supporting infrastructure.

87. The economic assessment included with the Request expressed the view that the PC52 proposal would deliver higher ongoing economic benefits than PC18. In summary, the reasons for this opinion were:

- a. The golf course will assist in supporting greater commercial activity and attract more visitors with non-golf expenditure that will provide benefits to the wider district;
- b. PC52 will enable Cardrona to become a year-round tourism location.
- c. It will improve dwelling supply (because there will be more sections at smaller sizes and these will achieve lower selling prices and hence be more affordable than the PC18 provisions);
- d. It will accelerate the delivery of critical infrastructure such as the wastewater treatment.

88. We accept some, but not all, of these points. We are not entirely convinced that the market prices contemplated for residential development will be significantly more affordable to residents, or that a permanent housing supply will be delivered, given the tourism basis of PC52. However, we do accept that the plan change will deliver a level of housing that may support tourism development.

89. All submissions lodged on this topic are accepted.

Gondola

90. The Plan Change Request as notified included a proposed change to the activity status for a gondola. The proposed PC52 provisions enabled structures and buildings associated with a gondola as a controlled activity, rather than its previous classification as a discretionary activity. The possible alignment of the future gondola was presented at the hearing.

91. Our Sixth Minute followed the 11 July hearing and requested more information on the gondola proposal and its activity status. We were conscious that the gondola's activity status had also been subject to evidence at the District Plan Review hearings

¹⁸ Submission 52/06/02

¹⁹ Submission 52/09/01

²⁰ Submission 52/10/01

²¹ Submission 52/03/01

in front of a differently constituted panel. We sought clarity on the Requestor's and the Council's approach to the gondola through the District Plan Review process. In response to that Minute, the Requestor advised in a Memorandum dated 21 July 2017 that it wished to withdraw the parts of PC52 that applied to the gondola and its activity status. We have therefore not addressed submissions on this issue but note that some submissions on other topics raised general points about the impact of buildings and structures in some parts of the zone, which include the gondola and associated structures.

92. As a result of the Requestor withdrawing the relief sought on the activity status for the gondola, the gondola remains as a discretionary activity in the final PC52 provisions attached to this recommendation. While the Council and the Requestor confirmed the return to discretionary status in the final PC52 provisions provided to us, some parts of the plan provisions were not amended in line with this. We have therefore made consequential amendments, as follows:
- a. Policy 4.14 on page 12-139f, clarifying where buildings and infrastructure, including the gondola, should be located and avoiding such activity in Activity Area 6c;
 - b. Rule 12.22.2.3(v) on page 12-139p, clarifying that buildings and structures associated with the erection and maintenance of a gondola will be a discretionary activity in Activity Areas 6a, 6b and 7;
 - c. Rule 12.22.2.4(i) on page 12-139q, clarifying that buildings and structures associated with the erection and maintenance of a gondola are non-complying in Activity Area 6, 7, 8 and 9 unless approved as a discretionary activity under Rule 12.22.2.3(v) (which would not apply to zones other than Activity Areas 6a, 6b and 7);
 - d. Rule 12.22.2.5(ix)(a) on page 12-139s clarifying that buildings and structures in Activity Area 7 are prohibited, other than those associated with the erection and maintenance of a gondola approved under Rule 12.22.2.3(v);
 - e. Rule 12.22.2.5(x) on page 12-139s which prohibits parking of vehicles and machinery in Activity Areas 6b, 6c and 7 after construction in these areas. We have deleted the exception providing for parking for a gondola in these areas;
 - f. Zone Standard 12.22.4.2(iii)(c) on page 12-139x, clarifying that the maximum height for Activity Areas will not apply to pylons and other structures associated with a gondola in Activity Areas 6a and 6b;
 - g. Assessment Matter 12.22.5(ix) on page 12-139cc noting that a discretionary activity status for buildings and structures associated with the erection and maintenance of a gondola applies in Activity Areas 6a, 6b and 7.

Urban design

93. We outlined above Mr Munro's evidence on urban design. This topic was not raised specifically in submissions but rather was part of submissions concerning the MCS Design Guidelines. We address this topic below in our discussion of the Design Guidelines.

Landscape and amenity effects

94. The subject site is located within an Outstanding Natural Landscape. The Request was accompanied by a comprehensive landscape assessment. In his evidence, Mr

Espie summarised the assessment. We set this out earlier in our decision. It was his opinion that the golf component of PC52 brought some positive landscape benefits. Mr Compton-Moen agreed.

95. Submitters raised the following concerns about landscape and visual amenity:
 - a. Protection of the night sky through ensuring the zone streetscape and overall lighting design meets zone and design guideline rules;²²
 - b. The need to protect amenity values of adjoining properties bordering the MCSZ and visual effects of some development activities within Activity Areas 6 and 7b (we discuss this in detail below under the heading Activity Area 6); and
 - c. Planting mitigation.²³
96. MCS supported in part submissions addressing the lighting impacts and how these were mitigated through the Design Guidelines.²⁴ Amendments to Section 2.4 of the Design Guidelines include protection of the night sky and specific reference is made to the Council's "Southern Lights" lighting strategy in this part of the Design Guidelines. We accept these amendments as appropriate.
97. On planting mitigation, submitters preferred that local species be used and raised concerns about the timing of such planting. Dr Kyle was of the opinion that planting should be done before any development work was undertaken.²⁵ MCS agreed that local species should be used in planting mitigation and made suggested amendments to Rule 12.22.2.2(v) Earthworks and Planting required by Structure Plan D to include a new matter over which Council's control was reserved. Mr Bryce made some suggested further changes to these provisions.
98. In response to submitters, MCS also suggested some changes be made to Section 2 (page 2-20) of the Design Guidelines to reflect species that could be planted in Activity Area 6, such that *Macrocarpa* was replaced with Mountain Beech or a similar species, and ensure that only species that are suited to the environment are planted (e.g. silver tussocks). Mr Compton-Moen and Mr Bryce agreed with these suggestions.
99. In response to Dr Kyle's concerns about the timing of planting, Mr Bryce noted that Zone Standard 12.22.4.2(i) and (vi)) are directed at ensuring that mitigation planting is implemented before buildings are erected in Activity Area 1b or in the Southern Neighbourhood shown on Structure Plan A. It would therefore be a non-complying activity to construct any buildings within these respective areas before mitigation planting was implemented in accordance with Structure Plan D. Mr Bryce did not consider any further amendments were required.
100. We agree. We accept the changes to the PC52 provisions and Design Guidelines proposed by the Requestor and agreed to by Mr Compton-Moen and Mr Bryce.

Traffic effects

101. Two new intersections are shown on Structure Plan A; the ski field link road intersection to the Cardrona ski field access road and the access road to Cardrona

²² Submissions 52/02/06, 52/09/06, 52/03/04, 52/08/02

²³ Submissions 52/02/07, 52/03/08 and 52/08/03

²⁴ Further Submission FS-52/12/05, FS-52/12/07, FS-52/12/15, FS-52/12/45

²⁵ Submission 52/02/10

Valley Road. Structure Plan A show the access road to Cardrona Valley Road shifting to the north when compared to the location in operative MCSSZ.

102. We were concerned that we did not have the benefit of an independent assessment of the traffic safety aspects of PC52, particularly in relation to the intersections. We considered the key issues to be the safety of the repositioned intersection on Cardrona Valley Road and the safety of the ski field link road intersection given its proximity to Activity Area 8C. Our Sixth, Seventh and Eighth Minutes following the hearing requested that the Requestor and Council provide further assessment of these issues.
103. We have considered the independent assessment of the transport matters prepared by Stantec, the advice from Council's Engineer, as well as the Requestor's response, including the letter from Traffic Design Group (TDG). The assessments highlighted the need to provide for some flexibility in the location of the intersection with Cardrona Valley Road, as the final location cannot be confirmed until detailed design occurs. The experts for Council (Stantec) and for the Requestor (TDG) supported the proposed provisions to enable the intersection location to move up to 25 metres in any direction and were satisfied as to the safety of the intersection arrangement.
104. Mr Brown, on behalf of the Requestor, provided amendments to Rule 12.22.4.2(i) to enable the intersection to be moved up to 25 metres and to require a minimum separation distance of 25m between the access road / Cardrona Valley Road intersection and the Tuohy's Gully Road / Cardrona Valley Road intersection. Mr Bryce supported the proposed amendments. The provisions have been amended accordingly.
105. The experts for Council and the Requestor also provided advice regarding the safety of the ski link road intersection. The experts agree that the existing Cardrona ski field access road has sufficient width to allow traffic to safely pass vehicles making a right-hand turn into the ski link road. They further agreed that a degree of flexibility should be provided for the location of the intersection, which would be determined during detailed design, considering the location of the carpark access in Activity Area 8C, road surfaces and traffic movements.
106. Mr Bryce and the Requestor agreed on the inclusion of additional provisions to enable flexibility in the siting and design of all intersections servicing MCSSZ. We are satisfied that the provisions are appropriate. The assessment has demonstrated with sufficient certainty that the intersections can be designed to ensure safe and efficient access to the MCSSZ. The provisions enable a degree of flexibility in the siting and design of the intersections and for this to be assessed at the time resource consent applications are made for subdivision and/or development.

Effects on heritage values and protection of existing water race

107. The Request documents included an assessment of the archaeological and cultural values of the area, prepared by KTKO Limited.²⁶ An archaeological assessment was also prepared by Angela Middleton, which was prepared as an Addendum to the PC18 considerations undertaken some years earlier.²⁷

²⁶ Document 8 of the Request

²⁷ Document 11 of the Request

108. Heritage New Zealand's submission sought that the chaff storage platform located within the PC52 boundary be scheduled in the Inventory of Protected Features contained within the Operative Plan and Schedule 26.10 of the Proposed District Plan and sought further protection of the existing water race on site. It also sought a range of amendments to achieve the protection of heritage values.²⁸

109. The Requestor supported:

- a. the submission of Heritage New Zealand regarding the impact on heritage value and accepted that the proposed amendments provided more appropriate rules in relation to the Walter Little water race.²⁹
- b. the suggested amendments to Rule 12.22.2.2(viii),³⁰ Rule 12.22.4.2(x) and Rule 12.22.5(i) proposed by Heritage New Zealand.³¹ These require consideration and protection of the historic water race for new building activity in Activity Areas 6 and 7b;
- c. the provisions sought by Heritage New Zealand concerning the protection of the chaff storage platform and its scheduling in the named inventory.³²

110. Mr Bryce agreed that the amendments were appropriate, subject to a change to proposed Rule 12.22.4.2(x). We have no jurisdiction to amend a schedule in the Proposed District Plan and reject that part of the submission of Heritage New Zealand. Otherwise, the provisions have been amended accordingly.

Activity Area 6 and 7b

111. A number of issues arose concerning Activity Area 6 and 7b, as follows:

- a. The 'commonage/ heritage/ grazing areas in Zones 6 and 7b being protected from further development at a later stage;³³
- b. The location of the sports field/ tennis court area;³⁴
- c. The protection of Activity Areas 6 and 7a commonage in perpetuity;³⁵
- d. Pushing back the southern boundary of Activity Area 6 to separate development from immediate neighbours and the extent of development in this area;³⁶
- e. Deletion of the sports field in Activity Area 6;³⁷
- f. The preservation of open space.³⁸

112. We have grouped these issues in our discussion below.

²⁸ Submissions 52/07/01, 52/07/02, 52/07/03, 52/07/04, 52/07/05, 52/07/06

²⁹ Further submission FS-52/12/35

³⁰ We note this provision was later deleted as it related to the gondola

³¹ Further submission FS-52/12/36, FS-52/12/37, FS-52/12/38

³² Further submission FS-52/12/39

³³ Submission 52/02/03

³⁴ Submissions 52/02/04, 52/05/05

³⁵ Submission 52/03/02

³⁶ Submissions 52/03/03, 52/05/02, 52/05/04, 52/09/02

³⁷ Submissions 52/03/05, 52/09/03

³⁸ Submission 52/05/03

Activity Areas 6a, 6b and 6c

113. In its current form, Activity Area 6 (AA6) provides for both formal and informal recreation activities open to the public. The open space extends through the Village and provides recreational, visual and environmental resource for residents and the wider community. Buildings are strongly discouraged, other than those associated with the functioning of the Village, such as the provision of access to the surrounding recreational activities, the provision of gas storage facilities, a recycling station and the provision of small scale buildings associated with potential sports fields within the Education Precinct.
114. The Requestor now proposes to split AA6 into three parts - 6a, 6b and 6c.
115. AA6a is located on the eastern site boundary, next to the Cardrona Skifield access road and Cardrona Valley Road. It will be 2.25ha in area and is identified on Structure Plan A as Roadside Commonage. Tennis courts, gas storage facilities, a recycling station and commercial recreation activities are now proposed to be located in this area.
116. AA6b will be 3.46ha in area and is identified on Structure Plan A as Village Commonage. This area lies in the central part of the MCSSZ, between the Hotel/ Village Square, Higher Density Living and Medium Density Living areas. AA6b is intended to include the "green fingers" passing through this area.
117. AA6c is to the south of the MCSSZ site and, importantly, adjoins land owned by some submitters in the Pringles Creek subdivision. As noted above, submissions raised concerns about the nature of facilities to be located in this part of the site and the impact they may have on residential amenity, in particular large infrastructure and buildings. Residents were also concerned about the potential for vehicles to pass through a paper road in this area and to access the MCSSZ from the south, and the effects that might arise from the location of tennis courts in this area.
118. AA6b and 6c are to include pedestrian and cycling linkages, as identified on Structure Plan C, which shows the linkages running through AA6c in an east-west direction.
119. We discuss the matters of the sports field and open space below, under the heading Education Precinct and Sports Field/ Open Space.
120. In response to concerns raised by submitters, the Requestor proposed amendments to Rules 12.22.2.3 (vi) on page 12-139p and 12.22.2.4(vii) and (viii) on page 139-q, along with amendments to the Structure Plans, to ensure there is no motorised vehicle access through AA6c, there are no above ground structures apart from fencing in AA6c and there is no storage of gas in AA6c. These are now identified as non-complying activities.
121. The Requestor was of the view that tennis courts were still a desirable amenity and could be located in a variety of locations within Activity Area 6. It proposed that the courts be provided for as a discretionary activity by way of a new discretionary activity rule which focused on nearby residential amenity.³⁹ In his report to us, Mr Compton-Moen did not consider tennis courts would have an adverse effect on the

³⁹ Further submission FS-52/12/16, FS-52/12/26, FS-52/12/42

landscape character or visual amenity of the area, subject to lighting controls ensuring no upward spill is incorporated into the rules. Mr Bryce agreed.

122. In his evidence, Mr Leslie noted that PC52 proposed that the tennis courts be located further to the west and at a higher ground level. This would, in his view, create more adverse effect for residents, including more traffic. He preferred the tennis courts to be located closer to built form.
123. The Requestor has responded to this by restricting the tennis courts to AA6a, closer to built form and access routes, and has identified tennis courts as a discretionary activity in this area.⁴⁰
124. The Requestor also confirmed at the hearing, following Mr Leslie's evidence, that there would be no gondola related infrastructure in AA6c. This was not included with the Requestor's final amendments. We consider it important to ensure AA6c is absent of any gondola infrastructure, particularly as the height limits forming part of Structure Plan B exclude the height of gondola infrastructure.⁴¹
125. In our overall assessment of AA6c, we considered whether all specific exclusions within AA6c should be identified as prohibited activities. We concluded that there is no legal scope to introduce that restriction. However, we were not satisfied that the objectives and policies addressing AA6c included with the Requestor's Reply were sufficient to provide the restrictions and limitations intended through the amended plan provisions. If the restrictions are to have any force, the objectives and policies relevant to the rules are critical.
126. We have therefore amended objectives, policies and rules to provide this surety and to ensure consistency across the plan provisions, as follows:
 - a. The various additional amendments outlined in paragraph 92 above relating to the gondola;
 - b. Amendments to Policy 4.14 on page 12-139f to clarify that buildings and motorised vehicle activity are to be avoided in Activity Area 6c and adding lighting as a nuisance effect;
 - c. Rule 12.22.2.3(iv) on page 12-139p, clarifying that access roads are in Activity Areas 6 and 7, deleting reference to carparking in Activity Area 7 and deleting reference to the exception for road access and parking associated with a gondola in these areas;
 - d. Rule 12.22.2.3(vii) on page 12-139q to clarify that tennis courts are a discretionary activity in Activity Areas 6a and 6b;
 - e. Rule 12.22.2.4(i) on page 12-139q, noting the extent of non-compliance of buildings in Activity Areas 6, 7, 8 and 9;
 - f. Rule 12.22.2.4(i) on page 12-139q, clarifying that tennis court fencing over 2m in height is a non-complying activity other than in Activity Areas 6a and 6b;
 - g. Rule 12.22.2.4(viii) on page 12-139r, clarifying that tennis courts are non-complying in Activity Areas 6c, 7, 8 and 9 and deleting any parking in Activity Area 6c;
 - h. Rule 12.22.5(x) on page 12-139s prohibiting the parking of vehicles and machinery in Activity Areas 6b and c after construction in these areas;

⁴⁰ Rule 12.22.2.3(vi)

⁴¹ Zone Standard 12.22.4.2(iii)(c) page 12-139x which, as proposed by the Requestor, stated "The maximum height for Activity Area 6 does not apply to pylons and other structures associated with a gondola."

- i. Site Standard 12.22.4.1(viii) on page 12-139u, specifying that bus shelters are in Activity Area 6a;
- j. Assessment Matters 12.22.5(xi) on page 12-139dd adding the word “structures” to maintain consistency with other plan provisions and adding assessment matters for the tennis courts in Activity Areas 6a and 6b.

Activity Area 7b

127. The various amendments to plan provisions offered by the Requestor, along with the amendments outlined above, also address the protection of Activity Area 7b.

Education Precinct and Sports Field/ Open Space

128. PC18 included a potential sports field within the indicative Education Precinct. The sports ground was identified as lying close to the southern boundary, not far from the Pringles Creek subdivision. Through PC52, the Requestor proposed to delete the Education Precinct (Activity Area 3b) and to locate a sports ground elsewhere, letting the market decide where community facilities are best located if and when they are required.

129. In his section 42A report, Mr Bryce noted that the underlying Mount Cardrona Stakeholders Deed identified the land that the Council and the Requestor had decided should be set aside as reserve land and an ‘indicative sports field’. This was largely driven by the siting of Activity Area 3b – Educational and Community Facilities under PC18.

130. Submissions sought that:

- a. The sports field be located out of the southern part of the site as it encroached into the 100-metre mitigation strip and risked the use of night lights and noise pollution. It also risked the use of the paper road/ Pringles Creek road for vehicle parking and movement congestion.⁴²
- b. The sports field be deleted as there was no parking provision and no such capacity for parking in the Pringles Creek community;⁴³
- c. The topography in this location was unsuitable for a sports field and it should be located on the flat valley floor in a more centrally located position;⁴⁴
- d. The Activity Area between the Southern Neighbourhood and the Pringles Creek boundary be designated as reserve such that some activities could not occur there and open space would be provided for village residents while preserving rural amenity values for the Pringles Creek residents.⁴⁵

131. The Requestor, through further submissions, supported the submissions of Kyle, Frengley, Leslie and Rasmussen, and Kiesow.⁴⁶ It noted in opening submissions that the sports field was clearly related to the original proposal for a school and the residents of Cardrona Village preferred that a sports field be located in the middle of the village on flat land.

⁴² Submissions 52/02/04 and 52/09/03

⁴³ Submission 52/03/05

⁴⁴ Submission 52/05/05

⁴⁵ Submission 52/05/02

⁴⁶ Further submissions FS-52/12/16, FS- 52/12/26 and FS-52/12/42

132. Mr Blyth, appearing for Cardrona Residents and Ratepayers, questioned whether a sports field was indeed needed in Cardrona Village at all, noting there was a cricket pitch there already and the village did not need a rugby ground.
133. In his original section 42A report, Mr Bryce recommended that an indicative sports field be retained within Structure Plan A as this could assist in guiding the future location for Education and Community Facilities and associated open space. In speaking to his report, having heard from the Requestor and submitters, Mr Bryce noted that he had no concerns if the sports field was deleted but considered the rule framework for education facilities should have a matter of control linked back to the use of open space. That was why the sports field had been introduced initially and the open space underpinned the Mt Cardrona Stakeholder Deed with the Council, to which we have already referred.
134. Rule 12.22.2.2(i) on page 12-139o, addressing controlled activities, has been amended to include the words “access to open space for educational activities”. Assessment Matter 12.22.5(a) includes the same wording. We are satisfied these amendments address the relevant matters of concern.
135. The indicative sports field and the Education Precinct have been deleted from Structure Plan A. Provisions relevant to the Education Precinct have been amended such that this activity falls to be assessed as a discretionary activity within Activity Areas 4 and 5.⁴⁷

Activity Area 8

136. A number of issues arose concerning Activity Area 8 (“AA8”).
137. First, CARL’s primary submission⁴⁸ sought that Rule 12.22.2.3(vii), relating to restricted discretionary activities within Activity Area 8c (“AA8c”) be amended to include “complementary commercial use and buildings”, such as chain fitting services or coffee cart activities. CARL also sought as a matter of discretion the nature and scale of the complementary commercial use and noted that built form associated with these complementary services was limited by Zone Standard 12.22.4.2(iii)- Height, which restricts the maximum building height to 4.5m. Equally, Zone Standard 12.22.4.2(xi) – Buildings within AA8c limited the total combined gross floor area of all buildings within AA8c to 400m². The Requestor supported this relief.
138. The existing carpark in the Area identified as AA8c is located on land owned by CARL and is zoned Rural General. We have no jurisdiction over that part of this land as it lies outside the PC52 area. AA8c is an extension to that area.
139. AA8c has the potential to be a very busy area, particularly at either end of the day, given the area will be used for parking and shuttle buses and other related activities associated with skifield operations. We requested more clarity on the types of activities, and related buildings, that were intended to be located in AA8c and suggested the wording in the relevant rules and any associated objectives and policies could be better framed as “ancillary” rather than “complementary”. We were concerned to ensure that any commercial uses in this area were well defined and that they related to the transport use in the carpark.

⁴⁷ Rule 12.22.2.3(iii)

⁴⁸ Submission 52/06/06

140. Through its Reply the Requestor proposed an amendment to Rule 12.22.2.3(vii) such that the wording “ancillary commercial uses” would replace the words “complementary commercial uses”. The Requestor also proposed that “ancillary commercial uses” be defined as follows:
“Note: “ancillary commercial uses” includes activities such as chain fitting, coffee carts and other small-scale activities that provide services to people utilising the transport-related purpose of the Activity Area.”
141. Rule 12.22.2.3(vii)(c) includes as a matter of discretion the nature and scale of ancillary activities. Subject to some minor wording amendments to ensure consistency of language which are consequential to the relief sought, we are satisfied that the amendments proposed through the Requestor’s Reply address our concerns and that the activities intended to be located in AA8c are more clear.
142. The second issue raised concerning AA8 was the sealing of the carpark area in Activity Area 8c and the access (AA8a and 8b), including the access road length between the entrance up to and including the carpark. Submitters sought that CARL conduct rigorous dust mitigation measures for the remainder of the skifield access road to manage dust nuisance and effects on neighbouring properties.⁴⁹
143. Mr Bryce noted in his report that only a small portion of the access road identified as AA8a and 8b fell within the PC52 boundary and in his view, it was not appropriate to require these to be sealed when the wider access was unsealed.
144. Through its further submission FS-52/12/09 and FS-52/12/20, the Requestor supported in part the submissions of Dr Kyle and Patrick Frengley, that the Skifield area carpark in AA8c should be sealed and this should be enforceable by amending Rule 12.22.2.3(vii)(b). Mr Bryce agreed with this, considering it to be an appropriate response to the likely future concentrations of vehicle activity in this location.
145. Through its further submission⁵⁰ CARL opposed submissions from residential neighbours seeking road sealing on the basis that the Cardrona Skifield Access Road is not within the MCSSZ. Ms Holden, the planning witness for CARL, told us that the AA8c carpark was proposed to be located alongside the CARL existing carpark on the ski access road. CARL did not agree to seal the carpark area outside the PC52 land as things currently stood. She advised us that it was possible the carpark would expand further and that “area B” of AA8c (subject to an easement between the parties) was not yet resolved between CARL and the Requestor. If the Requestor extended the carpark area, then it could be sealed.
146. Ms Holden also confirmed in questioning that the current CARL carpark did not require a resource consent, but that consent would be required if commercial activities were established in this area as that would be outside the Cardrona Ski Zone. Overall, it was CARL’s intention to reduce the number of vehicles using the ski access road, especially in adverse weather, and the increased ski transport and the development of this carpark area were designed to assist in facilitating that change.
147. We find that we have no jurisdiction to require the sealing of any land outside the PC52 area. In that regard, we do not agree that the main skifield access road should be sealed. On the evidence, we do not consider that the small areas of access roads

⁴⁹ Submissions 52/02/08, 52/03/09

⁵⁰ Further submission FS-52/11/02

in AA8a and 8b or the area of carpark next to AA8c that lies outside the PC52 boundary should be sealed.

148. We accept the amendments to Rule 12.22.2.3(vii)(b) proposed through the submissions and evidence and the section 42A report.
149. The third issue was also raised by CARL, noting inconsistencies in the labelling of Activity Areas within Structure Plan A – Mt Cardrona Station Structure Plan and Structure Plan B – Height Restrictions. This particularly related to Area 9 within Structure Plan A which was labelled as “Activity Area 8” within Structure Plan B. There were also inconsistencies in the labelling of Activity Areas 1a and 1b on Structure Plan A. CARL sought the correction of these errors.⁵¹ Mr Bryce recommended that the errors be corrected and the Requestor agreed. We accept these amendments to the labelling of Structure Plans A and B.
150. We have made a consequential amendment correcting the numbering of Rule 12.22.2.2(vii) to read 12.22.2.2(viii).

Design Guidelines

151. This topic overlaps with urban design and landscape and amenity effects. Submissions raised concerns about landscape responses within the Design Guidelines, as follows:
- a. Review of the landscaping plan reflected in the Design Guidelines, in particular the Pringles Creek mounding/ buffer zone and the need to use local species in planting;⁵²
 - b. Mitigation planting be done before development work is undertaken;⁵³
 - c. Existing strict design guidelines for all dwellings and buildings be kept in place, now and to the future;⁵⁴
 - d. A need to address long term noxious weed and pest control;⁵⁵
 - e. Removal of macrocarpa from mitigation planting;⁵⁶
 - f. Add an additional matter of control to Rule 12.22.2.2(v) Earthworks regarding the use of locally grown species.⁵⁷
152. The Requestor has responded to most of these matters by making amendments to the Design Guidelines and to Rule 12.22.2.2(v). Plant species that are native to the site or do not have high water and maintenance requirements were included within the Request as notified and remain within Section 2.6 Landscaping. Macrocarpa has been replaced with mountain beech or similar. Otherwise, we have addressed the points raised under this topic in our discussion of Landscape and Amenity Effects.

Natural hazards

153. This issue was not raised specifically in submissions. Given this topic arises under section 6(h) of the Act, we have given due attention to the degree of risks from natural hazards. We note that the definition of “natural hazard” in section 2 of the Act

⁵¹ Submission 52/06/05

⁵² Submission 52/02/07

⁵³ Submission 52/02/09

⁵⁴ Submission 52/02/10

⁵⁵ Submission 52/03/07

⁵⁶ Submissions 52/03/08 and 52/08/04

⁵⁷ Submission 52/08/03

includes any earth occurrence such as erosion, landslips or subsidence. Geotechnical hazards fall under this definition.

154. As we noted earlier in our discussion of Mr Halliday's evidence, Geosolve's geotechnical assessment included site mapping and observations. Mr Halliday's evidence was that the risk of strong ground shaking or surface rupture was considered to be very low. The main seismic risk is from an earthquake on the Alpine Fault, which has a 30% probability in the next 50 years. This would subject this site, and the whole Wanaka region, to strong ground shaking.
155. Mr Halliday's assessment was that there was a negligible risk to the site from flooding and debris flow due to the deeply incised creeks and the lack of recent alluvial fan deposits.
156. Overall, it was Mr Halliday's opinion that further residential development on the site would not be impeded by any geotechnical issues apart from some areas north and south of Homestead Creek and to the west of the proposed development due to land sliding. Further, the area in the immediate vicinity of the Cardrona Fault Scarp was affected. It is proposed that future construction in these areas will be assessed on a case-by-case basis. Specific assessment will be required and localised mitigation measures may prove to be necessary.
157. We note the Council's engineering staff have raised no concerns about natural hazards.
158. In its Reply, the Requestor proposed further amendments to the plan provisions, noting that a geotechnical hazard assessment would be required at design review stage⁵⁸ and that compliance with the Design Guidelines was also a matter for consideration.⁵⁹ The subdivision provisions also now include geotechnical hazards as a matter over control is reserved.⁶⁰ We have made minor consequential amendments which instead refer to natural hazards (including geotechnical hazards).
159. We are satisfied that natural hazards have been properly assessed and that the PC52 provisions take account of these risks.

Water supply

160. A number of submissions raised issues related to infrastructure and servicing of PC52.
161. In summary, the issues were:
 - a. Reliance of the Pringles Creek/ Gin and Raspberry Lane subdivisions on the water supply from Pringles Creek and the existing water rights enjoyed by Mount Cardrona Station, which concerned a minimum flow regime.⁶¹ Submitters sought that the water rights to the Pringles Creek and Gin and Raspberry Lane subdivisions be guaranteed and sought an option to join the Mount Cardrona Station water scheme at some future stage.

⁵⁸ Assessment Matter 12.22.5(xxv)(b) page 12-139gg

⁵⁹ Assessment Matter 12.22.5(xxv)(c) page 12-139gg

⁶⁰ 15.2.7.1

⁶¹ Submission 52/09/05

- b. Confirmation was sought that the water consents for the zone are realistic and sustainable for the future;⁶²
- c. Protection of water courses outside of the MCSSZ was sought where these activities will be affected by activities within the zone. Water efficiencies across the zone were also sought to be targeted to reduce water demand. The PC52 water requirements were requested to be clarified;⁶³
- d. More detailed analysis, implementation of effective safeguards and robust water management measures were sought to ensure volumes of storage and maximum water efficiencies within the MCSSZ. This submitter sought the capture all stormwater and greywater from buildings within the zone and use for irrigation of golf course and public areas.⁶⁴

162. Mr Heller noted in his evidence that ORC Permit 2009.191 authorises water to be taken by MCS at two points, Pringles Creek and the Cardrona River main stem. These takes are concurrent. The residual flow condition in this permit pertains only to the take from Pringles Creek, meaning that any drop in flow in Pringles Creek below the residual flow requirement enables MCS to reduce that abstraction and / or to take the water from the Cardrona River main stem. The water supply is therefore reliable. The permit provides for up to 382,920 cubic metres per annum of primary allocation to be taken for irrigation, commercial and communal domestic supply. This figure was confirmed in a variation to the 2009 Permit, granted by Otago Regional Council in May 2017.

163. Mr Heller was satisfied that the rate and volume of water authorised by the Permit was sufficient for both community development and golf course irrigation. We accept that evidence.

164. Through its Reply, the Requestor offered additional mitigation of water use through Section 3.8 of the Design Guidelines. This section, titled Water Efficiency, is proposed to be amended to include the objective of ensuring buildings through the MCSZ adopt design techniques to achieve water efficiency, therefore reducing long-term water use in an area where there are water constraints. We note that the reference to Section 3.8 of the Design Guidelines should in fact be a reference to Section 3.7A on page 3-7 of the Design Guidelines. We accept this additional mitigation as appropriate.

Wastewater and greywater

165. In opening legal submissions,⁶⁵ the Requestor noted that MCS holds Consent 061036.02 authorising the construction of buildings for effluent treatment and Consent 2009.348 authorising the discharge of up to 2164m³ per day wastewater to land. The proposed treatment and disposal area is on a terrace located between the Cardrona Valley Road and the Cardrona River, opposite and slightly north of the MCSSZ.

166. Consent 061036.02 expires in January 2019. We were told there is no reason to anticipate any problem gaining an extension, subject to the details of a new wastewater system for Cardrona being developed.

⁶² Submission 52/02/01

⁶³ Submission 52/02/02

⁶⁴ Submission 52/05/06

⁶⁵ Requestor opening legal submissions paragraph 46

167. Consent 2009.348 expires in July 2045. We were advised by the Requestor that this consent authorises a discharge amount sufficient to cater for the MCSSZ, the Cardrona Skifield and the Cardrona Village. The requirement for the MCSSZ is about one third of the consented volume.
168. The Request included a letter from Mr Brown to the Council dated 18 January 2016 confirming that the Requestor had been in discussions with the Council's engineering team regarding the provision of a wastewater system. PC18 had included a wastewater scheme that had far greater capacity than the needs of the MCSSZ and was a viable option for an integrated Cardrona Valley infrastructure scheme which would include the Cardrona Village and the Cardrona Ski Area, should the Council's planned pipeline proposal not proceed.
169. Mr Brown also noted in the Request that the Council could refer to and rely on where necessary the infrastructure reports for the 2008 plan change (PC18). However, he noted the Council should be mindful that the water and wastewater management schemes for the MCSSZ approved through PC18 was "now "locked in" by way of the district and regional resource consents for these schemes."⁶⁶
170. Mr Adams, appearing for Cardrona Residents and Ratepayers Society Inc, confirmed the Cardrona's community's support for proposed PC52 as it would provide more employment and the wastewater treatment plan proposed to service the development would also be able to be used by Cardrona Village residents. That was a positive benefit.
171. Mr Bryce confirmed the Council's engineering staff had no comments to make on the infrastructure proposed.
172. In our request for further information, we asked the Requestor a number of questions about the possible use of greywater, as this was raised by submitters (see above discussion on water supply).
173. By way of memorandum dated 28 July 2017, the Requestor advised that:
- a. Mr Heller had confirmed there was sufficient abstraction quantities provided for in the MCS Water Permit 2009.191 for irrigation of the proposed golf course. It was therefore not necessary to capture and use stormwater or greywater for golf course irrigation;
 - b. Capturing stormwater and greywater from all buildings was not otherwise necessary and was not volunteered by the Requestor;
 - c. The irrigation storage requirement for the golf course was a daily operational buffer of 350 cubic metres, which would allow irrigation water to be applied efficiently and to maintain compliance with Water Permit 2009.191 conditions. This storage pond could be located within a small amenity pond established adjacent to the golf course during construction;
 - d. The storage pond would not fall within the definition of a building in the District Plan. Controlled Activity 12.22.2.2(iii) earthworks proposed to be amended through PC52 provides for "construction and maintenance of the golf course and related ground works including access and irrigation storage and reticulation."

⁶⁶ Document 16 of the Request

174. In his final section 42A report, Mr Bryce recommended that no additional plan provisions were required to address stormwater and greywater as the existing subdivision rules already cater for capturing and using both through Rule 15.2.11.3(iii)(a)(iv). We agree.
175. We are satisfied that wastewater has been adequately addressed. There is no requirement for stormwater and greywater to be captured and used in the development. The irrigation storage requirement has been provided for in the PC52 provisions.

Paper road/ pedestrian and cycling linkages

176. The purpose of the paper road to the south of the MCSZ was challenged by some submitters. In summary, the issues of concern on this topic were:
- a. The need to cancel or move the paper road still existing on the Pringles Creek property as it sits on a ridge and could be viewed by submitters. If used as a walkway, it should include mitigation planting to limit the visibility of the walkway and should exclude motor vehicle access and parking;⁶⁷
 - b. Limiting the paper road to strictly walking and cycling uses, with some possible future infrastructure connection to Pringles Creek/ Village;⁶⁸
 - c. Preventing vehicle access to MCS from Pringles Creek Road/ Gin and Raspberry Lane and use paper road for walking only; secure access to walkways through MCS heritage area.⁶⁹
177. The Requestor responded to these matters by proposing amendments to Structure Plan C. The arrow notation of the pedestrian and cycle linkages has been changed to travel in an east-west direction and the legend has been amended to state "KEY PEDESTRIAN AND CYCLE LINKAGES". The Requestor also proposed changes to Rules 12.22.2.4(vii) and (viii) on page 12-139r. We addressed this above in our discussion of AA6c and outlined there the further amendments we have made to relevant objectives and policies to add weight to the rules.
178. We find that it is not within the scope of PC52 to stop the paper road.

Overlap between subdivision and design review

179. Structure Plan A rationalises the number of indicative roads shown when compared to the operative MCSSZ. This is due to the introduction of the golf course in Activity Area 9 and reduction in the size of the activity areas identified for living/visitor accommodation purposes.
180. In our Sixth Minute we sought written comment from Council's Engineer on road design. Council's Engineer reviewed the Mount Cardrona Station Design Guidelines 2017 and road layouts shown on Structure Plan A. Council's Engineer identified a concern that some of the road dimensions in the design guidelines do not meet the applicable design standards specified in NS4404:2010. The planning experts for Council and the Requestor agreed that the plan provisions and design guidelines should make it clear that the specified road widths are indicative only and will be subject to engineering approval at the time of subdivision.

⁶⁷ Submission 52/02/05

⁶⁸ Submission 52/03/06

⁶⁹ Submission 52/09/04

181. We prefer the wording of Rule 15.2.7.3(ix)(e)) proposed by the Requestor, subject to some minor amendments for greater clarity. The provisions are efficient and effective, avoiding the need to rewrite the design guide, while enabling the appropriateness of road widths and design to be assessed through the engineering approval process at the time of subdivision. We are satisfied that this is appropriate.
182. We are also satisfied with the amendments proposed by the Requestor to the Mount Cardrona Station Design Guidelines 2017, which make it clear that the road widths will be subject to Council engineering approval at the time of subdivision.

Reinstatement of public easement in gross on Structure Plan C

183. We note that Structure Plan C proposed by the Requestor did not include an area of public easement in gross for Activity Area 6c on Structure Plan C. We have not found any explanation for this in the Request or the evidence, nor have we seen any section 32 assessment on this point.
184. We note that Structure Plan C contained within the ODP includes this area of public easement in gross, as does the version of Structure Plan C contained within the Design Guidelines at Section 2.5 Open Space Network. We have amended Rule 15.2.7.1 to include reference to the provision of easements in gross to secure public access over all relevant areas.

Amendments to specific rules

185. Some submissions sought modifications to the rules to address particular matters of concern, as follows:
- a. CARL sought amendments to Site Standard 12.22.4.1xi-Earthworks to align with the provisions adopted by Plan Change 49. This plan change is now operative and did not previously apply to the MCSSZ or any other special zone. Plan Change 49 removed the square limit of earthworks on the basis that the area of earthworks is now linked to the volume. The area limit was relevant to controlling dust, and dust is controlled under the Environmental Protection Measures. The submitter sought that Site Standard 12.22.4.1xi(b) be deleted.⁷⁰
 - b. MCSL sought amendments to Rule 12.22.4.2(i) – Buildings in Activity Areas 6, 7, 8 and 9 (Non-complying activities) so as to exempt tennis court fencing over 2m in height.⁷¹ MCSL noted that tennis courts are usually located within or adjacent to sports fields and wished to avoid any difficulty establishing tennis court fencing in Activity Area 6.
186. Mr Bryce did not agree with either submission. On earthworks, he was of the opinion that the Operative District Plan controls all earthworks apart from earthworks in special zones. Special zones include their own earthworks rules. To remove the provision as requested would mean there were no earthworks rules of this nature applying to the MCSSZ. We agree with Mr Bryce.
187. On the tennis court fencing issue, our discussion of AA6c above covers the location of tennis courts and the activity status that would apply in AA6c. We have also made some consequential amendments to related objectives and policies to strengthen the

⁷⁰ Submission 52/06/04

⁷¹ Submission 52/08/01

statutory assessment of tennis courts in AA6c as a non-complying activity. We do however accept in part the submission by MCSL, and have recommended amendments to 12.22.2.4(i) to exempt tennis court fences in AA6a and 6b.

188. Further submissions made by MCSL⁷² has resulted in some amendments to Rule 12.22.2.3(vii)(c) such that tennis courts are now a discretionary activity in AA6a only. We have added AA6b also. The Assessment Matters for tennis courts in AA6a and 6b now also include specific consideration of the proximity of such courts to neighbouring properties and adverse effects of noise and lighting on residential amenity, along with any effect of the location of the tennis courts on stormwater flow paths and stormwater management.⁷³

STATUTORY ASSESSMENT

189. Our statutory assessment covers three tests:
- Does PC52 accord with the Council's functions under section 31?
 - Does PC52 give proper consideration to Part 2 of the RMA and the list of statutory documents in section 74 and 75?
 - Evaluation under Section 32

Section 31

190. Section 31 of the Act requires the Council to manage the effects of development, use and protection of natural and physical resources in an integrated way.
191. We note that the current version of section 31 includes subsection (1)(aa) as an additional function:
192. "the establishment, implementation, and review of objectives, policies, and methods to ensure there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district."
193. This provision was inserted into the Act from 19 April 2017.⁷⁴ As this provision came into force after PC52 was notified, we have taken no account of it.
194. We are satisfied that PC52 accords with the Council's functions under section 31. It provides improved tourism and related residential and business development and maintains and enhances amenity values and the quality of the environment. It also protects areas of open space and important historic features. Importantly, the characteristics of the Outstanding Natural Landscape – District Wide will not be any more affected than they would be through PC18.

Part 2

195. We noted earlier in our decision the Part 2 matters to be considered.

Section 5

196. PC52 seeks to deliver a more attractive and viable development for the MCSSZ, that operates all year round and increases the range of businesses and accommodation options, along with facilities and services, for the development. It will enable a mix of accommodation types and have some ability to accommodate any population growth at Cardrona.

⁷² Further submissions FS-52/12/16, FS-52/12/26 and FS-52/12/42

⁷³ 12.22.5(xi) page 12-139dd

⁷⁴ Section 13(1) Resource Legislation Amendment Act 2017

197. It will better enable the MCSSZ to meet the reasonably foreseeable needs of future generations, not only through the nature of the development proposed but through the delivery of wastewater infrastructure to the Cardrona Valley. Air, water, soil and ecosystems will continue to be safeguarded through the protection of the ecological values of Homestead Creek, the protection of open space and the reticulation and disposal of wastewater. The MCSSZ will continue to avoid, remedy or mitigate potential adverse effects on the environment.

Section 6

198. With reference to section 6(b) of the Act, PC52 will be consistent with the landscape objectives for the Outstanding Natural Landscapes – District Wide classification that applies to the Cardrona Valley. The landscape evidence is that the development will not adversely affect landscape values and the development proposed is appropriate.
199. Under section 6(h), historic heritage will be protected. The PC52 provisions include the protection of the historic water race and the chaff storage platform.
200. Section 6(h) requires the management of significant risks from natural hazards. The evidence confirms there are no significant risks and that any risks from natural hazards can be managed.

Section 7

201. Section 7(b) requires us to have particular regard to the efficient use and development of physical and natural resources. As noted by Mr Brown in his evidence,⁷⁵ it is efficient to locate new development with a more year-round focus on recreational pursuits and to complement the existing winter sports activities and non-winter outdoor recreation offerings in this area. PC52 should also deliver improved employment opportunities for Cardona and Wanaka residents. The reticulated wastewater service will better support potential growth in the Cardrona Valley.
202. Sections 7(c) and (f) require that particular regard is had to the maintenance and enhancement of amenity values and the quality of the environment. We are satisfied that PC52 achieves a satisfactory level of amenity value and maintains and enhances the quality of the environment, particularly in light of the modifications that have been made to Activity Area 6c so as to better protect the amenity of the residents living to the south of the MCSSZ.
203. Section 7(g) raises finite characteristics of natural and physical resources. The nature of this mixed development and its intended support for existing and future recreational opportunities is, in our view, a finite resource, and should be recognised in the Operative District Plan.

Section 8

204. The Request included a cultural impact assessment. No submissions were made on this aspect of the proposal. We are satisfied that there are no section 8 matters requiring further consideration.

⁷⁵ Evidence J Brown paragraph 6.6

205. Otherwise, PC52 must give effect to any higher document. The only relevant document in this case is the Otago Regional Policy Statement. The relevant provisions were reviewed in the Request and the section 42A report. There was no disagreement on the provisions or their application to PC52. We consider the Operative Otago Regional Policy Statement has been given effect to as required by section 75 of the Act. As noted earlier in this decision, the Proposed Regional Policy Statement is still the subject of appeals and we have given it less weight for that reason. The Request and section 42A report noted that PC52 would give effect to the proposed Regional Policy Statement.
206. For reasons stated earlier in our decision, we do not consider the National Policy Statement on Urban Development 2016 to be relevant.

Section 32

207. We are required under Section 32AA of the RMA to undertake a further evaluation only for any changes that have been made, or are recommended to be made, since the evaluation report was completed. We have accepted many of the changes proposed by Mr Bryce and Mr Brown. These changes were addressed in the further evaluation set out at section 6.0 of Mr Bryce's s42A Written Right of Reply and Mr Brown's assessment (Appendix 4 to the Requestor's right of reply).
208. Changes and consequential changes have been recommended by the Commission in response to issues raised during the hearing. These changes are indicated by turquoise highlighted text in the sections below. Other text shown in underline or strikethrough has been evaluated previously in the evaluations undertaken by Messrs Bryce and Brown.
209. We have set out our re-evaluation below. In arriving at our conclusions, the scale and significance of the amendments and consequent effects have been considered.

Policy 4.14

Within Activity Area 6:

- *To provide for formal and informal public recreation activities and pedestrian trails;*
- *To provide for communal open space areas through the Zone;*
- *To restrict buildings in ~~the~~ Activity Area 6a, other than those buildings associated with the functioning of the Village, the provision of access to the surrounding recreational activities, the provision of gas storage facilities, and a recycling station,; and the provision of small scale buildings associated with potential sports fields located within the education precinct.*
- *To restrict buildings in Activity Area 6b, other than those buildings associated with the functioning of the Village and the provision of access to the surrounding recreational activities;*
- *To avoid buildings and motorised vehicle activity in Activity Area 6c;*
- *To ensure that activities do not create nuisance effects such as noise, odour or obtrusive lighting.*

210. The amendments to the third bullet point are as a result of the deletion of the indicative sports field and education precinct from Structure Plan A. We made further amendments to provide greater policy direction for activities in each of the sub-areas, particularly those activities that could be detrimental to the amenity of the

neighbouring properties at Pringles Creek, such as parking and buildings. These changes also provide clear guidance that activities should not create nuisance effects.

211. The amended policy is efficient and effective in terms of administration of the District Plan, as the policy provide clear guidance of the expected level of amenity and types of activities that are appropriate. There are no costs associated with this amendment, as the policy gives effect to the amended rules. The policy is the most appropriate way to achieve Objectives 4 and 8.

Rule 12.22.2.2(i)

Educational facilities and community activities, including health and day care facilities, in Activity Areas 1, 2 and 3b and commercial recreation activities in Activity Area 5

Matters over which control is reserved:

- Site layout
- External appearance of buildings
- Parking, loading and access
- Location of outdoor activities
- **Access to open space areas for educational facilities**
- **Noise**

212. The Commission adopts the section 32 evaluation of Mr Brown. We have determined that it is appropriate to also include an additional matter of control in relation to noise. This is necessary to give effect to the existing assessment matters, which include compatibility with amenity values and the potential for noise effects. The change is efficient as it will assist plan users and decision makers. The change is effective, as it will ensure that amenity values are considered when assessing resource consent applications. The rule will not result in any additional costs, as the existing plan provisions apply noise limits in the zone standards. It is the most appropriate way to achieve the objectives, particularly Objectives 1 and 4.

Rule 12.22.2.2(vii)

Premises Licensed for the Sale of Liquor within Activity Area 1

Premises licensed for the sale of liquor under the Sale of Liquor Act 1989, for the consumption of liquor on the premises between the hours of 11pm and 7am. **Matters of control are reserved** with respect to the scale of the activity, car parking, retention of amenity, noise and hours of operation. This rule shall not apply to the sale of liquor:

- To any person who is residing on the premises (temporarily or permanently)
- To any person who is present on the premises for the purpose of dining.

213. The amendments to the rule insert missing wording to clarify that the matters listed are the matters over which control is reserved. These changes are efficient and effective as they will assist plan users and will enable improved plan administration.

Rule 12.22.2.3(iv)

Access Roads in Activity Areas 6 and 7 and Carparking in Activity Areas 6a and 7, except:

- Roads identified within ~~the~~ Structure Plan A.
- Underground car parks

~~Road access and parking associated with a gondola.~~

214. The amendments to the rule clarify that carparking is a discretionary activity in Activity Area 6a. We have also made a consequential amendment as a result of the withdrawal of the provisions relating to the gondola. As a result, the activity status of carparking for a gondola is discretionary, which is consistent with the activity status of gondolas (Rule 12.22.2.3(v)). The rule is efficient and effective in the administration of the District Plan and provides a clear hierarchy of rules for plan users, particularly given the prohibited activity rule in the ODP for parking in Activity Areas 6 and 7. It will also be effective, as it will enable carparking to occur alongside the existing ski field access road, adjacent to Activity Area 6a. This rule more appropriately achieves Objectives 4 and 6 for Activity Area 7 and will ensure the protection of the identified heritage values in Activity 7.

Rule 12.22.2.3(v)

Buildings and Structures associated with the erection and maintenance of a gondola within Activity Areas 6a, 6b and 7 that provides access from the Village Precinct Centre to the surrounding recreational activities.

215. The Commission has added a new rule in response to submissions that classifies gondolas in Activity Area 6c as a non-complying activity. This amendment clarifies that the discretionary activity status for buildings and structures associated with a gondola only applies in Activity Areas 6a, 6b and 7. This change will assist with interpretation of the plan provisions and will be effective in enabling improved administration of the plan.

Rule 12.22.2.3(vii)

Buildings and structures ~~within Activity Area 6a~~ that are for the following purposes:

- (a) ~~One~~ recycling Station (Activity Area 6a only)
 - (b) ~~One~~ gas storage facilities (Activity Area 6a only)
- ~~Buildings located within 25 metres of the southern boundary of Activity Area 3, and that are less than 50m² in size. Tennis courts (Activity Areas 6a and 6b only)~~

216. The amendments to the rule clarify that the discretionary activity status for tennis courts applies only to Activity Areas 6a and 6b. One recycling and gas storage facility continues to be enabled as a discretionary activity in Activity Area 6a. These amendments have been made in response to submissions as set out earlier in our decision. This rule more appropriately achieves Objective 4.

Rule 12.22.2.3(viii)

Within Activity Area 8c: carparking; earthworks for carparking formation and avoidance or mitigation of visual effects; and buildings that are for shuttle / ski area ticketing, bus shelters, ablation facilities and complementary ancillary commercial uses (limited to such as chain fitting services and coffee carts) and associated buildings.

The Council's discretion is restricted to the following matters:

- (a) Effects of carparking, associated buildings and mitigation earthworks and landscaping on landscape and visual amenity values when viewed from Activity Areas 1, 2, 3, 4, 5 and 6 within the Zone, or from the existing dwelling on Lot 6 LT 344432, or from the Cardrona Valley Road;
- (b) In relation to earthworks: sediment control, dust control, site rehabilitation, the sealing of the carpark, and landscaping.
- (c) Nature and scale of the ~~complementary~~ ancillary commercial uses and associated buildings

Note: “ancillary commercial uses” includes activities such as chain fitting, coffee carts and other small scale activities that provide services to people utilising the transport-related purpose of the Activity Area.

217. The Commission has amended clause (c) of the matters of discretion to refer to “ancillary commercial uses”. The change is efficient and effective as it achieves internal consistency of terms used within the rule and will enable improved administration of the plan.

Rule 12.22.2.4(i)

Buildings in Activity Areas 6a, 6b, 7, and 8 and 9

Except:

- Buildings in Activity Area 6a approved pursuant to Rule 12.22.2.3(vi)(vii)
- Historic equipment
- Bus shelters within Activity Area 6a (permitted pursuant to Site Standard 12.22.5.1(viii))
- Buildings within Activity Areas 8a and 9 approved pursuant to Controlled Activity Rule 12.22.32.2(vi).
- ~~One recycling station within Activity Area 6 approved pursuant to Rule 12.22.32.3(vi)(a)~~
- ~~One gas storage facility within Activity Area 6 approved pursuant to Rule 12.22.32.3(vii)(b)~~
- ~~Two buildings within the Indicative Education Precinct within Activity Area 6, approved pursuant to Rule 12.22.3.3(vii)(c).~~
- Buildings and structures associated with the erection and maintenance of a gondola approved pursuant to Rule 12.22.32.2(viii)2.3(v).
- Buildings within Activity Area 8c approved pursuant to Rule 12.22.2.23(viii).
- ~~**Fencing** for tennis courts which is over 2m in height **in Activity Areas 6a and 6b**~~

218. The Commission has amended the last bullet point to provide an exemption for fencing for tennis courts. This is efficient and effective as tennis courts within Activity Areas 6a and b are provided for as a discretionary activity. Fencing would necessarily be greater than 2m in height to contain tennis balls. It is neither efficient nor effective for the activity of establishing a tennis court to be a discretionary activity and the fencing for a tennis court is a non-complying activity.

219. The Commission has also amended the rule to apply to all of Activity Area 6, rather than just sub-areas a and b, as set out in the provisions attached to the Requestor's reply. This amendment is more effective in managing the potential adverse effects of buildings that have not otherwise been provided for. It is the most appropriate way to achieve Objective 4.

Rule 12.22.2.4(viii)**Tennis courts, parking, or buildings and structures for recycling station or gas storage facilities in Activity Area 6c**

220. The Requestor's reply did not include an evaluation of this new rule. We have amended the rule so that it only applies to tennis courts in Activity Area 6c. This amendment has been made in response to submissions, as set out earlier in our decision. Parking is already addressed by the existing prohibited activity rule 12.22.2.5(x) and buildings are already addressed under Rule 12.22.2.4(i). This change is efficient and effective as it manages potential amenity effects on the properties in the Pringles Creek subdivision.

Rule 12.22.2.5(x)

Parking of vehicles and machinery in Activity Areas 6b, 6c and 7 ~~during and/or~~ after construction in these areas. ~~except parking associated with a gondola.~~

221. The Commission has made an amendment to limit the application of this rule to sub-areas b and c of Activity Area 6. This is to provide consistency with Rule 12.22.2.3(iv) which enables resource consent as a discretionary activity for carparking in Activity Area 6a. The rule is efficient and effective in the administration of the District Plan and provides a clear hierarchy of rules for plan users. It avoids interpretation issues that may arise as a result of discretionary activity rule 12.22.2.3(iv) which provides for car parking in Activity Area 6a.

12.22.4.2 Zone Standards (iii) Building Height (c)**The maximum height for Activity Area 6 does not apply to pylons and other structures associated with a gondola in activity areas 6a and 6b.**

222. The Commission has added a new rule in response to submissions that classifies gondolas in Activity Area 6c as a non-complying activity. This amendment clarifies that the exemption for gondola structures only applies to Activity Areas 6a and 6b. This change will assist with interpretation of the plan provisions and will be effective in enabling improved administration of the plan.

Assessment matter 12.22.5(xi)

Discretionary activity- buildings and structures within Activity Areas 6a and 6b

With respect to tennis courts, the extent to which:

- (a) The activity is compatible with the amenity values of the surrounding environment, particularly in relation to any noise and lighting;
- (b) The building and structures have been located where they can be absorbed into the landscape;
- (c) The location of the tennis courts adversely affects stormwater flow paths and stormwater management.

223. We have amended the heading of the Assessment Matter to match the wording of Rule 12.22.2.3(vii) and have relocated the assessment matter for tennis courts to sit with the other assessment matters for this rule. Amendments have also been made

to the wording proposed in the Requestor's reply in order require consideration of the landscape effects. These amendments will assist with the effective implementation of the associated discretionary activity rule. The provisions are also the most appropriate way to achieve Objectives 2 and 4.

Assessment matter 12.22.5(xxiii)

Restricted Discretionary Activity – in Activity Area 8c: carparking; earthworks for carparking formation and visual avoidance or mitigation; and buildings that are for shuttle / ski area ticketing, bus shelters, ablution facilities and complementary ancillary commercial uses (limited to such as chain fitting services and coffee carts) and associated buildings.:

- (a) Whether the carparking, associated buildings and activities are screened from view by mitigation earthworks and planting when viewed from:
 - Activity Areas 1, 2, 3, 4, 5 and 6 of the Zone;
 - the dwelling on Lot 6 DP 344432;
 - the Cardrona Valley Road;
- (b) In relation to the earthworks required, the extent to which the matters in 12.22.5(xxii) above are satisfied.
- (c) Sealing of the carpark to an acceptable standard;
- (d) The nature and scale of the complementary commercial uses and associated buildings.
- (d) The extent to which the proposed uses and buildings are ancillary to and complementary with the primary car parking activity.

224. The Commission has amended this Assessment Matter to refer to “ancillary commercial uses” to match the wording of the corresponding rule. The change is efficient and effective as it achieves internal consistency of terms used within the plan provisions and will enable improved administration of the plan.

Assessment matter 12.22.5(xxiv)

Discretionary activity – Rule 12.22.2.3.2(viii)(ix) – activities prior to subdivision of the site to accommodate that activity:

- (a) Future efficient subdivision and development is not compromised by inappropriately located development.
- (b) The proposal is supported by a geotechnical natural hazards assessment prepared by a suitably qualified professional engineer
- (c) Compliance with the Mount Cardrona Station Design Guidelines (2017)

Rule 15.2.7.1

...

- Geotechnical Natural hazards

225. The Commission has amended all references to geotechnical hazards, to instead refer to natural hazards in Assessment matter 12.22.5(xxiv) and Rule 15.2.7.1. This captures the full ambit of hazards that are required to be considered under s6(h) and

s106 when considering a subdivision. This change is efficient and effective as it better gives effect to the requirements of the Act.

Rule 15.2.7.1 (bullet point three)

- ...
- Location and form of pedestrian access including the provision of easements in gross to secure public access over all areas identified as 'Key Pedestrian Linkages' and 'Public Easement in Gross' on Structure Plan C-Public Access Easements and Walkways.
- ...

226. We have added a reference to Structure Plan C to ensure that the public access easements and walkways/cycleways are provided for at the time of subdivision. This will ensure that appropriate linkages are provided with recreational activities throughout the Cardrona Valley. This is the most appropriate way to provide for Objectives 4 and 8.

Assessment matters 15.2.7.3

227. We have added references to cycling to better reflect Structure Plan C. It is efficient and effective, as it ensures that provision for recreational opportunities are considered at the time of subdivision. This is the most appropriate way to provide for Objectives 4 and 8.

Consequential amendments

228. The Commission has made a number of consequential amendments to correct cross-referencing and to reflect the splitting of Activity Area 6 into three sub-areas. These changes are efficient and effective as they will assist plan users and will enable improved plan administration.

RECOMMENDATION

229. Pursuant to our delegation under section 34A of the Resource Management Act 1991, we recommend that Private Plan Change 52 to the Queenstown Lakes Operative District Plan is approved with modifications. In summary, the reasons for our recommendation are:
- a. We consider PC52 delivers a better outcome for the MCSSZ than its predecessor, Plan Change 18.
 - b. PC52 seeks to enhance market viability for residential and visitor accommodation and commercial uses. If it succeeds, it should assist in growing the township of Cardrona and improve the opportunities for residents and workers there. It will also deliver important wastewater infrastructure for the Cardrona Valley.
 - c. PC52 is an efficient use of the natural and physical resources of the Cardrona Valley as it seeks to provide a range of accommodation and businesses that better link in with recreational opportunities in the Valley. There is potential for PC52 to better serve the market and attract developmental growth to Cardrona through the introduction of a golf course and associated hotel development.

APPENDICES

- Appendix 1 Minutes dated 13 July and 10 August 2017
Appendix 2 Amended version of the PC52 provisions, showing tracked changes.
Appendix 3 Clean version of the PC52 provisions, following amendment.

A handwritten signature in blue ink, appearing to read 'J Caunter', is positioned above the printed name and title.

Jan Caunter (Chair)
For the Hearings Commission

Date: 21 December 2017