Before Queenstown Lakes District Council

In the matter of	The Resource Management Act 1991
And	A requested change to the Mount Cardrona Station Special Zone of the Queenstown Lakes District Council's Operative District Plan – **Plan Change 52**

LEGAL SUBMISSIONS FOR

Mt Cardrona Station Limited

Dated 11 July 2017

Solicitor:
Rosie Hill
Anderson Lloyd
Level 2, 13 Camp Street, Queenstown 9300
PO Box 201, Queenstown 9348
DX Box ZP95010 Queenstown
p + 64 3 450 0700 | f + 64 3 450 0799
rosie.hill@al.nz

Counsel:
Warwick Goldsmith
Barrister
PO Box 213, Queenstown 9365
m + 64 021 220 8824
warwickgoldsmith@gmail.com

MAY IT PLEASE THE PANEL

Introduction and Overview of Submissions

1. The Mt Cardrona Station Special Zone ("**MCSSZ**") was made operative in 2011 through Plan Change 18 to the Operative District Plan ("**ODP**") which was resolved through the Environment Court in its decision *Brooklyne Holdings Limited v Queenstown Lakes District Council.*[1] The MCSSZ now sits within Chapter 12 of the ODP Special Zones, its core purpose as set out in Plan Change 52 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.*

2. The purpose of the request for Plan Change 52 is detailed in the comprehensive request dated 6 December 2016. This includes the core objective to support and compliment the increasing importance of golf tourism to the District, and realise the potential of the MCSSZ to develop a quality, unique alpine golf experience, without compromising the MCSSZ's core purpose of promoting a village for permanent residents, seasonal residents, and visitors. This Plan Change will ensure the viability of the MCSSZ as a year-round destination.

3. Mr Chris Morton will address the Panel further on this vision, along with an overview summary of key elements of the proposal in his presentation after these submissions.

4. There are significant positive social and economic benefits which would arise out of this Plan Change. The core objectives of the Zone cited above are detailed in the findings of the Requestor's s32 assessment which concludes, and the Council's section s42a report which confirms, that the change to the MCSSZ will ensure that it continues to achieve the higher order provisions of the ODP and is likely to better enable use of land anticipated by the provisions given the changes better align the Zone with current market demands. Overall this will allow the Zone to contribute positively to the District's growth in a high quality manner that also provides for commercial, recreation, and tourism activity as well as increased housing supply.

---

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

5. Conversely, it is submitted there are only negligible, if any, adverse effects associated with the proposal.

6. The subsequent sections of these legal submissions will take the Panel through the following matters:

    a. An overview of the legal framework under which the Panel must make its determinations on Plan Change 52;

    b. Conclusions as to the appropriateness of confirming Plan Change 52;

    c. Specific responses to issues as follows:

        i. The sports field indicated on the MCSSZ Structure Plan;

        ii. The gondola provisions;

        iii. Responses to specific submitters; and

        iv. Wastewater disposal;

Legal Framework for plan changes

7. The statutory requirements for assessing plan changes are well settled in case law and have been summarised in a variety of ways by the courts through time.

8. A detailed summary of all statutory requirements in respect of plan changes can be found in the Environment Court decision, *Colonial Vineyard Ltd v Marlborough District Council*.[2] And more recently (and relevantly for this District) Judge Jackson's decision of *Appealing Wanaka* which, post *King Salmon*, simplified statutory considerations somewhat as follows:

> *The RMA provides a number of matters which a territorial authority must consider. The principal matters to be considered when preparing a plan or 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*

[2] *Colonial Vineyard Ltd v Marlborough District Council* [2014] NZEnvC 55, at [17].

(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]
(iia) relevant entry on 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, mahinga 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).

Apart from their formal requirements[3] 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 consideration4 to Part 2 of the RMA and the list of statutory documents in section 74 and section 75; and third to evaluate the proposed plan or change under section 32 of the RMA.

...

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 proposes 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.

...

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

---

[3] Section 75(1) and (2) RMA

[4] This ranges from "according" with Part 2, through "giving effect to" or making provisions "not inconsistent with", to "having (particular) regard to".

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.[5]

9. It is submitted that in this instance, Plan Change 52 is at the simple end of the spectrum, whereby the principal assessment for this Panel is to determine whether its provisions 'fit' neatly into the ODP in order to achieve the core statutory function of the Council as stated within section 31. The positive obligations of section 74-75 cited above are to be read in light of the consequence of *King Salmon*, which provides there is a rebuttable presumption that each higher planning instrument has been given effect to, or had regard to, (as required). Thus there is no necessity to refer back to any higher planning instrument when determining a plan change provided that the operative plan is sufficiently certain, and neither incomplete nor invalid.

10. The Act's evaluation requirements (section 32) and public consultation requirements (Schedule 1) associated with plan making also support the notion that an operative plan need not be unnecessarily litigated, subject to specific contextual considerations:

> *In most cases, the Environment Court is* ***entitled to rely on a settled plan as*** *giving effect to the purposes and principles of the Act. There is an exception, however, where there is a deficiency in the plan. In that event, the Environment Court must have regard to the purposes and principles of the Act and may only give effect to the plan to the degree that it is consistent with the Act.*[6]
>
> [emphasis added]

11. From this reasoning I submit that the current planning context of the Request is as follows:

    a. The ODP is the central document against which this Request is to be assessed, as it particularises the higher order provisions of the Operative RPS, and the RMA, both in terms of substantive content and locality.

    b. The Proposed Otago RPS ("**pRPS**") is currently under appeal and its policies and objectives too have legal weight (74(2)(a)). This weighting will increase as the planning instrument progresses further through the RMA planning process until it becomes operative.

[5] *Appealing Wanaka Inc v Queenstown Lakes District Council* [2015] NZEnvC 139 at [34]. [35], [37].
[6] *Thumb Point Station Ltd v Auckland Council* [2015] NZHC 1035, [2016] NZRMA 55 at [31].

c. The National Policy Statement Urban Development Capacity is potentially relevant but does not otherwise 'invalidate' the completeness of the ODP.

12. It follows from the above, that the decision of this Panel is to be made by an assessment against the ODP primarily. It is submitted that the pertinent sections of the ODP do not fall within one of the Supreme Court's three caveats of invalidity, incomplete coverage, or uncertainty of meaning, nor has the ODP been superseded by a latter (operative) higher order planning instrument.

13. It is further submitted that the weighting to be afforded to the pRPS is low given that it is in a state of flux. At the time of writing these submissions, the pRPS has been decided on by the Council, yet it is the subject of some 26 appeals.

Complete Coverage

14. The Queenstown Lakes ODP can reasonably be described as 'extensive'. The ODP as it is written now (save for subsequent plan changes not relevant to this application) was considered as to its complete coverage of matters in *Appealing Wanaka*. Judge Jackson traversed the structure and organisation of the ODP in section 3 of the Judgment. His Honour found that, using a bottom up approach to interpreting the ODP, there was no incomplete coverage or uncertainty.

15. Mr Brown's evidence further confirms the nature of Plan Change 52 being at the 'simple end' of the *Appealing Wanaka* spectrum as follows:

> *[4.1] PC52 did not require any changes to the objectives of the MCSSZ; the modifications to the Structure Plan and the consequential changes to some of the policies, and rules, all fit within the existing MCSSZ objectives.*
>
> *[4.2] Accordingly, PC52, in my view, achieves the higher order objectives, and I broadly agree with Mr Bryce's analysis (his Section 7.0 and Appendix F) of PC52 when evaluated against these provisions and the Regional Policy Statement*

16. As noted above, the NPS Urban Development Capacity is the only higher order planning instrument which supersedes the ODP, yet it is submitted this does not render the ODP incomplete thereby necessitating a Part 2 assessment. This is because the matters addressed in the NPS have only ancillary relevance to the proposed Plan Change and the broader matters covered by the ODP. Mr Brown's evidence specifically assesses the NPS Urban Development concluding that Plan Change 52 is consistent with the key relevant objectives, therefore this meets the statutory requirement of section 75(3)(a).

Uncertainty of meaning

17. If there is uncertainty of meaning of particular provisions, there may be justification to look to Part 2 for a purposive interpretation. Again, referring to Judge Jackson's assessment of the ODP, the following comment on conflict is helpful:

> *In resolving which are the most relevant policies we must approach the operative district plan as a coherent whole: J Rattray and Sons Ltd v Christchurch City Council per Woodhouse J. We must also avoid the trap of ... concluding too readily that there is a conflict between particular policies and prefer one over another, rather than making a thorough ... attempt to find a way to reconcile them" as Arnold J stated in EDS v NZ King Salmon. On the other hand, later more specific objectives and policies should be applied rather than earlier more general ones (that is the "particularisation" approach working within a district plan) if that is what the scheme of the plan suggests*[7]

18. The ODP provisions assessed in the supporting documents are all certain, particularly when assessed within their context in the ODP. There is no assertion of uncertainty.

Invalidity

19. The ODP has stood the test of time for numerous appeals and similarly was not considered invalid in any way before Judge Jackson's division in *Appealing Wanaka*. There is no assertion that the decision makers of the ODP (which was also highly litigated through an appeal process) were not acting in accordance with Part 2. Therefore there is no ability for this third caveat to warrant a singular Part 2 assessment in this Request now.

Alternative submission

20. In the event the Panel is to find one of the *King Salmon* three caveats does apply, or that the approach in *Appealing Wanaka* is to be distinguished in this Request, Mr Brown's evidence, out of caution, provides a Part 2 analysis. I refer to and reply on Mr Brown's Part 2 assessment in this respect, and his conclusion that PC52 achieves the sustainable management purpose of the Act.

Conclusion on effects

21. Having considered the statutory context, it is submitted that Plan Change 52 clearly implements the higher order provisions of the ODP, and 'fits' within that

[7] *Appealing Wanaka Inc v Queenstown Lakes District Council* at [89].

operative framework, evidencing this Plan Change to be the most effective and efficient use of the Mt Cardrona Station land resource.

22. Weighing all of the matters outlined above, and traversing the detailed objective and policy assessments tabled, it is clear that Plan Change 52 would achieve integrated management of the resource of Wanaka. For the more detailed planning assessment supporting that conclusion, I refer to and rely on the evidence, AEE and section 32 assessment prepared by Mr Brown, and the Council's s42a assessment prepared by Mr Bryce.

Specific Issues

Sports Field

23. In PC52 as publicly notified, Structure Plans A, C and D included a hatched rectangle identified in the relevant Legends as *'Indicative Sports Field'* or '*Sports Field (130m x80m)'*. That indicative sports field is located in the southernmost corner of the MCSSZ, adjacent to the Pringles Creek Rural Lifestyle residential area.

24. A number of submissions lodged to PC52 by Pringles Creek residents opposed that indicative sports field and requested that it be deleted.

25. The s.42A Report considers the submission point and recommends that it be rejected and that the indicative sports field be retained.

26. In the latest version amended PC52 plan provisions lodged with Mr Brown's evidence, the Requester has adopted the outcomes requested by the submitters. The indicative sports field has been deleted from Structure Plans A, C and D. This is the only issue where the Requester's position differs from the outcomes recommended in the s.42A Report.

27. The Requester does not have a strong view on this issue, and is happy to leave it to the Commission to decide whether the indicative sports field should be reinstated.

28. The Commission may consider some or all of the following factors to be relevant to this issue:

    a. PC52 Structure Plans A, C and D (in relation to this issue) reflected the equivalent operative Structure Plans, ie: PC52 did not promote any change to the structure plans in relation to this issue.

    b. There is no reference to this indicative sports field anywhere in the operative MCSSZ objectives, rules or assessment matters. The only relevant references are:

i. A generic reference in Policy 4.14 (relating to Activity Area 6) to '*...potential sports fields.*'

ii. A reference in the (now deleted) 'Explanation and Principal Reasons for Adoption' (in relation to Activity Area 6) to '*...potential sports fields located within the Indicative Education Precinct*'.

iii. The references on Structure Plans A, C and D to an indicative sports field.

c. Under both the operative MCSSZ and the proposed PC52 amended MCSSZ, parking within Activity Area 6 (other than in relation to construction) is a prohibited activity. Under the operative MCSSZ, there was an Activity Area 3b (for Educational and Community Facilities) adjoining the indicative sports field, so presumably parking could have been provided within Activity Area 3b. Activity Area 3b has now been deleted and replaced by residential Activity Area 2a. The utility of a sports field in an area where car parking cannot be provided may be questionable.

29. Attached to these submissions in Appendix A are amended versions of Structure Plans A and C which have the indicative sports field reinstated (there does not seem to be much point in inserting it into Structure Plan D which is a Planting and Earthworks Mitigation Plan). If PC52 is confirmed, the Commission can decide which version of Structure Plans A and C it prefers.

Gondola

30. Some parts of the s.42A Report suggest that PC52 seeks to include within the MCSSZ a provision for construction of components of a gondola system, as if that were something new within the zone. Any such suggestion is not correct. The operative MCSSZ includes provision for what is effectively a gondola base station, and the lowest section of a gondola system, as a discretionary activity. PC52 seeks to change the activity status from discretionary to controlled. This issue arises from the consenting history of gondolas in this district and from submissions lodged to the District Plan Review (**DPR**).

31. 9-10 years ago consents were issued for a gondola from the Cardrona Valley floor up to the Snow Park and for a gondola from the Matukituki Valley floor up to Treble Cone ski field. Both consents have a 10 year term. Neither consent has been implemented. Those consents have either expired or are about to expire. In each case, the consent process was lengthy and expensive, in part due to the fact that the District Plan does not anticipate or provide for gondolas. As a consequence, the planning status of a gondola is uncertain.

32. A number of submissions have been lodged to the DPR seeking to resolve these legal uncertainties and seeking to obtain controlled activity status either for gondolas generally or (in the case of MCS) for a specific gondola commencing either within or adjacent to the MCSSZ and providing gondola access up to the Cardrona ski field.

33. Attached to these legal submission in Appendix B, is a plan showing an indicative gondola route (being a plan which has been presented in the DPR hearings). That indicative gondola could be a single stage gondola with its lower terminus slightly above the MCSSZ or a two-stage gondola system with its lower terminus within the MCSSZ or a single-stage gondola system with its lower terminus within the MCSSZ (that last option being unlikely).

34. DPR hearings in relation to this issue have concluded, but the outcome will not be known until the first half of 2018. At this stage, taking into account recommendations made by Council staff involved in the DPR hearings, the consent status of a gondola, such as that which is indicatively shown on the plan in Appendix B, would likely be either restricted discretionary or controlled (outside the MCSSZ).

35. The provision in PC52 for the consent status of a gondola system within the MCSSZ to change from discretionary to controlled therefore effectively mirrors what MCS is seeking to achieve through the DPR. One primary issue relating to a gondola is that the overall status of the entire gondola will depend upon the most restrictive consent status of any part of the gondola. MCS is seeking to avoid the possible outcome that the significant majority of a gondola located within the Rural zone (and Ski Area Subzone) is controlled while the small part of a gondola located within the MCSSZ is discretionary. That would lead to an illogical outcome whereby the discretionary status of the lowest (least sensitive in landscape terms) section of the gondola would trigger discretionary activity status for the entire gondola.

36. Obviously the corollary applies. If the consent status is controlled within the MCSSZ, but is restricted discretionary or discretionary outside the MCSSZ as a consequence of the DPR hearings, then the entire gondola will have the more restrictive consent status. Because of that particular situation I submit that the Commission need not have any particular concern about the change in consent status of a gondola within the MCSSZ.

37. This is not a significant issue for the Requester. It is more a matter of seeking to avoid a potential inconsistency between zones which could not be addressed in the DPR because the MCSSZ is excluded from the DPR.

Submission by Ian Leslie and Toni Rasmussen

38. The submission lodged by Ian Leslie and Toni Rasmussen requests three specific points of relief:

    a. That Activity Area 6, between the Southern Neighbourhood and the Pringles Creek boundary, is '*...redesignated Reserve Area solely for the purposes of open space...*';

    b. Removal of the indicative sports field from this area

    c. Effective zone rules and objectives that ensure the protection of watercourses outside the MCSSZ where they will be affected by activities occurring within the MCSSZ and target water efficiencies across the zone to reduce water demand.

39. I address these 3 issues separately.

    That Activity Area 6, between the Southern Neighbourhood and the Pringles Creek boundary, is '...redesignated Reserve Area solely for the purposes of open space...'

40. The Leslie/Rasmussen Submission expresses a variety of concerns about a range of potential outcomes within Activity Area 6 including buildings and structures, vehicle movement, noise, light, and other unspecified activities (presumably including the recreational activities which could be carried out on a sports field).

41. The following provisions of the MCSSZ (as operative and/or as proposed under PC52) could be considered relevant to those concerns:

    a. Under Rule 12.22.2.4 (both as operative and as proposed) the only buildings enabled within Activity Area 6 are buildings relating to one recycling station and one gas storage facility and buildings associated with a gondola. All other buildings are noncomplying.

    b. Parking of vehicles within Activity Area 6 (other than for construction purposes), is a prohibited activity (both as operative and as proposed).

    c. Additional provisions are proposed controlling light spill into the night sky.

42. Taking into account the matters detailed in the previous paragraph, and subject to the following paragraph relating to a gondola, the Commission could conclude that the concerns expressed in the Leslie/Rasmussen Submission are unfounded.

43. In preparing these submissions Counsel has appreciated that there is a theoretical possibility of a gondola base station being located in the specific Activity Area 6 adjoining the southern boundary which is subject to the concerns raised in the Leslie/Rasmussen Submission, even though the submission does not raise that concern. For a number of practical reasons the likelihood of a gondola base station being located within that particular Activity Area 6 is remote. If it is considered necessary to address this particular issue, the Requester would have no problem with this particular Activity Area 6 being renumbered as 6a with consequential amendments being made to the relevant rules to exclude the possibility of any part of a gondola system being located within Activity Area 6a.

Removal of a sports field from this area

44. I have already addressed this issue. The Requester leans towards the submitter's position on this issue, but has no particular concern about either possible outcome.

Effective zone rules and objectives that ensure the protection of watercourses outside the MCSSZ where they will be affected by activities occurring within the MCSSZ and target water efficiencies across the zone to reduce water demand.

45. The Requester's position on this issue can be summarised as follows:

    a. The Requester holds Water Permit 2009-191 referred to in the Leslie/Rasmussen submission (and also in the letter from Tom Heller of GeoSolve dated 10 April 2017 which forms part of the Further Submission lodged by the Requester) together with Water Permit 2009-435;

    b. The Requester is entitled to take and use water, as authorised by those Water Permits, for the purposes of the existing operative MCSSZ. That situation remains unchanged under the proposed amended MCSSZ.

    c. Water Permit 2009-191 authorises a water take for residential/village related activities for a development potentially comprising 500 residential dwellings, 385 apartments and 200 hotel rooms. That is a theoretical maximum extent of development which is unlikely to ever be achieved, primarily due to the fact that extensive development of apartments in this location requirement for the consent holder is unlikely. The proposed inclusion of the golf course will reduce the area of land available for building development, although that is partially offset by an increase in density in Activity Areas 3 and 4. The theoretical development capacity is reduced. The practical development capacity remains largely similar under PC52 as was the case under

PC18. In either case MCSSZ has entitlements to potable and irrigation water adequate for the needs of the zone.

d. It must be assumed that the values of Pringles Creek are protected by the Residual Flow Requirement specified in these Water Permits which authorise extraction of water from Pringles Creek. That situation remains unchanged.

e. Water Permit 2009-161 includes a requirement for the consent holder to promote the efficient use of water by all users.

f. Issues relating to the Water Permits are outside the jurisdiction of this hearing.

g. Mr Tom Heller will be available to answer any questions relating to water supply.

Wastewater Disposal

46. MCS holds Consent RM061036.02 authorising the construction of buildings for effluent treatment, and Consent 2009.348 authorising the discharge of up to 2164m^3 per day wastewater to land. In relation to those consents:

    a. 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;

    b. RM061036.02 expires on 12 January 2019. There is no reason to anticipate any problem obtaining an extension, although that may be subject to e below.

    c. Consent 2009.348 expires on 15 July 2045.

    d. Consent 2009.348 was deliberately obtained to authorise a discharge amount sufficient to cater for the MCSSZ, the Cardona Ski Field, and the Cardrona Village. The MCSSZ requirement is only about 1/3 of the consented discharge volume.

    e. The Council has now been deliberating for a number of years over the best long term solution for wastewater disposal for the Cardona area. The two primary options under consideration have been the use of the MCS consents to create a communal disposal field, operated by the Council, or the construction of a pipeline to take wastewater from Cardona down the Cardona Valley to the Project Pure wastewater treatment plant in Wanaka. It is understood that the Council is now favouring the former option and intends to have discussions with MCS

about taking over responsibility for the MCS consents (Mr Morton can clarify this).

f. Assuming the MCS consents are implemented, the choice of treatment plant is a matter for future engineering advice and decision, particularly if the Council is involved. There is a range of options.

g. The Requester's position is therefore that the Requester holds the requisite authorisations to dispose of considerably more than the volume of wastewater which will be generated by the MCSSZ. The Requester is fully in control of that situation. All that is required is engineering design and practical implementation.

47. Mr Rob Potts is available by telephone to answer any questions relating to wastewater disposal. Any answers would likely be generic, because no specific system is as yet proposed, and Mr Potts has only recently become involved in this project.

48. Mr Ulrich Glasner, Council's Infrastructure Manager, will be available at midday to answer any questions by telephone if the Panel wishes to seek some clarification as to the Council's position.

Evidence

49. I refer to and adopt as evidence for the Requestor, the s42a Report in its entirety except as discussed above.

50. Evidence will be presented by the witnesses for the Requestor, as detailed in the Table already provided.

Dated this 11th day of June 2017

Warwick Goldsmith / Rosie Hill

Counsel for Mt Cardona Station Limited

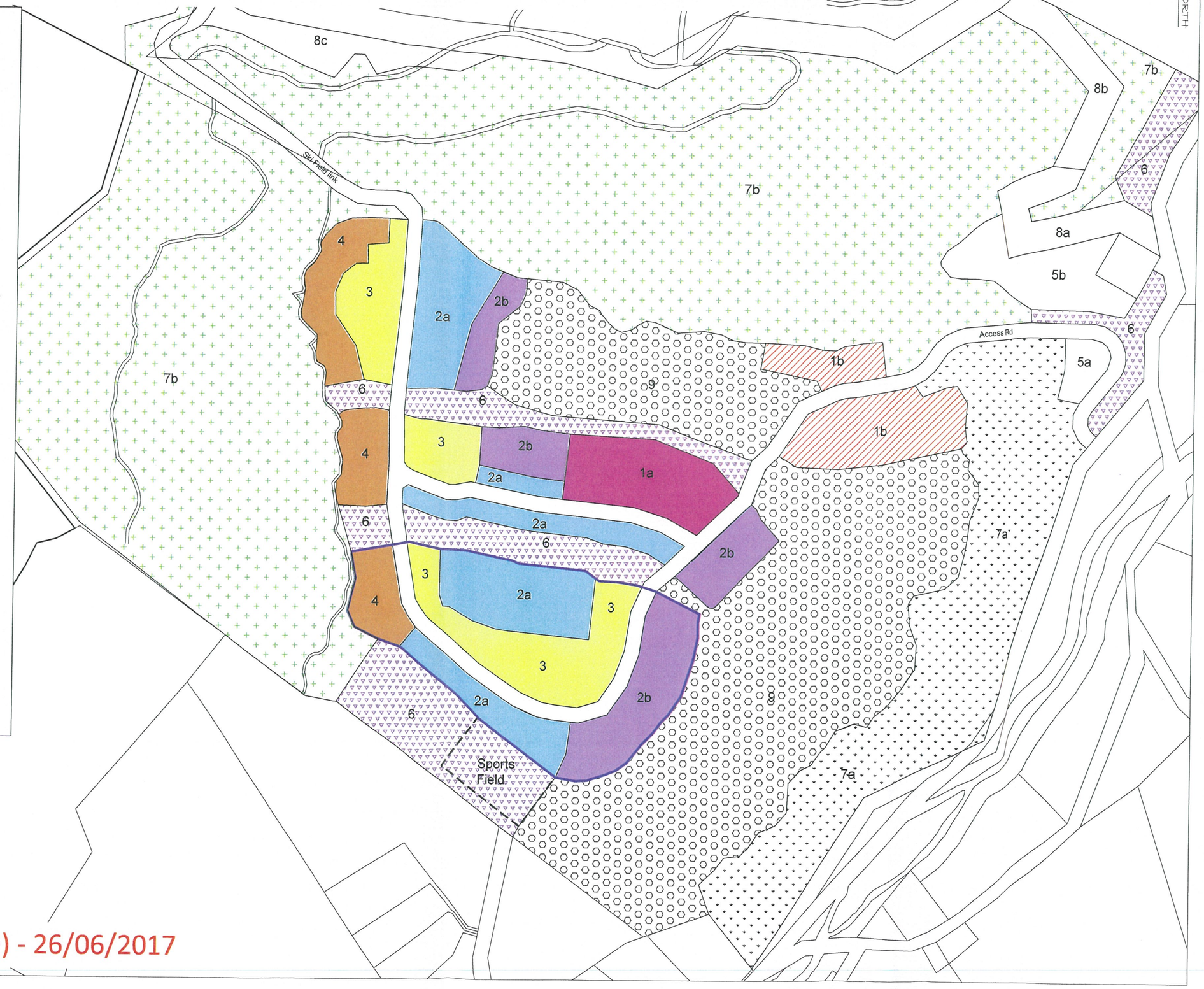
Appendix A - Amended versions of Structure Plans A and C

STRUCTURE PLAN A - MT CARDRONA STATION STRUCTURE PLAN

LEGEND
Activity Areas

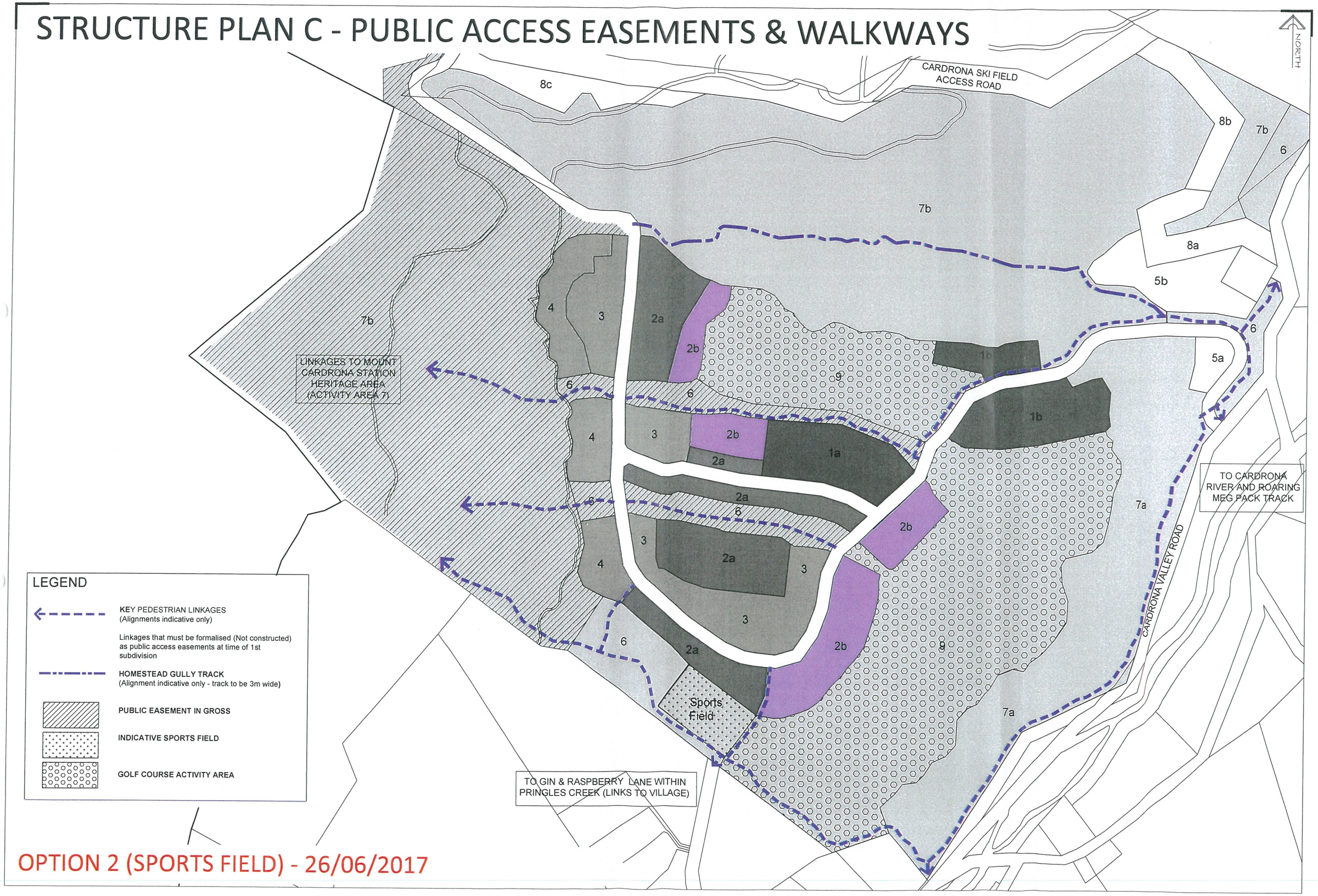
- Activity Area 1a - Hotel / Village square — 2.71ha
- Activity Area 1b - High Density Living / Visitor Accommodation — 1.94ha
- Activity Area 2a - Higher density living — 5.90ha
- Activity Area 2b - Higher density living / Golf course frontage — 4.07ha
- Activity Area 3 - Medium density living. — 4.44ha
- Activity Area 4 - Lower density living. — 2.77ha
- Activity Area 6 - Commonage. — 8.27ha
- Activity Area 7a - Escarpment. — 10.63ha
- Activity Area 7b - Heritage. — 59.44ha
- Activity Area 9 - Golf activities. — 21.84ha
- Indicative sports field.
- Southern neighbourhood.

Activity Area 5a - Woolshed site	0.41ha
Activity Area 5b - Homestead site	1.72ha
Activity Area 8a - Ski Area access & activities	
Activity Area 8b - Ski Area access road	
Activity Area 8c - Carpark area	1.31ha



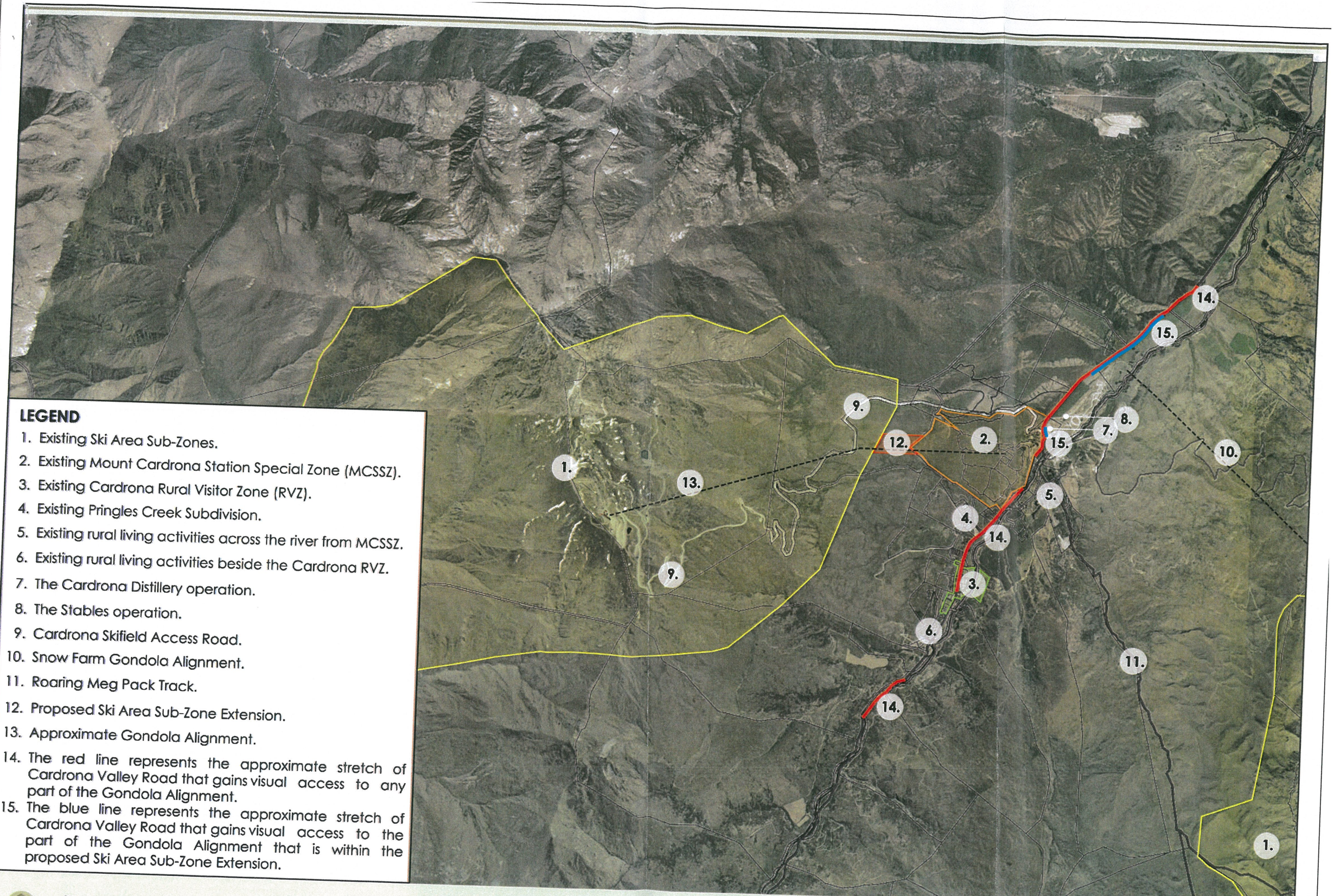
OPTION 2 (SPORTS FIELD) - 26/06/2017

STRUCTURE PLAN C - PUBLIC ACCESS EASEMENTS & WALKWAYS



OPTION 2 (SPORTS FIELD) - 26/06/2017

Appendix B – Indicative Gondola Route



LEGEND

1. Existing Ski Area Sub-Zones.
2. Existing Mount Cardrona Station Special Zone (MCSSZ).
3. Existing Cardrona Rural Visitor Zone (RVZ).
4. Existing Pringles Creek Subdivision.
5. Existing rural living activities across the river from MCSSZ.
6. Existing rural living activities beside the Cardrona RVZ.
7. The Cardrona Distillery operation.
8. The Stables operation.
9. Cardrona Skifield Access Road.
10. Snow Farm Gondola Alignment.
11. Roaring Meg Pack Track.
12. Proposed Ski Area Sub-Zone Extension.
13. Approximate Gondola Alignment.
14. The red line represents the approximate stretch of Cardrona Valley Road that gains visual access to any part of the Gondola Alignment.
15. The blue line represents the approximate stretch of Cardrona Valley Road that gains visual access to the part of the Gondola Alignment that is within the proposed Ski Area Sub-Zone Extension.

REF: 1022 - APP 1
DATE: 27.03.2017
SCALE: NOT TO SCALE

APPENDIX 1:

Existing and Proposed Activities within the Cardrona Valley
Cardona Ski Area Sub-Zone, Cardrona

vivian+espie
resource management and landscape planning
vivian+espie Limited Resource Management and Landscape Planning
PO Box 2514 Queenstown
Physical Address Unit 15 70 Glenda Drive Frankton Queenstown
Tel +6434414189 Fax +64 3 441 4190 Web www.vivianespie.co.nz