

Memorandum

Date 26 June 2017
To PC 52 Hearing Panel
From Warwick Goldsmith
Subject Lodgement of Evidence – Request for Directions

1. This Memorandum is lodged on behalf of the Requester Mt Cardrona Station Limited for the purpose of:
 - a. Lodging the evidence which accompanies this Memorandum;
 - b. Explaining the basis upon which the evidence has been prepared;
 - c. Requesting Directions from the Panel concerning witnesses;
 - d. Clarifying one incorrect statement in the s.42A Report;
 - e. Providing an explanation regarding some proposed further amendments to the PC52 plan provisions.

Evidence

2. PC 52 is a relatively non-contentious plan change. Submissions have been lodged raising a number of specific issues, but no submission requests that the plan change be declined. The s.42A Report is largely supportive. The s.42A Report makes recommendations in support of a number of issues raised by the Submitters. The Requester agrees with almost all of the recommendations detailed in the s.42A Report.
3. Given the matters detailed in the previous paragraph, there now remain only a few relatively minor matters which are in contention and in respect of which evidence may be lodged. Even then, it appears unlikely that significant amounts of evidence will be presented to be dealt with at the hearing.
4. Counsel sees little point in commissioning detailed evidence for a hearing when that evidence will largely repeat matters and detail already contained in the PPC Request and/or dealt with in the s.42A Report. As a consequence, Counsel has instructed

Warwick Goldsmith

93 Hansen Road, Queenstown, New Zealand (NO postal delivery)
M: +64 21 220 8824

preparation of only two additional briefs of evidence for the hearing, both of which accompany this Memorandum, as follows:

- a. A very short brief of landscape evidence by Ben Espie which summarises the landscape evidence presented in the PPC Request;
- b. A relatively short brief of planning evidence by Jeff Brown which briefly summarises the planning evidence presented in the PPC Request, addresses the National Policy Statement on Urban Development Capacity 2016 which was not in force when the PPC Request was lodged, and addresses Part Two of the Act.

Witnesses

5. In the normal course of events one would expect all authors of reports which form part of the PPC Request to be present at the hearing, even if they do not present additional evidence, in order to answer any questions which the Panel may wish to ask. In this case we are dealing with a considerable number of potential witnesses, some of whom come from out of town and five of whom currently plan to be either away on leave or overseas on the date of the hearing. Set out below are the circumstances relating to each witness. Counsel requests the Panel to consider the matters detailed below. Counsel then respectfully requests Directions from the Panel in relation to each witness addressed below as to:
 - a. Whether the Panel requires that witness to be present at the hearing;
 - b. If not required to attend the hearing, whether that witness is required to make arrangements to answer questions by telephone.
6. The circumstances of each potential witness, and comments in relation to their evidence, are as follows:
 - a. Greg Turner provided the Report in relation to golf as a destination and marketing asset which forms part of the PPC Request. His evidence is not at all contentious and has hardly been referred to (if at all) in the s.42A Report. Greg would have to travel from Europe to attend the hearing.
 - b. Fraser Colegrave of Insight Economics prepared the Economic Impact Assessment which forms part of the PPC Request. His evidence is not contentious and is barely referred to in the s.42A Report. Fraser will be overseas during the hearing.
 - c. Ian Munro has prepared the Urban Design Report which forms part of the PPC Request. No issues have been raised in relation to urban design by the submitters or by the author of the s.42A Report. Ian would have to travel from out of the District to attend the hearing.

Warwick Goldsmith

93 Hansen Road, Queenstown, New Zealand (NO postal delivery)

M: +64 21 220 8824

- d. Chris Rosenbrock supplied the one page Report on behalf of KTKO Limited in relation to impacts on cultural values which forms part of the PPC Request. His evidence is uncontentious and does not give rise to any issues in the s.42A Report. Chris would have to travel from out of the District to attend the hearing.
- e. Neill Simpson prepared the one page Addendum to the original PC18 Ecological Report 2006. The one page Addendum forms part of the PPC Request. No ecological issues have been raised in the s.42A Report. Neill is overseas and does not return until 24 July. He is contactable by email, and might have intermittent cellphone coverage.
- f. Ben Espie prepared the Landscape and Visual Assessment Report which forms part of the PPC Request. No landscape or visual amenity issues have been raised by submitters, or in the s.42A Report, other than in relation to matters which have been addressed in the s.42A Report and which are acceptable to the Requester (such as additional controls on night time illumination). Ben currently has plans to be away on a week's holiday with his family in the Catlins during the week in which the hearing is to be held. Ben has been under considerable pressure over recent months in relation to the District Plan Review hearings, and would prefer not to have to cut that week's family holiday short if that can be avoided. He could easily make arrangements to be available to answer questions by telephone.
- g. Angela Middleton prepared the Heritage Report which forms part of the PPC Request. There are no heritage related issues raised in submissions or in the s.42A Report which have not been addressed in the s.42A Report by recommendations which are acceptable to the Requester. Angela currently has plans to be overseas from 30 June to 18 July. She could probably make arrangements to answer questions by telephone if required.
- h. Chris Rossiter prepared the eight page Transportation Report which forms part of the PPC Request. There are no transport related concerns in relation to PC52, and no transport related issues are raised in the s.42A Report. Chris would have to travel from out of the District to attend the hearing.
- i. A Geotechnical Hazards Report prepared by GeoSolve forms part of the PPC Request. The s.42A Report does not raise any geotechnical related concerns. A local representative of GeoSolve could attend the hearing if required.
- j. Glenn Davis prepared the Preliminary & Detailed Site Investigation in relation to land contamination issues which forms part of the PPC Request. No land contamination issues are raised in the s.42A Report. Glenn is local and could attend the hearing if required.

Warwick Goldsmith

93 Hansen Road, Queenstown, New Zealand (NO postal delivery)

M: +64 21 220 8824

- k. PC52 does not raise any servicing or infrastructure related issues because the general capacity for development within the zone remains similar to what has already been zoned (and if anything could be a little less). No Infrastructure Report was included in the PPC Request, and the s.42A Report does not raise any infrastructure issues. A representative of a local engineering firm could attend the hearing to answer questions about infrastructure if required.
 - l. Jeff Brown prepared the Planning Report in the PPC Request and the accompanying additional brief of planning evidence. Jeff will attend the hearing.
 - m. One or more representatives of the Requester will attend the hearing.
7. It will be clear from the above that this hearing will not require the two days set down, and will be complete inside one day.

Clarification

8. Paragraph 4 on page 9 of the s.42A Report refers to the potential for '*...the establishment of up to four international brand hotel operations...*' That statement reflects a misunderstanding of a statement in paragraph 7 on page 4 of the Request which refers to expressions of interest from four international brand hotel operators to establish a 4 plus star facility within the MCSSZ. The Economic Report and the Transportation Assessment reach their conclusions (where relevant) on a potential for 140 hotel rooms, which would likely be contained within one hotel.

PC52 Plan Provisions

9. Appendix A to the s.42A Report contains a multi-track changed document containing the Mt Cardona Station Special Zone (**MCSSZ**) plan provisions and the relevant Chapter 15 Subdivision planning provisions. That document records (in three different colours):
- a. Amendments to the MCSSZ provisions requested by Council (at an early stage of the District Plan Review , to bring the MCSSZ provisions more in line with the anticipated format of the DPR;
 - b. Amendments proposed by the Requester;
 - c. Amendments proposed as result of recommendations in the s.42A Report.
10. Counsel has reviewed the Appendix A document from beginning to end. That review uncovered some incorrect rule cross-references, some minor matters of drafting

Warwick Goldsmith

93 Hansen Road, Queenstown, New Zealand (NO postal delivery)

M: +64 21 220 8824

which need to be tidied up, and some minor issues of consistency between provisions which could be tidied up if there is jurisdiction to do so.

11. In relation to the last category of issues discussed in the previous paragraph, Counsel wonders whether the Panel may have delegated authority, in addition to making a recommendation about PC52 (within jurisdiction), to make a separate recommendation (if considered appropriate) to Council to make minor amendments to the MCSSZ zone provisions under s.20A of the First Schedule of the Act.
12. As a consequence of matters raised in the previous two paragraphs, the latest version PC52 plan provisions which accompanies Mr Brown's evidence contains a fourth set of amendments, made since receipt and review of the s.42A Report, which are all highlighted in yellow.
13. Addressing each of the yellow highlighted amendments in detail in written evidence would have led to a somewhat lengthy, and potentially confusing, brief of evidence. Mr Brown has been instructed not to do that. Instead Counsel and Mr Brown propose to take the Panel through those yellow highlighted amendments in detail during the hearing when Mr Brown presents his evidence. Most of them are relatively minor, but some require a degree of explanation which in turn requires having the entire document and being able to cross-reference different parts of the document.
14. Mr Brown's evidence also includes a clean set of plan provisions, with all four categories of amendments accepted, so that the Panel has a clean set to refer to. It can be easier to follow plan provisions, and identify issues, without the confusion of multiple track changes.

Note: Structure Plans A, B and D have had minor errors corrected.

15. Counsel respectfully requests the Directions referred to in Paragraph 5 above. In doing so, Counsel does not downplay the importance of evidence being tested if required. However considerations of cost efficiency, in this circumstances of this case, warrant that request being made.



Warwick Goldsmith
Barrister

Warwick Goldsmith

93 Hansen Road, Queenstown, New Zealand (NO postal delivery)

M: +64 21 220 8824