

Appendix B - A copy of the Appellant's submission and further submissions

Queenstown Lakes District Council

Proposed District Plan - Submission Form

Clause 6 of First Schedule, Resource Management Act 1991
FORM 2

Correspondence to:
Attn: Submission Team
Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

For office use only

Submission No:

Receipt Date:

1. Submitter details:

Full Name of Submitter: MOUNT CARDRONA STATION LIMITED (“MCS”)
Address for Service: C/- Brown & Company Planning Group, PO Box 1467, QUEENSTOWN
Email: office@brownandcompany.co.nz
Contact Person: J Brown / A Hutton

2. Scope of submission

2.1 This is a submission to the Queenstown Lakes District Proposed District Plan (“PDP”), notified 26 August 2015

2.2 Matters raised in the submission:

The submission seeks to modify the PDP to achieve:

- (a) the better integration of ski area subzones with nearby operative urban and resort zones;
- (b) a gondola link between the village precinct within the Mount Cardrona Station Special Zone and the Cardrona Ski Area Sub Zone, to better and more efficiently provide for the transportation of skiers, snowboarders, staff and other users of the ski area subzone;
- (c) a wide range of recreational activities within Ski Area Sub Zones on an all year round basis;
- (d) permitted or controlled activity status for Ski Area Activities within Ski Area Subzones, subject to appropriate standards;
- (e) better clarity in relation to interpretation of definitions and provisions relevant to Ski Area Sub Zones.

2.3 The specific provisions that my submission relates to are:

- (a) Chapter 2: Definitions – definition of “Ski Area Activities”;

- (b) Chapter 3: Strategic Direction – Objective 3.2.1.4, Objective 3.2.1.5 and Policies 3.2.5.5.1 and 3.2.5.5.2;
- (c) Chapter 6: Rule 6.4.1.3(a);
- (d) Chapter 21: Rural zone – Zone Purpose 21.1, Objective 21.2.1 and Policy 21.2.1.1; Objective 21.2.6 and Policies 21.2.6.1 – 21.2.6.4; Objective 21.2.10 and Policies 21.2.10.1 – 21.2.10.3; Rule 21.3 and Table 1 (Rule 21.4.18), Table 3, and Table 7 (Rules 21.5.27 and 21.5.28);
- (e) Proposed Planning Maps: Map 10 (Skippers, Macetown, Cardrona); and Map 24 (Cardrona, Albert Town)
- (f) Any other provisions relevant to the matters raised in this submission described in Part 2.2 above.

2.4 Chapter 2: Definitions

2.4.1 MCS SUPPORTS the definition of Ski Area Activities but seeks the following modifications:

- (a) Insert a new definition for “*Passenger Lift Systems*” as follows:

Passenger Lift Systems	Lift	<u>Means any mechanical system used to convey or transport passengers within or to a Ski Area Sub-Zone, including chairlifts, gondolas, T-bars and rope tows, and including all moving, fixed and ancillary components of such systems such as towers, pylons, cross arms, pulleys, cables, chairs, cabins, and structures to enable the embarking and disembarking of passengers.</u>
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- (b) Modify the definition of “*Ski Area Activities*” as follows:

Ski Area Activities	<p><i>Means the use of natural and physical resources for the purpose of providing for:</i></p> <p>(a) <i>recreational activities either commercial or non commercial.</i></p> <p>(b) <i>chairlifts, t-bars and rope tows to facilitate commercial recreational activities.</i> <u>passenger lift systems</u></p> <p>(c) <i>use of snowgroomers, snowmobiles and 4WD vehicles for support or operational activities.</i></p> <p>(d) <i>activities ancillary to commercial recreational activities.</i></p> <p>(e) <i>in the Waiorau Snow Farm Ski Area Sub Zone vehicle and product testing activities, being activities designed to test the safety, efficiency and durability of vehicles, their parts and accessories.</i></p> <p><u>(f) buildings for or ancillary to the activities in (a) – (e) above</u></p>
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2.4.2 Reasons for the submission:

- (a) Clause (b) of the definition of Ski Area Activities should include the term “gondola” (being a covered or semi-covered pod or small cabin suspended from a moving cable). Gondolas are a viable means of efficiently transporting large numbers of people to, from and within ski area subzones while protecting them from the elements, significantly reducing vehicle traffic to the ski area subzone facilities, and reducing the need for large expanses of vehicle parking within operational parts of the ski area subzone.
- (b) It is unclear from the Chapter 21 rules whether buildings for the purpose of accommodating Ski Area Activities or ancillary to Ski Area Activities are provided for in the definition or not. The addition of clause (f) clarifies this, and gives better effect to Chapter 21 – Rule 21.5 – Table 7 (Rule 21.5.27).

2.5 Chapter 3: Strategic Direction

2.5.1 Goals, objectives and policies:

- (a) MCS **SUPPORTS** the goals, objectives and policies in Chapter 3.2, but seeks modifications as follows:

Objective 3.2.1.4 ~~Recognise the potential for rural areas to diversify their land use beyond the strong productive value of~~ **traditional rural activities including** farming, provided a sensitive approach is taken to rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests.

...

Objective 3.2.5.5 Recognise that agricultural land use **and other activities that rely on rural resources** ~~is~~ **are** fundamental to the character of our ~~landscapes~~ **rural areas**.

Policies 3.2.5.5.1 Give preference to farming ~~activity~~ **and other activities that rely on rural resources** in rural areas except where it conflicts with significant nature conservation values.

3.2.5.5.2 Recognise that the retention of the character of rural areas is often dependent on the ongoing viability of **activities that rely on rural resources and other** farming and that evolving forms of agricultural **and other** land uses which may change the ~~landscape~~ **character** are anticipated.

- (b) The reasons for the support and the modifications are:
 - (i) An over-arching strategic direction is necessary to provide the foundation themes and overall framework for the subsequent chapters of the District Plan. Chapter 3 adequately achieves this direction particularly in relation to how the District Plan will manage the rapid population growth of the District and the effects of population growth on the District’s natural and physical resources.
 - (ii) Objective 3.2.5.5 and its allied policies overly emphasise the importance of farming activities and do not recognise other important natural factors and processes and human activities that have shaped the character of the District. The Ski Area Sub Zones are a key example of how non-farming activities utilise rural resources and are an important aspect of existing character of rural areas.

- (iii) The proposed modifications remedy this by including, along with farming, other activities that rely on rural resources as being fundamental to the character of rural areas.
- (iv) The character of the rural area derives from a range of factors, not just landscape.

2.6 Chapter 6: Landscapes

2.6.1 Rule 6.4.1.3 Landscape Category – Ski Area Sub Zones

- (a) MCS OPPOSES Rule 6.4.1.3(a) and seeks the following modification:

6.4.1.3 *The landscape categories do not apply to the following within the Rural Zones:*

- a. ~~Ski Area Activities within~~ The Ski Area Sub Zones.

- (b) The reasons for the opposition and the modifications are:

- (i) The Operative District Plan excludes Ski Area Sub Zones from the landscape categories. Rule 6.4.1.3(a) carries that exemption forward but amends it to read "*Ski Area Activities within the Ski Area Sub Zones*". This amendment effectively means that the landscape categories apply to some activities within Ski Area Sub Zones but not to other activities within Ski Area Sub Zones. That does not make sense.
- (ii) All of the other exclusions in Rule 6.4.1.3 apply to identified areas of land, not to activities. That is logical and understandable, because a landscape category applies to land, not to activities. The same should apply within the Ski Area Sub Zones.

2.7 Chapter 21: Rural Zone

2.7.1 Zone Purpose and objectives 21.2.1 – 21.2.5 and associated policies

- (a) MCS **SUPPORTS** these provisions but seeks modifications as follows:

21.1 Zone Purpose

*The purpose of the Rural zone is to enable farming activities **and other activities that rely on rural resources** while protecting, maintaining and enhancing landscape values, nature conservation values, the soil and water resource and rural amenity.*

*A wide range of productive activities occur in the Rural Zone ~~and~~. ~~Because~~ the majority of the District's distinctive landscapes comprising open spaces, lakes and rivers with high visual quality and cultural value are located in the Rural Zone, there also exists **a wide range of the desire for rural living, recreation, commercial and tourism activities and the desire for further opportunities for these activities.***

...

- 21.2.1 **Objective** *Enable farming, **permitted other activities that require a rural location** and established activities while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.*

Policies **21.2.1.1** *Enable farming **and other activities that require a rural location and other established** activities while protecting, maintaining and enhancing the values of indigenous biodiversity, ecosystem services, recreational values, the landscape and surface of lakes and rivers and their margins.*

(b) The reasons for the support and the modifications are:

- (i) The Zone Purpose, Objective 21.2.1 and Policy 21.2.1.1 over-emphasise the importance of farming activities and do not recognise that many other activities require a rural location because they rely on rural resources, such as ski area activities. The proposed modifications remedy this by enabling, along with farming, other activities that rely on rural resources.
- (ii) Farming is one method for utilising rural resources, but its long term economic future, in many rural parts of the District, is uncertain. Other activities that require a rural location, such as ski area activities, may better provide economic wellbeing for landowners and the wider community and therefore should also be enabled and should be on at least an equal footing with farming.
- (iii) Because of their over-emphasis on farming, these provisions are inconsistent with other provisions that directly promote diversification of the use of rural resources. Examples of other such provisions are:
- 21.1 – Zone Purpose: second and third paragraphs;
 - Objective 21.2.6 and allied policies, regarding Ski Area Sub Zones;
 - Objective 21.2.10 and allied policies, regarding diversification of farms (subject to the modifications in Part 3.5.3 below).

2.7.2 Objective 21.2.6 and associated policies relating to Ski Area Sub Zones

(a) MCS **SUPPORTS** the objective and policies and seeks modifications as follows:

21.2.6 Objective *Encourage the future growth, development and consolidation of ~~existing Ski Areas~~ **ski area activities within identified Sub Zones, and their integration with urban zones,** while avoiding, remedying or mitigating adverse effects on the environment.*

Policies **21.2.6.1** *Identify Ski ~~Field~~ **Area** Sub Zones and encourage Ski Area Activities to locate and consolidate within the sub zones.*

21.2.6.2 *Control the visual impact of roads, buildings and infrastructure associated with Ski Area Activities.*

21.2.6.3 *Provide for the continuation of existing vehicle testing facilities within the Waiorau Snow Farm Ski Area Sub Zone on the basis the landscape and indigenous biodiversity values are not further degraded.*

21.2.6.4 *Provide for appropriate alternative (non-road) means of transport to Ski Area Sub Zones from*

nearby urban resort zones and facilities including by way of gondolas and associated structures and facilities.

- (b) The reasons for the support of the objectives and policies are:
- (i) The ski area activities carried out within ski area sub zones are a significant contributor to the District's international and national image and its economic wellbeing.
 - (ii) The Ski Area Sub Zone objective and policies afford protection to ski area activities, and provide for their ongoing development, growth and viability while adequately managing the potential effects of the ski area activities on the environment.
 - (iii) There is capacity for significant growth of activities within existing ski sub zone boundaries and growth and consolidation of activities within these boundaries is an efficient way to minimise the adverse effects of ski area activities on the surrounding rural environment.
- (c) The reasons for the additions and amendments to Objective 21.2.6 and the new Policy 21.2.6.4 are:
- (i) Ski Area Sub Zones provide for all year round recreational activities. The wording of the relevant plan provisions should reflect this.
 - (ii) There are opportunities for better connectivity between ski areas and nearby urban resort zones and facilities, to take advantage of the compatibility between the activities in the two areas and to remove or significantly reduce the need for vehicle access from valley settlements to the ski area activity facilities. In many other alpine recreational areas overseas, including Europe, North America and Asia, gondolas are the primary means of access to ski areas.
 - (iii) Gondola access significantly improves the overall energy performance and efficiency of the ski area sub zone by replacing the (typically) tens of thousands of car and bus trips taken every year (by skiers, boarders, staff and other winter and non-winter users) up and down the steep, winding and unsealed roads to and from the ski area activity facilities. Overall air emissions are reduced by replacing the roads with gondolas as the primary means of ski area access. Road hazards and safety risks are significantly diminished also.
 - (iv) Road access to ski area sub zones typically involves significant cutting and filling to create a road corridor. The scars are visible from wide areas and the necessary road maintenance ensures that the visibility of the scars persists. Ongoing maintenance and road widening can exacerbate these effects. As the roads are not sealed, the dust from the roads is also typically visible and can have adverse effects on the surrounding ecology and amenity values. Gondolas and their towers, lines and associated structures and facilities are visible and have an impact on the landscape, but they can be located and designed in a manner that is more appropriate within the mountainous landscape and more sensitive (in relation to visibility and landscape impact) than road access.

2.7.3 Objective 21.2.10 and associated policies relating to the potential for diversification of farms

- (a) MCS **SUPPORTS** the objective and policies but seeks modifications as follows.

21.2.10 Objective *Recognise the potential for diversification of rural activities (including farming activities) farms that utilises support the sustainability of the natural ~~or~~ and physical resources of farms rural areas and supports the sustainability of farming activities.*

Policies **21.2.10.1** *Encourage revenue producing activities that can support the long term sustainability of farms in the rural areas of the district.*

21.2.10.2 *Ensure that revenue producing activities utilise natural and physical resources (including buildings) in a way that maintains and enhances landscape quality, character, rural amenity, and natural values.*

21.2.10.3 *Recognise that the establishment of complementary activities such as commercial recreation or visitor accommodation located within farms rural areas may enable landscape values to be sustained in the longer term. Such positive effects should be taken into account in the assessment of any resource consent applications.*

- (b) The reasons for the support and amendments are:
- (i) The notified wording of these provisions follows on from the higher order provisions in Chapter 3 and in Objective 21.2.1 and its allied policies, as discussed in parts 3.2 and 3.4.1 of this submission. In many parts of the District farming is not an economically sustainable activity, and it may remain that way for the foreseeable future.
 - (ii) The modifications seek to ensure that the sustainability applies to the natural and physical resources of the rural areas and is not exclusively about the sustainability of “farming”. Farming is one of many activities that utilise those natural and physical resources. Ski area activities are an environmentally and economically sustainable use of large areas of rural resources.

2.7.4 Rules – Rule 21.3 and specifically Tables 1, 3, 4 and 7

- (a) The rules as they relate to Ski Area Activities are confusing and difficult to follow, as follows:
- (i) There are activities that are permitted subject to standards but the standards that purport to apply are in fact matters for assessment.
 - (ii) It is unclear whether other rules apply, for example whether the generic rules for buildings in the rural zones are also intended to apply to buildings in the Ski Area Sub Zones.
- (b) The modifications suggested in Parts 3.5.5, 3.5.6 and 3.5.7 below endeavour to correct this, based on what is assumed to be the intent of the notified rules.

2.7.5 Rule 21.4 – Table 1 (Rule 21.4.18)

- (a) MCS **SUPPORTS** the permitted status of Ski Area Activities within the Ski Area Sub Zone but seeks the following modifications to Table 1 – Rule 21.4.18:

<i>Table 1</i>	<i>Activities – Rural Zone</i>	<i>Activity Status</i>
...		
21.4.18	<i>Ski Area Activities within the Ski Area Sub Zone that comply with the standards in Table 7.</i>	<i>P</i>
...	...	

- (b) The reasons for the submission are as follows:
- (i) Taking into account the submissions in 3.5.6 and 3.5.7 below relating to the various development standards, the permitted status for Ski Area Activities within the Ski Area Sub Zones provides certainty for applicants while reducing the transaction costs of applications.
 - (ii) The rule as notified (along with other rules which are addressed below) is ambiguous as it does not specify what standards apply in order for an activity to be permitted. By comparison, the equivalent rule for Farm Buildings (Rule 21.4.3) states that the construction or addition to farm buildings that comply with the standards in Table 4 apply. This is clear and certain as to activity, standards and the default status for any breach of the standards.
 - (iii) The ski area activities within the Ski Area Sub Zones that comply with certain standards are permitted. Those standards are set out in Table 7, and Rule 21.4.18 should therefore be modified to clearly state this. The modifications set out above achieve this.

2.7.6 Rule 21.5.17 – Table 3 – Building height (introduction, second column)

- (a) MCS **SUPPORTS** the rule and seeks the following modifications:

<i>Table 3</i>	<i>Standards for Structures and Buildings</i>	<i>Non-Compliance Status</i>
	<i>The following standards apply to structures and buildings, except Farm Buildings <u>and passenger lift systems</u></i>	
...

- (b) The reasons for the submission are:
- (i) As for Rule 21.4.18 Table 1, the wording of Table 3 creates uncertainty about the standards that apply to structures associated with Ski Area Sub Zones.
 - (ii) The rule should be modified in the manner set out above to clarify that structures within Ski Area Sub Zones are exceptions from the general standards applying to structures and buildings, in the same way that farm buildings are exceptions.

2.7.7 Rule 21.4 – Table 7 (Rules 21.5.27 and 21.5.28)

- (a) MCS **OPPOSES** Table 7 – Rules 21.5.27 and 21.5.28 and seeks the following modifications:

Table 7	Standards for Ski Area Activities within the Ski Area Sub Zones	Non-Compliance Status
21.5.27	<p>Construction, relocation, addition or alteration of a building</p> <p><u>Exterior colours of all buildings:</u></p> <p><u>21.5.27.1 All exterior surfaces shall be coloured in the range of browns, greens or greys</u></p> <p><u>21.2.27.2 Pre-painted steel and all roofs or other parts of the structure shall have a reflectance value of not greater than 20%</u></p> <p><u>21.5.27.3 Surface finishes shall have a reflectance value of not greater than 30%</u></p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • Location, external appearance and size, colour, visual dominance. • Associated earthworks, access and landscaping. • Provision of water supply, sewage treatment and disposal, electricity and Telecommunication services (where necessary). • Lighting. 	C
21.5.28	<p><u>Passenger lift systems</u></p> <p><u>Exterior colours of passenger lift systems:</u></p> <p><u>21.5.28.1 All exterior surfaces shall be coloured in the range of browns, greens or greys</u></p> <p><u>21.2.28.2 Pre-painted steel and all roofs or other parts of the structure shall have a reflectance value of not greater than 20%</u></p> <p><u>21.5.28.3 Surface finishes shall have a reflectance value of not greater than 30%</u></p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> • The extent to which the ski tow or lift or building structure breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes. 	C

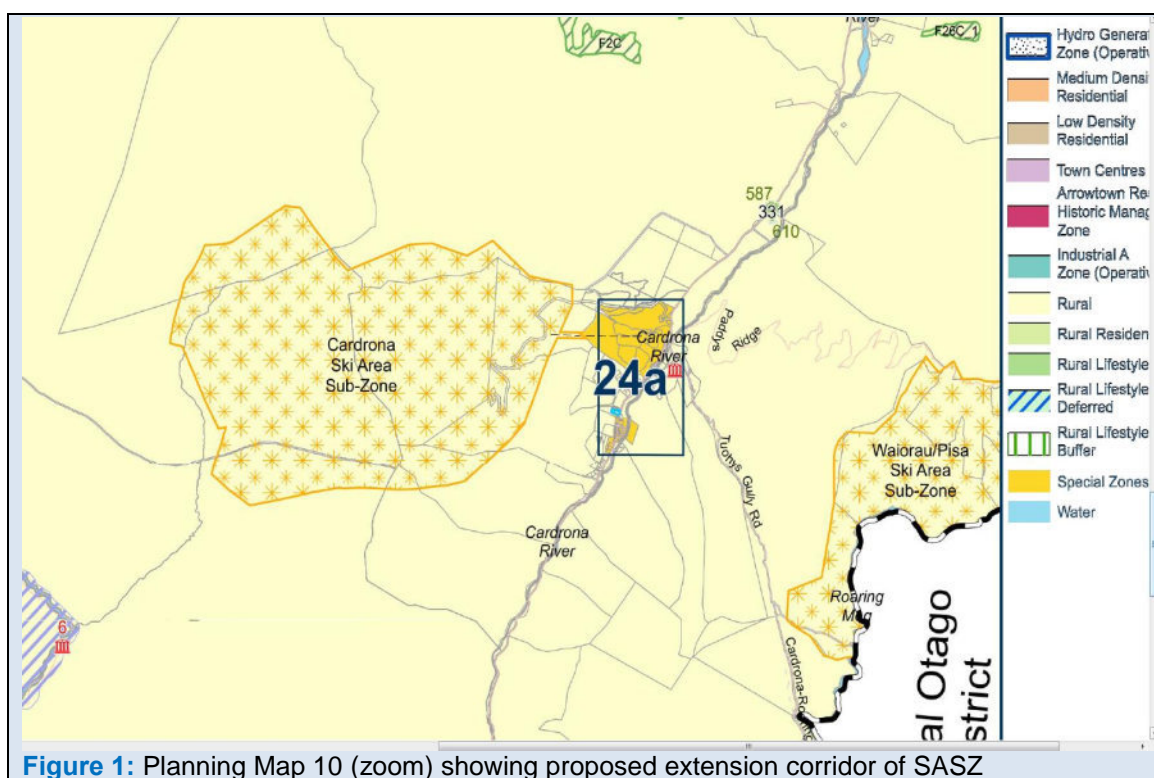
	<ul style="list-style-type: none"> • Whether the materials and colour to be used are consistent with the rural landscape of which the ski tow or lift or building structure will form a part. • Balancing environmental considerations with operational characteristics. 	
...	...	

(b) The reason for the submission is: The heading in the second column of Table 7 introduces “standards” for ski area activities within the Ski Area Sub Zone, but the clauses in that column are assessment matters, not standards against which activities can be measured or assessed. Actual standards need to be introduced. The wording of the standards inserted above is adapted from the equivalent rule for all buildings, in Table 3 (Rule 21.5.15).

2.8 Planning Maps

2.8.1 Planning maps 10 and 24

(a) MCS seeks the extension of the Ski Area Sub Zone as marked on Planning Maps 10 and 24, subject to as shown on **Figure 1** and **Figure 2** below.



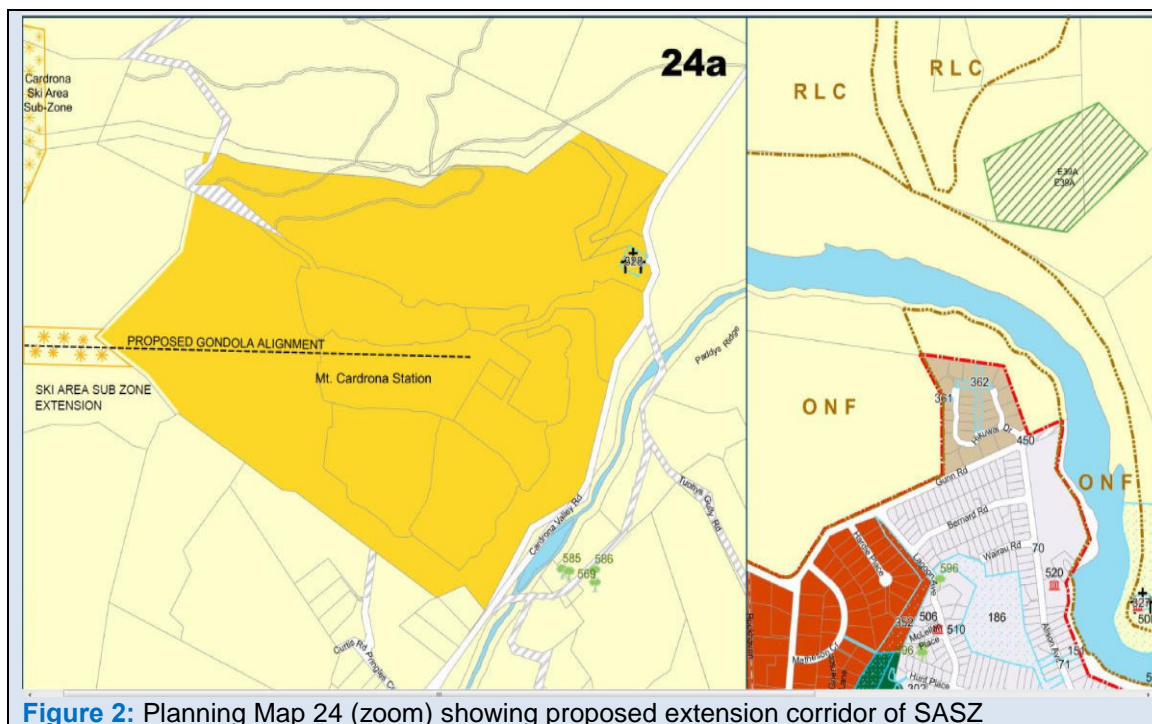


Figure 2: Planning Map 24 (zoom) showing proposed extension corridor of SASZ

- (b) The reasons for the submission are:
- (i) The extension of the Ski Area Subzone is located to link into the Mount Cardrona Station Special Zone (**MCSSZ**) in a logical location so that the gondola terminates close to the village precinct, as shown on the MCSSZ structure plan (**Figure 3**).
 - (ii) The Ski Area Sub Zone that contains the Cardrona Ski Area is very close (400 metres) from the MCSSZ. The MCSSZ provides for 1000 dwellings for permanent residents, visitors and seasonal workers, a commercial village, community and educational activities. It sits near the valley floor close to the existing Cardrona Village and at the base of three ski fields: Cardrona (to the west) and Wairau Snow Farm and the Snow Park (to the east).
 - (iii) Rule 12.22.3.3(v) of the MCSSZ provides for buildings and structures associated with the erection and maintenance of a gondola within Activity Areas 6 and 7 providing access from the Zone's village precinct to the surrounding recreational activities. The assessment matters (in Rule 12.22.6(ix)) require assessment of:
 - visual effects and mitigation through the use of appropriate colour, design and location;
 - accessibility to the village precinct, reducing the need for private vehicle use of the ski field access road;
 - comprehensive car parking facilities and bus linkages from surrounding areas;
 - the retention of the integrity of open space, and the sensitive location of the gondola path to reduce visual effects;
 - ecological factors, minimisation of earthworks; and
 - safety.

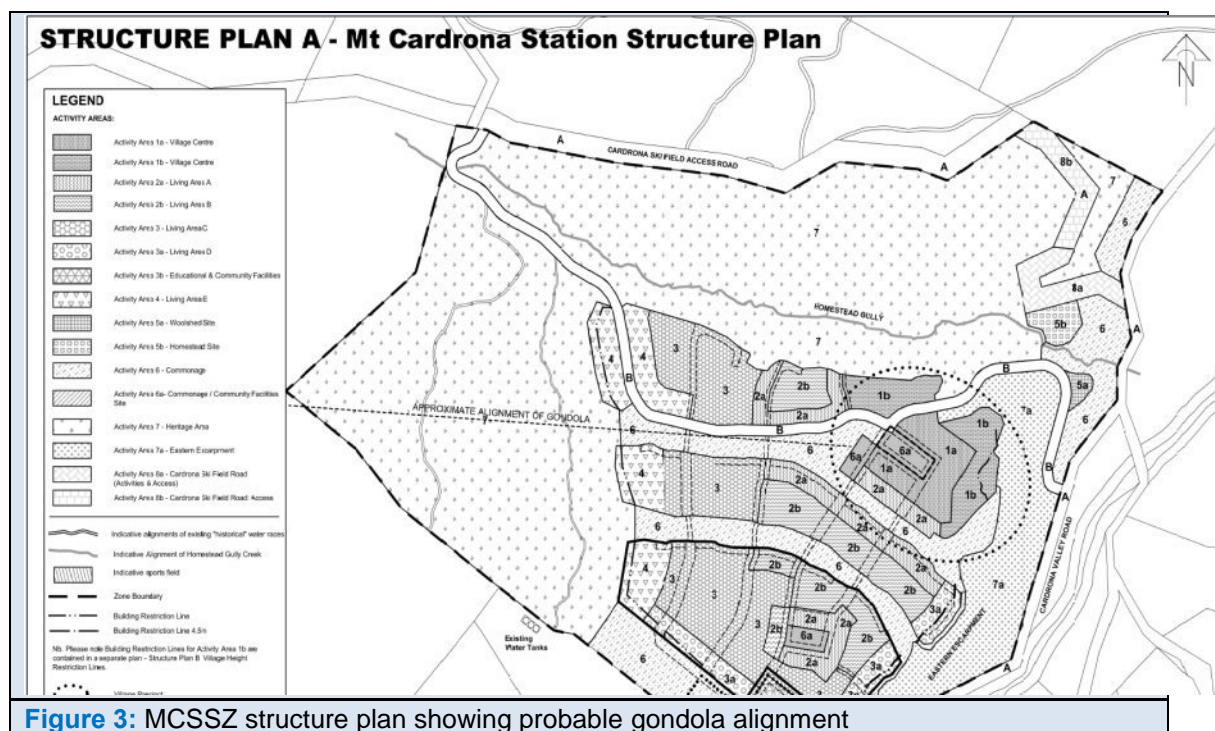


Figure 3: MCSSZ structure plan showing probable gondola alignment

- (i) Accordingly, the District Plan already anticipates a gondola connection between the MCSSZ and the Cardrona Ski Area Sub Zone. The likely location and line on the MCSSZ structure plan is shown on **Figure 3**. A gondola terminal at this location close to the village precinct is central within the MCSSZ and is an easily walkable distance from the surrounding residential precincts within the Zone.

2.9 Part 2 and section 32 of the Act

2.9.1 Section 5

Subject to the modifications sought in this submission, the PDP achieves the sustainable management purpose of the Act by enabling people and communities of the District (and in particular the communities of settlements close to ski area sub zones, such as Cardrona) to provide for their collective well-being and safety in a manner that: sustains the potential of the natural and physical resources of the Ski Area Sub Zones and the nearby settlements, for future generations; will continue to safeguard the life-supporting capacity of air, water, soil, and ecosystems; and will avoid or mitigate potential adverse landscape effects as well as remedying the existing adverse effects of roads to the ski area sub zones.

The purpose of the Act is therefore achieved by the PDP with the proposed modifications sought in this submission.

2.9.2 Section 6

The provisions as notified exclude the Ski Area Sub Zones from the Outstanding Natural Landscape category and this is in recognition of the broader importance of the ski area sub zones to the economic well-being of the District. In any case the provisions of the Ski Area Sub Zones, including the modifications sought in this submission, take into account the potential effects of activities and structures on the landscape and provide for methods to avoid or mitigate such effects.

2.9.3 Section 7

The modifications sought in this submission are directly relevant to achieving the following matters to which particular regard must be given:

- (b) *the efficient use and development of natural and physical resources;*
- (ba) *the efficiency of the end use of energy;*
- (c) *the maintenance and enhancement of amenity values;*
- (f) *maintenance and enhancement of the quality of the environment;*
- (g) *any finite characteristics of natural and physical resources;*

The provision of gondola access between the ski area sub zones and the nearby resort settlement areas and zones is an efficient use and development of natural and physical resources given the speed and effectiveness at transporting large numbers of people from the valley floor settlements to the ski area activity facilities, the reduction in use of fossil fuels through removing the need for all ski area sub zone users to use cars or buses to access the ski area sub zone, and comparative efficiency in the end use of the energy for the gondola vis-à-vis fossil fuels.

The reduction in the use of ski area sub zone roads is likely to reduce the broader visibility of the roads, as the less maintenance and road width required will enable faster re-growth of the cuts and fills that have been necessary to form the roads and to keep them functional. This therefore leads to the enhancement of the amenity values and the quality of the environment.

The Ski Area Sub Zones are a finite resource in that they possess a rare combination of attributes (adequacy and merit of snow, terrain, accessibility, serviceability) and maximising the efficiency of their use and development is necessary for the long term economic wellbeing of the District. Settlements and suitable urban and resort zonings near the ski area sub zones are also a finite resource, and enabling direct access between the settlements and the ski areas will contribute strongly to this ongoing wellbeing.

2.9.4 Summary – Part 2 of the Act

The PDP, with the modifications sought in this submission, achieve the purpose and principles of the Act, for the reasons set out above.

2.9.5 Section 32

MCS considers that, for the reasons expressed in Part 2 of this submission:

- (a) The evaluation carried out for the PDP as notified did not adequately examine valid alternatives in relation to the subject matter of this submission;
- (b) The objectives, as sought to be modified by this submission, are the most appropriate way to achieve the purpose of this Act; and
- (c) The policies, as sought to be modified by this submission, and the rules for commercial recreation in the rural zones, are the most appropriate way to achieve the objectives; and
- (d) There are no other reasonably practicable alternative options for achieving the relevant objectives; and
- (e) The methods (policies and rules) are the most effective and efficient for achieving the relevant objectives; and

- (f) The provisions will have significant benefits and minimal costs, taking into account the economic growth and employment that are anticipated to be provided for and enhanced by the provisions; and
- (g) There is no risk of acting (by adopting the modifications sought in this submission) because there is no uncertainty or insufficient information about the subject matter of the provisions.

3. MCS seeks the following decision from the Queenstown Lakes District Council:

- 3.1 MCS seeks the relief set out in Part 2 of this submission.
- 3.2 MCS seeks in the alternative additional or consequential relief necessary or appropriate to address the matters raised in this submission and/or the relief requested in this submission, including any such other combination of plan provisions, objectives, policies, rules and standards provided that the intent of this submission, as set out in Part 2 of this submission, is enabled.

MCS **DOES** wish to be heard in support of this submission.

If others make a similar submission, MCS will consider presenting a joint case with them at a hearing.

Signature of Submitter



J A Brown
Authorised to sign on behalf of Mount Cardrona Station Ltd.

Date: 23 October 2015

Telephone: 03 409 2258 / 021 529 745

Notes to person making submission:

If you make your submission by electronic means, the email address from which you send the submission will be treated as an address for service.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6 (4) of Schedule 1 of the Resource Management Act 1991.

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

Queenstown Lakes District Council – Proposed District Plan

Further Submission in support, or in opposition to, submission of the Proposed District Plan.

Clause 8 of First Schedule, Resource Management Act 1991

To: Queenstown Lakes District Council
Private Bag 50072
Queenstown

Attention: Planning Policy

1. Submitter details:

Full Name of Further Submitter: **Mount Cardrona Station Limited (“MCS”)**

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2. Submitter Status

MCS has an interest in the proposal greater than the general public has, for the following reasons:

- MCS owns land adjoining the land affected by relevant original submissions; MCS land is zoned either Mount Cardrona Station Special Zone or Rural General and the latter is within an outstanding natural landscape area; and
- MCS is directly affected by the submissions.

3. MCS makes the further submissions set out in the following table:

Original Submitter	Submission Number	Support/Oppose	Reasons for Submission	I seek the following:
Soho Ski Area Ltd and Blackman's Creek No. 1 LP	610.11	SUPPORT	MCS supports the addition of a new Policy 21.2.6.5 relating to the functional dependency of ski area activities to transportation infrastructure such as vehicle access and passenger lift based or other systems, linking on-mountain facilities to the	That submission 610.11 is adopted.

Original Submitter	Submission Number	Support/Oppose	Reasons for Submission	I seek the following:
			<p>District road and transportation network.</p> <p>The reasons for the submission are as set out in the original submission and in MCS original submission.</p>	
Soho Ski Area Ltd and Blackman Creek No. 1 LP	610.22	SUPPORT	MCS supports the proposed modifications to the definition of Ski Area Activities as it includes activities that are part of the bundle of activities that are normally associated with ski area sub zones, subject to the discussion in 4 below.	That submission 610 (in relation to the definition of ski area activities) is adopted.
Soho Ski Area Ltd and Blackman Creek No. 1 LP	610.14	SUPPORT	MCS supports the proposed new Rule 21.5.32 (Table 7) for residential and visitor accommodation activities (excluding buildings) in the ski area sub-zones, including the information requirements and the matters of discretion, for the reasons provided in the submission and for the reason that it is logical to include such activities on-mountain (ie. where the snow is).	That submission 610.14 is adopted.
Soho Ski Area Ltd and Blackman Creek No. 1 LP	610.21	OPPOSE IN PART SUPPORT IN PART	MCS <u>opposes</u> the extent of the ski area subzone extension to include large tracts of land extending down to at or near the valley floor at Cardrona, for the reasons set out in 4 below.	That submission 610.21 (in relation to the extension of the Ski Area Subzone at Cardrona) is rejected.

Original Submitter	Submission Number	Support/Oppose	Reasons for Submission	I seek the following:
Cardrona Alpine Resort Ltd	615.5	SUPPORT	MCS supports the introduction of the term tourism Activity into the Definitions section of the PDP, and the related modifications insofar as they relate to in-mountain activities.	That submission 615.5 be adopted.
Cardrona Alpine Resort Ltd	615.6, 615.7 and 615.8	SUPPORT	MCS supports the suggested new objective and policies in Chapter 3 (Strategic Direction) relating to tourism activities in the District, including the modifications to Policy 3.2.1.1.3.	That submissions 615.6, 615.7 and 615.8 be adopted.
Cardrona Alpine Resort Ltd	615.23	OPPOSE	<p>MCS notes that some of the area sought to be included in the Ski Area Subzone is already within the Ski Area Subzone (being the western part of the extension area shown in the plan included in the submission).</p> <p>MCS opposes the extent of the Ski Area Subzone extension to include areas of land extending down to near the valley floor at Cardrona (being the eastern part of the extension area shown on the plan included in the submission), for the reasons set out in 4 below.</p>	That submission 615.23 be rejected.

4. Discussion

This discussion relates to the two sets of submissions that each generally seek:

- (a) On the one hand, that the definition of **ski area activities** be expanded to include:

- Visitor and residential accommodation associated with ski area activities;
- Commercial activities associated with ski area activities or recreation activities;
- Guest facilities including ticketing, offices, restaurants, cafes, ski hire and retailing associated with any commercial recreation activity;
- Tourism Activities, which could generally include all of the above as well as other activities that visitors to the District might participate in;

and

- (b) On the other hand, that the Ski Area Subzone at Cardrona be expanded so that its boundaries are at or close to the Cardrona valley floor and incorporating large areas of land that is well below the normal winter snowline.

Residential, visitor accommodation and guest facilities ~~on~~ ^{on}-mountain+ (that is, above the snowline on the skifield itself) are logical activities and hence the expansion of the ski area activities definition is supported.

Limited expansion of the Ski Area Subzone by way of a route corridor down to existing urban zones at or near the valley floor is justifiable for the purpose of transportation, for example for passenger lift-based systems connecting ~~on~~ ^{on}-mountain+ facilities with the ~~off~~ ^{off}-mountain+ settlements and the traffic network.

However, the consequence of the two submissions (a) and (b) above when considered together is that visitor and residential activities, commercial activities and the range of other guest facilities could be provided for in ~~off~~ ^{off}-mountain+ areas (that is, at or near the valley floor but well below the normal winter snowline). These areas are rurally zoned and within the Outstanding Natural Landscape area. As restricted discretionary activities, along with the restricted discretionary activity status for buildings that would accommodate the activities, the District Plan would, if the two submissions are accepted, be enabling the potential for urban scale development within areas not anticipated for urban development.

This would be contrary to a number of higher order objectives and policies of the PDP, including:

- (a) In Chapter 3 (Strategic Direction):
- (i) Objective 3.2.2.1, which seeks to ensure urban development occurs in a logical manner to promote a compact, well designed and integrated urban form; to manage the cost of Council infrastructure; and to protect the District's rural landscapes from sporadic and sprawling development;
 - (ii) Policy 3.2.2.1.2, which seeks to apply provisions that enable urban development within the urban growth boundaries and avoid urban development outside of the these boundaries;
 - (iii) Objective 3.2.4.1 and its allied policies relating to nature conservation values;
 - (iv) Objective 3.2.5.1 and its allied policies relating to the natural character of outstanding natural landscapes and features;
- (b) Many of the goals, objectives and policies of Chapter 6 (Landscapes);
- (c) Many of the provisions of Chapter 21 (Rural).

The submissions are not supported by any analysis of the effects on the environment of potentially urban scale development in these areas, including:

- (a) Effects on landscape values;

- (b) Effects on nature conservation values;
- (c) Effects on the amenities of neighbouring properties;
- (d) Effects relating to urban growth, urban design, traffic and infrastructure (in particular greywater management in a sensitive environment that has already had water quality impact issues from existing on mountain facilities).

Also, such rezonings should be preceded by the kinds of investigations and evaluations that would be required under section 32 of the Act for a district plan review process or a plan change, including:

- (a) Assessing whether the zone extensions and provisions are the most appropriate way to achieve the higher order objectives of the PDP;
- (b) Identifying any other reasonably practicable options for achieving those objectives;
- (c) Assessing the efficiency and effectiveness of the rezonings and provisions in achieving the objectives;
- (d) Identifying and assessing the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the rezonings and provisions; and
- (e) Assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

These may well involve assessment and review in the context of the wider zoning structure of the Cardrona area.

Assessments against the principles of the Act is also necessary, in particular in relation to various section 6 matters of national importance, and section 7 matters.

Until such information has been collated and evaluations completed, it is not possible to determine whether the rezonings, in combination with the provisions proposed in the submissions, would achieve the sustainable management purpose of the Act.

5. MCS DOES wish to be heard in support of this further submission.

6. If others make a similar submission, MCS WILL consider presenting a joint case with them at the hearing.

Signed:



J Brown / A Hutton

Dated: 17 December 2015