

**In the Environment Court
at Christchurch**

ENV-2018-CHC-117

In the Matter

of the Resource Management Act
1991(**Act**)

And

In the Matter

of the Queenstown Lakes Proposed
District Plan – Stage 1

And

In the Matter

An appeal under clause 14(1),
Schedule 1 of the Resource
Management Act 1991

Between

Cardrona Alpine Resort Limited

Appellant

And

Queenstown Lakes District Council

Respondent

Notice Withdrawing and Refining Points of Appeal

Dated: 1 November 2018

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lane neave.

May it please the Court:

1. We act for Cardrona Alpine Resort Limited (**Cardrona**) in relation to the appeals on Stage 1 of the Proposed Queenstown Lakes District Plan (**Proposed Plan**).
2. Following correspondence with the Queenstown Lakes District Council (**Council**)¹, Cardrona agrees to withdraw and refine part of its appeal relating to Chapters 35 and 36.
3. Cardrona hereby withdraws the following specific relief located at pages 10 and 11, Appendix 1 of Cardrona' s Notice of Appeal.

Rules 35.4.1, 35.4.2 and 35.4.3 - Include permitted activity rules for temporary storage and event carried out in Ski Area Sub Zones,² and

Chapter 36, Table 1 - Also amend the standards so that the noise limits can be measured as Lmax rather than Ldn.³

4. As agreed with Council's Counsel, to further rectify the jurisdictional concerns raised by the Council, Cardrona also agrees that specific relief sought in relation to Chapter 35 requires geographical refinement.
5. Therefore, by way of this notice, Cardrona refines the following relief located on pages 10 and 11, Appendix 1 to Cardrona' s Notice of Appeal as illustrated below to limit the relief to the Cardrona Alpine Resort Zone⁴. Amendments to the Notice of Appeal are shown as ~~strikethrough~~ and underline.

Amend Rule 35.4.4 as follows.⁵

...

*This rule does not apply to temporary activities undertaken within the **Cardrona Alpine Resort** ~~Ski Area Sub Zone~~ **(including any extensions to the current ski area***

¹ Council Letter addressed to Cardrona Alpine Resort Limited, dated 5 October 2018

² Appeal point 27 - Decisions Version, Chapter 35, Rules 35.4.1, 35.4.2 and 35.4.3.

³ Appeal point 32 - Decisions Version, Chapter 36, Table 1 – Noise.

⁴ We have referred to the "Cardrona Alpine Resort Zone" as being the Ski Area Subzone at Cardrona Alpine Resort Limited including any extensions to the zone to give effect to relief sought in appeals

⁵ Appeal point 28

subzone at Cardrona to give effect to other relief sought in appeals).

Amend Rule 35.4.8 as follows:⁶

...

Associated with the construction (including reconstruction, repair, maintenance, upgrading) of buildings, structures and infrastructure within the **Cardrona Alpine Resort Ski Area Sub Zone (including any extensions to the current ski area subzone at Cardrona to give effect to other relief sought in appeals).**

6. Furthermore, Cardrona refines its relief located on page 11, Appendix 1 to Cardrona's Notice of Appeal in relation to Rule 36.5.13, as demonstrated below:⁷

~~The rule should be Deleted or amended rule **36.5.13** so that non-conformance is a discretionary activity, not a non-complying activity, **in the Cardrona Alpine Resort Zone (including any extensions to the current ski area subzone at Cardrona to give effect to other relief sought in appeals).** and the ISO 2022:2000 + ISO 14509 – 1: 2008 are applied in respect of SKSZ's~~

~~Delete Rule 36.5.13 or otherwise clarify as set out in the reason for the appeal – for example amend the rule to ensure that the use of helicopters (or sound from helicopters) within SASZs will not be a non-complying activity.~~

7. Counsel for Cardrona considers that the jurisdictional issues identified by the Council are appropriately addressed by way of this notice. As the notice withdraws or narrows the specified relief sought by Cardrona in their appeal, Counsel respectfully suggests a waiver is not required to amend the relief.

⁶ Appeal point 30

⁷ Appeal Point 33

Dated this 1st day of November 2018

A handwritten signature in blue ink, appearing to read "Joshua Leckie".

Joshua Leckie

Counsel for Cardrona Alpine Resort Limited