

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**ENV-2021-CHCH-0000**

**UNDER THE**

Resource Management Act 1991 ("**Act**")

**IN THE MATTER OF**

an appeal under Schedule 1, Clause 14(1), of the  
Act

**BETWEEN**

**CARDRONA VILLAGE LTD**

**Appellant**

**AND**

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**Respondent**

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**NOTICE OF APPEAL BY CARDRONA VILLAGE LIMITED  
(SETTLEMENT ZONE)**

**18 MAY 2021**

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Counsel instructed:

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**WELLINGTON**

**TO:** The Registrar  
 Environment Court  
 PO Box 2069  
 20 Lichfield Street  
**CHRISTCHURCH**  
 ([Christine.McKee@justice.govt.nz](mailto:Christine.McKee@justice.govt.nz))

**AND TO:** The Respondent  
 ([dpappeals@glde.govt.nz](mailto:dpappeals@glde.govt.nz))

**(NOTE:** Service on submitters and further submitters is waived pursuant to the Environment Court's directions of 1 April 2020)

### **Notice of appeal**

1. Cardrona Village Ltd ("**appellant**") appeals the following decision ("**Decision**"):

Decisions on Chapter 20 Settlement Zone, and Related Variations to Chapters 7, 25, 27, 29, 31 and 36 of Stage 3 of the Queenstown Lakes District Proposed District Plan ("**PDP**").

### **Submission and further submission**

2. The appellant made a submission on the PDP on or around 18 November 2019, referenced as #3404, as well as #31019.
3. A further submission was made on or around 18 February 2020, referenced as #31066.

### **No prohibited trade competition purposes**

4. The appellant is not a trade competitor for the purposes of Section 308D of the Act.

### **Timing / key dates**

5. The Decision was made by the Queenstown Lakes District Council ("**Council**") on 18 March 2021, by way of ratification of the recommendations of the Recommendations of the Stage 3 Independent Hearing Panel ("**IHP**").
6. The appellant received notification of the Decision by email on 1 April 2021.
7. The Environment Court, by way of a minute dated 1 April 2021, confirmed that the appeal period ends on 18 May 2021 (with the s274 period ending 16 June 2021).

### **Decision / part of Decision appealed against**

8. The appellant appeals the entirety of the Decision as it relates to the rejection of its submissions and further submissions, and, in particular, as it relates to the rejection of:
  - (a) requested extensions of the Settlement Zone over other land;

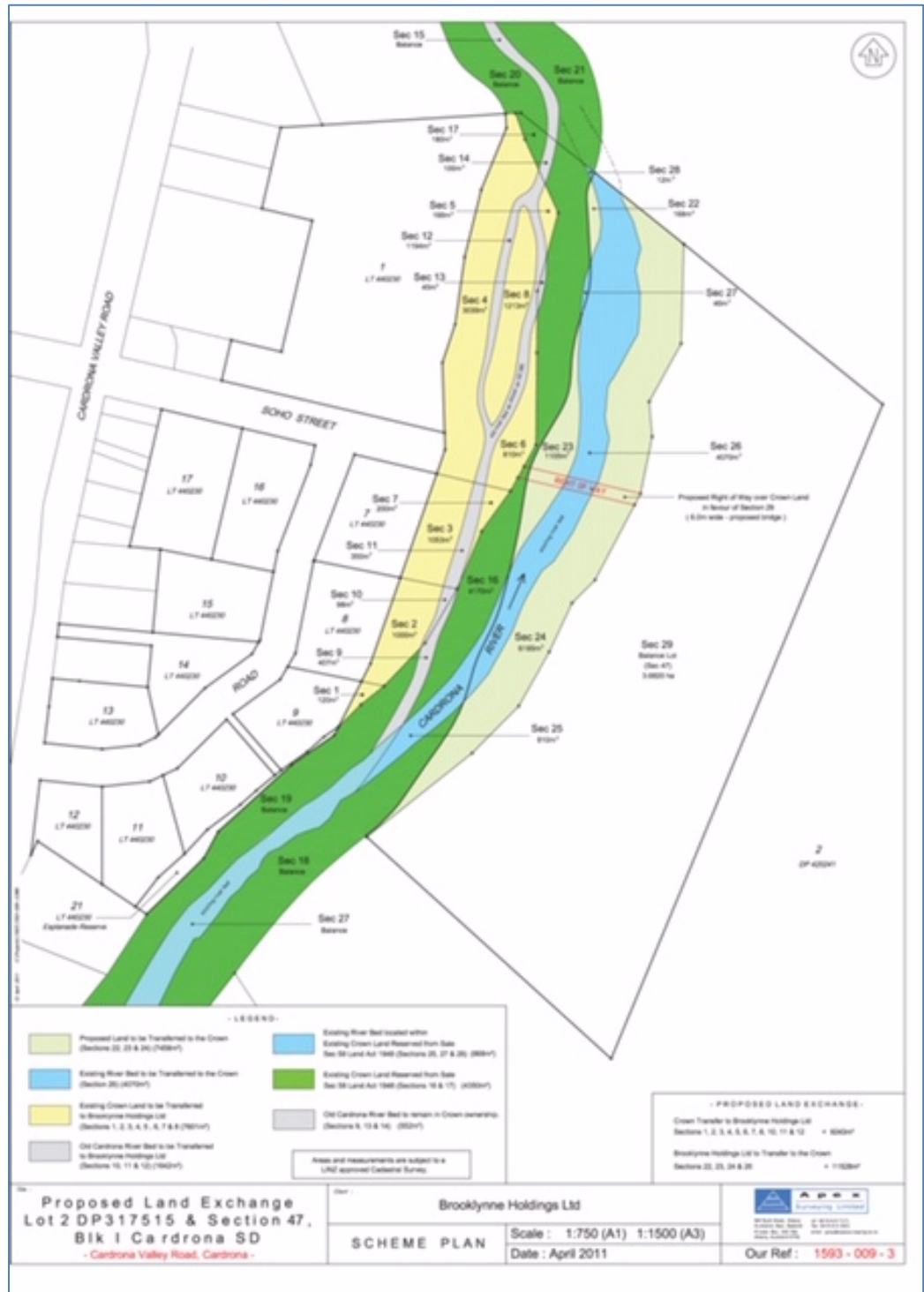
- (b) inclusion of other statements, objectives and policies in Chapter 20 – Settlement Zone to provide for a mix of more intensive retail, commercial, commercial recreation, community, visitor accommodation and residential activities;
- (c) changes and additions to the rules and standards of the Settlement Zone to provide for a mix of more intensive retail, commercial, commercial recreation, community, visitor accommodation and residential activities; and
- (d) changes to Chapter 27 – Subdivision to provide for subdivision around existing buildings and development.

**Reasons for the appeal**

9. The reasons for the appeal are as follows.

***Overview / background reasons***

10. The appellant is the owner or has an interest in a substantial land holding at Cardrona as follows:
- (a) Lot 4 DP 507227;
  - (b) Lots 7, 8, 9, 10, 11, 12 13, 14, 15, 16 and 17 DP 440230;
  - (c) Lot 1 DP 310692; and
  - (d) Section 47 Block I Cardrona SD.
11. The appellant also has ownership in the Cardrona Community Water Supply Scheme through a subsidiary company being Cardrona Water Supply Limited.
12. The appellant has also entered into an agreement with Crown to rectify land title oddities that have arisen as the Cardrona River has changed course over time. As a result of these changes the esplanade reserve previously created along the Cardrona River is no longer aligned with the banks of the river. The appellant has agreed with the Crown to exchange land that is located adjacent to the Cardrona River to ensure that the esplanade reserve is realigned to the new course of the river. This land exchange process has not yet been completed.
13. A copy of the scheme plan prepared to confirm the agreement for the exchange of the land is attached as provided below:



14. Once the land exchange is completed, some 9,243m<sup>2</sup> of existing Crown land and Old Cardrona River Bed (identified as Sections 1 – 8 and Sections 10 - 12 on the scheme plan) located along the western side of the Cardrona River will be transferred to the Submitter, and some 11,528m<sup>2</sup> of land and existing River Bed owned by the Submitter (identified as Sections 22, 23, 24 and 26 on the scheme plan) located along the eastern side of the Cardrona River will be transferred to the Crown.
15. The land transferred to the Submitter will become available for development at the time the land exchange process is completed and

should be zoned accordingly. The PDP planning maps correctly identifies some of the land to be transferred to the Crown as Rural Zone but the boundary between the proposed Rural Zone and the proposed Settlement Zone on Section 47 Block I Cardrona SD is not aligned with the boundary that will be created by the land exchange process.

16. In addition, the Crown land on the western side of the Cardrona River to be transferred to the Submitter has not been shown as being contained within the Settlement Zone (with a Visitor Accommodation Subzone).
17. There are also several 'live' resource consents relating to the appellant's land, which are relevant to take into account, as follows:
  - (a) RM061204 – land use consent to undertake earthworks, construct a lodge for visitor accommodation purposes, construct 48 units for visitor accommodation and residential use, construct a managers residence and establish landscaping, car parking and access to service the activities on the Submitters land on the eastern side of the Cardrona River.
  - (b) RM190669 – land use consent to develop 24 new visitor accommodation and residential buildings and shared function spaces and ancillary food and beverage and recreation space on the Submitters land on the western side of the Cardrona River.
  - (c) RM191114 – subdivision consent for a 50-lot subdivision around the existing consented development which was previously approved by resource consent RM061204.
18. These resource consents provide for the comprehensive development of the Submitters land situated within the Settlement Zone at Cardrona (which constitutes some 65% of the Settlement Zone) for a mix of more intensive retail, commercial, commercial recreation, community, visitor accommodation and residential activities, which is generally not recognised by the new provisions for the zone.
19. To provide for economic and social benefits to the local and wider economy and provide for additional support to the local tourist attractions specifically and the wider tourist industry generally, and to ensure that an efficient and effective resource consent process is provided for in the Settlement Zone at Cardrona, the appellant generally sought:
  - (a) consistent zoning for the land that is subject to the land exchange process with the Crown; and
  - (b) provision for more intensive (but appropriate) residential and visitor accommodation development in the Visitor Accommodation Sub-zone and the Commercial Precinct in the Settlement Zone at Cardrona.
20. The Decisions rejected the specific relief sought by the appellant to achieve these changes to the Settlement Zone at Cardrona.

***General reasons for the appeal***

21. The general reasons for this appeal are that the Decision (as it currently stands) generally, and particularly in respect of land that the appellant owns or otherwise has an interest in:
- (a) fails to promote sustainable management of resources, including the enabling of people and communities to provide for their social and economic well-being, and will not achieve the section 5 purpose of the Act;
  - (b) fails to promote the efficient use and development of the land, a matter to have particular regard to under section 7(b) of the Act;
  - (c) in respect of land that is anticipated by its zoning for use and development:
    - (i) fails to achieve or implement the relevant district-wide objectives and policies of the PDP that supported that zoning;
    - (ii) fails to achieve or implement the relevant objectives and policies of the zone in question; and/ or
    - (iii) otherwise to support and/or is otherwise inconsistent with achieving the land use outcomes anticipated by the relevant zoning;
  - (d) fails to achieve the functions of the Council under section 31 of integrated management of the effects of the use and development of land and physical resources;
  - (e) fails to meet the requirements of section 32; and
  - (f) is procedurally unfair and inefficient.
22. In contrast, granting the appeal will generally, and particularly in in respect of land that the appellant owns or otherwise has an interest in will achieve all of the matters/ outcomes or otherwise address the issues identified above in paragraph [20].

***Specific reasons for the appeal***

23. The specific reasons for the appeal and the specific relief sought is detailed in the table below. The table sets out the specific submission, the Council decision, the reasons for appeal on the specific submission and the relief sought in respect to the specific submission.

	<b>Submission</b>	<b>Decision</b>	<b>Reason for Appeal</b>	<b>Relief Sought</b>
1.	<p>Apply the Settlement Zone and the associated Visitor Accommodation Sub-zone over the land and the Old Cardrona Riverbed that is to be transferred to the Submitter from the Crown identified as Sections 1, 2, 3, 4, 5, 6, 7 and 8 (7,601m<sup>2</sup>) and Sections 10, 11 and 12 (1,642m<sup>2</sup>) on the scheme plan included above in this appeal.</p> <p>Locate the boundary between the Settlement Zone (and the associated Visitor Accommodation Sub-zone) and the Rural Zone on the land described as Section 47 Block I Cardrona SD on the new boundary to be created as a result of the land exchange to be completed between the Submitter and the Crown as detailed on the scheme plan included above in this appeal.</p>	Reject	<p>The land exchange agreed between the Submitter and the Crown will result in some 9,243m<sup>2</sup> of existing Crown land and Old Cardrona River Bed (identified as Sections 1 – 8 and Sections 10 - 12 on the scheme plan included above in this appeal located along the western side of the Cardrona River to be transferred to the Submitter, and some 11,528m<sup>2</sup> of land and existing Riverbed owned by the Submitter (identified as Sections 22, 23, 24 and 26 on the scheme plan included above in this appeal located along the eastern side of the Cardrona River to be transferred to the Crown.</p> <p>The land is “sandwiched” between the western and eastern Settlement Zone areas at Cardrona, which are separated by the Cardrona River. The location and character of land, in particular the irregular shape of this land, means that it will not be used for rural activities.</p> <p>This land has the capacity to absorb new development. As a result of the land exchange process the land will become available for development in conjunction with the adjoining Settlement Zone land to the west. The most appropriate use of the land will be for settlement activities consistent with adjoining and adjacent land to the west and east.</p> <p>There are also flood mitigation options available at the time of development to provide for flood-free,</p>	<p>Include the land and the Old Cardrona Riverbed that is to be transferred to the Submitter from the Crown identified as Sections 1, 2, 3, 4, 5, 6, 7 and 8 (7,601m<sup>2</sup>) and Sections 10, 11 and 12 (1,642m<sup>2</sup>) on the Scheme Plan included above in this appeal within the Settlement Zone and apply the Visitor Accommodation Sub-zone to this land.</p> <p>Align the boundary between the Settlement Zone (and the associated Visitor Accommodation Sub-zone) and the Rural Zone on the land described as Section 47 Block I Cardrona SD on the new boundary to be created as a result of the land exchange to be completed between the Submitter and the Crown as detailed on the Scheme Plan included above in this appeal.</p>

	Submission	Decision	Reason for Appeal	Relief Sought
			<p>stable building platforms for settlement activities on this land, and any required flood mitigation works will not:</p> <ul style="list-style-type: none"> <li>• Accelerate or worsen the natural hazard and/or its potential impacts.</li> <li>• Expose vulnerable activities to intolerable natural hazard risk.</li> <li>• Create an unacceptable risk to human life.</li> <li>• Increase the natural hazard risk to other properties.</li> <li>• Require additional works and costs that would be borne by the community.</li> </ul> <p>The risk to future activities from natural hazards is not therefore significant, and a precautionary approach to the zoning of the land for settlement activities is not required.</p> <p>The zoning arrangement does not therefore reflect the land exchange, which is intended to make the land available for future development and is being undertaken to regularise the new position of the Cardrona River.</p> <p>The zoning and the new boundaries between the zones does need to reflect the land exchange that has been agreed between the Submitter and the Crown. If these inconsistencies are not addressed through the District Plan process a private plan change process will be required when the land exchange process is completed, which is neither an</p>	



	<b>Submission</b>	<b>Decision</b>	<b>Reason for Appeal</b>	<b>Relief Sought</b>
			efficient nor an effective way to achieve the purpose of the RMA.	
2.	Remove the Outstanding Natural Landscape classification from the land and the Old Cardrona Riverbed that is to be transferred to the Submitter from the Crown identified as Sections 1, 2, 3, 4, 5, 6, 7 and 8 (7,601m <sup>2</sup> ) and Sections 10, 11 and 12 (1,642m <sup>2</sup> ) on the scheme plan included above in this appeal.	Reject	<p>The exclusion of the ONL from the former riverbed land would have no adverse effects on the values of the district-wide ONL that wraps around Cardrona or on the amenity values of the Cardrona village itself.</p> <p>If the former Riverbed land is included within the Settlement Zone with the Visitor Accommodation Sub-zone then the ONL should also be exclude from this land consistent with all of the Settlement Zone land at Cardrona.</p>	Remove the Outstanding Natural Landscape classification from the land and the Old Cardrona Riverbed that is to be transferred to the Submitter from the Crown.
3.	<p>Amend the text contained in the fourth paragraph in 20.1 – Purpose of the PDP as follows (or words to like effect):</p> <p>Within the Cardrona Settlement the Commercial Precinct applies to land located around the focal points of the Cardrona Hotel and Cardrona Valley Road <b><u>and the hotels at the intersection of Soho Street and Rivergold Way and provides for a mix of retail, commercial, commercial recreation, community and visitor accommodation activities.</u></b> Throughout the balance of the Settlement Zone at Cardrona, the Visitor Accommodation Sub-zone enables the further establishment of visitor accommodation activities <b><u>and low to medium intensity residential (such as duplex and terrace housing and small-scale apartments) activities.</u></b></p>	Reject	<p>A resource consent (RM190669) has been approved for a comprehensive development of the majority of the land located within the Settlement Zone on the eastern side of Cardrona Valley Road that is owned or controlled by the Submitter.</p> <p>The resource consent provides or a mix of hotels, serviced apartments, residential apartments, serviced terraced units, residential terraced units, residential dwellings and a hostel, and some centralised services and facilities accessory to the visitor accommodation activities, including food and beverage spaces, gym spaces and shared function spaces.</p> <p>The Submitter is the only entity that can undertake a comprehensive development of the Settlement Zone at Cardrona as no other entity has ownership or an interest in what constitutes some 65% of the land located within the Settlement Zone.</p>	Amend the text contained in the fourth paragraph in 20.1 – Purpose of the PDP as requested in the Submission or any other similar or alternative wording.

	Submission	Decision	Reason for Appeal	Relief Sought
			<p>The Submitter is also the owner (through another company) of the Cardrona reticulated community water supply and therefore can ensure any such development is appropriately serviced with potable water and water for firefighting purposes.</p> <p>The Submitter is seeking a suite of changes to the provisions for the Settlement Zone at Cardrona to enable a mix of retail, commercial, commercial recreation, community and visitor accommodation activities in the Commercial Precinct and a mix of low to medium intensity residential (such as duplex and terrace housing and small-scale apartments) and visitor accommodation activities in the Visitor Accommodation Sub-zone.</p> <p>While these development outcomes have now been provided for in the Settlement Zone at Cardrona by virtue of resource consent RM190669 the Settlement Zone provisions do not provide for the development outcomes that have now been consented.</p>	
4.	<p>Amend Policy 20.2.2.4 of the PDP as follows:</p> <p>Include development controls that reflect key characteristics of development in Settlements, including through building height limits, encouraging gable roof forms in Glenorchy and Cardrona, and achieving consistency with the Cardrona Village Character Guideline 2012.</p> <p>Insert the following new objectives and policies in 20.2 of the PDP (or words to like effect):</p>	Reject	<p>A resource consent (RM190669) has been approved for a comprehensive development of the majority of the land located within the Settlement Zone on the eastern side of Cardrona Valley Road that is owned or controlled by the Submitter.</p> <p>The resource consent provides or a mix of hotels, serviced apartments, residential apartments, serviced terraced units, residential terraced units, residential dwellings and a hostel, and some centralised services and facilities accessory to the visitor accommodation activities, including food and</p>	<p>Amend Policy 20.2.2.4 of the PDP as requested in the Submission or any other similar or alternative wording.</p> <p>Insert the new objectives and policies in 20.2 of the PDP as requested in the Submission or any other similar or alternative wording.</p>

	Submission	Decision	Reason for Appeal	Relief Sought
	<p><b><u>20.2.4 Objective – Comprehensive master planned mixed use development is enabled within the Settlement Zone at Cardrona to provide for local and visitor convivence and to support the local economy and tourist attractions, in a way that will maintain the character and amenity of the existing village, and protect the Outstanding Natural Landscape within the wider Cardrona valley from inappropriate development.</u></b></p> <p><b><u>Policy 20.2.4.1 Provide for a mix of retail, commercial, commercial recreation, community, visitor accommodation and above ground floor level residential activities within the Commercial Precinct of the Cardrona Settlement Zone at a scale and intensity that is commiserate with the character and heritage values within the settlement and the natural and visual values within the surrounding rural landscape.</u></b></p> <p><b><u>Policy 20.2.4.2 Provide for a mix of visitor accommodation and low to medium density residential (such as duplex and terrace housing and small-scale apartments) activities within the Visitor Accommodation Sub-zone of the Cardrona Settlement Zone at a scale and intensity that is commiserate with the character and heritage values within the settlement and the natural and visual values within the surrounding rural landscape.</u></b></p>		<p>beverage spaces, gym spaces and shared function spaces.</p> <p>It is considered that the comprehensive development of the Submitter's land for such activities will provide for more appropriate and integrated development outcomes to be achieved within the Cardrona Village that can more efficiently and effectively provide for the maintenance and enhancement of the amenity, character and heritage values associated with the existing village and the protection of the biodiversity values and the outstanding natural landscapes within the surrounding rural area.</p> <p>The consented development will also result in economic and social benefits to the local and wider economy and will provide for additional support to the local tourist attractions specifically and the wider tourist industry generally. The provision made for the more intensive use of the limited urban land resource will also provide for more appropriate protection of the significant biodiversity values and the outstanding natural landscapes within the wider Cardrona valley, as it will reduce the pressure for lifestyle residential and visitor accommodation activities to establish outside of the village within the surrounding Rural Zone.</p> <p>While these development outcomes have now been provided for in the Settlement Zone at Cardrona by virtue of resource consent RM190669 the Settlement Zone provisions do not provide for the development outcomes that have now been consented.</p>	

	<b>Submission</b>	<b>Decision</b>	<b>Reason for Appeal</b>	<b>Relief Sought</b>
			<p>The Cardrona Village Character Guidelines were developed over several years and 'finalised' in January 2012. The content of the Guidelines is therefore now essentially 10 years old and does not reflect the natural and built (including the unimplemented resource consents that have not yet expired) character of the village that has evolved over the last 10 years. Nor does the Guideline reflect the current and evolving urban design, architecture and landscape expertise that has seen updates in the approach to development proposals for locations such as at Cardrona.</p> <p>The Submitter considers a review of the Guidelines is needed. Until a review is completed it is not known whether the dated Guidelines are still appropriate to provide for design guidance within the village into the future. There is a good prospect that the Guidelines will need significant updating.</p> <p>The Submitter is of the view that there should be no statutory requirement contained within the PDP to achieve consistency with the Cardrona Village Character Guidelines until these Guidelines have been formally reviewed through a public process and deemed appropriate to achieve the design outcomes now consented for the Cardrona Village.</p>	
5.	<p>Insert the following new rule into Table 20.4 – Activities of the PDP (or words to like effect):</p> <p><b><u>20.4.5 (B) Within Commercial Precinct at Cardrona Settlement Zone identified on the Planning Maps: Commercial activities, commercial recreation activities, community activities, visitor accommodation activities and above ground floor level residential activities - P</u></b></p>	Reject	<p>The Submitter is seeking a suite of changes to the provisions proposed for the Settlement Zone at Cardrona to enable the comprehensive development of the zone for a mix of retail, commercial, commercial recreation, community, visitor accommodation and more intensive residential activities.</p>	<p>Insert the new rule in 20.4 of the PDP as requested in the Submission or any other similar or alternative wording.</p>

	Submission	Decision	Reason for Appeal	Relief Sought
			<p>This will provide for beneficial environmental, economic, social and cultural outcomes to be achieved within the Cardrona Village and the surrounding rural area.</p> <p>The activities the Commercial Precinct is intending to accommodate should be provided for as Permitted Activities to ensure that certainty is provided to landowners as to the activities that are desired within the precinct. The control of amenity outcomes can still be achieved through the provision of Restricted Discretionary Activity status for buildings within the Commercial Precinct. In this respect visitor accommodation activities and above ground floor level residential activities need to be provided for in the Commercial Precinct along with commercial activities, commercial recreation activities and community activities.</p> <p>To ensure that efficient and effective resource consent processes are undertaken the activity component of proposals should be permitted while the built component of proposals should be restricted discretionary in the Commercial Precinct.</p>	
6.	<p>Insert the following new rule into Table 20.4 – Activities of the PDP (or words to like effect):</p> <p><b><u>20.4.7 (B) Within the Visitor Accommodation Sub-zone at Cardrona Settlement Zone identified on the Planning Maps: Visitor accommodation activities and residential activities - P</u></b></p>	Reject	<p>The Submitter is seeking a suite of changes to the provisions proposed for the Settlement Zone at Cardrona to enable the comprehensive development of the zone for a mix of retail, commercial, commercial recreation, community, visitor accommodation and more intensive residential activities.</p> <p>This will provide for beneficial environmental, economic, social and cultural outcomes to be</p>	Insert the new rule in 20.4 of the PDP as requested in the Submission or any other similar or alternative wording.

	Submission	Decision	Reason for Appeal	Relief Sought
			<p>achieved within the Cardrona Village and the surrounding rural area.</p> <p>The activities the Visitor Accommodation Sub-zone is intending to accommodate should be provided for as Permitted Activities to ensure that certainty is provided to landowners as to the activities that are desired within the Sub-zone. The control of amenity outcomes for visitor accommodation activities can still be achieved through the provision of Restricted Discretionary Activity status for buildings for visitor accommodation activities within the Visitor Accommodation Sub-zone.</p> <p>To ensure that efficient and effective resource consent processes are undertaken the activity component of visitor accommodation proposals should be permitted while the built component of visitor accommodation proposals should be restricted discretionary.</p>	
7.	<p>Add the following exclusion to Standard 20.5.1 in 20.5 of the PDP (or words to like effect):</p> <p><b><u>Except that this standard shall not apply to residential activities within the Cardrona Settlement Zone where multiple unit residential development is provided for on sites. There shall be no minimum site sizes in the Commercial Precinct or the Visitor Accommodation Sub-zone at Cardrona. Subdivision will be provided around existing buildings or development and / or in accordance with an approved land use consent.</u></b></p>	Reject	<p>The provision for more intensive residential use of the limited land resource available within the Settlement Zone at Cardrona will result in economic and social benefits to the local and wider economy and will provide for additional support to the local tourist attractions specifically and the wider tourist industry generally. Any provision made for more intensive use of the limited settlement land resource will also provide for more appropriate protection of the significant biodiversity values and the outstanding natural landscapes within the wider Cardrona valley, as it will reduce the pressure for lifestyle residential activities to establish outside of the village within the surrounding Rural Zone.</p>	<p>Insert the rule addition in 20.5 of the PDP as requested in the Submission or any other similar or alternative wording.</p>

	Submission	Decision	Reason for Appeal	Relief Sought
			<p>To ensure that design lead development outcomes are achieved there should only be residential density requirements for single residential units in the Settlement Zone at Cardrona. Were multiple unit residential development or visitor accommodation is proposed this should require a resource consent as a Restricted Discretionary Activity so the density and intensity of development can be managed through the land use consent process.</p> <p>Subdivision within the Settlement Zone at Cardrona in accordance with an approved land use resource consent and / or around existing buildings and development should not be subject to any minimum lot size or shape factor standards and should be provided for as a Controlled Activity.</p>	
8.	<p>Insert the following new rule into Table 27.7 – Activities in Chapter 27 – Subdivision and Development of the PDP (or words to like effect):</p> <p><b><u>27.7.10 – Cardrona Settlement Zone</u></b></p> <p><b><u>Subdivision around existing buildings and development and / or subdivision in accordance with an approved land use consent within the Cardrona Settlement Zone that complies with standard 27.7.10.1 and / or standard 27.10.2 – C</u></b></p> <p><b><u>27.7.10.1 Prior to subdivision around existing buildings and development occurring, all development must meet one of the following matters:</u></b></p>	Reject	<p>To ensure that design-led development outcomes are achieved within the Settlement Zone at Cardrona, there should only be minimum lot sizes for vacant site subdivisions. Subdivision within the Settlement Zone at Cardrona in accordance with an approved land use resource consent and / or around existing buildings and development should not be subject to any minimum lot size or shape factor standards and should be provided for as a Controlled Activity.</p> <p>The density and intensity of future development within the Cardrona Settlement Zone will be managed through the land use consent process. The subdivision consent process is effectively a mechanism to provide for the sperate legal ownership of the consented commercial units,</p>	Insert the new rule in Chapter 27 of the PDP as requested in the Submission or any other similar or alternative wording.

	Submission	Decision	Reason for Appeal	Relief Sought
	<p><u><i>(a) have existing use rights; or</i></u></p> <p><u><i>(b) comply with the relevant Zone and District Wide rules; or</i></u></p> <p><u><i>(c) be in accordance with an approved land use resource consent.</i></u></p> <p><b><u>27.7.10.2 Any subdivision relating to an approved land use consent must comply with that consent, including all conditions and all approved plans.</u></b></p> <p>Amend Rule 27.6.1 as follows:</p> <p>... Cardrona ...</p>		<p>visitor accommodation units or residential units. The likely nature of future development means the subsequent subdivision is likely to be a unit title subdivision, although single, duplex or terraced dwellings may be provided on fee simple tiles.</p>	
9.	<p>Amend standard 20.5.5 as follows:</p> <p>Maximum building coverage on any site – buildings located in Commercial Precincts and Visitor Accommodation Sub-zones only</p> <p>20.5.5.1 Within the Commercial Precinct <u><b>and Visitor Accommodation Sub-zone</b></u> at Cardrona: 80%.</p> <p><del>20.5.5.2 Within the Visitor Accommodation Sub-zone at Cardrona: 50%.</del></p>	Reject	<p>The provision for more intensive residential use of the limited land resource available within the Settlement Zone at Cardrona will result in economic and social benefits to the local and wider economy and will provide for additional support to the local tourist attractions specifically and the wider tourist industry generally. Any provision made for more intensive use of the limited settlement land resource will also provide for more appropriate protection of the significant biodiversity values and the outstanding natural landscapes within the wider Cardrona valley, as it will reduce the pressure for lifestyle residential activities to establish outside of the village within the surrounding Rural Zone.</p> <p>The Cardrona Village should support a higher density of residential and visitor accommodation activities to ensure the limited land resource available within the village is used efficiently to</p>	Amend standard 20.5.5 of the PDP as requested in the Submission or any other similar or alternative wording.



	Submission	Decision	Reason for Appeal	Relief Sought
			<p>support the major recreation and tourist attractions that are located within the wider Cardrona Valley area. This will ensure that the growth of the village is retained within its current zoned limits thereby continuing to protect the surrounding outstanding natural features and landscapes from inappropriate subdivision, use and development.</p> <p>The density and intensity of future development within the Cardrona Settlement Zone can still be managed through the land use consent process as resource consent is required for buildings as a Restricted Discretionary Activity.</p>	
10.	<p>Amend standard 20.5.7 as follows:</p> <p>Minimum boundary setbacks</p> <p>20.5.7.1 Road boundary: 4.5m; except:</p> <p>a. At Makarora, where the minimum setback of any building from the State Highway shall be 8m.</p> <p>b. At Cardrona, <del>where the minimum setback of any building from roads shall be 3m.</del> <b><u>where buildings can be built up to the road boundary.</u></b></p>	Reject	<p>The requested amendments are consequential changes to the Settlement Zone provisions to support the implementation of the new objectives and policies and rules and standards requested as part of the package of relief sought by the Submitter.</p> <p>The changes requested will allow buildings to be built up to the street frontage to ensure a pedestrian focused and active street environment can be achieved within the Commercial Precinct and the Visitor Sub-zone at Cardrona. This will ensure that the desired pedestrian focused environment can be achieved within the Cardrona Village.</p>	Amend standard 20.5.7 of the PDP as requested in the Submission or any other similar or alternative wording.
11.	<p>Amend standard 20.5.8 as follows (or words to like effect):</p> <p><b>Continuous building length</b></p> <p>The length of any building façade above the ground floor level shall not exceed 16m, <b><u>except that within the Commercial</u></b></p>	Reject	<p>The requested amendments are consequential changes to the Settlement Zone provisions to support the implementation of the new objectives and policies and rules and standards requested as part of the package of relief sought by the Submitter.</p>	Amend standard 20.5.8 of the PDP as requested in the Submission or any other similar or alternative wording.

	<b>Submission</b>	<b>Decision</b>	<b>Reason for Appeal</b>	<b>Relief Sought</b>
	<p><u><i>Precinct at Cardrona, the length of any building façade above the ground floor level shall not exceed 20m, without appropriate modulation and / or recession being provided within building façade.</i></u></p> <p>b. At Cardrona, consistency with the Cardrona Village Character Guideline 2012, to the extent allowed by matter of discretion 20.5.8(a).</p>		<p>The changes requested will allow buildings to be built up to the street frontage to ensure a pedestrian focused and active street environment can be achieved within the Commercial Precinct and Visitor Sub-zone at Cardrona with appropriate modulation and / or recession being provided within the building façades to ensure that the buildings do not dominate the pedestrian environment and / or form a noticeable monotonous element within the environment.</p> <p>As outlined above the Submitter is of the view that there should be no statutory requirement contained within the PDP to consider the Guidelines until these Guidelines have been formally reviewed through a public process and deemed appropriate to achieve the design outcomes now desired for the Cardrona Village over the next 10 or so years.</p>	
12.	<p>Amend standard 20.5.9 as follows (or words to like effect):</p> <p><b>Gable roof form and pitch – Glenorchy and Cardrona only</b></p> <p>All buildings <u>at</u> Glenorchy shall be designed with a gable roof form with a minimum pitch from the horizontal of 25 degrees.</p> <p><u><i>All buildings within the Commercial Precinct and the Visitor Accommodation Sub-zone at Cardrona shall be designed with a gable roof form. The minimum pitch from the horizontal shall generally be 25 degrees but other roof pitches may be considered acceptable and will be assessed through the Restricted Discretionary resource consent process required for buildings.</i></u></p>	Reject	<p>The requested amendments are consequential changes to the Settlement Zone provisions to support the implementation of the new objectives and policies and rules and standards requested as part of the package of relief sought by the Submitter.</p> <p>There should not be a standard that specifies a minimum pitch for gable roofs. A general encouragement of gable roof forms is considered appropriate. However, a specific pitch requirement will unreasonably restrict innovative development that may still be able to achieve the amenity outcomes desired by the gable design direction for primary roof forms on buildings. The statutory focus on gable roof forms also creates a situation where other alternative innovative approaches are immediately deemed to result in an adverse effect</p>	Amend standard 20.5.9 of the PDP as requested in the Submission or any other similar or alternative wording.

	<b>Submission</b>	<b>Decision</b>	<b>Reason for Appeal</b>	<b>Relief Sought</b>
	Exemptions: verandas, lean-to's and other minor roof projections from the primary roof form.		(because they are not entirely consistent with the direction) where this may not necessarily be the case where high-quality design approaches are still undertaken.  The Settlement Zone at Cardrona should provide the opportunity for other design outcomes to be considered without any possible pre-determination as to adverse amenity effects where an alternative option may be acceptable in the context of the developing settlement of Cardrona (e.g. commercial buildings in the Commercial Precinct with flat roofs similar to the Historic Cardrona hotel).	
13.	Amend Standard 20.5.14 of the PDP as follows (or words to like effect):  Exceptions:  ...  <b><u>c. Recession planes do not apply on sites located within the Commercial Precinct at Cardrona.</u></b>	Reject	The requested amendments are consequential changes to the Settlement Zone provisions to support the implementation of the new objectives and policies and rules and standards requested as part of the package of relief sought by the Submitter.  It is possible that unreasonable recession plane requirements will restrict innovative development within the Commercial Precinct at Cardrona including the provision of a continuous commercial building frontage along Cardrona Valley Road and / or Soho Street with parking provided at the rear or within a basement.	Amend standard 20.5.14 of the PDP as requested in the Submission or any other similar or alternative wording.
14.	Amend Rule 20.6.2 of the PDP as follows:  The following Restricted Discretionary activities shall not require the written approval of other persons and shall not be notified:  Buildings located within a Commercial Precinct (Rule 20.4.6) <b><u>and the Visitor Sub-zone at Cardrona</u></b>	Reject	The requested amendments are consequential changes to the Settlement Zone provisions to support the implementation of the new objectives and policies and rules and standards requested as part of the package of relief sought by the Submitter.	Amend standard Rule 20.6.2 of the PDP as requested in the Submission or any other similar or alternative wording.

	<b>Submission</b>	<b>Decision</b>	<b>Reason for Appeal</b>	<b>Relief Sought</b>
	Visitor accommodation <i>and residential dwellings</i> located within a Visitor Accommodation Sub Zone or Commercial Precinct (Rule 20.4.7)			

**Relief sought**

24. The appellant seeks the following relief:
- (a) for jurisdictional purposes, all of the specific relief requested in the appellants submissions, and the table above or any other similar or alternative wording (this is to enable the widest possible scope for resolving the issues raised by the appellant);
  - (b) the deletion, amendment or other refinement to address the concerns raised by the appellant (including alternative ways of achieving some outcomes sought);
  - (c) any other additional or consequential relief to the PDP, including but not limited to, the maps, issues, objectives, policies, rules, discretions, assessment criteria and explanations to fully address the concerns raised by the appellant; and
  - (d) costs.

**Alternative dispute resolution**

25. The appellant agrees to participate in mediation or other alternative dispute resolution of the proceeding.

**Attachments**

26. The following documents are attached to this notice.
- (a) a copy of the appellant's original submission; and
  - (b) a copy of the appellant's further submission; and
  - (c) a copy of the Decision.

[The Environment Court has waived the requirement to serve submitters and further submitters, and so no list of submitters to be served is required to be filed with this notice. It has also waived the "advice to recipients" requirement, and so that advice is omitted from the notice to the appeal.]

**DATED** 18 May 2021



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J D K Gardner-Hopkins  
**Counsel for the appellant**

The appellant's address for service is C/- James Gardner-Hopkins, Barrister, PO Box 25-160, Wellington 6011.

Documents for service on the Applicant may be sent to that address for service or may be emailed to [james@jghbarrister.com](mailto:james@jghbarrister.com). Service by email is preferred, with receipt confirmed by return email.

**Attachment 1 - the appellant's submission**

**Attachment 2 - the appellant's further submission**



**Attachment 3 - the Decision**