

Agenda for an ordinary meeting of the Queenstown Lakes District Council to be held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday, 8 February 2018 commencing at 1.00pm

Item	Page No.	Report Title
		Apologies/Leave of Absence Requests An apology has been received from Councillor Ferguson. Councillor Hill is on leave of absence.
		Declarations of Conflict of Interest
		Matters Lying on the Table
		Public Forum
		Special Announcements
		Confirmation of Agenda
	5	Confirmation of Minutes 14 December 2017 (Public part of ordinary meeting)
1.	38	Proposed new lease to Skyline Investments Ltd
2.	74	Terms of Reference for Glenorchy Airstrip Consultative Governance Committee
3.	81	Overseas Investment Amendment Bill
4.	94	Adoption of Class 4 TAB and Gambling Relocation policy
5.	107	Corporate Submission on Stage 2 Queenstown Lakes Proposed District Plan and withdrawal of land from Stage 2 proposals
6.	125	Ratification of Commissioners' recommendation on submissions on Private Plan Change 52: Cardrona Station Special Zone
7.	221	Freedom Camping Amendments
	235	PUBLIC EXCLUDED Confirmation of Minutes 14 December 2017 (Public excluded part of ordinary meeting)
8.	239	PUBLIC EXCLUDED Request for Council Guarantee of the Shared Home Equity Product Model

Public minutes

Confirmation of minutes:

14 December 2017

Minutes of an ordinary meeting of the Queenstown Lakes District Council held in the Council Chambers, 10 Gorge Road, Queenstown on Thursday 14 December 2017 commencing at 1.00pm

Present:

Mayor Boulton; Councillors Clark, Ferguson, Forbes, MacDonald, McRobie, MacLeod Miller, Smith and Stevens

In attendance:

Mr Mike Theelen (Chief Executive), Mr Peter Hansby (General Manager, Property and Infrastructure), Ms Meaghan Miller (General Manager, Corporate Services), Mr Tony Avery (General Manager, Planning and Development), Mr Stewart Burns (General Manager, Finance and Regulatory), Mr Ulrich Glasner (Chief Engineer), Mr Myles Lind (Manager, Asset Planning), Mr Blair Devlin (Planning Practice Manager), Mr Craig Barr (Senior Planner - Policy), Ms Anita Vanstone (Senior Planner - Policy), Mr Lee Webster (Manager, Regulatory), Mr Thomas Grandiek (Monitoring and Enforcement Officer), Mrs Joanne Conroy (Property Advisor, APL Property Ltd), Mr Dan Cruickshank (Property Advisor, APL Property Ltd), Mr Peter Harris (Economic Development Manager), Ms Erin Moogan (Maintenance and Operations Manager, Property and Infrastructure), Ms Sarah Thomson (Contract Manager), Mr Paul Speedy (Strategic Projects Manager) and Ms Jane Robertson (Senior Governance Advisor); two members of the media and approximately 40 members of the public

Apologies/Leave of Absence Requests

An apology and application for Leave of Absence was made on behalf of Councillor Hill who sought leave for a period of two months on medical grounds.

Other applications for Leave of Absence were made as follows:

- Councillor McRobie: 23 December 2017 - 22 January 2018
- Councillor Forbes: 23 December 2017 - 7 January 2018; 14 - 28 February 2018
- Councillor Miller: 18 February - 1 April 2017

On the motion of the Mayor and Councillor Stevens the Queenstown Lakes District Council resolved to accept the apology and grant the requests for Leave of Absence.

Declarations of Conflicts of Interest

There were no declarations of conflicts of interest.

Matters Lying on the Table

There were no matters lying on the table.

Public Forum1. Kerry Dunlop, Queenstown Peddlers

Mr Dunlop spoke on behalf of the above group. Its focus was the connectivity and safety of cycling and walking trails in the district and they were concerned about pedestrian/cycle access from both sides of the new Kawarau Falls Bridge. The new plan for Frankton was an underpass but it would not join up with existing trails. Furthermore, it contained a hard left turn and required users to walk up to the road and then walk back through the kindergarten. He supported a return to the original plan which did not have a sharp turn and was safer.

The Peddlers also supported a proposal to develop a track on the true right bank of the Kawarau River which would link up with the trail to Gibbston Valley and along SH6; it would also provide a cycle route to the schools in the area.

The Mayor advised that the Council was aware the new plan for pedestrian/cycle access around the new Kawarau Falls bridge was different and was engaging with NZTA about returning to the original proposal.

2. Mark Williams, Queenstown Trails Trust

Mr Williams stated that the Trails Trust endorsed the concerns raised by the previous speaker. He believed that a lot of children would use the track and it was unsafe for them to have to cross SH6. He supported the proposed pedestrian underpass which would separate cyclists from the large amount of heavy traffic at the Shotover Delta which continued to increase and was a major hazard. He also supported the development of a track along the river bank over recreation reserve with separate bridges which could form part of the great ride.

Mr Williams complained that the Shotover Bridge carpark was often full of camper vans and they should be instructed to move. In addition, because some of the Tucker Beach Road conservation area would form part of the great ride, he was concerned about antisocial use of the access road and suggested that it be vested as reserve with the Council.

The Mayor advised that the pedestrian underpass would be discussed with NZTA and warning signs about overnight camping in the locations identified would be erected.

3. Rosemary Barnett

Dr Barnett advised that she was Chair of the Tucker Beach environmental protection group. The area had been gazetted as a site of national importance and it was important to protect and retain the conservation values of this green space. The group was involved in ecological restoration and but their work was being undermined by people using the area as a dumping ground and she circulated photographs showing rubbish left. She noted that the only public access was via an unsealed road through the former Tucker Beach landfill and although the Council had undertaken to restrict public access with bollards, this had not occurred. She asked the Council to do its part in supporting the work of this group by ensuring this happened.

QUEENSTOWN LAKES DISTRICT COUNCIL**14 DECEMBER 2017****Page 3**

The Mayor advised that Standing Orders gave him the discretion to restrict the speaking time if there were more than six speakers on the same topic in the Public Forum.

The overall topic addressed by speakers 4-9 in the Public Forum was their opposition to Council plans to chlorinate all the untreated water systems in the district, in particular, that in Glenorchy.

4. Niki Gladding

Ms Gladding observed that chlorination did not get the Glenorchy water/wastewater system any closer to compliance. The Water Safety Plan had been signed in 2012 and she would have expected measures to be in place by now but these had never happened. She believed the Council's planned chlorination was motivated by fear of liability based on its failure to implement the plan, as there was no evidence of e-coli in the water. She considered that this negligence would ultimately cost the community. Furthermore, consultation had determined that funding should be used for a permanent solution for the water system not a temporary one, and as it was not an emergency no funding should be spent on temporary chlorination.

Ms Gladding spoke about the risks of disinfection by-products, especially the potential for them to promote cancer and cause liver damage.

5. John Glover, Glenorchy Community Association

Mr Glover stated that chlorination was a divisive issue which inflamed the Glenorchy community. He believed the Council's decision was driven by political expediency and if there was any actual risk the Council would have taken other actions. He considered that the biggest risk to the Glenorchy water system was really the condition of its water tanks. He tabled extracts from a previous annual plan showing that funds had been allocated in 2013 to address this but the work had not been undertaken and the funds had been rolled over ever since. He observed that elsewhere on the agenda the Council was being asked to defer the item again and he asked why this was reasonable, as it either represented a risk or did not. By contrast with this deferral, he noted the Council's speed in addressing the risk of injury from vehicles stopping at Bennetts Bluff.

For the benefit of subsequent speakers on this topic, the Mayor stated that the Council had made an irreversible decision to chlorinate all Council water supplies over summer and would determine a final position in the new year.

6. Donald Crum

Mr Crum advised that he had his own water supply but an ugly by-product of chlorination were trihalomethanes which were highly carcinogenic. Accordingly, the cancer risk of using chlorinated water was 93% higher than using a system without. Systems with higher incidence of trihalomethanes also increased the risk of bladder and colon cancers and public health research indicated that bathing and showering in chlorinated water had as much risk as drinking it. Disinfecting water through oxidation was more expensive but the side effects were minimal. He considered that Glenorchy people who relied on the town water supply had the right to demand water that protected their health.

QUEENSTOWN LAKES DISTRICT COUNCIL**14 DECEMBER 2017****Page 4**7. Maria Thompson

Ms Thompson advised that she and her husband had moved to Glenorchy three years ago. Both had had cancer but had been in good health recently. However they were concerned that the introduction of chlorination into the water supply would adversely impact their health. She stated that the water in Glenorchy was beautiful and it would be a shame to do anything to it.

8. Trish Fraser, Sustainable Glenorchy

Ms Fraser advised that she was the fifth speaker from Glenorchy speaking about chlorination of its water supply, but the Mayor should not limit speakers from other areas of the district affected by the introduction of chlorination as this should be deemed a separate topic. She noted that she represented 67 members of Sustainable Glenorchy none of whom was happy about the proposal to chlorinate Glenorchy water and the Council's unilateral decision to do so. She stated that chlorination had been added to the Arrowtown and Hawea water supplies under temporary authority to address the presence of e-coli, but such was not the case with Glenorchy. Ms Fraser noted that the Christchurch water supply was not chlorinated and if a city of its size could be without chlorination, Glenorchy could be without it also. Ms Fraser questioned the Council's mandate to chlorinate the water without implementation of the Water Safety Plan and she urged the Council to reconsider the proposal to chlorinate without asking the Glenorchy community.

The Mayor sought an indication from those in the public gallery of who still wished to address the Council about chlorination of Glenorchy water supply and those who wished to speak on other issues.

**On the motion of Councillors Forbes and MacLeod
the Council resolved to suspend Standing Orders
and extend the Public Forum beyond 30 minutes.**

9. Danielle Jones

Ms Jones sang the song 'I See Fire' (Ed Sheeran) and symbolically poured Glenorchy water from a bottle onto the floor of the Council Chambers.

The Mayor asked Ms Jones to stop what she was doing. When she did not, he asked her to leave the meeting and she was escorted from the room.

10. Steve Wilde, DownTown Queenstown

Mr Wilde supported the four business cases presented on the agenda and expressed the hope that they would receive unanimous support and move forward as part of the 10 year plan process.

Downtown Queenstown was reasonably confident that the new bus service was not impacting upon Beach Street traffic but nonetheless looked forward to the development of a permanent transport hub on Stanley Street.

11. Glyn Lewers, Frankton Community Association

Mr Lewers thanked the Council for completing the toilets on Frankton Beach. He asked the Council to continue to advocate for the underpass under the Kawarau Falls Bridge to the kindergarten. He was pleased to see the

QUEENSTOWN LAKES DISTRICT COUNCIL**14 DECEMBER 2017****Page 5**

development of a Master plan but was concerned that park and ride proposals raised the potential for Frankton to become Queenstown's carpark. Nonetheless he was grateful for the relationships built with the Council and he endorsed its transparency.

12. Stuart Bateman

Mr Bateman stated that the condition of road verges was disgraceful and it was not the fault of developers. He detailed various areas of Queenstown where the public garden spaces were full of weeds and asked if the maintenance team had disappeared or the budgets had been cut. He stated that Queenstown needed to have more pride in itself and work hard to maintain its position as a leader. He also did not consider that two signs were sufficient to prevent parking on the grass at the One Mile Carpark.

In reply it was noted that the season had been unusual and gardening staff had been overwhelmed by the growth. Staff were aware of the situation and were working to address it.

13. Norman Addison

Mr Addison advised that he lived adjacent to the proposed Bullendale SHA. He had submitted feedback expressing some concerns about the development, especially the high density and maximum 27 metre height. He endorsed the written feedback submitted by Nigel Lloyd as it also covered his own situation; he tabled a copy of the feedback he had made.

14. Nigel Lloyd

Mr Lloyd addressed the Council about his feedback on the Bullendale SHA, noting that whilst he was generally supportive of the proposal he had some concerns. His main concern was that the concept plan showed the highest density 4-storey apartments right up to boundary and he suggested that instead there should be lower density development at the boundary to provide a buffer. He was also concerned about the height limits proposed. He was aware that the default position was 27 metres and although the Council officer was recommending 12 metres, this had not yet been accepted by the developer. He questioned if this sort of density was appropriate close to site boundaries in a low density residential area. He also questioned the impact on local traffic safety especially for cyclists and pedestrians adding that the situation would worsen in Stage 2. He asked the Council to add assessment of traffic effects to the further matters to be addressed by staff (recommendation 3).

15. Shane Fairmaid

Mr Fairmaid advised that he was the developer behind the Bullendale SHA. Since receiving consent in 2016 the development had progressed quickly with the first residents moving in in January 2018 and stage 3 currently being sold. He noted however that the high cost of accommodation meant obtaining and retaining staff was a continual challenge for building contractors and this had resulted in the pricing for building stage 3 being higher than ideal at \$620,000 for a two bedroom home. Nonetheless he continued to be committed to improving the accommodation situation in Queenstown. In response to the concerns about the access he noted that it had only been included as a discussion point and did not need to go in. He was unaware of speculation at

QUEENSTOWN LAKES DISTRICT COUNCIL**14 DECEMBER 2017****Page 6**

Bullendale and had given an undertaking to contribute 10% of the development for affordable housing.

16. EJ Mathee

Mr Mathee advised that he was a Consent Planner employed by the Queenstown Lakes District Council but he wished to address the Council as a private citizen and his comments did not impinge on his professional role at the Council.

Mr Mathee spoke in support of the application for a new licence by E-Skate Ltd to undertake guided electric skateboard tours along the Frankton track. He noted that the activity was not an extreme sport and had operated safely on a small scale over last two years on short-term permits. The electric skateboards were registered as amusement devices and the company had been checked for its compliance with health and safety standards.

**On the motion of the Mayor and Councillor Forbes
the Council resolved to reinstate Standing Orders.**

Special Announcements

Councillor MacLeod sought the Council's leave to address them about the *Navigation Safety Bylaw 2017* which had been due to be presented to this Council meeting following the hearing of submissions during November. The Mayor advised that this was appropriate.

Councillor MacLeod advised that the draft bylaw had received 314 submissions, of which 285 commented on the speed uplift on the Clutha River, the vast majority being in opposition to it. Having heard the submissions, the hearings panel considered there was merit in the Council considering a ban on powered craft on the Clutha River. This however, was deemed to be a substantive change which would require further consultation. For this reason, staff had been directed to give the matter further consideration and report on it as an amendment to the Statement to the Proposal. If adopted, the matter would then be subject to a further special consultative procedure. He recognised that many in the community would be disappointed about this delay but it was important to have a robust decision. He thanked all who had participated in the process to date, noting that a further report on the Navigation Safety Bylaw would be presented to the Council in the new year.

Confirmation of agenda

**On the motion of the Mayor and Councillor Stevens it
was resolved that the Council confirm the agenda.**

Confirmation of minutes**26 October 2017**

The draft minutes of 26 October 2017 were amended as follows (addition underlined):

QUEENSTOWN LAKES DISTRICT COUNCIL**14 DECEMBER 2017****Page 7**

'Mr Webster advised that if an application complied fully with the Class 4 and TAB Gambling Venue Policy, under that policy it would be issued with a licence. He therefore did not agree that there was any need to provide latitude for unexpected situations. He subsequently agreed to make this change to the draft policy.'

On the motion of Councillors MacDonald and Clark the Council resolved that the public part of the ordinary meeting of the Queenstown Lakes District Council held on 26 October 2017 as amended be confirmed as a true and correct record.

Councillor MacLeod abstained from voting because he had not been at the meeting.

8 November 2017

On the motion of the Mayor and Councillor MacDonald the Council resolved that the public part of the extraordinary meeting of the Queenstown Lakes District Council held on 8 November 2017 be confirmed as a true and correct record.

Councillor Ferguson, Councillor MacDonald, Councillor McRobie and Councillor Smith abstained from voting because they had not been at the meeting.

1. Proposed lease of the Frankton Zoological Gardens

A report from Alice Balme (Legal Manager) detailed the history of the lease held by the Young family over recreation reserve, known as the Frankton Zoological Gardens. The lease had expired on 31 March 2016 and following a public process the Council had resolved at a meeting on 28 July 2016 to grant a new lease for a term of 10 years. The process and decision had been questioned by a submitter opposing the lease renewal, Remarkables Park Ltd ['RPL']. Accordingly, the report recommended that the Council reconsider its decision of 28 July 2016, consider any further submissions on the Young family's submission of 30 June 2016 and determine whether to confirm, revoke or vary the 28 July 2016 resolution.

The Mayor advised that in the interests of a fair process and natural justice he would permit the applicant (lessee) and the submitter in opposition to the lease, Remarkables Park Ltd (RPL), to address the Council for three minutes each.

On the motion of the Mayor and Councillor Clark the Council resolved that Standing Orders be suspended in order to enable representatives of the Young family and Remarkables Park Ltd to address the Council.

a. Mr Revell Buckham

Mr Buckham advised that the Young family had been leasing the land for 34 years and had resided there for 56. The lease renewal had been an expensive exercise for the family, especially because the garden was not a commercial venture. There was free public access as required by the lease conditions and entry charges only applied to the Youngs' personal property. The only other issue was what other purposes the land could be used for, with a letter from the Queenstown Trails Trust suggesting that there was a competing interest for property. However, this was not the case, with new evidence suggesting a possible trail link from the southern side. The Youngs were also happy with the proposed two year termination clause. Overall, he considered that the Council had the legal and moral right to grant the lease, particularly in light of the fact that the facility had been there for a long time and it also retained a green area in the town. He asked the Council to confirm its earlier decision to grant a new lease.

b. Mr Alastair Porter, Remarkables Park Ltd ('RPL')

Mr Porter stated that there was confusion about RPL's concerns as they were not opposed to the ongoing operation of the Youngs' aviaries nor the Council approving a five year lease. However the issue was about public access to publicly owned land and the river. He believed confusion remained over 'free public access' as the Youngs did not propose to remove the fence that ran along the reserve boundary or to provide access outside the hours 10am - 4.30pm when the aviaries were open to the public. Mr Porter asserted that this fence prevented the public from walking through the reserve and along the river margin and did not represent free public access.

RPL supported the Council granting a five year lease to the Youngs only for the northern part of the reserve adjoining the house and which contained the aviaries. It also supported the Council preparing a Reserve Management Plan which would assist with decision-making on future applications for lease renewals.

RPL supported the request for a two year termination clause as well as inclusion of a clause for any works needed to deal with subsidence or flooding.

RPL saw a number of benefits of the way forward it proposed.

**On the motion of the Mayor and Councillor Stevens
the Council resolved that Standing Orders be
reinstated.**

The report was presented by Mrs Conroy.

The Chief Executive detailed the options available. He noted that although the Youngs had applied for a lease renewal of 33 years the original hearings panel had recommended that the Council grant a five year lease. On 28 July 2016 the Council had approved a 10 year lease which had been suggested

by the Youngs' legal counsel during the Public Forum at that Council meeting. This had prompted RPL to raise concerns that they had not also had the opportunity to participate in the meeting.

Mrs Conroy clarified that the Youngs' residence was on freehold land, with the leased area covering the aviaries on adjacent land and open reserve to the east which had been developed to be more like parkland. She noted that if the public entered via the public road there was free access to the reserve at any time of the day or night and payment was only required to visit the aviaries. It was noted that signage limiting public access had previously been in place but had been removed during the course of negotiations about the new lease.

Councillor Forbes considered that RPL had presented a good compromise and she agreed with their points that not being able to get through the reserve was a problem and that more reserve space would be needed in the future. Councillor MacLeod observed that a clause giving the Council the ability to give the lessee 24 months' notice of termination of the lease provided the flexibility to manage changing needs. Furthermore, matters such as these should be covered under a Reserve Management Plan which under the Council's July 2016 resolution was to be done within three years of 2016. Members agreed that preparation of a Reserve Management Plan should commence forthwith.

In reply to questions, Mrs Conroy confirmed that without fencing it would be possible to cycle through the area. In relation to subsidence, she advised that there was an ongoing issue with the bank which could be addressed in a Reserve Management Plan.

The Mayor advised that he had been uncomfortable with the earlier Council decision to grant a lease for a period different from what had been recommended by the hearings panel. Accordingly, he supported the panel's original recommendation of a five year lease term and a termination period of two years.

Members asked when any new lease should commence. Mrs Conroy observed that the lease commencement date was originally 1 August 2016, however this was not a recommendation from the hearings panel but was just reflective of the time the report had been presented to the Council. She suggested that it would be appropriate to start any new lease the Council may approve from the current time.

**On the motion of the Mayor and Councillor MacDonald
it was resolved that that the Council:**

- 1. Note the contents of this report;**
- 2. Agree to reconsider the 28 July 2016 resolution;**
- 3. Determine to amend the resolution of Council on 28 July 2016 to grant a lease to the Youngs for the zoological gardens as follows:**

Approve a new lease to D, R and P Young over Section 167, Block 1 Shotover Survey District, subject to the following terms and conditions:

Commencement: Upon signing

Term: 5 years

Rent: \$1.00 (Pursuant to Community Pricing Policy)

Reviews: None

Renewal: None

Termination: Council has the ability to give two years' notice to terminate the lease

Use: Gardens and animal enclosures and associated buildings and activities

Other: That free access for the public to the lease area be provided (except the buildings);

Consideration of Health and Safety;

The lessee to maintain a minimum of \$2,000,000 public liability insurance;

At termination, all buildings to be removed and the land reinstated;

Lessee to assist Council in its effort with regard to the control of invasive weed species in the Kawarau River by whatever means are deemed appropriate within the context of a management plan for the Kawarau River;

Lessee to provide access for Council to the lease area if remedial works are required for flooding or subsidence or to terminate if these events make continued use dangerous.

- 4. Agree that a Reserve Management Plan for the area of and around the Zoological gardens in Frankton be prepared within three years of the lease commencement.**
- 5. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting a new lease to D, R**

**and P Young over Section 167 Block 1 Shotover
Survey District.**

**2. Queenstown Town Centre Masterplan Programme Business Case -
covering report**

A covering report from Tony Pickard (Principal Planner, Property and Infrastructure) presented the Queenstown Town Centre Masterplan Programme Indicative Business Case and sought the Council's authority for further detailed work to proceed on the programme and associated business cases.

This report and items 3 and 4 were presented by Mr Hansby.

Councillor MacLeod acknowledged the enormous amount of effort that had gone into the project to date. He expressed hope that smaller communities (including Wanaka) would also benefit from this work.

Further detail was sought on the financial implications. Mr Hansby noted that Council continued to work with NZTA on its funding contribution and the investment by both Council and NZTA would be subject to rigorous analysis.

Councillor Forbes noted that clear messaging would be needed to ensure good public understanding of this project.

**On the motion of the Mayor and Councillor McRobie
it was resolved that Council:**

1. Note the contents of this report;

**2. Approve the Queenstown Town Centre
Masterplan Programme Business Case; and**

**3. Approve works to proceed on the programme and
project business cases into the detailed planning
phase.**

**3. Queenstown Public and Passenger Transport Facilities Indicative
Business Case**

A covering report from Tony Pickard (Principal Planner, Property and Infrastructure) presented the Queenstown Public and Passenger Transport Facilities Indicative Business Case and sought the Council's authority to proceed with work on the preferred option within the detailed business case.

Questions were raised about the 35 year timeframe of the vision, especially whether this was too long for some urgent projects. Mr Hansby advised that because of the immediate need for some infrastructure the 35 year horizon had been achieved in all cases, notwithstanding that projects would be reviewed every three years as part of the Long Term Plan.

Councillor Clark stressed the importance of providing park and ride facilities for commuters.

On the motion of Councillors MacDonald and Clark it was resolved that Council:

- 1. Note the contents of this report;**
 - 2. Approve the Queenstown Public and Passenger Transport Facilities Indicative Business Case; and**
 - 3. Approve works to proceed on the preferred option within the detailed business case.**
- 4. Queenstown Town Centre Arterials Indicative Business Case**

A covering report from Tony Pickard (Principal Planner, Property and Infrastructure) presented the Queenstown Town Centre Arterials Indicative Business Case and sought Council authority for work to proceed on the preferred option within the detailed business case.

Members noted that the overall cost of this programme was budgeted to be \$140million. Mr Hansby stressed that project delivery would only be possible with financial support from NZTA, central government and other partners and this would depend largely upon the information provided in the detailed business case.

Mr Hansby thanked the project team and stakeholders for their contribution to the development process.

On the motion of the Mayor and Councillor Forbes it was resolved that the Council:

- 1. Note the contents of this report;**
 - 2. Approve the Queenstown Town Centre Arterials Indicative Business Case; and**
 - 3. Approve works to proceed on the preferred option within the detailed business case.**
- 5. Project Connect: One Office Accommodation Indicative Business Case**

A covering report from Meaghan Miller (General Manager, Corporate Services) presented the Project Connect Indicative Business Case and sought Council authority to continue to progress the one Council office accommodation proposal for consultation through the Draft 10 Year Plan 2018-2028.

The Mayor observed that the provision of a single Council office had been debated since 1989 but there had always been a reason not to proceed with it. He considered however that staff spread over four different offices in the

Queenstown CBD was non-productive and the Council could not now keep delaying this project.

Members agreed that it was not possible to put this decision off any longer and it was important to ensure that the civic heart remained in the Queenstown town centre. Although initial costings suggested that the building construction would cost \$41 million there were various other funding models, including partnerships, available.

Staff were directed to ensure good public understanding of the efficiencies that would be gained from all Council services being available in one building.

On the motion of Councillors Clark and Miller it was resolved that the Council:

- 1. Note the contents of this report and in particular the Project Connect Indicative Business Case outlining the case for the one office Council accommodation (Project Connect) proposal; and**
- 2. Agree to include funding for Project Connect in the Draft 10 Year Plan 2018-2028 for consultation.**

Ms Miller expressed thanks to the Council for this decision on behalf of the Council staff.

6. Supply Boundary Adjustment – Henley Downs Subdivision, Kingston and Woolshed Road, Kawarau Falls

A report from Ulrich Glasner (Chief Engineer) sought Council approval to extend the wastewater supply boundary for the Henley Downs and Jacks Point Village subdivisions and water supply boundary for Henley Downs subdivision at Kingston Road (SH6) and Woolshed Road.

The report was presented by Mr Glasner and Mr Hansby.

On the motion of Councillors MacLeod and McRobie it was resolved that the Council:

- 1. Note the contents of this report;**
- 2. Agree to extend the wastewater supply boundary for the Henley Downs and Jacks Point Village subdivisions;**
- 3. Agree to extend the water supply boundary for Henley Downs subdivision at Kingston Road (SH6) and Woolshed Road.**

7. 2017/18 Capital Works Programme – First Re-forecast

A covering report from Peter Hansby (General Manager, Property and Infrastructure) presented a summary of proposed changes to the capital works programme for property and infrastructure projects for the Council's approval.

The report was presented by Mr Hansby and Mr Lind. An amended spreadsheet of adjustments was circulated.

**On the motion of the Mayor and Councillor MacLeod,
it was resolved that the Council:**

- 1. Note the contents of this report; and**
- 2. Approve the budget changes proposed and detailed in Attachment A.**

8. Special Housing Area Expression of Interest: Bullendale

A report from Anita Vanstone (Senior Planner) assessed an Expression of Interest [EOI] for the proposed Bullendale Special Housing Area. The report concluded that the Bullendale EOI was generally consistent with the purpose of the purpose of the Housing Accord and Special Housing Areas Act (the HASHAA), the Queenstown Lakes District Housing Accord and the Lead Policy although some further detailed investigation was required. Accordingly, the report recommended that the Council approve in principle recommending the Bullendale SHA to the Minister of Housing and Urban Development, subject to the negotiation of a Stakeholder Deed and qualifying development criteria, further investigation of the infrastructure (including connections to reserves) and confirmations from the specified Statutory Authorities (Aukaha) (formerly Kai Tahu ki Otago) and the Department of Conservation).

The report was presented by Ms Vanstone and Mr Avery. Ms Vanstone advised that since the preparation of the report, Aukaha had advised that they had no objections to the proposal.

There was further discussion about the traffic effects which had been a major theme in the feedback. Ms Vanstone noted that this had been flagged as a matter requiring further attention and this would be reported on at the next stage in the process and it was agreed that this should be added to the recommendation as 3(e). Agreement had also been reached on the 10% contribution to affordable housing and detail of this would also be covered in the next report.

Clarification was sought on the 27m height at the boundary. Ms Vanstone noted that this was the default position taken under HASHAA and it was superseded by recommendation 3(d) requiring qualifying development criteria to be negotiated. This would include such matters as heights and impact on amenity.

On the motion of Councillors MacDonald and McRobie it was resolved that the Council:

- 1. Note the contents of this report;**
 - 2. Note feedback received from the public will be provided to Councillors separately;**
 - 3. Approve in principle the potential development of the Bullendale Special Housing Area, subject to further consideration of the below requirements:**
 - a) Instruct the General Manager of Planning and Development to proceed with negotiation of the Stakeholder Deed that fulfils the infrastructure, parks and reserves (including trails, footpaths and connections) and affordable housing requirements of the Special Housing Area Lead Policy titled: Housing Accords and Special Housing Areas Act 2013 Implementation Guidelines;**
 - b) The developer to obtain confirmation from the Department of Conservation that the proposed stormwater solution to increase flows over their land is acceptable;**
 - c) Gain confirmation from Aukaha that the proposal is supported in principle;**
 - d) Negotiate qualifying development criteria for the proposed Special Housing Area; and**
 - e) Provide further detailed assessment on the traffic effects.**
 - 4. Instruct Council officers to report back to the Council on the measures discussed in Point 3 above**
- 9. Request for Private Plan Change 53: Northlake Special Zone**

A report from Craig Barr (Senior Planner) assessed a private plan change request by Northlake Investments Limited ['NIL'] to alter the structure plan and text of Chapter 12.34 Northlake Special Zone in the Operative District Plan. The report recommended that Council accept the private plan change for processing.

The report was presented by Mr Avery and Mr Barr.

Mr Barr advised that NIL was seeking to increase the amount of commercial land available to allow a small to medium size supermarket to be developed.

On the motion of Councillors MacLeod and Forbes it was resolved that the Council:

- 1. Note the contents of this report;**
- 2. Authorise private plan change request 53 Northlake Special Zone for processing by the Council and proceed to notification.**

10. Adoption of amendments to the fees and charges schedule for Resource Consent and Engineering Fees and Other Charges

A report from Blair Devlin (Manager, Planning Practice) advised that no submissions had been received on proposed changes to the 'Resource Consent and Engineering Fees and Other Charges' and recommended that the Council adopt the amended fee schedule.

The report was presented by Mr Avery and Mr Devlin.

On the motion of Councillors MacLeod and Ferguson it was resolved that the Council:

- 1. Note the contents of this report;**
- 2. Note that no submissions were received on the Statement of Proposal to amend the 'Resource Consent and Engineering Fees and Other Charges' schedule; and**
- 3. Adopt the fee schedule used for 'Resource Consent and Engineering Fees and Other Charges'.**

11. Brothel Control Bylaw 2011 Review

A report from Thomas Grandiek (Monitoring and Enforcement Officer) detailed the Special Consultative Procedure undertaken on the proposed QLDC Brothel Control Bylaw 2017, noting that one submission in support had been received. No hearing had been necessary and accordingly it was recommended that the draft bylaw be adopted without amendment.

The report was presented by Mr Grandiek and Mr Webster. It was noted that no views contrary to the bylaw had been received which indicated that the present zones in which brothels were permitted were still appropriate.

On the motion of Councillors McRobie and Stevens it was resolved that the Council:

- 1. Note the contents of this report; and**
- 2. Adopt the Queenstown Lakes District Council Brothel Control Bylaw 2017.**

12. New lease over part of Section 8 Block XV Town of Queenstown to the Empanada Kitchen Limited

A report from Dan Cruickshank (Property Advisor, APL Property Ltd) assessed granting a new lease to The Empanada Kitchen Limited for approximately 3.816 square metres, being part of the Council building (the public toilet block in Earnslaw Park). The report noted that the proposal to issue a new lease had been subject to public consultation with no submissions received. Accordingly, it was recommended that a new lease be granted subject to similar terms and conditions as in the previous lease.

Items 12 and 13 were presented by Mr Cruickshank and Dr Cloete.

On the motion of Councillors Stevens and McRobie it was resolved that the Council:

- 1. Note the contents of this report;**
- 2. Approve a new lease under section 54(1)(d) of the Reserves Act for The Empanada Kitchen Limited for approximately 3.816 square metres of the Council building, part of which is located on section 8 Block XV Town of Queenstown subject to the following conditions:**

Term:	Two years
Rent:	\$16,000 plus GST per annum plus OPEX
Reviews:	At renewal (to market, or CPI at Council's discretion)
Renewal	One of two years
Commencement:	Upon Signing
Use:	Sale of pre-prepared takeaway foods and drinks
Insurance:	\$2 million public liability insurance cover
Assignments:	With the approval of Council

Special conditions:

- a. At expiry, Lessee to remove chattels from the premises but all fixtures and fittings affixed to the premises shall revert to the Lessor without any compensation.**
 - b. Lessor to maintain the building in which the premises are located.**
- 3. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of a lease to The Empanada Kitchen Limited for 3.816 square**

meters of the Council building located on section 8, block XV, Town of Queenstown.

4. Delegate signing authority to the General Manager, Community Services.

13. New licence to E-Skate Limited to undertake guided electric skateboard tours along the Frankton Track

A report from Dan Cruickshank (Property Advisor, APL Property Ltd) assessed granting a new licence to E-Skate Limited to operate commercial guided electric skateboard tours on the Frankton track. The report noted that the intention to grant the new licence was approved for notification by the Chief Executive under delegation on 29 September 2017 with submissions closing 12 November 2017. No submissions were received. Accordingly, the report recommended that a new licence be granted subject to various terms and conditions.

It was noted that although petrol motors were not allowed on the Queenstown Trails network, e-bikes and e-skates were both faster than their manual counterparts and the speed of these modes of transport was likely to increase as technology advanced. Questions were raised about when it may become necessary to limit the users permitted to use the trails and how the Council could address any advances in E-Skate's technology which increased the device's speed.

Mr Cruickshank advised that a condition could be included in the licence without any need to amend the recommendation that would allow the Council to intervene if technological advances changed the type of device used. He added however, that the operator had a good safety record having operated without incident over the last two summers.

On the motion of Councillors MacLeod and MacDonald it was resolved that the Council:

- 1. Note the contents of this report;**
- 2. Approve a new reserve licence over the areas of reserve land outlined in the schedule attached [Attachment B] to E-Skate Limited, subject to the following terms and conditions:**

Commencement	TBC
Term	5 years
Renewal	One further term of 5 years by agreement of both parties
Rent	Base rent of \$750, or 7.5% of gross turnover, whichever is the greater

Reviews	At renewal
Insurance	Requirement to have public liability insurance of \$2 million
Safety/Suspension	Council to retain ability to suspend the licence for safety purposes or to avoid large public events. Health and Safety plan to be provided to Council, prior to commencing the activity.
Termination	Council to retain the ability to cancel the licence at their discretion with a minimum of 12 months' notice.
Hours of operation	Only between the hours of 10.00am and 4.00pm.
Other	Licensee must ensure they hold all permissions as allowed under the district plan for the purpose of electronic skateboard tours.
	Licensee must only operate on the Queenstown Trails within the scheduled reserves, except for the specified training areas.

- 3. Agree to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of a new licence to E-Skate Limited over the reserves detailed above.**
- 4. Delegate signing authority to the Community Services General Manager.**

14. Chief Executive's Report

A report from the Chief Executive presented information on the following matters:

- Cemetery Road realignment (amendment to previous resolution);
- Interim adoption of Waste Management and Minimisation Plan to continue to receive waste levy payments;
- Change to start time for kerbside rubbish collection services;
- Summary of meetings occurring during the previous meeting round:
 - Community and Services Committee, 2 November 2017

- Planning and Strategy Committee, 16 November 2017
- Infrastructure Committee, 23 November 2017
- Wanaka Community Board, 30 November 2017
- Community and Services Committee, 7 December 2017
- Audit, Finance and Risk Committee, 21 December 2017

Four recommendations from the Wanaka Community Board meeting held on 30 November 2017 were presented for approval. Councillor MacLeod advised that he did not support the Board's recommendation to allocate \$6million from the Wanaka Asset Sale Reserve to repay Wanaka Swimming Pool debt. He would therefore abstain from voting on this part of the resolution.

On the motion of the Mayor and Councillor Stevens it was resolved that the Council

- 1. Note the contents of this report;**

Cemetery road realignment

- 2. Amend the resolution made at the Council meeting held on 17 August 2017 so that it reads as follows:**

- 1. Note the contents of this report;**
- 2. Agree to stopping the section of Cemetery Road, Queenstown shown as areas 'B' and 'C' in the Cemetery Road (Queenstown) road stopping and land exchange plan (Attachment B) under sections 319 and 342 Local Government Act 1974;**
- 3. Delegate officers to undertake the road stopping process, including public notification of the proposal, as set out under Schedule 10 Local Government Act 1974;**
- 4. Authorise the disposal of Council land shown as area 'B' in the Cemetery Road (Queenstown) road stopping and land exchange plan (Attachment B) under section 117(3) Public Works Act 1981 or section 345 of the Local Government Act 1974; and**
- 5. Delegate the Chief Executive to finalise terms and execute the sale and purchase agreement between the Council and Brecon Street Partnership Limited.**

Waste Management and Minimisation Plan

- 3. Adopt the Waste Management and Minimisation Plan (WMMP) 2011, following its review in 2017, until the adoption of the amended draft WMMP 2018 occurs as part of the Long Term Plan 2018-28 consultation process;**

Kerbside Rubbish Collection Services

4. Note that to meet increased demands on kerbside collection services, there will be a change in requirement from placing your rubbish and recycling out on the kerb before 8am on your rubbish day for collection, to before 7am.

Wanaka Community Board recommendations for ratification**Wanaka Swimming Pool Funding**

5. Allocate a sum of \$6million in 2018/19 from the Wanaka asset Sale reserve to repay Wanaka Swimming Pool debt in the draft 10 Year plan 2018-28 (LTP) budgets.

Draft Reserve Management Plan for Lismore Park, Allenby Park, Kelly's Flat, Faulks Terrace, Domini Park and Kennedy Crescent Recreation Reserves

6. Notify the Draft Reserve Management Plan for Lismore Park, Allenby Park, Kelly's Flat, Faulks Terrace Domini Park and Kennedy Crescent Recreation Reserves.

Proposal to Vest Land in Peninsula Bay North as Reserve and to Offset Reserve Land Contributions as per the Development Contributions Policy

7. Approve the vesting of the proposed reserve land (identified as Lot 925 comprising 12.23ha), subject to the following works being undertaken at the applicant's expense:
 - a. Consent being granted (as necessary) for any subdivision required to formally create the reserve land;
 - b. The removal of the Existing Spoil from the land and the rehabilitation of any land disturbed as a consequence.
 - c. Presentation of the reserve land in accordance with Council's standards for reserves;
 - d. The submission to Council by the developer, certification as appropriate by Council, and subsequent implementation of any landscape and planting plan if required by Plan Change 51.
 - e. The submission to Council by the developer, certification as appropriate by Council, and

- subsequent implementation of a weed management and wilding tree removal plan;
- f. A potable water supply point to be provided at the boundary of the reserve lot;
 - g. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserve land to vest in QLDC to protect the Council from liability to contribute towards any work on a fence between a public reserve vested in or administered by the Council and any adjoining land;
 - h. A three year maintenance period by the current landowner commencing from vesting of the reserve, to include weed control and the removal of wilding trees;
 - i. Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.
8. Agree to offset any applicable reserve land contributions in accordance with the Development Contributions Policy current at the time of contributions payment, subject to recommendation (c) above.

Proposal to Vest Lands between Mt Iron Drive and Mercury Place, Wanaka, as Reserve and to Offset Reserve Land and Reserve Improvements Contributions as per the Development Contributions Policy

9. Approve the vesting of the two identified proposed Local Purpose Reserves (access):
- a. Lots 97 and 99, Allenby Farms Limited, Mount Iron Drive, Wanaka.
- subject to the following works being undertaken at the applicant's expense:
- i. Consent being granted (as necessary) for any subdivision required to formally create the reserve;
 - ii. Presentation of the reserve in accordance with Council's standards for reserves;
 - iii. A continuous sealed path of minimum 2 meter width being provided;
 - iv. The registration of a fencing covenant under s6 of the Fencing Act 1978 on the reserves to vest in QLDC to protect the

Council from liability to contribute towards any work on a fence between a public reserve vested in or administered by the Council and any adjoining land;

- v. A three year maintenance period by the current landowner commencing from vesting of the reserve;
- vi. Vesting of reserves to be undertaken in accordance with the QLDC Vesting of Roads and Reserves Policy.

10. Agree to offset reserve land contributions in accordance with the Development Contributions Policy current at the time of contributions payment and the Parks and Open Space Strategy 2017, subject to recommendation (iii) above.

11. Agree to offset reserve improvement contributions against the cost of the paths within the reserves, in accordance with the Development Contributions Policy current at the time of contributions payment, subject to:

- a. Detailed design plans for the reserves to be submitted and the approval of these to be delegated to the Parks and Reserves Planning Manager.
- b. Final approval of reserve improvement costs to be delegated to the Parks and Reserves Planning Manager and is subject to the applicant demonstrating the actual costs of the improvements.
- c. If the cost of work to construct the approved plans exceeds the contributions available to be credited, the additional cost shall be at the applicant's expense.

Councillor MacLeod abstained from voting on part (5) of the resolution.

Resolution to Exclude the Public

On the motion of the Mayor and Councillor MacLeod the Council resolved that the public be excluded from the following parts of the proceedings of the meeting:

The general subject of the matters to be discussed while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(a) of the Local Government Information and Meetings Act 1987 for the passing of this resolution is as follows:

QUEENSTOWN LAKES DISTRICT COUNCIL

14 DECEMBER 2017

Page 24

Confirmation of minutes of ordinary meeting held on 26 October 2017

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
9. Arrowtown Community and Sports Centre Funding	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)

Agenda Items

- 15. Economic Development Fund 2017/18
- 16. New Management and Maintenance Services for Open Spaces Contract
- 17. Well Smart Limited (Thompson Street) Land Transfer Agreement

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
15. Economic Development Fund 2017/18	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: b)ii) protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	Section 7(2)(b)(ii)

QUEENSTOWN LAKES DISTRICT COUNCIL**14 DECEMBER 2017****Page 25**

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
16. New management and maintenance services for Open Spaces Contract	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)
17. Well Smart Limited (Thompson Street) Land Transfer Agreement	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)

This resolution is made in reliance on Section 48 [1] [a] of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982 as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above with respect to each item.

The meeting went into public excluded at 3.32 pm at which point it adjourned.

The meeting resumed in public excluded at 3.38pm.

The meeting came out of public excluded and concluded at 4.05pm.

CONFIRMED AS A TRUE AND CORRECT RECORD

M A Y O R

D A T E

Programme	Project Code	Project Description	2017-18 Budget	New	Budget Transfer	Defer	Budget Forecast	2017-18 versus Forecast	Budget Comments
Buildings	000109	Hawea Flat Hall - Extension	35,558		(5,000)		30,558	(5,000)	Project complete and under budget. Propose budget transfer 5K to new project; Church Street Office extension.
	000293	6 Merioneth St Arrowtown	40,000		(40,000)		-	(40,000)	Project budget to undertake fire protection works not required as garage is no longer being used as a commercial workshop. Propose full budget transfer to new project; Church Street Office extension.
	000378	Security - CCTV Cameras - CBD	5,335		20,000		25,335	20,000	Additional budget is required for install of new CCTV installations districtwide at fixed sites in public spaces for general crime prevention operated in conjunction with the Police.
	000564	Wanaka Airport	150,000		(100,000)		50,000	(100,000)	Budget provision \$50K for handover works. Propose reallocate residual budget to new project; Luggate Hall design and investigation works.
	NEW 1	Civic Building (Gorge Road Office)	-	190,000			190,000	190,000	Queenstown Council Buildings renewals and Minor Improvements CAPEX. New budget to re-roof part of building; renovate bathrooms; refurb office including fit out (new desks) to accommodate additional staff.
	NEW 2	Church Street Office Extension	-	45,000			45,000	45,000	Additional office space at Church St is available for potential lease mid January. New budget required to; reconfigure office area, refurbish and fit out (8 to 12 workstations). Budget to be reallocated from Projects 109 and 293.
	NEW 3	Wanaka Office Improvements	-	20,000			20,000	20,000	Proposed budget in draft LTP allows for a potential office fit out over 2 years. Budget requested AP 17/18 to determine project scope.
	NEW 4	Luggate Hall Replacement	-	90,000			90,000	90,000	New budget request for design and investigation of replacement hall. Reallocate budget from Project 564 Wanaka Airport minor improvements capex.
	NEW 5	Athenaeum Hall Toilets - Upgrade	-	15,000			15,000	15,000	Proposed budget in draft LTP allows for decommissioning of existing toilets. Budget requested 17/18 to determine project scope.
Buildings Total			230,893	360,000	(125,000)	-	465,893	235,000	
Solid Waste	NEW 6	Wakatipu Recycling Centre remedial construction	-	70,700			70,700	70,700	New project budget requested to undertake remedial construction and structural strengthening works at Wakatipu Recycling Centre.
	000190	Composting System / Dump Station	27,500		(27,500)		-	(27,500)	H&S issue needs to be resolved urgently. Reallocate budgets from projects 190 and 370 no longer required.
	000370	Weighbridge Transfer Station Renewal	2,100		(2,100)		-	(2,100)	
	NEW 7	Wanaka Transfer Station	-	120,000			120,000	120,000	New budget requested to reconfigure site; construct separate access for commercial tipping vehicles to allow safe disposal of waste. Proposed reconfiguration will eliminate the need to open gate at top of pit and eliminate H&S risk.
Solid Waste Total			29,600	190,700	- 29,600	-	190,700	161,100	

Programme	Project Code	Project Description	2017-18 Budget	New	Budget Transfer	Defer	Budget Forecast	2017-18 versus Forecast	Budget Comments
Transport	000061	WANAKA - Sealed road pavement rehab (Subsidised)	306,743		120,000		426,743	120,000	Additional budget \$120K requested to undertake heavy duty maintenance works on the Cardrona Valley Road.
	000623	Camp Hill Rd - Sealed Rd Pavement Rehab	136,514		(70,000)		66,514	(70,000)	Transfer \$70K budget from Project 623 Camp Hill Rd Rehab. This project is now complete.
	000380	Resilience - Crown Range Road Land Construction	917,021		(432,775)		484,246	(432,775)	Reallocate an additional \$50K budget from project 380 Crown Range Resilience. Project budget no longer required.
	000562	Mt Aspiring Road Widening	1,500,000			(1,400,000)	100,000	(1,400,000)	BBC underway, concept design budget 17/18 \$100K. Defer budget \$1.4M to 18/19 for detailed design and physical works. (As project not included in current RLTP more likely to secure subsidy in 18/19 not 17/18).
	000580	Ballantyne Road Design	275,000			(75,000)	200,000	(75,000)	BBC complete, detailed design budget 17/18 \$200K. Defer budget \$75K to 18/19 for physical works.
	000245	Frankton Flats Strategy Implementation	394,534			(14,000)	380,534	(14,000)	Request reallocation of budgets to fund two new transport projects; installation of new water taxi jetties at Queenstown Bay and Frankton Beach.
	000575	New Public Transport Hub in Frankton	180,000			(180,000)	-	(180,000)	Reallocate budget \$180K from Project 575 New Public Transport Hub Frankton. This project budget is no longer required as NZTA funding changes to existing PT Hub at Frankton.
	NEW 8	Frankton Beach Jetty	-			102,000	102,000	102,000	Transfer budget \$14k from Project 245 Frankton Flats Strategy Implementation.
	NEW 9	Queenstown Bay Jetty	-			92,000	92,000	92,000	
	000391	Ardmore St/Lakefront Streetscape	199,650			(100,000)	99,650	(100,000)	Programme of works limited at Ardmore Street 17/18. Budget \$100K to be reallocated to new project Wanaka Town Centre Masterplan to undertake initial establishment works/report.
NEW 10	Wanaka Town Centre Masterplan- Establishment Report	-			100,000	100,000	100,000		
Transport Total			3,909,462	-	(382,775)	(1,475,000)	2,051,687	(1,857,775)	
Waste Water	000023	Luggate Reticulation - extension	58,001		(58,001)		-	(58,001)	Combine budgets Projects 23 and 625 with Project 554, Connect Luggate to Project Pure. Concept design budget \$350K 17/18. Defer \$483K to 18/19 for physical works.
	000554	Connect Luggate to Project Pure	500,000		333,001	(483,001)	350,000	(150,000)	
	000625	Project Pure Treatment Upgrades Stage 2	275,000		(275,000)		-	(275,000)	
NEW 11	Network Consents Project	-	100,000			100,000	(100,000)	Following the successful prosecution of QLDC by the ORC for a wastewater overflow to the Kawarau River, it is proposed to bring the 2018 LTP Network Consent Project forward to the current year. There is currently no agreed effects based framework for the operation of the wastewater systems in the district. This additional funding will enable the engagement of our legal and technical teams to immediately commence the gaining resource consents under the RMA for the QLDC wastewater network and define the management and environmental outcomes for our district.	

Programme	Project Code	Project Description	2017-18 Budget	New	Budget Transfer	Defer	Budget Forecast	2017-18 versus Forecast	Budget Comments
	000359	Remarkables Park Pump Stn Upgrade - Stg4	393,941			(393,941)	-	(393,941)	Defer project budget to 18/19. Further works has identified that existing pump systems have greater capacity than anticipated. Work to replace the pump station not as urgent as earlier indicated. Complete works 18/19.
	000366	Recreation Ground Pump Station - Stage 1	474,199			(300,000)	174,199	(300,000)	BBC, concept design and feasibility budget 17/18 \$174K. Defer budget \$300K to 18/19 for detailed design and physical works.
Waste Water Total			1,701,141	100,000	-	(1,176,942)	624,199	(1,276,942)	

Programme	Project Code	Project Description	2017-18 Budget	New	Budget Transfer	Defer	Budget Forecast	2017-18 versus Forecast	Budget Comments
Water Supply	000281	Rising Main - Shotover Country to Glenda Drive	2,351,537			(2,000,000)	351,537	(2,000,000)	Concept design budget 17/18 \$351K. Defer budget \$2M to 18/19 for detailed design and physical works.
	000361	Glenorchy Water Reservoir Upgrade	495,215			(395,000)	100,215	(395,000)	BBC & Concept design budget \$100K 17/18. Defer budget \$395K to 18/19 for physical works.
	000363	Kelleher Drive Extension	54,293		(54,293)		-	(54,293)	Project no longer required. Propose reallocation of this budget to new project Western Wanaka Pressure to address levels of service/low pressure.
	NEW 12	Western Wanaka Pressure	-	50,000			50,000	50,000	
	000553	Frankton Ring Main and Hanley Downs CXN	490,000			(310,000)	180,000	(310,000)	Concept design budget 17/18 \$180K. Defer budget \$310K to 18/19 for physical works.
	000626	Rising Main Upgrade Two Mile - Reservoir	114,194		(114,194)		-	(114,194)	Project budget \$114K Rising Main Upgrade Two Mile no longer required. Budget to design and construct a new WTP at Two Mile has been included in draft LTP.
Water Supply Total			3,505,238	50,000	(168,487)	(2,705,000)	681,751	(2,823,487)	
Hawthorne Drive (EAR)	000318	Frankton Flats Stormwater - Construction	3,260,541		(950,000)		2,310,541	- 950,000	Revised project budgets based on forecast final cost. Budgets reallocated across EAR Projects 317, 318, 319, 519 and N East Frankton Stormwater Project 728.
	000319	Frankton Flats Water Supply - Construction	355,231		500,000		855,231	500,000	
	000519	Hawthorne Drive (EAR) - Other Services	135,133		100,000		235,133	100,000	
	000728	N East Frankton Stormwater Connection	150,000		350,000		500,000	350,000	
Hawthorne Drive (EAR) Total			3,900,905	-	-	-	3,900,905	-	
Asset Management Improvements	000226	Stormwater - AM Improvements	57,005		22,000		79,005	22,000	Additional budget is requested across the three waters asset management codes to increase available resources in support of new legislative requirements under the NPS on Urban Development Capacity. Includes additional budget \$20K to undertake condition investigations in CBD. This is an increase in scope to support the infrastructure requirements of the Future Development Strategy. This budget has been supported by the Planning and Development team who are leading the NPS and FDS work programmes.
	000229	Wastewater - AM Improvements	166,170		30,000		196,170	30,000	
	000228	Water Supply - AM Improvements	166,435		52,000		218,435	52,000	
AM Improvements Total			389,610	-	104,000	-	493,610	104,000	
Grand Total			13,666,849	700,700	(601,862)	(5,356,942)	8,408,745	(5,458,104)	

Programme	Project Code	Project Description	2017-18 Budget	New	Budget Transfer	Defer	Budget Forecast	2017-18 versus Forecast	Budget Comments
LED Street Lighting Programme	000591	LED street light replacements Wanaka	75,000	1,000,000			1,075,000	1,000,000	NZTA has approved a budget of \$2M to implement an accelerated LED street lighting programme at an enhanced Funding Assistance Rate of 85%. Council approved the work but it was not identified where the funding was to come from. \$300K local share to be transferred from projects 76 and 77 Unsub Minor Improvements budgets.
	000600	LED street light replacements Wakatipu	26,520	1,000,000			1,026,520	1,000,000	
	000076	Wakatipu - Unsub Minor Improvements	537,952		(150,000)		387,952	(150,000)	
	000077	Wanaka Unsub - Minor Improvements	478,919		(150,000)		328,919	(150,000)	
LED Street Lighting Programme Total			1,118,391	2,000,000	(300,000)	-	2,818,391	1,700,000	

QUEENSTOWN LAKES DISTRICT COUNCIL
14 DECEMBER 2017

Schedule – Reserve Land [ATTACHMENT B: Item 13]

Commonly known as	Legal description	Certificate of title	Reserve type
Jubilee Park	Lot 2 Deposited Plan 316049	62847	Recreation
Queenstown Gardens (Perimeter trail only)	Part Section 4-5 and Part Section 7 Block LI Town of Queenstown and Section 1-3 Block LII Town of Queenstown	OT18A/765	Recreation
Park Street Reserve	Section 1 Survey Office Plan 410336	463142	Esplanade
Frankton Track Reserve	Section 2 Survey Office Plan 410336	463143	Esplanade
Frankton Recreation Reserve	Section 50 Block XXI Shotover Survey District	583561	Recreation
Frankton Marina / Frankton Recreation Reserve	Section 49 Block XXI Shotover Survey District and Section 1 Survey Office Plan 22996	647859	Local Purpose (Marina & Accessway) Reserve
Frankton Marina / Frankton Recreation Reserve	Section 60 Block XXI Shotover Survey District	2937	Local Purpose (Marina & Accessway) Reserve
Frankton Marina / Frankton Recreation Reserve	Section 2 Survey Office Plan 21582	OT13A/645	Local Purpose (Marina & Accessway) Reserve
Frankton Marina / Frankton Recreation Reserve	Section 48 and Section 52-53 Block XXI Shotover Survey District	OT7B844	Local Purpose (Marina & Accessway) Reserve
Frankton Domain	Section 1 Survey Office Plan 325746	149849	Recreation
Frankton Domain	Section 9 Block XXXI Town of Frankton	106447	Recreation
Frankton Domain	Section 36-41 Block XXXI Town of Frankton	544615	Recreation
Frankton Domain	Section 44 Block XXXI Town of Frankton	Unknown	Recreation

QUEENSTOWN LAKES DISTRICT COUNCIL
14 DECEMBER 2017

Commonly known as	Legal description	Certificate of title	Reserve type
Frankton Domain	Section 27 Block XVII Town of Frankton	Unknown	Recreation
Hilton Waterfront Reserve	Lot 3 Deposited Plan 300002	1032	Local Purpose (esplanade)

**QLDC Council
8 February 2018**

Report for Agenda Item: 1

Department: Community Services

Proposed New Reserve Lease and Easements to Skyline Enterprises Ltd

Purpose

To consider a new 8,532m² (Proposed Lease Area) lease for Skyline Enterprises Limited (SEL) to occupy, construct and operate a multi-level commercial car parking building and associated work (Development), upon land classified as Recreation Reserve, being legally described as Part Section 110 Block XX Shotover SD.

To consider the grant of services and right of way easements over land legally described as Pt Section 110 Blk XX Shotover Survey District, Lots 2, 3, and 4 DP 345184, Pt Section 131 Blk XX Shotover Survey District, and Pt Section 129 Blk XX Shotover Survey District, to serve the multi-level commercial car parking building.

Recommendation 1: LEASE

That Council:

1. **Note** the contents of this report;
2. **Approve** a new agreement to lease over approximately 8,532m² of land (Proposed Lease Area) comprised in the Recreation Reserve legally described as Pt Section 110 Blk XX Shotover SD and held in Certificate of Title OT109/294. The purpose of the lease shall be to develop, establish and operate a parking area and a commercial multi-level parking building, subject (but not limited to), the following terms and conditions:

Conditions	The agreement to lease shall be conditional upon: <ol style="list-style-type: none">(a) SEL obtaining a resource consent for the Development prior to 1 September 2019;(b) Council approving the plans for the Development (not to be unreasonably withheld provided consistent with the resource consent obtained).(b) SEL commencing construction of the Development by 1 December 2020;(c) SEL completing the Development by 1 December 2023;
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(d) SEL surrendering the Existing Carpark Lease on or prior to the Commencement Date of the new lease.

Commencement	The date that SEL begins trading from the Proposed Lease Area.
Early Access	Council shall grant SEL early access to the Proposed Lease Area from the date SEL begins active construction of the Development. SEL shall not pay rent during this time but shall hold public liability insurance and contractors all risk insurance of \$2 million each.
Term	An initial term to align with the then current term under the Existing SEL Gondola Lease which expires on 31 March 2020 (Renewal Date).
Renewal	Further terms of 5 years, renewable on the same dates as under the Existing SEL Gondola Lease with the same final expiry date as under the Existing SEL Gondola Lease.
Rent	<p>From Commencement Date a fee of \$72,000.00 plus GST and outgoings.</p> <p>The rent shall be reviewed on the Renewal Date in conjunction with the rent payable under the Existing SEL Gondola Lease to the intent that one rent shall be determined for both the Existing SEL Gondola Lease and the New Carpark Lease on the Renewal Date.</p>
Reviews	On renewal
Insurance	Requirement to have public liability insurance of \$2 million
Assignment and sub-lease:	Written approval of Council in its sole discretion is required to any assignment, subletting, management agreement, or any other parting of possession of the premises
Permitted Use:	Carparking which must cater exclusively for staff and visitors to the business conducted under the Existing SEL Gondola Lease (Permitted Users). The number of permitted carparks shall be a minimum of 350, together with any additional carparks necessary for SEL's activities on the Reserve as determined by the Environment Court hearing SEL's

resource consent application for the carparking building.

Offices to be used exclusively by SEL to administer the carparking building and the business conducted under the Existing SEL Gondola Lease. SEL shall not be permitted to use office space for the administration of the wider SEL business or sublet office space to any third party. SEL shall:

- implement controls (to be approved by Council) to ensure that use of the carpark is restricted to the Permitted Users;
- record and retain data on the users of the carpark in a form approved by Council and provide to Council on request such data to confirm that entry to the carpark has been restricted to the Permitted Users; and
- at the request of Council vary the existing controls and/or implement additional controls to ensure that the use of the carpark is restricted to the Permitted Users.

Reporting on Use	SEL to provide annual data to Council on the occupancy rates and usage of the Development.
Electric Vehicle Charging	SEL to consult with Council on provision of electric vehicle charging stations within the Development.
Fees charged	SEL to consult with Council regarding fees charged for carparking.
Maintenance	SEL to maintain the Proposed Leased Area and all improvements thereon at its sole cost.
Reinstatement	At Council's election, improvements to vest in Council with no compensation payable, or SEL to remove improvements and make good resulting damage.
Reserves Act	Lease to be consistent with the Reserves Act 1977.

3. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of a lease to SEL over part of Pt Section 110 Blk XX Shotover SD.

4. **Delegate** signing authority to the General Manager, Community Services.

Recommendation 2: EASEMENTS

5. **Note** the contents of this report;
6. **Approve** services and right of way easements over land legally described as:
 - Pt Section 110 Blk XX Shotover Survey District; and
 - Lots 2, 3, and 4 DP 345184; and
 - Pt Section 131 Blk XX Shotover Survey District; and
 - Pt Section 129 Blk XX Shotover Survey District;

in favour of SEL, subject to section 48(1)(d) of the Reserves Act 1977, and the following conditions;

- a. Commencement: To be determined.
 - b. Fees: As per QLDC's Easement Policy 2008. This shall also include any outstanding application fees.
 - c. A bond of \$5,000.00 be payable to QLDC prior to any onsite works commencing in the easement areas;
 - d. Any work site in the easement areas to be evidenced by before and after photographs, video or similar to be provided to QLDC by SEL;
 - e. A comprehensive safety plan must be prepared and implemented, at SEL's cost, to ensure a safe environment is maintained around the subject easement sites for any physical works associated with the easement areas;
 - f. Certificate of adequate public liability cover to be received;
 - g. Reinstatement and landscaping of any disturbed areas to be completed within two months following any associated excavation/construction and to the satisfaction and timeframes communicated by the QLDC's Community Services Department. Reinstatement to include any landscaping, fencing or other structures.
7. **Delegate** authority to approve final terms and conditions of the easements, including confirmed location, and execution authority to the General Manager Community Services; provided all relevant requirements of the Easement Policy 2008 are addressed; and
 8. **Agree** to the exercise of the Minister's consent (under delegation from the Minister of Conservation) to the granting of easements to SEL over Pt Section 110 Blk XX Shotover Survey District, Lots 2, 3, and 4 DP 345184,

Pt Section 131 Blk XX Shotover Survey District, and Pt Section 129 Blk XX Shotover Survey District.

Prepared by:

Reviewed and Authorised by:



Aaron Burt
Senior Planner:
Parks & Reserves

22/01/2018



Stephen Quin
Parks Planning Manager

23/01/2018



Thunes Cloete
General Manager
Community Services

23/01/2018

Background

- 1 Skyline Enterprises Limited (SEL) has requested a lease to occupy, construct and operate a multi-level commercial car parking building and associated work (Development) upon land classified as Recreation Reserve, being legally described as Part Section 110 Block XX Shotover SD ('New Carpark Lease').
- 2 SEL already holds a lease of Section 1 Survey Office Plan 22971 and Section 1 Survey Office Plan 24832 with rolling rights of renewal of 5 years provided that the total lease term shall not exceed 75 years from 1 April 1995 (Existing SEL Gondola Lease). SEL operates a restaurant and gondola service pursuant to the existing SEL Gondola Lease.
- 3 SEL also holds a lease of approximately 1600m² of land comprised in Part Section 110 Block XX Shotover SD for the purposes of carparking for a term of 5 years commencing on 1 April 2010 with three rights of renewal of 5 years each (Existing Carpark Lease).
- 4 SEL has also been granted a ROW Easement for vehicular, pedestrian and cycle access over Lot 2 DP 345184. This is yet to be physically established as it is associated with the Skyline Gondola redevelopment project that is currently before the Environment Court.
- 5 SEL has also requested the grant of services and right of way easements over land legally described as Pt Section 110 Blk XX Shotover Survey District, Lots 2, 3, and 4 DP 345184, Pt Section 131 Blk XX Shotover Survey District, and Pt Section 129 Blk XX Shotover Survey District, to serve the multi-level commercial car parking building
- 6 On 11 October 2017, Council notified its intention to grant the lease and easements to SEL, and sought submissions and objections. The notification

period ended on 11 November 2017. No submissions or objections have been received.

Comment

- 7 An initial lease term is proposed to align with the current term under the existing SEL Gondola Lease which expires on 31 March 2020 (renewal date). Following this date, further terms of 5 years are proposed, renewable on the same dates as under the existing SEL Gondola Lease with the same final expiry date as under the existing SEL Gondola Lease.
- 8 From commencement date, it is proposed the rent shall be a fee of \$72,000.00 plus GST and outgoings. The rent shall be reviewed on the renewal date in conjunction with the rent payable under the existing SEL Gondola Lease to the intent that one rent shall be determined for both the existing SEL Gondola Lease and the new Carpark Lease on the renewal date.
- 9 It is noted that the SEL holds the existing Carpark Lease over the land, and that this will need to be surrendered prior to the proposed lease being given ultimate effect.
- 10 The applicant has provided an assessment of the effects of the proposed lease in Attachment A, and this acknowledges Section 54(1)(d) of the Reserves Act 1977.
- 11 The land is subject to the Ben Lomond and Queenstown Hill Reserve Management Plan (RMP). Council concludes that the proposed lease is not incompatible with the RMP and will support the development and productive use of the reserve.
- 12 The process to grant a new lease and easements has been publicly notified, with no submissions or objections being received.
- 13 The ultimate decision to determine the final terms of the lease and easements now rests with the Council. The decision whether or not to enter into the lease, or approve the easements is made by Council under delegated authority from the Minister of Conservation.
- 14 As the proposed lease is inextricably linked with the Skyline Gondola redevelopment project that is currently before the Environment Court, conditions are proposed to ensure that the proposed lease does not commence unless and until resource consent for the Gondola upgrade and the proposed car parking building are obtained. The conditions also include a requirement that the development must commence within a specified time period to ensure that the agreement to grant a lease will expire if the development is not undertaken.
- 15 This report recommends granting the lease and easements subject to the conditions and terms specified.

Options

16 Option 1 To approve a new 8,532m² lease over Pt Section 110 Blk XX Shotover SD, and requested easements with the terms and conditions detailed above.

Advantages:

17 The new carpark will support the greater expansion of SEL activities, which is likely to promote employment opportunities through increased tourism.

18 The development is consistent with the use of the reserve as a recreation reserve and will enable an otherwise un-useable part of the reserve to generating an income for the community.

19 The community will receive a fair return for the commercial use of the reserve.

20 Council will receive easement fees.

Disadvantages:

21 Members of the community will not be able to use part of the reserve for recreation purposes not otherwise associated with the development.

22 The reserves will be encumbered by easements.

23 Option 2 To approve a new 8,532m² lease over Pt Section 110 Blk XX Shotover SD, and requested easements with different terms and conditions.

Advantages:

24 As above.

Disadvantages:

25 As above.

26 Option 3 Not to approve a new lease or easements.

Advantages:

27 There will be no change in the current amount of land available for public use.

28 The areas of reserve will be unencumbered by easements.

Disadvantages:

29 Car parking congestion could be exacerbated and affect the roading network.

30 Council would not have the opportunity to receive rental payments that would result from the development.

31 Council will not receive easement fees.

32 This report recommends **Option 1** for addressing the matter because it would enable the development of the site, and is consistent with Council's position to notify the intention to grant the lease and easements.

Significance and Engagement

33 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it relates to a public reserve.

Risk

34 This matter relates to operation risk OR011A Decision Making. The risk is classed as moderate as it will alter the existing character and use of an area of the recreation reserve and there is an existing interest associated with the use of the greater reserve.

Financial Implications

35 If the lease is approved, Council will receive a rental for the activity

Council Policies, Strategies and Bylaws

36 The following Council policies, strategies and bylaws were considered:

- Significance and Engagement Policy.
- Community Facility Funding Policy
- Easement Policy 2008 – the application is consistent with the policy.

37 The recommended option is consistent with the principles set out in the named policy/policies

38 This matter is not included in the 10-Year Plan/Annual Plan because it does not have any financial impact on Council.

Local Government Act 2002 Purpose Provisions

39 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by providing income to Council and a decision in a timely manner;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

- 40 The persons who are affected by or interested in this matter are residents and visitors of the Queenstown Lakes District.
- 41 The Kiwi Birdlife Park is considered to be the party most immediately affected if the Council were to grant the proposed lease and easements. SEL have consulted with this party.
- 42 The intention to grant the lease and easements has been publicly notified in accordance with the Reserves Act 1977.

Attachments

- A SEL Application for Lease
- B Existing Car Park Lease
- C ROW Approval
- D Proposed Lease and Easement Plan
- E Kiwi Birdlife Park written support

18 September 2017

Queenstown Lakes District Council
Parks and Reserves Department
Private Bag 50072
QUEENSTOWN 9348

Attention: Stephen Quinn

Dear Stephen;

SKYLINE ENTERPRISES LIMITED – APPLICATION FOR A LEASE AND EASEMENTS PURSUANT TO SECTIONS 54(1)(d) AND 48(1) OF THE RESERVES ACT 1977

Introduction

As you are aware Southern Planning Group act for Skyline Enterprises Limited (“SEL”) who are presently embarking upon a major upgrade and re-development of the iconic Skyline Gondola and Restaurant that operates between Bob’s Peak and Brecon Street in Queenstown (resource consent RM160647).

RM160647 is progressing by way of Direct Referral to the Environment Court. The Environment Court hearing was held during the week starting 22nd May 2017 and an interim decision has been issued by the Court on 15th August 2017.

One of the primary concerns that was raised by both submitters and the Council’s experts with respect to the original RM160647 application and indeed one of the remaining matters to address before a final decision can be issued by the Court, is the lack of on-site car parking that was proposed for visitors and staff to SEL facilities.

Following the receipt of submissions, further detailed traffic engineering advice, receipt of Council’s expert evidence and attendance at the Environment Court mediation and hearing for RM160647, SEL sought to address this issue by proposing to the Environment Court conditions which required the development of a multi-storey car park building providing a minimum of 350 car park spaces for SEL staff and visitors.

Specifically, SEL is now seeking to progress plans for the construction and operation of a multi-level car parking building with associated offices at the rear of the proposed lower terminal building and upon land classified as Recreation Reserve and legally described as Pt Section 110 Blk XX Shotover SD as held in Certificate of Title OT109/294.

The subject site (Pt Section 110 Blk XX Shotover SD) forms part of the wider Ben Lomond Recreation Reserve. and a Lease is therefore required under the Reserves Act for the carrying on of any trade, business or occupation.

The proposal also necessitates the granting of Easements through Pt Section 110 Blk XX Shotover SD and adjacent land for the purposes of installing rock anchors, providing access to the site, conveyance of power, storm water and other infrastructure.

As such, the purpose of this correspondence is to formally request a Lease pursuant to Section 54(1)(d) of the Reserves Act 1977 for the purpose of establishing and operating a future multi-level car park building

with associated office space and Easements pursuant to Section 48(1) of the Reserves Act for the installation and/or relocation of necessary infrastructure and services.

The applicant has liaised with the Council regarding the proposal in the lead up to lodgement of this application and has included commercial terms for the proposal in accordance with Council's recommendations.

The full proposal is described in detail below:

Proposal

As identified above SEL resource consent RM160647 is progressing via Direct Referral to the Environment Court. SEL have sought to resolve the concerns raised by submitters and the Council's experts with respect to on-site car parking by proposing to construct a new car parking building at the rear of the proposed lower terminal building.

SEL acknowledge that the construction of this proposed building and providing for future office use falls beyond the scope of the RM160647 application and requires an additional Lease and associated Easements pursuant to Sections 54(1)(d) and 48(1) of the Reserves Act 1977 as well as a separate resource consent under the provisions of the Resource Management Act 1991.

To address the scope issue in the RM160647 proceedings SEL had volunteered the following consent conditions during the Environment Court proceedings:

Transport Conditions

55. *Prior to the commencement of this consent the consent holder shall submit evidence to the Planning Manager, Queenstown Lakes District Council that confirms the ability to lawfully establish and/or obtain sole rights of occupation to a minimum of 350 car parks for staff and visitors on a site located north of the intersection of Brecon Street and Isle Street, Queenstown.*
56. *Prior to the collective occupation and use of both the expanded and the existing refurbished restaurant building, the consent holder shall ensure that the minimum 350 car parks required by (55) above are established and/or provided for the consent holders sole use and occupation.*

The intention of the conditions was that the additional RMA and Reserves Act approvals were recognised as having to be obtained before work could commence and that the expanded facilities sought by RM160647 could not be utilised until the car parks were fully established.

After hearing the expert evidence of all the parties the Environment Court has released an Interim Decision on the RM160647 application. The two key issues that will need to be resolved before the Court will consider and issue a final decision is the obtaining of the RMA and Reserves Act approvals for the car park and addressing concerns regarding the discharge of storm water.

Accordingly, SEL seeks through this correspondence and in advance of any final decision on RM160647, a Lease and associated Easements from the QLDC that covers the anticipated land area required for the footprint of a future car park building, its potential future use for offices, the area for all necessary excavations, pedestrian, cycle and vehicular access way's and all associated infrastructure Easements.

Land Affected by the Proposal

The proposed new lower terminal building in the RM160647 application is to be located upon 53 Brecon Street, Queenstown which is legally described as Section 1 SO 22971. This landholding is Gazetted as a Recreation Reserve and is held in Certificate of Title 185162.

This site is owned by the Council and is subject to an existing Lease with SEL. Specifically, SEL hold the Lease as per Leasehold Certificate of Title 3417.

SEL also hold a Lease from the Council over an approximate 1,600m² area of Pt Section 110 Blk XX Shotover SD (as held in Certificate of Title OT109/294) for the purpose of providing for staff car parking in the area immediately north of Section 1 SO 22971.

It is upon Pt Section 110 Blk XX Shotover SD and overtop of this existing Lease that the applicant seeks the proposed new Lease. Copies of the above mentioned Certificates of Title are contained in **Appendix [A]**.

The existing car parking Lease area upon Pt Section 110 Blk XX Shotover SD is not subject to a specific legal description registered with LINZ as no Survey Plan has been prepared and deposited for this Lease area. The Lease area is only over the existing asphaltic concrete parking area (approximately 1,600m²) as illustrated on the approved Lease document contained within **Appendix [B]**.

Due to the technical requirements of the new gondola, SEL's proposed new lower terminal building in the RM160647 application will be located approximately 1.5m from the eastern boundary of Section 1 SO 22971 and there will be insufficient room to maintain the existing vehicular access to the rear of the building and parking area.

Accordingly, SEL previously requested that a ROW Easement be granted pursuant to Section 48 of the Reserves Act 1977 over the adjoining land holding to the east which is legally described as Lot 2 Deposited Plan 345184¹.

Lot 2 Deposited Plan 345184 is a Gazetted Recreation Reserve and is held in Certificate of Title 185162 which is owned by the Council. A copy of this Certificate of Title is also contained in **Appendix [A]**.

Lot 2 DP 345184 is on average approximately 4m wide and immediately adjoins Pt Section 129 BLK XX Shotover SD on its northern boundary. Pt Section 129 Blk XX Shotover SD is also owned by the Council and is a Gazetted Recreation Reserve. Neither of these two reserves form part of the Ben Lomond Recreation Reserve.

Lot 2 DP 345184 in conjunction with Pt Section 129 Blk XX Shotover SD acts as a pedestrian and cycleway access strip from Hamilton Road through to Brecon Street. Lot 2 DP 345184 is currently a partially sloping and somewhat unkempt embankment that contains a mixture of grass embankments and mature Pittosporum and semi mature Beech trees interspersed with Blackberry and other weeds.

A concrete path is formed over a small section of this landholding and this merges with a small dirt track within Pt Section 129 Blk XX Shotover SD.

Given the existing environment of Lot 2 DP 345184, users of this access way tend to enter and exit the track through the existing SEL carpark and Section 1 SO 22971.

¹ ROW Easement Application lodged on behalf of Skyline, dated 24th May 2016.

SEL proposed to establish a new wooden retaining wall along the eastern boundary of Lot 2 DP 345184 and the Kiwi Birdlife Park site (Pt Section 131 Blk XX Shotover SD). This wall will be backfilled to a maximum depth of 3.2m and a new traffic bearing surface will be installed on top.

Specifically, it is proposed to form a 3m wide 40mm asphaltic concrete road surface for vehicular access. Along the eastern edge of this road surface will be a 0.45m wide concrete storm water channel. This will be adjoined by a 1.5m wide asphaltic concrete pedestrian and cycle way to facilitate public access.

The abovementioned ROW Easement was approved by the Council at the Council meeting of 29 September 2016 following public notification of the application and a hearing which was held on 1st September 2016. A copy of the Councils decision is attached in **Appendix [C]**.

While the above land will be affected by the earthworks, car park building and its associated access the proposal also requires Easements over adjoining land areas. These Easements are discussed below.

First, initial geotechnical reports have suggested that depending on the specific ground conditions encountered during excavations for the future car park building it may be necessary to install rock anchors into the cut batters particularly in the north western end of the proposed Lease Area.

Such matters will need to be addressed at detailed design stage and it is not yet known if the rock anchors (if required) would need to extend beyond/underneath the boundary of the proposed Lease area and further into Pt Section 110 Blk XX Shotover SD (Ben Lomond Recreation Reserve).

Accordingly, it is requested that the Council grant the rights for such Easements with the area to be confirmed during detailed design and the registration of the Easements to occur at the completion of construction and prior to operation of any future car park building.

Second, there are existing overhead powerlines that pass through the adjacent Council owned Brecon St Car Park (Lot 3 Deposited Plan 345184), the KBP site (Pt Section 131 Blk XX Shotover SD), across Lot 2 DP 345184 (Council Reserve), Section 1 SO 22971 (SEL Lease Area) and Pt Section 110 Blk XX Shotover SD (Ben Lomond Recreation Reserve and SEL Existing Car Park Lease Area). It is understood that these power lines presently have no Easement and operate by way of existing use right.

The power lines need to be either relocated or undergrounded as part of the RM160647 proposal and the proposal for the car park building. Discussions are ongoing between Skyline and Aurora Energy to determine the most appropriate response and location albeit the options have been narrowed to two specific alignments. It is our understanding that any upgrading or relocation of these lines requires an Easement to be established in favour of Aurora Energy.

Accordingly, SEL proposes to establish an Easement through Lot 3 DP 345184 (Brecon St Car Park), Pt Section 131 Blk XX Shotover SD (KBP site), across Lot 2 DP 345184 (Council Reserve), Pt Section 129 Blk XX Shotover SD and Pt Section 110 Blk XX Shotover SD (proposed Lease Area) and requests an Easement in favour of Aurora to do so.

Third, there are overland storm water flows that drain off the western facing slopes of the Ben Lomond Recreation Reserve into the existing SEL car park. As part of the car park re-development it is proposed to capture these flows at the base of the car park building (on its western side).

The storm water overland flows along with those from the proposed car park building and the lower terminal building will then be conveyed through Pt Section 110 Blk XX Shotover SD (proposed Lease Area), Pt Section 129 Blk XX Shotover SD (Council Reserve) and Pt Section 131 Blk XX Shotover SD (KBP site).

Fourth, it is also proposed to establish an Easement through Lot 2 DP 345184 (the area of already approved ROW) to convey telecommunications, water and sewage to the proposed car park site and Section 1 SO 22971 (lower terminal building site).

Finally, the proposed entrance to the car park building will pass along the western elevation of the proposed lower terminal building and beneath the proposed gondola cableway. Due to the clearance required under the gondola cableway, the earthworks batter slopes and a very small portion of a proposed footpath will extend into Lot 4 Deposited Plan 345184 which is located south west of the current lower terminal building. The existing mountain bike track from the Ben Lomond Reserve to the lower terminal building will also be re-aligned through this Lot.

This site is QLDC owned Recreation Reserve (not part of the Ben Lomond Recreation Reserve) and is also held in Certificate of Title 185162. A copy of this Certificate of Title is contained in **Appendix [A]**. It is proposed to establish a ROW Easement over this Lot in favour of Section 1 SO 22971 (lower terminal site) and the car park lease area to provide for the proposed access ways and the associated earthworks required to implement them.

It is proposed that all Easements be approved with the final areas confirmed during detailed design and registration of the as built Easement areas occurring at the completion of construction and prior to use of the car park building by way of the following condition:

“A computed Easement Plan shall be submitted to Council for approval showing details of all necessary Easements to legalise any services and infrastructure associated with the development. This shall include new Easements for the power lines, conveyance of storm water and application of rock bolts to cut batters. Once approved by Council, the Easements shall then be registered on the Computer Freehold Register for the sites, prior to commercial operation of the new car park building”

All of the abovementioned landholdings affected by the proposed Lease Area and the associated Easement locations are identified in the proposed Lease and Easement plan prepared by Patterson Pitts Group and contained within **Appendix [D]**.

Proposed Lease Area

The applicant proposes a new Lease over an area of Pt Section 110 BLK XX Shotover SD of approximately 8,532m². A copy of the proposed Lease area plan prepared by Patterson Pitts Group is contained within **Appendix [D]**.

The total land area of 8,532m² is sought for the following reasons:

- To accommodate the footprint of a future multi storey car park building;
- To accommodate the provision of on-site coach parking;
- To accommodate the space required for vehicular, pedestrian and cycle access; and
- To accommodate the anticipated earthwork areas and cut batters required to realise construction of the car park building and associated access ways and proposed landscaping.

The proposed Lease area incorporates a portion of Pt Section 110 Blk XX Shotover SD that is currently part of the gondola cableway Easement area pursuant to the applicants existing Lease L5014878.1 for the gondola, restaurant building and associated facilities. The reason for extending the proposed Lease into/over this area and near the carriage way of Brecon Street is to provide for a future one way vehicular access that will service the proposed parking building.

Specifically, it is envisaged that vehicles will access the proposed Lease area and future car park building from the south western side of the lower terminal building and will exit on the south eastern side (along the new access constructed on the recently approved ROW Easement).

Proposed Purpose of Lease

The purpose of the proposed Lease for the subject site will primarily be for the provision and commercial operation of car parking and particularly the establishment of a multi storey car park building.

It is also proposed to provide for the future opportunity to establish offices which will be used exclusively by SEL to administer the future car parking building and the business conducted on the Ben Lomond Recreation Reserve under the existing SEL Gondola Lease.

For clarity, any future office use will not permit use for the administration of the wider SEL business or the sublet of such office space to any third party.

The future car park building will have a minimum of 350 car parks for exclusive use by the applicant's staff and visitors. This is the minimum car parking provision volunteered by the applicant during the RM160647 Environment Court hearing and agreed upon by Council's expert traffic witnesses.

Additional parks above the minimum 350 required by the Environment Court may be provided if resource consent is successfully obtained for a building with greater capacity. Any 'additional' car parking will be used for staff and visitors to the business conducted under SEL existing Lease.

Proposed Term of Lease

Pursuant to Schedule 1 of the Reserves Act 1977 the applicant proposes an initial term of Lease to align with the current term of the existing SEL Gondola Lease which expires on 31 March 2020.

Further terms of 5 years are proposed, and which will be renewable on the same dates as the existing SEL Gondola Lease with the same final expiry date as under the existing SEL Gondola Lease being 31st March 2070.

Proposed Rental

It is proposed that an initial annual rental of \$72,000.00 + gst will be payable from the date of commencement of the proposed Lease (the commencement date is proposed to be the date from which SEL commences trading from the proposed Lease Area).

The proposed rental will be reviewable on the Lease renewal date in conjunction with the rent payable under the existing SEL Gondola Lease. The intent of combining the rent review dates of the proposed and existing Leases is to provide for the opportunity that there shall be one rental fee to be determined for both the existing SEL Gondola Lease and the new carpark Lease upon the renewal date.

While the applicant proposes that the rental will apply from the date that they commence trading from the subject site, it is also requested that 'early access' is authorised to enable earthworks and construction of the future car park building.

Specifically, it is proposed that Council grant SEL early access to the proposed Lease Area from the date SEL begins active construction of the development. It is proposed that SEL do not pay rent during this time (as

they will not be generating income) but they will be required to hold public liability insurance and contractors all risk insurance of \$2 million each.

Other Statutory Approvals

While SEL seeks approval for a Lease and Easements under Section 54(1)(d) of the Reserves Act 1977 as outlined above, it is acknowledged that the construction and operation of a future multi storey car park building and associated offices on the subject site will require a range of resource consents under the Resource Management Act 1991 and the provisions of the Operative and Proposed District Plans.

The resource consent application for the above mentioned breaches of the Operative and Proposed District Plan has not been lodged at the time of drafting this application under the Reserves Act.

However it is intended that this resource consent application will be lodged very shortly following the completion of consultation with affected parties. It is expected that the processing of the resource consent application will run almost in parallel with this Lease application under the Reserves Act.

Specifically, the applicant will be requesting that both applications are processed on a publicly notified basis. While the applicant has the option of seeking the resource consent application progresses by way of Direct Referral to the Environment Court this decision has not yet been made and such a request cannot be made of Council until the application is lodged.

If the resource consent application proceeds to a Council hearing it is noted that it would be possible to hold a joint hearing to hear both the Reserves Act and Resource Management Act applications (albeit two separate decisions would result from this situation). The applicant wishes to keep this option open at the current time.

In the interests of clarity, the resource consent application will address only the car park building and its associated effects. If the applicant seeks to use the site for offices as is proposed in the Lease purpose outlined above, this will be the subject of a separate future resource consent application.

Assessment of Effects of Proposed Lease and Associated Easements

Under Section 17 of the Reserves Act 1977 it is declared that the purpose of a Recreation Reserve is for providing areas for recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.

In addition, Section 54(1)(d) of the Reserves Act 1977 requires that the relevant trade, business or occupation:

“must be necessary to enable the public to obtain the benefit and enjoyment of the reserve for the convenience of the persons using the reserve”.

The subject site over which the proposed Lease area sits as well as all the allotments that will be subject to Easements, are all Recreation Reserves.

It is considered that by virtue of the existing car park Lease the proposed Lease area sought in this application is not capable of providing for any significant areas for recreation or sporting activities.

Neither does it provide any large areas of open space, natural areas of high amenity or areas of outdoor recreation primarily due to the existing occupation and the steep topography and vegetation that occupies the proposed Lease area in its current state.

However, as identified above, the proposed Lease area does adjoin Pt Section 129 BLK XX Shotover SD which presently provides a walking track through to Hamilton Road. The ROW Easement proposal described above and already approved by Council illustrated that a formed and sealed pedestrian and cycleway access will be created within Lot 2 DP 345184 as part of the physical ROW formation works and which will join with the existing path in Pt Section 129 Blk XX Shotover SD.

The applicant intends to maintain this already approved design and the subsequent facilitation of public walking and cycling access along the access way to be constructed over Lot 2 DP 345184. The proposed use of the Lease area and subsequent vehicular access that will be required over Lot 2 DP 345184 will not compromise this approved requirement.

It is considered that the construction and formalisation of the pedestrian and cycleway access in association with the overall gondola re-development and this car parking Lease proposal is a significant positive effect and will result in an increase of use by pedestrians and cyclists. This is considered to be in accordance with the purpose of providing areas for the physical welfare and enjoyment of the public and the provision of recreational tracks. It will certainly be a significant improvement on the status quo.

It is also considered that the proposal will enable the public to obtain the benefit and enjoyment of the Ben Lomond Recreation Reserve and provide a convenience for those persons accessing the Reserve by way of the gondola.

Specifically, the provision of dedicated car parking at the lower terminal site of the gondola is considered to result in a direct increase in the quality of the visitor experience to applicants existing and proposed commercial and commercial recreational facilities located within the Ben Lomond Recreation Reserve.

Providing parking on site provides for ease of access to the gondola for people of all ages and disabilities and saves having to park in the existing on-street car parks within or on the periphery of the Town Centre and then walking up hill to the gondola terminal.

This is particularly important in poor weather conditions especially for major events such as weddings and corporate events where it is not desirable for gondola patrons to get wet and/or walk long distances from alternative car parks.

Further, the on-street car parking situation on and in the vicinity of Brecon Street is that the car parks are operating at over 95% capacity². In short, there are no available car parks for gondola visitors to utilise.

Accordingly, the provision of dedicated on site car parking for gondola customers is considered to be a necessity to directly facilitate the on-going use and enjoyment of the applicants existing and proposed (by RM160647) facilities within the Ben Lomond Recreation Reserve. In short, the proposed car park building (and provision of associated offices) is considered to be compatible with and complimentary to the existing SEL facilities located within the Ben Lomond Recreation Reserve.

Effects on other parties have also been considered as part of this proposed Lease application and associated Easements. Other than the public generally it is considered that the only parties directly affected by the proposal in terms of both the temporary construction effects and on-going car parking operation is Kiwi

² Evidence of Don McKenzie (Traffic Design Group) for the Environment Court Direct Referral of RM160647, paragraph 20.

Birdlife Park who hold a lease over Lot 1 DP 345184 and Pt Section 131 Blk XX Shotover SD which lies to immediate east of the proposed Lease area and Aurora Energy.

There is a private agreement in place between the applicant and Kiwi Birdlife Park which supports the proposed car park concept. Under the terms of this agreement at the time that the required resource consent application is lodged with the Council an affected party approval will be provided by Kiwi Birdlife Park to that application.

Accordingly, Kiwi Birdlife Park have provided some brief correspondence signalling their support for the proposed Lease area. A copy of this correspondence is contained within **Appendix [E]**.

The applicant is continuing to liaise with Aurora Energy and has identified two possible solutions to the movement of their infrastructure and subsequent protection of their infrastructure through the establishment of Easements. Provided that no works commence without Aurora's approval the proposal is considered to have minimal effects on this party.

The granting of a Lease and associated Easements to the applicant will in itself not result in adverse effects on the environment. The Lease is only for the land area with the future ability to construct and operate a car park building subject to Lessors approval.

However, when a car park building is constructed there will be temporary adverse effects arising during the construction period and potential permanent adverse effects arising from the necessary earthworks and the establishment and ongoing operation of the car park building itself.

The extent of these actual and potential effects will be determined once the car park design and subsequent resource consent application is finalised. The proposed car park design will then require assessment of all of the following matters:

- Construction and operational noise,
- Traffic generation and associated effects;
- Earthworks, geotechnical and natural hazards;
- Landscape and visual amenity;
- Engineering –services feasibility;
- NES Contaminated Sites Assessment.

As noted above, the applicant has already engaged consultants to undertake the required assessments and all of the reports, design plans and details of mitigation measures will be provided as part of the resource consent application in due course.

The applicant volunteers that should the Council grant the Lease as sought that it shall be conditional upon resource consent having been granted. The resource consent process will involve a detailed analysis and assessment of all relevant environmental effects.

In addition, the applicant acknowledges that the future proposed car park building will breach a number of Operative and Proposed District Plan provisions and will be undertaken on public Recreation Reserve with a high level of public interest and scrutiny. As such, the applicant will be requesting that the resource consent application be publicly notified pursuant to Section 95A(2)(b) of the Resource Management Act 1991.

Accordingly, the issues of the proposed Lease area and associated occupation will be dealt with in a public forum pursuant to Sections 48(2), 54(2), 119 and 120 of the Reserves Act and the potential environmental

effects of the proposed construction and on-going use of the site for car parking will be dealt with in a public forum under the provisions of the Resource Management Act.

It is therefore considered that all potential adverse effects of the proposed Lease area, its potential future development and use will be afforded a comprehensive assessment before all necessary statutory approvals are obtained and any development is permitted to proceed.

Summary

SEL is seeking a Lease of 8,532m² over Pt Section 110 Blk XX Shotover SD to facilitate the provision and commercial operation of car parking and particularly the establishment of a future multi storey car park building. The car park building will provide a minimum of 350 car parks for SEL staff and visitors with the potential for additional parking (if constructed) being available to visitors to the Ben Lomond Recreation Reserve and SEL business under their existing Lease.

The proposed purpose of the Lease also seeks to include future administrative offices directly associated with management of the car park building and SEL facilities on the Ben Lomond Recreation Reserve.

The proposal involves associated Easements for the provision of infrastructure and servicing of a future car park building.

The proposal is sought in association with the applicants overall re-development proposal pursuant to resource consent RM160647. A number of submitters on this application specifically requested that the applicant provide visitor and staff parking and this proposal is a direct attempt to address these requests.

The applicant acknowledges that this Lease application will be publicly notified pursuant to Sections 48(2), 54(2), 119 and 120 of the Reserves Act 1977 and it is requested that this process is formally commenced by the Council's officers as soon as is practicably possible.

I trust that the information contained within and **attached** to this correspondence provides a comprehensive understanding of the proposal. Should you have any questions, please do not hesitate to contact the writer directly.

Yours faithfully



Sean Dent
DIRECTOR

SOUTHERN PLANNING GROUP

16250 – SEL CAR PARK

Attachments:

- A. Certificates of Title;
- B. Skyline Existing Car Park Area Lease
- C. Skyline ROW Approval
- D. Proposed Lease and Easement Plan
- E. KBP Correspondence
- F. Proposed Commercial Terms

DATED

30th June

2011

THE QUEENSTOWN LAKES DISTRICT COUNCIL

SKYLINE ENTERPRISES LIMITED

DEED OF LEASE

MACALISTER TODD PHILLIPS

Barristers, Solicitors, Notaries

Queenstown • Wanaka • Cromwell • Christchurch • Lyttelton

Ph: (03) 441 0125 - Fax: (03) 442 8116

Email: queenstown@mactodd.co.nz

P O Box 653

QUEENSTOWN 9348

A handwritten signature in black ink, appearing to be 'M. Phillips', is located in the bottom right corner of the page.

DEED OF LEASE

THE QUEENSTOWN LAKES DISTRICT COUNCIL a Body Corporate under the Local Government Act 2002 (hereinafter together with its successors and assigns called "the Lessor") is the administering body of that Recreation Reserve described as Part Section 110 Block XX Shotover Survey District Part Certificate of Title OT9B/769 and known as the Ben Lomond Reserve and DOES HEREBY LEASE that part of the Ben Lomond Reserve outlined in green on the plan attached hereto containing 1600 square metres more or less ("the Car Park Land") with the prior consent of the Minister of Conservation ("the Minister") to **SKYLINE ENTERPRISES LIMITED** (hereinafter together with its successors and assigns called "the Lessee") to be held by the Lessee as tenant for the term of five (5) years commencing on the 1st day of April 2010 together with three (3) rights of renewal each of five (5) years yielding and paying therefore an annual rent hereinafter provided.

AND THE LESSEE DOES HEREBY COVENANT WITH THE LESSOR as follows:

1. Payment of Rental

- 1.1 That the Lessee will pay unto the Lessor the rent (if any) in the manner hereinafter provided and will also pay and discharge all rates taxes or other charges whatsoever now or hereafter to become payable in respect of its occupation of the Car Park Land or any part thereof during the said term.

2. Rental and Rent Reviews

- 2.1 The terms and conditions of this Lease shall be read in conjunction with an existing lease made between the Lessor and the Lessee and dated 14th July 1999 and registered under number L5014878.1 ("the Existing Lease").
- 2.2 The Existing Lease is in respect of land adjoining the Car Park Land and contains rent review provisions which have been agreed between the Lessor and the Lessee for the period 1st April 2010 to 31st March 2020 ("the Rent Review Provisions").
- 2.3 The parties hereto agree that the Rent Review Provisions in respect of the Existing Lease shall include all rentals payable under this Lease so that there shall be no separate rental payable by the Lessee in respect of this Lease prior to the 1st April 2020.
- 2.4 The parties agree that should the Lessee exercise the right of renewals for the period 1st April 2020 to 31st March 2030, then the amount of rent payable for that period of the term under

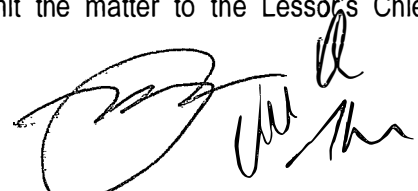
this Lease (if any) shall be addressed by the parties at the time the Lessee exercises the appropriate right of renewal for that period of the term.

3. Use of Car Park Land

- 3.1 That the Lessee shall use the Car Park Land for the purpose of establishing, maintaining and utilising a car park subject to the terms and conditions set out in clause 4. The Lessee shall comply with any Act, Regulation or By-law applicable thereto and shall at all times arrange for the disposal of rubbish or waste material of any nature whatsoever and shall remove the same from the Car Park Land and will conduct all operations in a proper and efficient manner to the satisfaction of the Lessor and if at any time the Lessor is of the opinion that the Car Park Land is not being used or is not being sufficiently used for the purposes specified above or in accordance with clause 4 the Lessor after making such inquiries as the Lessor thinks fit and giving the Lessee an opportunity of explaining the usage of the Car Park Land and if satisfied that the Car Park Land is not being used or not being sufficiently used for the purposes specified in this Lease may terminate this Lease on such terms as the Minister of Conservation approves.

4. Use of the Car Park Land by Third Parties

- 4.1 The Lessee shall allocate to other commercial operators using the Ben Lomond Reserve a reasonable number of car parking spaces within the Car Park Land for the use of the staff of those commercial operators.
- 4.2 The Lessee shall be entitled to charge each commercial operator a reasonable rental or licence fee for the car parking spaces allocated to them, provided that such rental or licence fee shall not exceed the rental paid by the Lessee to the Lessor pursuant to this Lease from time to time, apportioned per car parking space according to the total number of car parking spaces contained within the Premises. The Lessee shall also be entitled to pass on to such commercial operator any administration and maintenance costs incurred by the Lessee in respect of the Car Park and which have been agreed to by the Lessor.
- 4.3 All commercial operators allocated car parking spaces within the Car Park Land shall have unrestricted access between the Car Park Land and Brecon Street, including such access as is necessary over other land leased by the Lessee from the Lessor outside of this Lease.
- 4.4 Should there be any dispute about the allocation of spaces to any party, or the rental sum to be imposed for each car park, any party may submit the matter to the Lessor's Chief



Executive Officer who shall make a binding decision on the matter based on fairness, and in particular the established reasonable needs of each of the parties. Should any party dispute the decision of the Lessor's Chief Executive Officer, then that decision will stand and be observed by all parties until that dispute is resolved according to the dispute resolution provisions contained in clause 21 of this Lease.

5. Assignment

5.1 Subject to the provisions of clause 4 the Lessee shall not at any time during the said term transfer, sub-lease, mortgage or otherwise dispose of its interest or any part thereof in the Lease without the prior consent of the Lessor.

6. Lessee's Covenants

6.1 (a) That the Lessee shall at all times at its own expense:

- (i) Maintain and keep in good order the Car Park Land and any improvements on the Car Park Land at all times.
- (ii) Manage to the Lessor's satisfaction this discharge of surface water and stormwater from the Car Park Land so as to avoid any adverse affects on neighbouring properties.
- (iii) Maintain and keep in a tidy condition to the satisfaction of the Lessor, all gardens, grounds, yards, surfaced areas, lawn areas, trees and bush (if any) within the Car Park Land.
- (iv) Arrange for the disposal of rubbish or waste material of any nature whatsoever and remove the same from the Car Park Land.

(b) That the Lessee shall not:

- (i) Without the written consent of the Lessor cut down any trees or bush.
- (ii) Allow any hoardings advertisements or billboards to be erected or displayed without the prior consent of the Lessor.
- (iii) Erect any structures or buildings on the Land.



- (iv) Increase the area already cleared of vegetation and used for car parking within the Car Park Land.

7. Comply with Statute

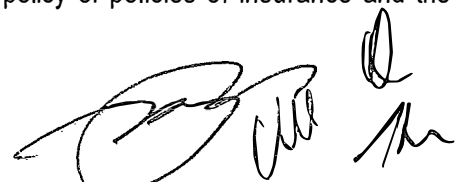
- 7.1 (a) That the Lessee shall comply with the provisions of all statutes regulations ordinances and by-laws (present or future) affecting the Car Park Land or any improvement on the Car Park Land and also with the provisions and requirements of all licenses requisitions and notices lawfully issued made or given by any authority of competent jurisdiction.

8. Lessee's Indemnity

- 8.1 That the Lessee shall indemnify and keep indemnified the Lessor and the Minister against all legal liability in respect of actions, proceedings, costs, claims and demands that may be made against it for which it may be liable at the suit of third parties in respect of any loss or damage caused by or arising out of or in connection with the exercise or purported exercise of the rights hereby granted or resulting from any act or omission on the part of the Lessee or the Lessee's agents, employees, contractors, members, invitees or other persons for whom the Lessee is responsible or otherwise resulting from any use of the Car Park Land in connection with this Lease.

9. Public Liability Insurance

- 9.1 THAT:
- (a) (Without in any way limiting the liability of the Lessee under clause 8 hereof) the Lessee shall forthwith take out and thereafter during the continuance of this Lease keep in the name of the Lessor and the Minister with some insurer to be approved by the Lessor a public liability insurance policy (or policies if the insurer shall require two such policies one in the name of the Lessor and one in the name of the Minister) for not less than ONE MILLION DOLLARS (\$1,000,000.00) for any one accident whereby the Lessor and the Minister shall during the term of this Lease be indemnified against all actions suits claims demands proceedings losses damages compensation sums of money costs charges and expenses to which the Lessor and the Minister shall or may be liable AND the Lessee will pay all premiums and other monies payable in respect of all such insurance as the same shall become due and payable and will produce to the Lessor such policy or policies of insurance and the



receipts for the premiums and other monies payable thereunder within fourteen (14) days of the due date of such premiums and other monies and if default shall be made in keeping the said policy or policies on foot as aforesaid or in the event of the premiums or other monies payable in respect thereof being unpaid or the receipts thereof or the policy or policies not being produced to the Lessor then the Lessor may effect and maintain such insurance and pay the said premium or other monies or any of them and all monies expended for such purposes shall be repaid by the Lessee to the Lessor on demand AND the Lessee will not do or omit or suffer to be done or omitted any act matter or thing whereby any such insurances may be vitiated or rendered voidable and will give true and particular information to the office or company with which the said insurances are effected of all matters and things the non-disclosure of which might in any way prejudice or affect the said policy or policies of insurance or the payment of all or any monies thereunder in the event of any claim being made against the Lessor or the Minister as therein provided.

- (b) If the Lessor makes any payment due under this clause on behalf of the Lessee and such remains unpaid after fourteen (14) days of demand having been made the Lessor shall have the right to sue for and recover the same as if it were a debt owing to the Lessor.
- (c) The Lessee shall provide evidence of the public liability cover to the Lessor prior to the commencement of the term and at any other time when requested to do so by the Lessor.

10. Nuisance

10.1 THAT:

- (a) The Lessee will not use or allow to be used the Car Park Land or any improvements on the Car Park Land in any way that constitutes a nuisance or annoyance to the Lessor or to any person lawfully on or using the Ben Lomond Reserve or in such a way as may prejudice the Lessor in its control of the said reserve or as may expose the Lessor and/or the Minister to any liability.
- (b) The Lessee shall indemnify and keep indemnified the Lessor and the Minister against any actions proceedings costs claims demands or fines pursuant to any Statute,

Regulation, Ordinance or Bylaw (present or future) arising from any breach or non-compliance by the Lessee with clause 10(a).

11. Admission

11.1 That the Lessee shall only make such admission charges as the Lessor may from time to time approve (but subject to the provisions of clause 4).

12. Management

12.1 That the Lessee may make such rules for the management of the car parking facilities on the Car Park Land and for the conduct of persons using the same as may be proper and necessary PROVIDED THAT all rules so made shall be consistent with these presents and in particular clause 4 and before coming into force shall be submitted to and approved by the Lessor and if any dispute shall arise between the Lessee and the Lessor as to the propriety of any rules such dispute shall be referred to the Minister whose decision shall be final and binding on both parties. The Lessee shall cause all such rules when so approved and adopted to be printed and posted up in some conspicuous place on the Car Park Land for the information and guidance of all persons using the said car parking facilities on the Car Park Land.

13. No Right to Acquire Fee Simple

13.1 That nothing herein contained or implied shall be deemed to confer on the Lessee the right to acquire the fee simple of the Car Park Land.

14. Lessor's Right to Enter Car Park Land

14.1 The Lessor and the Lessor's employees, contractors and invitees may at all reasonable times enter upon the Car Park Land and view the condition of the same. If the Lessor shall give the Lessee written notice of any failure on the part of the Lessee to comply with any of the requirements of clause 7 the Lessee shall with all reasonable speed so comply.

15. Non Objection by Lessee

15.1 The Lessee agrees and covenants that it will sign any required support and/or affected persons approval for, and shall not oppose, hinder, frustrate, take any action or encourage any other party to take action against any future application by the Lessor for any resource consent, or notice of requirement for designation or building consent in respect of the Land or



the Ben Lomond Reserve or other land owned or administered by the Lessor which adjoins the Ben Lomond Reserve.

- 15.2 The Lessee acknowledges that any breach of clause 15.1 by the Lessee shall be a breach of this Lease which will entitle the Lessor to serve on the Lessee a notice pursuant to Section 246 of the Property Law Act 2007 in accordance with clause 16(b)(ii).

16. Arrears of Rent and Default

- 16.1 (a) Without prejudice to the other rights powers and remedies of the Lessor under this Deed of Lease if any rent or other monies owing by the Lessee to the Lessor on any account whatsoever pursuant to this Deed of Lease shall be in arrear and unpaid for ten (10) days after the due day for payment thereof (whether any formal or legal demand therefore shall have been made or not) such monies shall bear interest compounded on quarterly rests and computed from such due date until the date of payment in full of such monies at a rate of 15% and the said interest shall be recoverable in a like manner as rent in arrears.
- (b) (i) If and whenever the rent hereby reserved or any part thereof is in arrear or unpaid for ten (10) working days after the due date for payment thereof and the Lessee has failed to remedy that breach within 10 working days after service on the Lessee of a notice in accordance with section 245 of the Property Law Act 2007, or
- (ii) In case of breach by the Lessee of any covenant or agreement on the Lessee's part herein expressed or implied (other than the covenant to pay rent) and the Lessee has failed to remedy that breach at the expiry of a period that is reasonable in the circumstances after the service on the Lessee of a notice in accordance with section 246 of the Property Law Act 2007; or
- (iii) The Lessee shall be wound up or dissolved or enter into any composition with or assignment for the benefit of its creditors or being a private person shall be adjudged bankrupt or being a Limited Liability Company shall go into liquidation or an Order is made or an effective Resolution is passed for winding-up or a Receiver of the assets or any part thereof is appointed or if the estate or interest of the Lessee shall be made subject to any Writ of Sale or Charging Order or if the Lessee shall cease to function -

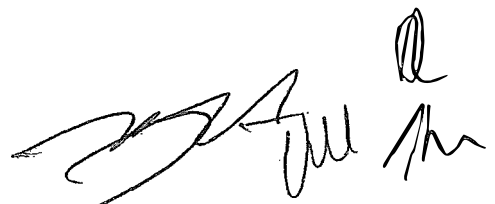
then in any such case it shall be lawful for the Lessor forthwith without further notice or demand to enter into and upon the Car Park Land or any part thereof in the name of the whole and determine this Lease but without discharging the Lessee from liability for rent due or accruing due or from any previous breach of the covenants conditions or agreements herein contained or implied.

17. Notices

- 17.1 (a) Any notice required to be given to the Minister under this Lease may be served by delivering the same to the Conservator, Department of Conservation, Dunedin or by posting the same by registered letter to the Conservator, Dunedin.
- (b) Any notice required to be given to the Lessor under this Lease may be served by delivering the same to the Chief Executive Officer of the Queenstown-Lakes District Council or by posting the same by registered letter to the offices of the Lessor.
- (c) Any notice required to be given to the Lessee if the Lessee is an individual may be served by delivery to him either personally or by posting it by registered letter addressed to that person at his last known place of abode or business in New Zealand. Any notice required to be given by the Lessor to the Lessee if the Lessee is a company or society incorporated under the Incorporated Societies Act 1908 may be served by leaving it at the company's or society's registered office or by sending it through the post in a registered letter addressed to the company or society at that office.
- (d) All notices shall be given in accordance with the Property Law Act 2007.

18. Upon Termination

- 18.1 That subject to the proviso to this clause on termination of this Lease under clause 3 hereof or by effluxion of time surrender breach of conditions or otherwise the Car Park Land together with any improvements thereon shall revert to the Lessor without any compensation whatsoever being payable to the Lessee or any other person PROVIDED HOWEVER that notwithstanding anything herein contained where any improvements are of value to the Lessor, the Lessor may pay to the Lessee the value of the improvements as determined by the Lessor and FURTHER PROVIDED that notwithstanding anything hereinbefore contained the Lessee shall if required to do so by the Lessor within three (3) months after such

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termination reinstate the Car Park Land to its former condition prior to the formation of the car park and the Lessee shall in any event leave the Car Park Land in a clean and tidy condition to the satisfaction of the Lessor.

19. Reserves Act 1977

19.1 That these presents are intended to take effect as a Lease of a Recreation Reserve under Section 54(1)(d) of the Reserves Act 1977 and the provisions of the said Act and of any Regulations made thereunder applicable to this Lease shall to the extent that the said provisions and regulations are compulsory in their application to this Lease be binding in all respects upon the parties hereto in the same manner as if such provisions had been fully set out herein.

20. Consents

20.1 That if the Lessee at any time requests the consent of the Lessor or the Minister pursuant to any clause in this Lease which provides for consent by the Lessor or the Minister THEN the Lessor or the Minister shall not unreasonably withhold that consent.

21. Arbitration

21.1 In the event of any dispute arising between the Lessor and the Lessee as to their respective rights and obligations under this Lease the dispute shall be referred to the arbitration of a single arbitrator in case the parties can agree upon one but if they cannot agree then each party shall appoint his arbitrator and then an umpire (appointed prior to the arbitration) and such arbitration shall be carried out in accordance with the provisions of the Arbitration Act 1996 or any other relevant legislation. No reference to arbitration shall be deemed to suspend rental or other payments due under this Lease and all payments otherwise due shall be made pending the result of any arbitration.

22. Rights of Renewal

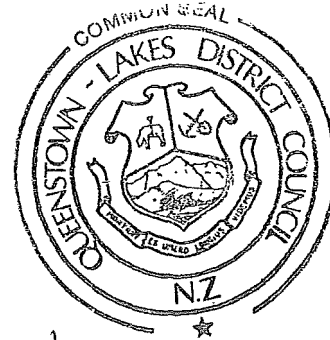
22.1 If the Lessee has during the term of this Lease observed and performed the terms and conditions contained in this Lease and has given the Lessor at least three (3) months notice in writing of its intention to extend the term of this Lease pursuant to the Lessee's rights of renewal, the Lessor shall at the cost of the Lessee extend the term of this Lease for three (3)



further terms each of five (5) years (subject to the agreement of the Lessor and the Lessee) upon and subject to the same terms and conditions contained in this Lease and at a rental to be determined in accordance with clause 2.4 hereof.

DATED the 18th day of July 2011

SIGNED by the said
QUEENSTOWN LAKES DISTRICT COUNCIL
as Lessor
by affixing its common seal in
the presence of:

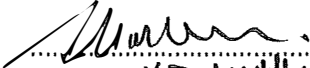


Chnessa van Uden
.....
Mayor

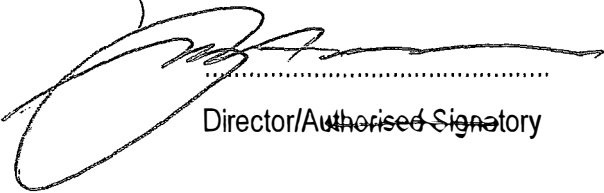
Debra Hawson
.....
Chief Executive Officer

SIGNED for and on behalf of
MINISTER OF CONSERVATION by
an Officer of the
Department of Conservation pursuant to
a designation given to him by the
Director-General of Conservation and
dated 30 June 189 in the presence of:

SIGNED for and on behalf of
SKYLINE ENTERPRISES LIMITED

) 
.....
) Director

in the presence of:

) 
.....
Director/Authorised Signatory

.....
Signature

.....
Full Name

.....
Address

.....
Occupation

Note: If two directors sign, no witness is necessary. If a director and authorised signatory sign, both signatures are to be witnessed. If the director and authorised signatory are not signing together, a separate witness for each signature.

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QUEENSTOWN LAKES DISTRICT COUNCIL

29 SEPTEMBER 2016

Page 6

2. Proposed New Right of Way Easement application by Skyline Enterprises Limited

A report from Aaron Burt (Planner, Parks and Reserves) presented the recommendation from the hearings panel which had heard submissions in relation to an application from Skyline Enterprises Ltd ('SEL') for a new right of way easement pursuant to Section 48 of the Reserves Act 1977 over the adjoining land, legally described as Lot 2 Deposited Plan 345184. The panel had recommended that the right of way easement be approved, subject to conditions.

The report was presented by Mr Burt and Mr Quin. Mr Burt confirmed that all other effects would be considered as part of the resource consent. Much of what had been presented at the hearing had been deemed out of scope with this application dealing with the easement only.

Councillor MacLeod returned to the meeting at 2.26pm.

On the motion of Councillors Stammers-Smith and Stevens it was resolved that the Council:

1 Note the content of this report;

2 Approve a Right of Way Easement over Council Reserve Land (Lot 2 Deposited Plan 345184) in favour of Skyline Enterprises Limited (Section 1 SO 22971 & Lease 'Area A' (carpark); subject to the following terms and conditions:

Commencement To be determined and only subsequent to any potential grant/and conditions of, resource consent RM160647.

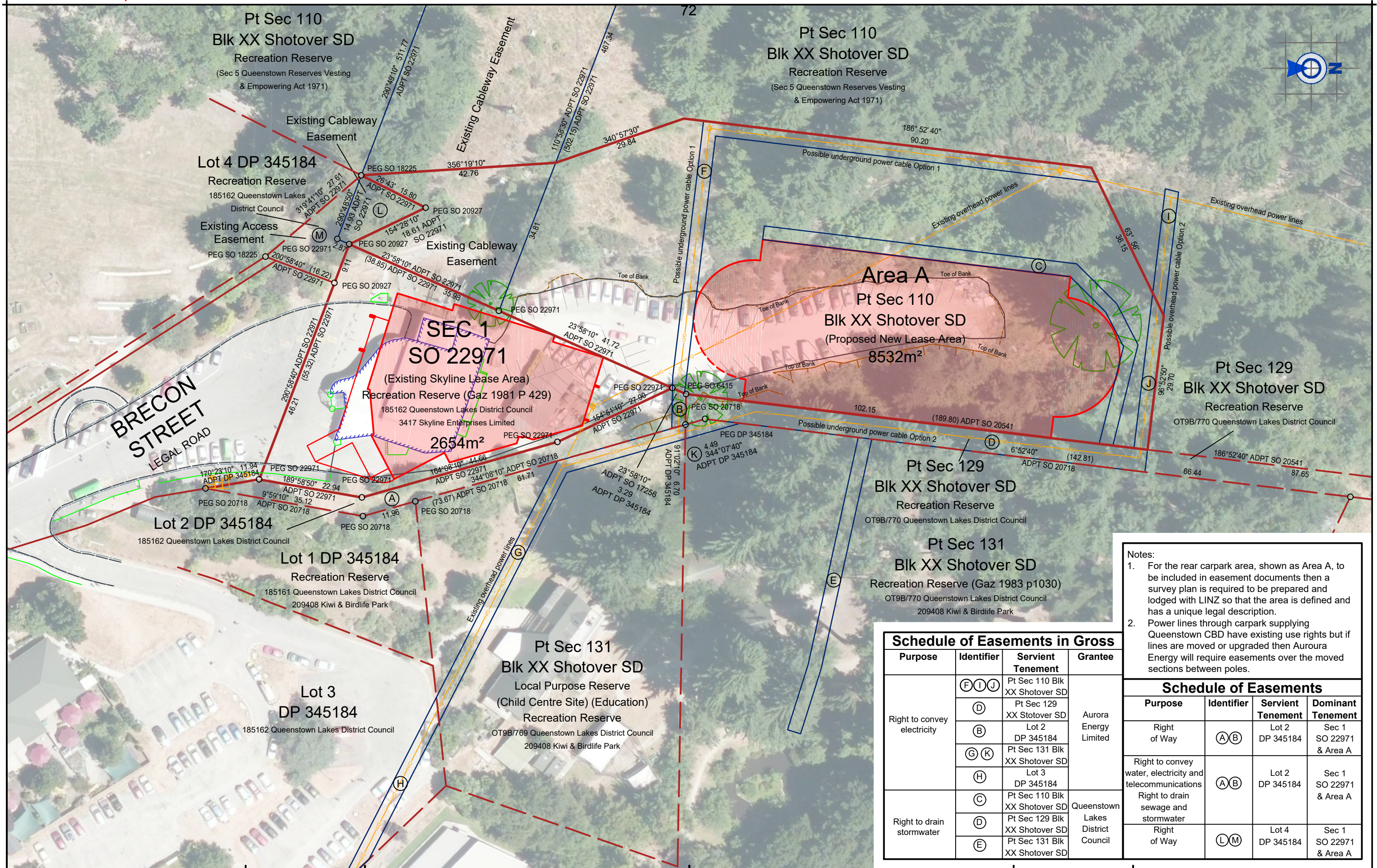
Extent of Easement To be confirmed prior to commencement, having regard to any potential grant/and conditions of, resource consent RM160647, and the advice of SEL and ZJV(NZ) Ltd (trading as Ziptrek Ecotours) communicated at the hearing on 1 September 2016.

Fees As per QLDC's Easement Policy 2008, and subject to the extent of the easement being confirmed. This shall also include any outstanding application fees.

3 Delegate authority to approve final terms and conditions, including commencement, location, extent, fees and execution authority to the General

Manager – Property & Infrastructure, provided all relevant requirements of the Easement Policy 2008 are addressed; and

- 4 Agree to the exercise of the Minister’s consent (under delegation from the Minister of Conservation) to the granting of a Right of Way Easement over Council Reserve Land (Lot 2 Deposited Plan 345184) in favour of SEL.**



- Notes:**
- For the rear carpark area, shown as Area A, to be included in easement documents then a survey plan is required to be prepared and lodged with LINZ so that the area is defined and has a unique legal description.
 - Power lines through carpark supplying Queenstown CBD have existing use rights but if lines are moved or upgraded then Auroura Energy will require easements over the moved sections between poles.

Schedule of Easements in Gross			
Purpose	Identifier	Servient Tenement	Grantee
Right to convey electricity	(F)(I)(J)	Pt Sec 110 Blk XX Shotover SD	Aurora Energy Limited
	(D)	Pt Sec 129 XX Stotover SD	
	(B)	Lot 2 DP 345184	
	(G)(K)	Pt Sec 131 Blk XX Shotover SD	
Right to drain stormwater	(H)	Lot 3 DP 345184	Queenstown Lakes District Council
	(C)	Pt Sec 110 Blk XX Shotover SD	
	(D)	Pt Sec 129 Blk XX Shotover SD	
	(E)	Pt Sec 131 Blk XX Shotover SD	

Schedule of Easements			
Purpose	Identifier	Servient Tenement	Dominant Tenement
Right of Way	(A)(B)	Lot 2 DP 345184	Sec 1 SO 22971 & Area A
Right to convey water, electricity and telecommunications	(A)(B)	Lot 2 DP 345184	Sec 1 SO 22971 & Area A
Right to drain sewage and stormwater	(A)(B)	Lot 2 DP 345184	Sec 1 SO 22971 & Area A
Right of Way	(L)(M)	Lot 4 DP 345184	Sec 1 SO 22971 & Area A

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QUEENSTOWN:
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 1092 Frankton Road.
 PO Box 2645,
 Queenstown 9349.
 T 03 441 4715
 E queenstown@ppgroup.co.nz

Client/Location: **SKYLINE ENTERPRISES LIMITED**
SEC 1 SO 222971, 53 BRECON STREET
CAR PARK BUILDING
DEVELOPMENT 2018

Purpose/Drawing Title:
PROPOSED CAR PARK
LEASE AREA EXTENSION

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Surveyed by:	Original Size:	Scale:
Designed by:	A3	1:750
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Checked by:		
Approved by:		
Job Ref: Q4115K - 64	Sheet No: 69	Revision No: E
		Date Created: 18/09/2017

Sean Dent

From: wildlife@kiwibird.co.nz
Sent: Friday, 31 March 2017 9:35 a.m.
To: Sean Dent
Subject: RE: Skyline - Lease Application for Car Park Site



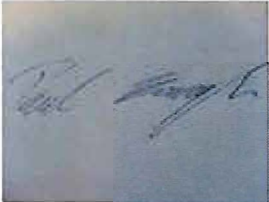
31/03/17

Kiwi Birdlife Park acknowledge SEL's need to develop additional car parking space as part of their proposed development (resource consent RM160647).

We support their application once the terms of our agreement (matter 16004021, signed 28 March 2017) are met, we are kept abreast of developments and noise limit regulations are adhered to as much as possible.

Kind regards,

Paul Kavanagh



Paul Kavanagh Bsc Zool (Hons)
Park Manager
Kiwi Birdlife Park
Brecon St, Queenstown
New Zealand
(03) 442 8059
021 026 09995
www.kiwibird.co.nz



Paul Kavanagh Bsc Zool (Hons)
Park Manager
Kiwi Birdlife Park

**QLDC Council
8 February 2018**

Report for Agenda Item: 2

Department: Community Services

Glenorchy Airstrip Consultative Governance Committee Terms of Reference

Purpose

The purpose of this report is to adopt formally the Terms of Reference for the Glenorchy Airstrip Consultative Governance Committee, the establishment of which is required by the Glenorchy Airstrip Reserve Management Plan 2016.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Confirm** the Terms of Reference for the Glenorchy Airstrip Consultative Governance Committee;
3. **Confirm** the addition of a representative from the immediately neighbouring properties being Blanket Bay Luxury Lodge and Wyuna Preserve to the Committee;
4. **Confirm** the Committee name: 'The Glenorchy Airstrip Consultative Governance Committee';
5. **Confirm** the Chief Executive's delegation to approve the individual membership to the Committee.
6. **Note** the provision of a secretariat from Queenstown Lakes District Council to administer the Committee meetings;
7. **Note** the Terms of Reference review period of 12 months.

Prepared by:



Jeannie Galavazi
Senior Parks Planner

22/01/2018

Reviewed and Authorised by:



Thunes Cloete
Community Services Manager

23/01/2018

Background

- 1 On 14 November 2013 Council resolved to accept the transfer of the Glenorchy airstrip and associated land from the Department of Conservation and to prepare a Reserve Management Plan for the airstrip reserve.
- 2 The Glenorchy Airstrip Reserve Management Plan (RMP) was prepared in accordance with the Reserves Act 1977 and adopted in August 2016.
- 3 The RMP Policy states: *Establish an Airstrip Governance Committee to advise the Council on management and maintenance matters and potential future development of the Reserve. This committee will be comprised of the Councillor designated to the Glenorchy community, representation from the Glenorchy Community Association and representation from authorised users of the airstrip. The QLDC will make decisions on these matters taking into account the Committee advice, budgetary requirements and all user feedback.*

Comment

- 4 Establishing the Glenorchy Airstrip Consultative Governance Committee (the Committee) is a key step in implementing the RMP as consultation is required on a number of actions such as commercial licences and future development of the airstrip.
- 5 Ongoing dialogue has been had with the Glenorchy Community Association, all operators (in particular NZONE and HeliGlenorchy who are based at the airstrip) and the neighbouring Blanket Bay/Wyuna Preserve about the establishment of this committee. All parties submitted in detail on the draft RMP.
- 6 QLDC are in negotiations with Queenstown Airport Corporation (QAC) to manage the airstrip. QAC have confirmed QLDC should proceed with establishment of the Committee.
- 7 The RMP refers to the committee as a Governance Committee, however the description of the responsibilities in the RMP clearly states the committee has a consultative focus. Decision making and subsequently Governance responsibility remains with QLDC. Therefore it is recommended that the title is amended to the Glenorchy Airstrip Consultative Governance Committee to more accurately reflect the role.
- 8 The RMP does not specifically require a neighbouring representative to be on the Committee, however it has become apparent there is benefit in having representation from Blanket Bay/Wyuna Preserve as these properties overlook the airstrip and therefore experience different effects from those in the Glenorchy Township which is approximately 3km north of the airstrip.
- 9 The Terms of Reference (Attachment A) contain the objective activities relating to the Committee and reporting duties. Astral Limited, who were engaged by QLDC in December 2017 to provide expert aviation advice, have assisted QLDC in the drafting of the Terms of Reference. The review period is recommended to be 12 months, to reflect the establishment phase of both the Committee and the

management regime for the airstrip. It can be extended once the airstrip and Committee is operating efficiently.

10 It is recommended that approving the members is delegated to the Chief Executive to ensure the Committee can be established in a timely and efficient manner.

11 These Terms of Reference shall be reviewed annually from the date of confirmation.

Options

12 Option 1 Decline the recommendations as outlined and continue with status quo.

Advantages:

13 None.

Disadvantages:

14 Implementation of the RMP will not be able to progress, including licencing of operators, setting landing and user fees.

15 Option 2 Adopt the recommendations as outlined.

Advantages:

16 Implementation of the RMP will be able to progress. The community and commercial operators' expectations will be met. Noise complaints will be able to be effectively dealt with in a timely manner.

Disadvantages:

17 None.

18 Option 3 Adopt the recommendations without the change to the name and inclusion of neighbour

Advantages:

19 The Committee will be smaller and potentially easier to facilitate. The name will be the same in the RMP and the Terms of Reference.

Disadvantages:

20 Committee members and the Community may be confused by the reference to Governance as decision making (Governance) still rests with QLDC.

21 Inefficiencies may arise as Blanket Bay/Wyuna Preserve may not feel their needs are met by the Committee if they as immediate neighbours do not have representation.

22 This report recommends Option 2 for addressing the matter as it is required by the adopted Reserves Management Plan and therefore is in accordance with the Reserves Act 1977. It also has the potential to provide more transparency and be more effective for managing the Glenorchy Airstrip.

23 *Significance and Engagement*

24 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because it relates to a mechanism to enable decision making.

Risk

25 This matter does not have significant risk. It relates to the strategic risk SR1, as documented in the Council's risk register. The risk is classed as low. This matter relates to this risk because it relates to the current and future development needs of the community (including environmental protection).

26 The recommended option considered above mitigates the risk by enabling more strategic decision making and consultation for the Airstrip.

Financial Implications

27 There are no operational and capital expenditure requirements resulting from the decision as there are no costs to set up or run the committee as all time is voluntary.

Council Policies, Strategies and Bylaws

28 The following Council policies, strategies and bylaws were considered:

- Glenorchy Airstrip Reserve Management Plan 2016.
- 10 Year Plan

29 The recommended option is consistent with the principles set out in the named policy/policies.

30 This matter is not included in the 10-Year Plan/Annual Plan as there are no costs to set up or run the Committee as all time is voluntary.

Local Government Act 2002 Purpose Provisions

31 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by enabling the continued operation of the Glenorchy Airstrip;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and

- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

32 The persons who are affected by or interested in this matter are residents/ratepayers of the Queenstown Lakes District community, in particular the residents of Glenorchy and the commercial businesses that use the Glenorchy Airstrip.

33 The Council has undertaken consultation with the Glenorchy Community and the commercial operators throughout the processes of land transfer and subsequent preparation of the RMP. The establishment of the Committee will facilitate further consultation. All parties consulted are supportive of the establishment of the Committee.

Attachments

A Terms of Reference

Queenstown Lakes District Council

Glenorchy Airstrip Consultative Governance Committee

Glenorchy Airstrip Consultative Governance Committee (the Committee) is a consultative group, final decisions in relation to the airstrip rests with Queenstown Lakes District Council (QLDC) and (as far as delegated by QLDC) to the Airstrip Manager. Its guiding documents are the Glenorchy Airstrip Reserve Management Plan 2016, the Glenorchy Airstrip Noise Management Plan (to be approved) and the Terms of Reference below.

Terms of Reference

MEMBERSHIP

Chairperson

TBC

Deputy-Chairperson

TBC

Members

XXX rep Queenstown Lakes District Council Queenstown Wakatipu Ward Councillor

XXX rep Glenorchy Community Association

XXX rep Authorised Users of Airstrip (Operators)

XXX rep Wyuna Preserve Residents Association (including Blanket Bay)

XXX rep Queenstown Airport Corporation

Membership Term shall be on a rotational basis and initially be 2 years, extending to 3 years in 2020.

Quorum

The quorum for every meeting shall be 3 members.

Frequency of Meetings

Quarterly

Parent Body

The Committee reports to the Queenstown Lakes District Council.

Objective of the Committee

The objective of the Committee is to advise the QLDC on management and maintenance matters and potential future development of the Glenorchy Airstrip Reserve in accordance with the Glenorchy Airstrip Reserve Management Plan 2016, in a timely and efficient manner.

In fulfilling their role on the Committee, members shall be impartial and independent at all times.

TERMS OF REFERENCE

Activity Areas

1. To ensure Glenorchy Airstrip is managed in accordance with the Glenorchy Airstrip Reserve Management Plan 2016.

Responsibilities and key projects

2. To consider and provide feedback on the Glenorchy Airstrip Noise Management Plan 2016.
3. To provide general feedback on the operations, development and maintenance of the airstrip.
3. To identify and resolve issues in a timely and efficient manner.
4. To consider and provide feedback on:
 - a) User licence applications including movement numbers and allocations
 - b) Noise complaints
 - c) Future development plans for the airstrip
6. All queries and/or complaints by a member of the public or outside organisations received by each Committee Member will be reported to the Committee for consideration.
7. To discuss and provide feedback on any other matters relating to the airstrip and reserve management.
8. To report any material changes to QLDC that may compromise the ability of the airstrip to meet community aviation needs (current and projected) while maintaining harmonious relationships with the community.
9. To annually review these terms of reference including nominees and advocate any changes to QLDC.

Procedure

The Chairperson will report back to the Council with recommendations of the Committee annually.

QLDC shall provide a secretariat to the Committee to call meetings, publish agendas and circulate minutes. Minutes shall be circulated to the Mayor and Chief Executive of QLDC and all interested parties no later than 7 working days following each meeting.

QLDC's appointed Airstrip Manager will provide a quarterly report to the Committee for discussion at meetings.

QLDC retains the ability to dissolve the Committee if required.

QLDC Council
8 February 2018

Report for Agenda Item: 3

Department: Corporate Services

Overseas Investment Amendment Bill

Purpose

The purpose of this report is to present QLDC's submission to the Finance and Expenditure Parliamentary Select Committee for retrospective endorsement by the Council.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Endorse** the submission to the Finance and Expenditure Select Committee in relation to the Overseas Investment Amendment Bill; and
3. **Approve** representation by the Mayor and the Chief Executive at the Finance and Expenditure Select Committee in support of the submission.


Prepared by:



Michelle Morss
Corporate Manager

24/01/2018

Reviewed and Authorised by:



Meaghan Miller
General Manager, Corporate
Services

24/01/2018

Background

1. On 14th December 2017, the Overseas Investment Amendment Bill was introduced in Parliament and received its first reading on the 19th December. The Bill seeks to implement the government's 100 day commitment to ban overseas buyers from purchasing houses in New Zealand.¹

¹ Treasury Impact Statement: Screening Overseas Investment in Sensitive Residential.
<http://www.treasury.govt.nz/publications/informationreleases/ria/pdfs/ria-tsy-srl-dec17.pdf>

2. This Bill intends to amend the Overseas Investment Act 2005 to create a housing market that is shaped by New Zealand based buyers with the overall intention of making housing more affordable.
3. The process for advice and submissions was conducted over the Christmas holiday period and submissions were due on 23rd January 2018. The submission was duly submitted to meet this deadline, but it remains important that it be endorsed by full Council.
4. QLDC contends that the timing and duration of the submissions period over Christmas did not represent a fair and reasonable process. This has limited the ability of all parties to obtain an appropriate level of expert advice and minimised the opportunity to research and prepare submissions

Comment

5. The full submission is attached for consideration, but the key concerns are summarised as follows:
 - a. The Bill requires further research and development – there is a lack of evidence presented.
 - b. QLDC does not believe this approach will achieve its intended goals of improving housing affordability for New Zealanders.
 - c. QLDC is keen to improve affordability for all New Zealanders as it provides our ratepayers with a significant challenge. However, QLDC on behalf of its highly international community does not support the Bill as it currently stands for the reasons set out below.
 - d. The Bill does not provide sufficient evidence to support the proposition that overseas buyers are pushing up house prices. The role played by second home ownership (irrespective of nationality) needs to be considered.
 - e. The Bill does not recognise the important distinction between the role of overseas buyers in the regular housing market and those in the luxury home market.
 - f. The Bill will cut off the significant benefits, investments and philanthropic donations currently received from overseas buyers in the luxury home market.
 - g. The Bill will detrimentally impact a thriving industry that supports the luxury home market.
 - h. The Bill also fails to recognise that overseas buyers within the regular housing market are also a key part of our labour market and that home ownership is a critical factor in staff attraction and retention.
 - i. The Bill proposes a complex and costly model for some residence visa holders, which is inconsistent with existing immigration strategies.

- j. The Bill has the potential to damage the international reputation of New Zealand.
 - k. In addition to the points outlined above, QLDC finds the Bill to be inconsistent with several key migrant strategies, including the Investment Attraction Strategy (NZTE, 2015) and the NZ Migrant Settlement and Integration Strategy (NZ Immigration, 2017).
6. QLDC has made a number of recommendations within the submission, but the primary request is to delay progress of the Bill until an appropriate assessment of the potential impacts of the measures proposed has been undertaken.

Options

7. The Council can choose not to endorse the submission. It can be withdrawn from the Select Committee process, but it cannot be amended.

Local Government Act 2002 Purpose Provisions

8. The recommended option:
- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by encouraging new industries and businesses within our community;
 - Can be implemented through current funding under the 10-Year Plan and Annual Plan;
 - Is consistent with the Council's plans and policies; and
 - Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Attachments

- A QLDC Submission to the Finance and Expenditure Select Committee in relation to the Overseas Investment Amendment Bill

23rd January 2018

Steven Mitchell
Committee Secretariat
Finance and Expenditure Committee
Parliament Buildings
Wellington 6160

Dear Mr Mitchell,

RE: OVERSEAS INVESTMENT AMENDMENT BILL

Thank you for the opportunity to present our submission in relation to the abovementioned Bill.

This matter has been the subject of intense consideration, as the intention of the Bill to improve affordability for New Zealanders is definitely an issue that affects our District. We fully support moves to address this issue, but do not believe that the Bill in its current form will tackle this important problem effectively.

We contend that measures to improve affordability should not be undertaken at the expense of the significant economic and social value provided by overseas home buyers. Should this Bill progress in its current form, it would be to the detriment of our District, the nation and our reputation globally.

We have a number of recommendations, but our primary focus in this submission is to request a delay in proceedings to enable the collation of comprehensive research and assessment of the consequences. Ultimately we do not believe this approach will achieve its intended goals. The role of second home owners (regardless of nationality) should be considered in relation to any legislation addressing housing affordability.

We are keen to be heard in relation to our submission.

Yours sincerely,



Mike Theelen
Chief Executive
Queenstown Lakes District Council



Jim Boulton
Mayor
Queenstown Lakes District Council

1.0 INTRODUCTION

1.1 Queenstown Lakes District Council (QLDC) has had the opportunity to consider the amendment to the Overseas Investment Act 2005 and holds the position that at best, the Bill requires further research and development before progressing into legislation. The Treasury impact assessment outlines this clearly in section 1 (p5) of the Impact Statement¹, in listing key limitations and constraints:

1.1.1 **“Time constraints:** Ministers have directed officials to prepare this policy within the timeframes of the 100 day plan. Accordingly, this analysis has been prepared under tight time constraints. This has meant that there has not been any opportunity to consult with private sector organizations or the general public to inform the development of this policy.”

1.1.2 **“Range of options considered:** This analysis has been constrained by the Government’s commitment to implement this specific policy. As such, no other housing policy measures (for example policies that would support the broader objective of increasing the supply of residential property), or wider overseas investment regime issues have been analysed or evaluated.”

1.1.3 **“Assumptions underpinning impact analysis:** Analysis on the likely impact of this policy is constrained by a lack of empirical data, including around current levels of overseas investment in the housing market. Similarly, it is difficult to assess the extent and nature of the behavioural responses that will result from this policy.”

1.2 QLDC does not believe this approach will achieve its intended goals of improving housing affordability for New Zealanders.

1.3 The Bill was introduced in the House on the 14th December, receiving its first reading on the 19th December 2017. QLDC contends that the timing and duration of the submissions period over Xmas did not represent a fair and reasonable process. This has limited the ability of all parties to obtain an appropriate level of expert advice and minimised the opportunity to research and prepare submissions

1.4 QLDC is keen to improve affordability for all New Zealanders, as it provides our ratepayers with a significant challenge. However, QLDC on behalf of its highly international community does not support the Bill as it currently stands for the following reasons:

1.4.1 The Bill does not provide sufficient evidence to support the proposition that overseas buyers are pushing up house prices. The role played by second home ownership (irrespective of nationality) needs to be considered.

¹ <http://www.treasury.govt.nz/publications/informationreleases/ria/pdfs/ria-tsy-srl-dec17.pdf>

- 1.4.2 The Bill does not recognise the important distinction between the role of overseas buyers in the regular housing market and those in the luxury home market.
 - 1.4.3 The Bill will cut off the significant benefits, investments and philanthropic donations currently received from overseas buyers in the luxury home market.
 - 1.4.4 The Bill will detrimentally impact a thriving industry that supports the luxury home market.
 - 1.4.5 The Bill also fails to recognise that overseas buyers within the regular housing market are also a key part of our labour market and that home ownership is a critical factor in staff attraction and retention.
 - 1.4.6 The Bill proposes a complex and costly model for some residence visa holders, which is inconsistent with existing immigration strategies.
 - 1.4.7 The Bill places a high number of existing home owners at risk of negative equity.
 - 1.4.8 The Bill has the potential to damage the international reputation of New Zealand.
- 1.5 In addition to the points outlined above, QLDC finds the Bill to be inconsistent with several key migrant strategies, including the Investment Attraction Strategy (NZTE, 2015)² and the NZ Migrant Settlement and Integration Strategy (NZ Immigration, 2017)³.
- 1.6 The following submission provides further context and detail in relation to QLDC's concerns and a set of recommendations for the Select Committee's consideration.

2.0 CONTEXT – WHY THIS BILL MATTERS TO QLDC

- 2.1 Housing affordability is a major issue in the District and is particularly pronounced in Queenstown, where average house prices are in excess of \$1million. According to Statistics New Zealand, we have the fastest growing population in the country⁴ and our focus is on ensuring that we have the infrastructure and community support in place to accommodate these changes.
- 2.2 Due to the prevalence of affordability issues in the District, QLDC has undertaken considerable work to understand the nature of the problem in our region and is therefore well positioned to provide informed comment on the matter.
- 2.3 QLDC contends that overseas buyers are not a significant cause of house price increases and that further consideration should be given to the role played by second homes ownership, irrespective of the owner's nationality.

² New Zealand Trade and Enterprise (NZTE), "New Zealand's Investment Attraction Strategy," (2015). <http://www.mbie.govt.nz/info-services/business/business-growth-agenda/pdf-and-image-library/towards-2025/mb13078-bga-investment-a3-v2-5.pdf>

³ New Zealand Immigration, "Nz Migrant Settlement and Integration Strategy " (2017). <https://www.immigration.govt.nz/about-us/what-we-do/our-strategies-and-projects/settlement-strategy>

⁴ <https://ecoprofile.infometrics.co.nz/Queenstown-Lakes%20District/QuarterlyEconomicMonitor>

- 2.4 In April 2017, a Mayoral Taskforce was convened to address local issues of affordability. The Taskforce reported back in October 2017 with a programme for delivery across 6 key strategic areas⁵. The approach was innovative and tailored to our local communities and concerns. Working through the Queenstown Lakes Community Housing Trust a strategy is being prepared that will offer a range of affordable options. This piece of work has been positively received and is progressing well, including provision of a shared ownership scheme, a shared equity programme, plus changes to zoning and visitor accommodation rules. The aim is to provide an additional 1000 houses by 2028 with secure tenure.
- 2.5 International net migration has been consistently increasing in the District since 2012⁶. This is testament to the fact that being an inclusive, welcoming and friendly place for migrants is part of the DNA of our District.
- 2.6 This hospitable outlook isn't new, as residents of the Queenstown Lakes District have traditionally always been very international. An eclectic, multicultural community is part of our history and fabric, reflected in settlements at every corner of our District, from the Chinese gold-mining settlement in Arrowtown to the Scottish farmers in Kinloch.
- 2.7 Our vision for our 2018/28 Ten Year Plan is "vibrant communities, enduring landscapes, bold leadership". Inclusivity for all, including overseas migrants, is a key community outcome for QLDC.
- 2.8 We are keen to ensure that all who make the commitments required through a residency class visa are given the opportunity to settle, contribute and make the District their home. Being able to purchase homes and land is a central part of welcoming migrants into our community and into kiwi culture.
- 2.9 QLDC welcomed the second highest number of international buyers in the country⁷ according to the latest LINZ report. When considered in the context that we are the 32nd in the country when ranked by population size⁸ with a population base of just 32,410 people⁹, it is clear that the relative negative impact of this Bill will be disproportionately shouldered by our community.
- 2.10 We already have a highly pressured labour market in the District, with our largely small to medium enterprises struggling to attract and retain appropriate staff. Immigration arrangements already present challenges in this process and the impact of this Bill could be to exacerbate this issue further.
- 2.11 As a result of international buyers being a highly visible presence within our community, a dynamic industry has developed around this group, particularly those that have purchased in the luxury home market. This will be explored further below.

⁵ Queenstown Lakes District Council, "Mayoral Housing Affordability Taskforce," (2017). <http://www.qldc.govt.nz/assets/Uploads/Council-Documents/Mayoral-Housing-Affordability-Taskforce/3.-Mayoral-Housing-Affordability-Taskforce-Report-October-2017.pdf>

⁶ <https://ecoprofile.infometrics.co.nz/Queenstown-Lakes%20District/QuarterlyEconomicMonitor/Migration> (accessed 19/1/18)

⁷ <https://www.linz.govt.nz/land/land-registration/prepare-and-submit-your-dealing/property-tax-compliance-requirements/property-transfers-and-tax-residency-data> (accessed 19/1/18)

⁸ https://en.wikipedia.org/wiki/Territorial_authorities_of_New_Zealand (accessed 19/1/18)

⁹ <http://www.qldc.govt.nz/assets/Uploads/Council-Documents/Annual-Plans/2a.-QLDC-Annual-Plan-17-18-final.pdf>

2.12 QLDC has also had first-hand experience of the enormous potential for investment that some overseas migrants bring to the District. We have a number of high net worth individuals who have made considerable social impact investments and philanthropic donations to the indisputable benefit of the community. Their connection with the District is such that they work as informal ambassadors amongst their peers, positively representing New Zealand and helping to encourage further investment.

3.0 QLDC'S COMMENTS

3.1 *The Bill does not provide sufficient evidence to support the proposition that overseas buyers are pushing up house prices at this stage in the property market cycle. The role played by second home ownership (irrespective of nationality) needs to be considered.*

3.1.1 House price increases and affordability issues are complex matters that are dependent upon a network of economic factors. Opinions differ on the cause of the New Zealand housing market increases, but generally evidence points towards the role of construction and land costs, low interest rates, changing family dynamics, internal migration, holiday home ownership and a lack of supply.

3.1.2 Little evidence exists to suggest that overseas buyers have an effect on house prices¹⁰ and some studies even suggest that returning New Zealanders have a greater impact than international buyers.¹¹ Given the types of international buyers (i.e. excluding Australians) impacted by this Bill constituted less than 2.25% of property transactions between July and September 2017¹² it does not appear to convincingly warrant legislative change.

3.1.3 QLDC contends that the presence of a high number of second homes in the District have contributed more significantly to the increase in house prices than the role of overseas buyers. Anecdotally, buyers are typically based in Auckland and Australia. The Bill does not currently address the significant role these purchasers play in exacerbating affordability problems, but there is significant international evidence to suggest that this is the case.¹³

3.1.4 The Bill and the supporting Treasury Impact Statements did little to reassure QLDC that a strong evidence base exists to support the Bill. Many questions remain unanswered

¹⁰ Poot Cochrane, "Past Research on the Impact of International Migration on House Prices: Implications for Auckland," (National Institute of Demographic and Economic Analysis, University of Waikato, 2016). <http://www.mbie.govt.nz/publications-research/publications/housing-and-property/nidea-report-immigration-housing-literature-review.pdf>

¹¹ Marianna Kennedy, "Does Immigration Raise House Prices? A Question of Correlation and Causation.," *EcoNZ@Otago2009*. <https://motu.nz/assets/Documents/our-work/urban-and-regional/housing/Does-Immigration-Raise-House-Prices-A-Question-of-Correlation-and-Causation.pdf>

¹² <https://www.linz.govt.nz/land/land-registration/prepare-and-submit-your-dealing/property-tax-compliance-requirements/property-transfers-and-tax-residency-data> (accessed 19/1/18)

¹³ Olivier Schoni Christian AL Hilber, "The Housing Market Impacts of Banning Second Home Investments," (2016). http://personal.lse.ac.uk/hilber/hilber_wp/Hilber_Schoeni_2016_08.pdf

and little reassurance was provided. There appears to be more certainty around costs than benefits.

- 3.1.5 Whilst QLDC appreciates the need for the Bill to sit within the context of broader policy initiatives (i.e. CPTPP), proceeding without a thorough analysis of potential externalities and unexpected consequences would be a high risk approach.

3.2 The Bill does not recognise the important distinction between the role of overseas buyers in the regular housing market and those in the luxury market.

- 3.2.1 QLDC contends that the Bill conflates two distinct and discrete issues that should be addressed separately; the impact of overseas buyers on the general housing market and the impact of overseas buyers on the luxury market. Homes in the former category are generally owned by 'regular' working families, whilst those in the latter are owned by the exceptionally wealthy.
- 3.2.2 Luxury home buyers are not purchasing homes that would otherwise be available for regular families to purchase. They operate in an exclusive market that only a small international group are going to access. To legislate for both groups within the same Bill should be avoided.
- 3.2.3 QLDC recognises that in some parts of New Zealand, wealthy overseas buyers operate far more closely to the regular market, purchasing properties on a buy to let basis. However, this is not the case within our District and it's important that luxury buyers aren't the accidental by-product of tackling the challenges presented elsewhere.

3.3 The Bill will cut off the significant benefits, investments and philanthropic donations currently received from overseas buyers in the luxury home market.

- 3.3.1 Including the luxury home market within the Bill will lead to significant missed opportunities for New Zealand. Purchasing property within the country is often the start of a far deeper relationship with high net worth individuals that benefits the country in terms of expertise, connections, investment, development and philanthropy. A personal / home connection with New Zealand is generally the precursor to commercial investment and direct economic gain.
- 3.3.2 The Queenstown Lakes District has benefitted significantly from the presence in the District of people who have purchased in the luxury home market. Not only have we seen traditional investment in local business, but we have seen the launch of ground breaking social enterprises and incredible impact investment. By inhibiting such investment, the Bill is inconsistent with the advice of the DIA's Strategic Group on Social Enterprise and Social Finance.¹⁴ Two examples of such investment include significant

¹⁴ Strategic Group on Social Enterprise and Social Finance (DIA), "Social Enterprise and Social Finance: A Path to Growth " (2016). [https://www.dia.govt.nz/diawebsite.nsf/Files/SESF-Steering-Group/\\$file/SESF-Strategic-Group-report.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/SESF-Steering-Group/$file/SESF-Strategic-Group-report.pdf)

donations from the music producer Mutt Lang¹⁵ and the technology entrepreneurs Paul and Debbie Brainerd¹⁶.

- 3.3.3 The Bill will have a significant negative impact upon our ratepayers that have invested in property on the understanding that there will be an international market to sell it on in future. Some of the properties within the District may not viably sell if only available to New Zealanders.
- 3.3.4 This failure to acknowledge the value that high net worth individuals bring to the country through migration and property purchase is inconsistent with several existing strategies and government initiatives. This includes the work of the Investor Attraction Taskforce¹⁷ and the NZ Investment Attraction Strategy¹⁸, whose third specified objective is to “Attract Investor and Entrepreneur Migrants”.

3.4 *The Bill will detrimentally impact a thriving industry that supports the luxury home market.*

- 3.4.1 Investment from luxury home buying migrants has led to the development of an extensive industry supporting a range of small and medium businesses in the District. From niche building firms and master craftsmen, through to furniture designers and artists; the presence of high net worth purchasers has provided a significant economic development and diversification opportunity. This contributes to achievement of key outcomes within the QLDC Economic Development Strategy.¹⁹
- 3.4.2 Similarly, the development of a luxury home industry has created excellent training and development opportunities for local tradespeople to develop skills to service a high quality and bespoke design market.

3.5 *The Bill also fails to recognise that many overseas buyer are ordinary working migrants. They play a key role in our labour market and home ownership may be a critical factor in staff attraction and retention.*

- 3.5.1 Whilst affordability is a challenge in the District, so too is maintaining an effective labour market. This is a challenge for QLDC as an organisation, as well as the broader economy.
- 3.5.2 Last year, 74% of employers (mainly small – medium enterprises) at the Queenstown Chamber of Commerce reported hiring staff that were not NZ citizens or permanent residents²⁰. Professional Staff that are older and more experienced will typically travel with family, making the opportunity to invest in a home a key factor in attracting them

¹⁵ <https://www.tvnz.co.nz/one-news/new-zealand/-legendary-music-producer-gifts-unique-otago-land-to-new-zealand-6249530> (accessed 19/1/18)

¹⁶ <https://www.theheadwaters.co.nz/camp-glenorchy/> (accessed 19/1/18)

¹⁷ New Zealand Trade and Enterprise (NZTE), "Investment Attraction Taskforce, Update November 2016," (2016). <https://www.nzte.govt.nz/about/news/news-and-features/-/media/34A349D609F549C29E72841EC520F4DA.ashx>

¹⁸ "New Zealand's Investment Attraction Strategy." <http://www.mbie.govt.nz/info-services/business/business-growth-agenda/pdf-and-image-library/towards-2025/mb13078-bga-investment-a3-v2-5.pdf>

¹⁹ <http://www.qldc.govt.nz/assets/Uploads/Council-Documents/Strategies-and-Publications/Queenstown-Lakes-Economic-Development-Strategy-Consultation-Document.pdf>

²⁰ <https://www.queenstownchamber.org.nz/business-connect/news-advocacy/media-releases/queenstown-lakes-district-labour-and-accommodation-survey-report-2017-fact-sheet/> (accessed 19/1/18)

to the resort. If home ownership is impossible or requires a lengthy, costly assessment exercise, attracting staff will be more difficult. The Bill is going to create obstacles for new migrants that will make it difficult for them to commit and contribute to New Zealand.

3.6 *The Bill proposes a complex and costly model for some residence visa holders, which is inconsistent with existing immigration strategies*

- 3.6.1 The proposed model introduces a complex system, whereby some residence class visas will not require a consent and lengthy process to purchase residential property, but those who have not been resident for the requisite 12 months / 183 days will.
- 3.6.2 QLDC's position is that this approach is overly complicated and costly to administer, requiring a significant and unnecessary increase in the services of the OIO and conveyancers.
- 3.6.3 QLDC believes that all residence class visas should be exempted from the requirement to obtain a permit. On a philosophical level, residence class visas provide a pathway to citizenship and many are entitled to vote. Those who qualify for a residence class visa through an existing rigorous immigration process should be welcomed into our communities and considered valuable additions to our society. Home ownership, as vital part of kiwi culture, should not be withheld. Residence class visa holders should be treated in an inclusive and egalitarian fashion.
- 3.6.4 To discriminate between types of residence class visas creates unnecessary pressure on the OIO and builds a sense of two-tier discrimination for our resident migrants which will complicate settlement in our communities. Such discrimination is inconsistent with all Immigration NZ advice in relation to migrant settlement, including the New Zealand Migrant Settlement and Integration Strategy²¹ and the Welcoming Communities Standards (Dec 2017)²².

3.7 *The Bill has the potential to damage the international reputation of New Zealand.*

- 3.7.1 Freedom of transaction, rule of law and flexible immigration policies have contributed to New Zealand's reputation as being safe, liberal, free from corruption and globally connected; a good place to live and to do business. However, the Bill places this carefully crafted international reputation at risk, as the controls it promotes are counter to the values that have been promoted over the past thirty years.
- 3.7.2 Over nine out of ten recent migrants would recommend NZ to friends and family²³. Flexible, common-sense immigration provisions have helped build a diverse and

²¹ Immigration, "Nz Migrant Settlement and Integration Strategy ". <https://www.immigration.govt.nz/about-us/what-we-do/our-strategies-and-projects/settlement-strategy>

²² "Welcoming Communities Standard," (2017). <https://www.immigration.govt.nz/about-us/what-we-do/welcoming-communities/the-welcoming-communities-standard>

²³ <http://www.mbie.govt.nz/publications-research/research/migrants---monitoring/migrant-survey-report-2015.pdf>

international community in the Queenstown Lakes District and it's on the back of this that we are able to provide a welcoming visitor experience. The current Bill undermines this reputation and will significantly detract from New Zealand's tourism brand.

- 3.7.3 Our District is synonymous with New Zealand's international tourism reputation, which affords us the ability to understand wider issues that will impact the visitor experience. New Zealand brands itself under the '100% Pure' campaign, which tells the story of how the country's unique combination of landscapes, people and activities cannot be found anywhere else in the world.²⁴ Queenstown features heavily on the 100% Pure website, making up one-third of the recommended 'Things to Do'²⁵ and featuring in 80% of the 'Recommended trips'.²⁶
- 3.7.4 Central government frequently uses Queenstown to showcase New Zealand – for example, at the November 2017 Asia-Pacific Economic Cooperation Leaders' Meeting and the 2017 Commonwealth Heads of Government Meeting.
- 3.7.5 QLDC contends that this Bill contributes to a building perception that overseas visitors are unwelcome, whether they are arriving as visitors or migrants. It's important to note that migrants often move to New Zealand after a positive visitor experience. This level of reputational damage will impact New Zealand's tourism industry and its official international relationships.

4.0 QLDC'S RECOMMENDATIONS

4.1 In reference to the points outlined in section 3.0, QLDC recommends that the progress of the Bill is delayed in order to facilitate collation of comprehensive research and to engage in a dialogue with a broader range of stakeholders and interested parties. This will enable officers to explore potential impacts in greater detail.

4.2 Furthermore, QLDC recommends consideration of the following amendments:

- 4.2.1 Exemption from the implications of the Bill for all residence class visa holders, as listed on the Immigration NZ web page presenting options for living in NZ permanently²⁷.
- 4.2.2 Consideration of a price floor model, beyond which purchasers would be exempt from the requirements of the Bill. The intent of this would be to prevent inhibition of the luxury home industry and enable the small international residential market to continue. A similar model has recently been applied in Malaysia²⁸. Overseas buyers above the price floor could be obliged to also make a percentage contribution to a local philanthropic fund.
- 4.2.3 Limitation of the Bill to markets where empirical evidence suggests that overseas buyers are competing in the regular housing market and causing prices to increase.

²⁴ Tourism New Zealand <http://www.tourismnewzealand.com/about/what-we-do/campaign-and-activity/> (accessed 19/1/18)

²⁵ New Zealand website <https://www.newzealand.com/int/things-to-do/> (accessed 19/1/18)

²⁶ <https://www.newzealand.com/int/trips-and-driving-itineraries/top-nz-trips/> (accessed 19/1/18)

²⁷ <https://www.immigration.govt.nz/new-zealand-visas/options/live-permanently/all-resident-visas> (accessed 19/1/18)

²⁸ <http://www.straitstimes.com/asia/se-asia/landed-properties-penang-raises-entry-prices-for-foreigners> (accessed 19/1/18)

4.2.4 Work with key stakeholders to develop technical, expert adjustments that will soften the negative impacts of the Bill. These could include exemption of land where residential is an ancillary purpose, exempting existing overseas owners, refining the immigration process and exempting leasehold sales.

4.3 QLDC recommends that further research into the role that second home owners play within the market is required, irrespective of their nationality. QLDC understands that this may sit outside of the purview of the Overseas Investment Act, but considers this to be a cause of house price increases for New Zealanders.

4.3.1 Tourist areas in the UK are currently seeking to ban new properties from being built, unless they are to be owned and occupied full time.²⁹ Similarly the UK increased Stamp Duty on second homes in 2016, New York reduced its tax abatements for second condos and France enabled districts with over-heated property markets to increase taxes on second homes by 20%. China and Singapore have also increased taxes across a range of mechanisms for second homes.³⁰

5.0 CONCLUSION

5.1 To conclude, QLDC fully supports the government in its endeavours to address issues of affordability for New Zealanders. However, it strongly recommends that the progress of the Bill be delayed in order to enable further research and dialogue to be conducted.

5.2 QLDC recommends that the Bill is returned to officials to develop a comprehensive understanding of the potential impacts across a range of markets will ensure that the Bill is subject to less risk.

5.3 QLDC considers the Bill as drafted to be inconsistent with several key government strategies. The implications of the Bill pose a threat to the reputation of New Zealand, the importance of our values and the spirit of our international relationships.

²⁹ <https://www.theguardian.com/money/2017/jul/01/holiday-homes-new-buy-to-let-property-investors> (accessed 19/1/18)

³⁰ Christian AL Hilber, "The Housing Market Impacts of Banning Second Home Investments." http://personal.lse.ac.uk/hilber/hilber_wp/Hilber_Schoeni_2016_08.pdf

**QLDC Council
8 February 2018**

Report for Agenda Item: 4

Department: Finance & Regulatory

Class 4 and TAB Gambling Venue Relocation Policy

Purpose

To consider the adoption of the Class 4 and TAB Gambling Venue Relocation Policy following public consultation and a public hearing.

Recommendation

That Council:

1. **Note** the contents of this report and the submissions heard at the public hearing;
2. **Accept** the recommendation from the hearing panel to adopt the relocation policy; and
3. **Adopt** the proposed relocation policy into the Class 4 and TAB Gambling Venue Policy.

Prepared by:



Nathan Bates
Alcohol Licensing inspector
18/01/2018

Reviewed and Authorised by:



Stewart Burns
Regulatory and Finance
General Manager
24/01/2018

Background

- 1 On 17 August 2017 Council resolved to adopt the current Class 4 and TAB Gambling Venue Policy <http://www.qldc.govt.nz/services/permits/gaming/>
- 2 The Gambling (Gambling Harm Reduction) Amendment Act 2013 required Council to consider whether to include a relocation policy within its Class 4 Venue Policy, as part of the first review of the policy following this amendment on 14 September 2013.
- 3 Recently, an application to relocate 18 gaming machines was received, which identified this omission from Council's current Class 4 and TAB Gambling Venue

Relocation Policy regarding the ability to consider the relocation of gaming machines.

- 4 On 26 October, Council resolved to begin public consultation on a proposed Class 4 and TAB Gambling Venue Relocation Policy <http://www.qldc.govt.nz/assets/Uploads/Council-Documents/Full-Council-Agendas/2017/26-October-2017/6.-Class-4-and-TAB-Gambling-Venue-Relocation-Policy-covering-report.pdf>

Comment

Gambling Act 2003

- 5 Recently, Council reviewed and adopted its Class 4 and TAB Gambling Venue Relocation Policy. However, an amendment in the legislation that requires the consideration to relocate gaming machines was not undertaken.
- 6 Section 102(5A) of the amended Act states:

“The first time that a territorial authority commences a review of the policy after the Gambling (Gambling Harm Reduction) Amendment Act 2013 comes into force, the territorial authority must (and may at any other time) consider whether to include a relocation policy (as defined in section 101(5)) in its class 4 venue policy.”

- 7 The most recent review of the Class 4 and TAB Gambling Venue Relocation Policy would have been the first review since the amended legislation.
- 8 Consequently, a proposed Class 4 and TAB Gambling Venue Relocation Policy was drafted, which was presented to Council.

Public Consultation

- 9 The proposed policy went before the full Council on 26 October 2017, where Council resolved to begin public consultation. Public consultation occurred between 28 October 2017 and 27 November 2017.
- 10 During the public consultation period nine responses were completed via the online submissions form, while a further six were received via email bringing a total of 15 responses.
- 11 Of the nine completed responses, eight indicated they were in support of the policy with three of those wishing to be heard. The final respondent completed all the questions on the form except for the one indicating if they were in support or not of the proposed policy, however they did indicate that they did wish to be heard at any public hearing.
- 12 All of the six emailed responses agreed with the proposed policy with two stating that they wished to be heard at the public hearing.

- 13 Included in the emailed responses was a submission by Public Health South (PHS) which indicated that though they agreed with the relocation policy they would like to see a cap placed on the number of gaming venues operating, so that when the gaming machines have relocated to a new venue the old location is not permitted to host gaming machines. They also indicated that at the next policy review, PHS would advocate for a sinking lid clause so the number of gaming machines would reduce from 18 to nine if a venue was previously allowed 18 machines.
- 14 In summary, 15 valid (fully completed) responses were received via the online submissions form or via email response with 14 in agreement with the proposed policy, with one submitter not indicating either way. Five submitters had indicated they wished to be heard at the public hearing.
- 15 All the valid responses that were received were submitted by Gaming Trusts or community groups that receive grants from said Trusts and indicated they would struggle to continue if these grants were discontinued.

Public Hearing

- 16 The public hearing was held on Wednesday 20 December 2017. At the hearing only one submitter, Mr Jarrod True of True Legal on behalf of First Sovereign, attended and presented before the hearing panel in support of the proposed policy. The other four submitters wishing to be heard provided various reasons for their inability to attend. The minutes of the hearing are appended as Attachment B.
- 17 At the conclusion of the hearing the council panel made a recommendation that the proposed policy be adopted.

Options

- 18 Option 1 Status Quo – Do not permit the relocation of gaming machines.

Advantages:

- 19 All new gaming locations will need to go through the new licensing process thereby limiting them to a maximum of eight machines and potentially lowering the number of machines throughout the district.

Disadvantages:

- 20 The level of community funding received from gaming trusts may significantly reduce.
- 21 By not allowing relocation it would be a de facto form of reducing the number of machines in the district which is not the intention of the Gambling Policy.
- 22 It would create unnecessary additional costs, given a lack of apparent harm to the community from the current number of gaming machines, by forcing existing gaming numbers through a new licence process each time machines need to be moved.

23 Option 2 Approve the relocation policy.

Advantages:

24 The proposed policy (Attachment B) reflects the objectives of the current Class 4 and TAB Gambling Venue Policy to:

- a) To ensure the Council and the community has influence over the provision of new gambling venues in the district;
- b) To control and manage the growth of gambling in the district;
- c) To allow those who wish to participate in electronic gaming machines and totalisator (TAB) gambling to do so within the district;
- d) To prevent and minimise harm caused by gambling; and
- e) To create an information flow so that the on-going effects of gambling in the district may be assessed.

Disadvantages:

25 Allowing relocation will not reduce the number of gaming machines within the community.

26 This report recommends **option two** as it is the recommendation of the hearings panel and reflects the objectives of the Class 4 and TAB Gambling Venue Policy and continues the current levels of community funding available to the community.

Significance and Engagement

27 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because the matter has a low impact on the environment culture and people of the District. There will only be a low number of organisations that will be affected by this policy.

Risk

28 This matter relates to the strategic risk SR3 "Management Practice – working within legislation", as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because the current policy does not comply with the Gambling Act.

29 The recommended option considered above mitigates the risk by terminating the risk through the adoption of the amended policy.

Financial Implications

30 There are minimal financial implications from this policy, which will be met through existing budgets.

Council Policies, Strategies and Bylaws

31 The following Council policies, strategies and bylaws were considered:

- Class 4 and TAB gambling venue policy
- Significance and Engagement Policy

32 The recommended option is consistent with the principles set out in the named policy.

33 This matter is included in the 10-Year Plan/Annual Plan.

34 Volume 1 – Long Term Council Outcomes for Regulatory Functions and Services.

Local Government Act 2002 Purpose Provisions

35 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by ensuring the policy complies with the Act;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

36 The persons who are affected by or interested in this matter are residents, ratepayers, iwi and visitors of the Queenstown Lakes district community.

37 The Council has publicly consulted using the special consultative procedure on the proposed policy.

Legal Considerations and Statutory Responsibilities

38 The relevant legislation that must be considered comes from the Gambling Act 2003 which states in section 102(5A):

(5A) The first time that a territorial authority commences a review of a policy after the Gambling (Gambling Harm Reduction) Amendment Act 2013 comes into force, the territorial authority must (and may at any other time) consider whether to include a relocation policy (as defined in section 101(5)) in its class 4 venue policy.

39 Section 101(5) of the Gambling Act 2003 states:

40 (5) A **relocation policy** is a policy setting out if and when the territorial authority will grant consent in respect of a venue within its district where the venue is

intended to replace an existing venue(within the district) to which a class 4 venue licence applies (in which case section 97A applies).

Attachments

- A Class 4 and TAB Gambling Venue Policy with relocation policy inserted
- B Minutes of the meeting to consider submissions on the proposed Class 4 TAB and Gambling Venue Relocation Policy

QUEENSTOWN LAKES DISTRICT COUNCIL

CLASS 4 AND TAB GAMBLING VENUE POLICY

Introduction

Under section 101 of the Gambling Act 2003 Council is required to adopt a policy to regulate the growth and location of Class 4 (non-casino electronic gaming machines) and Totalisator Agency Board (TAB) gambling within their district.

The areas where Council has authority to control are:

- To determine whether new class 4 and or TAB venues may be established within the district and if so to determine any restrictions to be placed on those locations; and
- If Class 4 venues are permitted in the district, to determine the maximum number of machines that may be in each venue, subject to statutory maxima.

Objectives of the Policy

- ensure the Council and the community has influence over the provision of new gambling venues in the district;
- To control and manage the growth of gambling in the district;
- To allow those who wish to participate in electronic gaming machine and totalisator (TAB) gambling to do so within the district;
- To prevent and minimise the harm caused by gambling;
- To create an information flow so that the ongoing effects of gambling in the district may be assessed.

Strategic Alignment

- This policy assists in the delivery of the following Council outcomes and goals:
- Protects the interests of the District and its community;
- Is cost effective and achieves the regulatory objectives; and
- Enables our community to comply with national and local legislation because they are well understood and easy to comply with.

Location of Class 4 Gambling or TAB Venues

Class 4 gambling and TAB venues may be established in the district subject to meeting the following criteria:

- a) A full application is submitted and fees paid;
- b) Proposed new venues must not be established in any **residential zone** and
- c) Proposed and existing venues are not located within 50metres of or adjacent to any school, early childhood centre, kindergarten, place of worship or other community facility. The applicant will be required to demonstrate that the proposed venue will not adversely impact on such institutions;
- d) Not being located so as to provide for a concentration of gambling venues;
- e) Not being a venue at which the primary activity is associated with family or children's activities;

- f) The electronic gaming machines being located within the venue must not be visible from the street, or visible to underage patrons at the venue; and
- g) No signage regarding either the provision of gaming machines or any prizes or jackpots available from gaming machines may be visible from any street or public place.

Maximum numbers of Electronic Gaming Machines permitted

- New venues may be allowed a maximum of 9 (nine) electronic gaming machines.
- Venues with licenses issued after 17 October 2001 and operating fewer than 9 (nine) electronic gaming machines may be allowed to increase the number of machines operated at the venue to 9.

Primary activity of class 4 gambling premises

New Class 4 gambling venues may only be established where the primary activity of the venue is:

- The sale and supply of alcohol for consumption on the premises as licensed under the Sale and Supply of Alcohol Act 2012.

Information Disclosure

To provide information to enable Council to monitor activities at Class 4 gambling venues, each society operating electronic gaming machines in the Queenstown Lakes District shall provide the following information to the Council for each venue operated in the district:

Net expenditure (being the difference between money paid into and paid out as winnings from electronic gaming machines);

- Site fees paid to the site operator; and
- A copy of the responsible gambling policy in place at the venue.

In addition, each society shall provide information to the Council on the grants made by it directly to organisations within the Queenstown Lakes District including:

- The name and address of the organisation;
- The purposes for which the donation was made; and
- The amount of each donation made.

Information is to be provided to Council for each six-month period ending 30 June and 31 December each year. The information is to be provided to the Council within 2 months of the end of each reporting period, 31 August and 28 February.

Applications

Applications for consent by the Queenstown Lakes District Council must be made on the approved form and must provide:

- Name and address details for the application;
- Physical address of premises proposed for the Class 4 venue;
- The names of management staff;
- Evidence that public notice of the intention to apply for a new venue (for either Class 4 or TAB venues) or an increase in electronic gaming machine numbers (for Class 4 venues) at an existing venue has been given;
- Evidence of police approval for owners and managers of the venue;
- Evidence that the primary purpose of the proposed venue complies with this policy;

- Evidence of the means by which the policy in respect of separation of gambling from non-gambling areas will be achieved; and
- A copy of the current alcohol on-licence for the premises.

Application Fees

These will be set by the Queenstown Lakes District Council from time to time and shall include consideration of:

- The cost of processing the application, including any consultation and hearings involved;
- The cost of triennially reviewing the Class 4 gambling and TAB venue policy;
- A contribution towards the cost of triennial assessments of the economic and social impact of gambling in the Queenstown Lakes District.

Public Notice Provisions

Public notice of the intention to make application under this policy shall be made by placing notices in either the Southland Times or the Otago Daily Times on two consecutive Saturday editions. A similar notice shall be placed in at least two local newspapers that are delivered in the area surrounding the applicant venue over two consecutive weeks. If there are not two local newspapers circulated in the surrounding area then the notice shall be placed in both the Southland Times and Otago Daily Times and the one local newspaper.

The notice shall specify:

- The name of the society making the application;
- The physical location of the venue or proposed venue;
- The trading name of the venue or proposed venue;
- The number of electronic gaming machines that are proposed;
- Where the application is for an increase in the number of electronic gaming machines at the venue the notice shall specify the existing number and proposed number of machines;
- That objections to the granting of the application should be made in writing to Council's regulatory contractor and specify the name and address for service;
- The period during which objections may be made, which is twenty one (21) days from the date of first public notice in the Southland Times or Otago Daily Times.

Administration

- Where any public objection is made to the application for a new venue or an increase in the number of machines at a venue under to this policy, then the application will be referred to the Community and Services Committee. This Committee will conduct a public hearing into the application that provides for community consultation.

Venue Relocation

A new venue consent may be issued by Council in the following circumstances:

- (a) where the venue is intended to replace an existing venue within the district;
- (b) where the existing venue operator consents to the relocation; and
- (c) where the proposed new location meets all the other requirements of the Class 4 and TAB Gambling Venue Policy.

In accordance with section 97A of the Gambling Act 2003, when a relocation consent is sought under this relocation provision, the new venue may operate up to the same number of

machines that was permitted to operate at the old venue immediately before the old venue licence is cancelled as a result of the relocation, to a maximum of eighteen (18) machines.

In accordance with section 97A(2)(c) of the Gambling Act 2003, when the new venue is established following a consent being granted under this relocation provision, the old venue is treated as if no class 4 venue licence was ever held for the venue. The old venue will therefore require a new territorial authority consent from Council before being relicensed to host gaming machines and will be limited to a maximum of 9 machines if such a consent is issued by Council.

ADOPTED 8th February 2018

**Consideration of Submissions
Class 4 TAB and Gambling Venue Relocation Policy
20 DECEMBER 2017
Page 1**

Minutes of a meeting to consider submissions on the proposed Class 4 TAB and Gambling Venue Relocation Policy held in Council Chambers, 10 Gorge Road, Queenstown on Wednesday, 20 December 2017 commencing at 10.00am

Present:

Councillor Quentin Smith (Chair), Councillor Scott Stevens and Councillor Val Miller

In attendance:

Mr Nathan Bates (Alcohol Licensing Inspector), Mr Lee Webster (Regulatory Manager) and Ms Jane Robertson (Senior Governance Advisor)

Commencement of the hearing

The Governance Advisor called the meeting to order and asked the elected members to determine the Chairperson for the hearing.

On the motion of Councillors Stevens and Miller it was resolved that Councillor Smith chair the hearing.

Councillor Smith took the chair.

Apologies

There were no apologies

Declarations of Conflicts of Interest

No declarations were made.

Confirmation of Agenda

The agenda was confirmed without addition or alteration.

Officer's covering report

Mr Bates advised of various changes to the submitters appearing at the hearing:

- Tanya Piejus and Bruce Robertson would no longer appear via Skype.
- Hugh Stacey no longer wished to appear.
- No response had been received from Snow Sports New Zealand about appearing.

He advised that his written report should be taken as read.

Hearing of Submissions

Jarrold True presented a submission on behalf of First Sovereign Trust in support of the relocation amendment. His submission highlighted the following key points:

- The consultation process had yielded 15 submissions of which 14 were in support and one neutral. Importantly, none was opposed which was a rare situation and which suggests that the proposed change was not controversial.
- Various examples of gratitude from community organisations for the Trust's financial support were presented.
- The Southern District Health Board's submission had requested a cap or sinking lid of machines but this was outside the scope of the policy review.
- Adopting the relocation policy was consistent with what other councils had done and consistent with existing policy.
- Adoption would enable gaming machine funding to remain sustainable.
- The actual number of venues in Queenstown had more than halved over the last 15 years and this could not continue if funding for local projects was to remain sustainable.
- There were a number of relocation benefits including allowing the development of modern venues with new fit-outs, improvements to the local economy and the encouragement of tourism. It also provided for relocation in cases of fire, site redevelopment or unreasonable landlord behaviour and served to free up land that could be used for other purposes.
- There were various safeguards that remained in place to ensure that venues could only be relocated to areas considered suitable.
- Not allowing machine relocation had the unintended consequence of keeping machines in run-down venues thereby promoting the migration to casinos and online gambling.

In summary, Mr True stated that the Queenstown Lakes District was a dynamic part of New Zealand in which the First Sovereign Trust wanted to retain a footprint. The proceeds from the Trust were an important resource for local communities and the Trust was acutely aware of its responsibilities to manage any harm from gambling. Once a venue was lost it was very hard to re-establish it and the Trust appreciated the Council's efforts to organise the hearing in short time to allow for the relocation of 18 relocatable machines. Overall, the Trust was happy with the proposed wording of the policy which both reflected the purpose of the act and was consistent with other policies.

**Consideration of Submissions
Class 4 TAB and Gambling Venue Relocation Policy
20 DECEMBER 2017
Page 3**

Councillor Stevens advised that the panel's decision would be reserved. It would make a recommendation that would be presented to the first Council meeting in 2018.

The hearing concluded at 10.22am and the members of the public left the room at this time.

Deliberations

Members observed that there was no submitter opposition to the proposed policy. Further there was no evidence of problem gambling in residential areas, notwithstanding that any relocation would be in the CBD. There were also few venues with 18 machines so applications for relocation would be rare.

On the motion of Councillors Smith and Miller it was resolved that the hearings panel recommend to Council that the Class 4 and TAB Gambling Venue Relocation Policy be adopted.

The meeting concluded at 10.28 am.

QLDC Council
8 February 2018

Report for Agenda Item: 5

Department: Planning & Development

Corporate Submission on Stage 2 Queenstown Lakes Proposed District Plan
and withdrawal of land from Stage 2 proposals

Purpose

- 1 The purpose of this report is firstly, to seek approval from Council to lodge a submission on Stage 2 of the Proposed District Plan and secondly, to withdraw the Community Purposes Sub Zone (Camping Grounds) from land located to the north of the Lake Hāwea Holiday Park that has been incorrectly rezoned on the Stage 2 Proposed District Plan planning maps.

Executive Summary

- 2 The submission recommended for approval includes changes addressing a series of errors and issues that have been identified with the notified Stage 2 Proposed District Plan provisions. The changes include amending the mapping of the Wakatipu Basin Lifestyle Precinct on Speargrass Flat Road, changes to make it easier to establish and maintain Council docking and boat launching facilities and park and ride facilities, changes to make it easier to establish public transport infrastructure outside of road corridors, changes to encourage electric vehicle facilities and changes to clarify the roading hierarchy in the plan.
- 3 The land recommended to be withdrawn from the Stage 2 planning maps to the north of the Lake Hāwea Holiday Park has been incorrectly rezoned from Rural to Community Purposes Sub Zone (Camping Grounds) on the planning maps notified on 23 November 2017. Withdrawing this land from the Stage 2 proposed district plan provisions will mean it reverts to the Rural zone as shown on the Stage 1 planning maps notified on 26 August 2015.

Recommendations

That Council:

- a) **Note** the contents of this report.
- b) **Approve** Council's Corporate Submission on the Proposed Queenstown Lakes District Plan.
- c) **Authorises**, pursuant to Clause 8D of the First Schedule to the RMA, the withdrawal of the following provisions of the Proposed District Plan:
 - i) The proposed Community Purpose Sub Zone (Camping Grounds) from the land legally described as Lot 1 DP 418972 and Part of Section 1 SO

24546, located to the north of the Lake Hāwea Holiday Park.

- d) **Note** that as a result of the withdrawal described in (c) i) the proposed zone for the land will revert to Rural Zone, being the zone that applied to the land at Stage 1 of the District Plan review. All remaining Stage 1 and Stage 2 district wide provisions (i.e. Subdivision and Development, Earthworks, Signs and Transport) will continue to apply to this land.
- e) **Directs** that the withdrawal described in (c) i) be publicly notified.

Prepared by:



Ian Bayliss
Planning Policy Manager
23/1/18

Reviewed and Authorised by:



Tony Avery
General Manager Planning and
Development
25/1/18

Background

- 1 Stage 2 of the Proposed District Plan was notified on 23 November 2017. The statutory period for submissions closes on 23 February 2018.
- 2 Clause 6(2) of Schedule 1 of the Resource Management Act 1991 specifies that Council may make a submission on the Proposed District Plan. The QLDC made a submission on the PDP Stage 1 in October 2015.
- 3 The submission seeks a number of amendments to the Proposed District Plan. While many of these requested amendments relate to drafting omissions, cross referencing or non-substantive amendments, some of the requested amendments relate to substantive changes.
- 4 The submissions are contained in **Attachment A**.

Comment: Corporate Submission

- 5 Making a submission on a component of the notified Stage 2 PDP provisions provides scope for the hearing panel to make amendments that form the overall recommended provisions after consideration of submissions and evidence presented during the hearings. Without such a submission, Council would have no ability to amend or rectify the plan unless a submission by a third party provided scope for the change, or a separate variation to the proposed district plan is notified to amend the plan. The first of these scenarios provides no certainty and the second is not efficient because it would require separate public notice and statutory notification periods and potentially a second hearing.

- 6 None of the matters recommended in Appendix A. Submission on Specific Provisions of the PDP, for inclusion in a Council submission are a reconsideration, or change in position from the policy approach or environmental outcomes sought from the Stage 2 provisions. Rather, the changes sought would correct errors that have been identified and would better align the provisions as notified with the evidence supporting the Stage 2 provisions.
- 7 The changes sought by the proposed submission detailed in Attachment A. involve the following matters:
- a. Definitions
Amend the definition of 'transport infrastructure' to include bicycle paths and parking facilities including electric bicycle and electric vehicle charging.
 - b. Stage 2 Planning Maps 13d and 26
Rezone land shown Attachment A. figures 1 - 3 between Millvista Lane and Speargrass Flat Road from Wakatipu Basin Lifestyle Precinct to Wakatipu Basin Rural Amenity Zone.

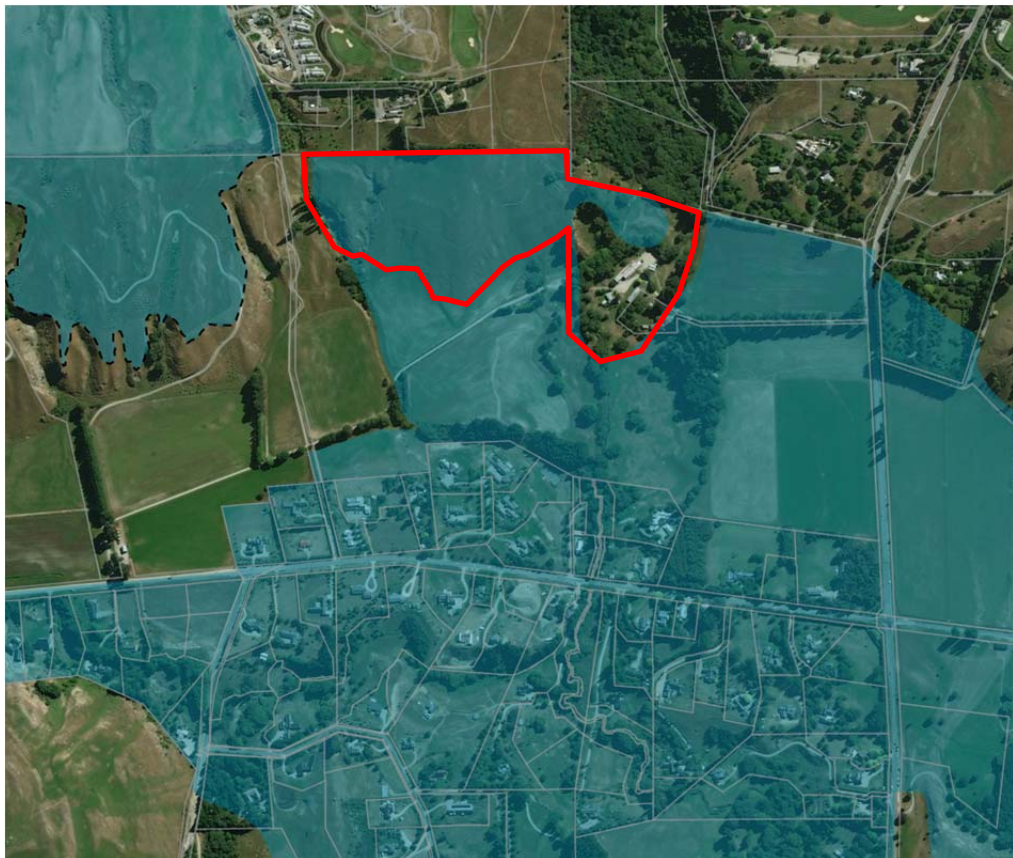


Figure 1. Excerpt of Wakatipu Basin Lifestyle Precinct zoning as notified (blue shading) on planning maps 13d and 26. The escarpment and elevated area incorrectly zoned Wakatipu Basin Lifestyle Precinct is identified by the red line. The area is indicative and is more accurately drawn in Figures 2 and 3 of Attachment A.

c. Stage 2 Planning Map 21

Amend mapping notation on 185 Upton Road to show the site as a Visitor Accommodation Sub-Zone. The Visitor Accommodation Sub-Zone is shown on 181 Upton Street in Wanaka but the intention to identify both 181 and 185 Upton Street as a proposed Visitor Accommodation Sub-Zone (as detailed in the approved Section 32 Evaluation Report for the Visitor Accommodation Proposals) was not mapped correctly.



Figure 2. Excerpt from PDP Stage 2 Planning Map 21. The Visitor Accommodation Sub-Zone is shown on 181 Upton Street in Wanaka but both 181 and 185 Upton Street should be shown as a proposed Visitor Accommodation Sub-Zone.

d. Earthworks

- i. Provide rules to exempt/permit minor dredging or excavation around Council docking facilities.
- ii. Provide rules and/or provisions to facilitate dredging or excavation around Council docking facilities.

e. Transport

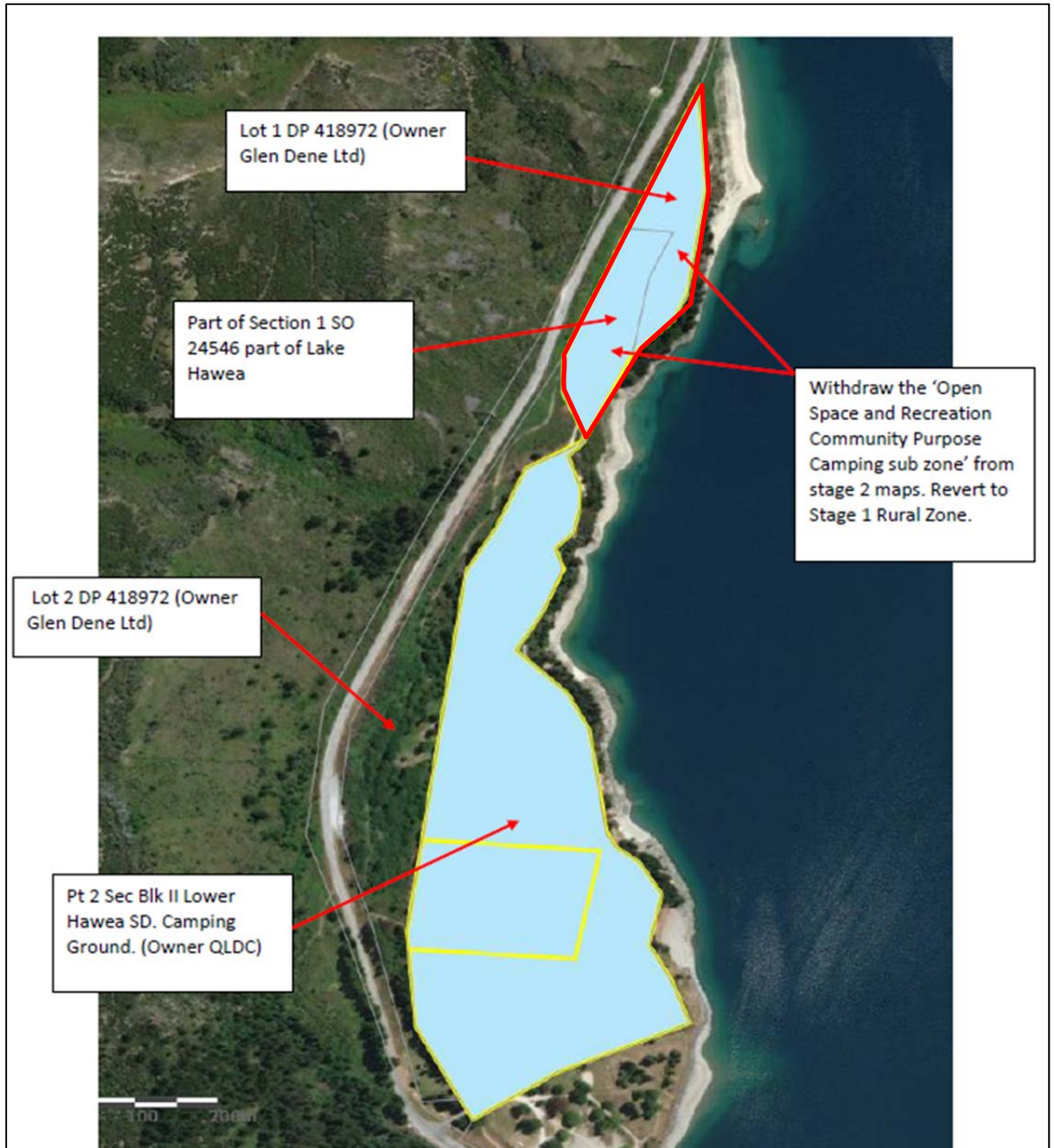
- i. Reword Policy 29.2.1.5 to clarify that public transport routes may at times be established outside of road corridors.
- ii. Add new policy enabling and encouraging the provision of electric vehicle charging and parking as part of Park and Ride and parking for high traffic generating activities.
- iii. Amend Rules 29.4.7,8 and 10 by adding text to the matters of discretion addressing the provision of EV charging points/parking spaces

- iv. Correct a cross reference the standards for drop off / pick up (set down).
 - v. Clarify that land uses such as park and ride facilities are not affected by the rules for non-specified activities located in the zone text of other chapters.
 - vi. Amend Schedule 29.1 to make it clear that the whole of the Wanaka-Mt Aspiring road is a Collector Road, as per the road classification maps.
- 8 Included in the above changes are clauses that enable or support the establishment of public infrastructure or council developed infrastructure. One reason why an approach differing from what is recommended for commercial businesses looking to establish structures on the shores of lakes, is because of the public benefit of such development. Also, the time and expense of requiring consents to be obtained for such works is sometimes hard to justify where Council or other agencies have the ability to control the outcome of such development such as through license to occupy agreements and contractual arrangements with companies carrying out such works. Finally, there are a range of potential ways to get public feedback on such activities and to address concerns such as reserve management plans and through consultation on Long Term Plans and Annual Plans. As a result, the resource consent process can sometimes require duplication of other more effective processes.

Withdrawal of Land from Map of Proposed Open Space and Recreation Zones

- 9 The Lake Hāwea Holiday Park is owned by QLDC. As part of Stage 2 of the district plan review, the Lake Hāwea camping and caravan accommodation park at Lake Hāwea was zoned from Rural Zone to Community Purpose Sub Zone (Camping Grounds). The new zone will replace the existing Rural Zone and Camping Purposes designation that currently apply to the Lake Hāwea Holiday Park.
- 10 The Lake Hāwea Holiday Park is owned by QLDC and has been correctly rezoned Community Purposes Sub Zone (Camping Grounds) as part of Stage 2 of the district plan review. However, additional land located to the north of the Lake Hāwea Holiday Park has been incorrectly zoned from Rural Zone to Community Purposes Sub Zone (Camping Grounds). **Figure 3** below illustrates the land that has been incorrectly rezoned from Rural Zone to Community Purposes Sub Zone (Camping Grounds).
- 11 Chapter 38: Open Space and Recreation Zones is intended to apply only to land owned by the QLDC, with the exception of some small areas of land owned by Land Information New Zealand (LINZ) near the edge of Lake Wakatipu, and the Department of Conservation at Feehlys Hill near Arrowtown. The Community Purposes Sub Zone (Camping Grounds) is more enabling than the Rural Zone. Development is encouraged within existing camping grounds in the District that are owned and have oversight by the QLDC. The zone is not intended to apply to private land.

- 12 It should also be noted that the owners of part of the land that has been incorrectly zoned to Community Purposes Sub Zone (Camping Grounds), Glen Dene Limited, have made submissions on and appeared at hearings on Stage 1 of the PDP seeking to rezone the land from Rural to a Rural Visitor Zone¹. Council officers reporting on submissions at the hearing on rezonings in the Upper Clutha have recommended their submission is not accepted on the basis of the potential for adverse landscape effects.



¹ Refer to the planning evidence filed at the Upper Clutha Hearing on rezoning: <http://www.gldc.govt.nz/assets/Uploads/Planning/District-Plan/Hearings-Page/Hearing-Stream-12/Pre-Lodged-and-Pre-Tabled-Evidence/S0282-Burdon-and-Glen-Dene-T12-WhiteD-Evidence.pdf>

Figure 3. Excerpt of Proposed District Plan Stage 2 zoning maps illustrating the land that has been incorrectly zoned Community Purposes Sub Zone (Camping Grounds). The land incorrectly zoned is Part of Section 1 SO 24546 (part of Lake Hawea) and Lot 1 DP 418972 owned by Glen Dene Ltd.

13 It is recommended that the Community Purposes Sub Zone (Camping Grounds) is withdrawn from the land located to the north of the Lake Hāwea Holiday Park for the following reasons:

- a. The Camping Grounds Sub Zone provisions are significantly more enabling of a range of activities than the Rural Zone discussed in Council's evidence to the Upper Clutha mapping and zoning hearing. Because the QLDC is not the owner of the land, it would not have any ability to control development enabled by the zone;
- b. Rezoning the land would be at odds with the Council's recent expert landscape evidence that development resulting from the Rural Visitor Zone in the area to the north of the Lake Hāwea Camping would be inappropriate;
- c. Retaining private land zoned Community Purposes Sub Zone (Camping Grounds) would not accord with Chapter 38 Open Space and Recreation text where it states in the Zone Purpose:

The zones apply to Council administered reserves, and do not apply to water bodies (including surface of water), Conservation Land (including lakes and rivers) or private open space. In general, the zones do not apply to Crown Land (including lakes and rivers), other than for discrete situations (such as Queenstown Gardens, where the Crown Land reserve is integral and indistinguishable from the Council reserve land surrounding it).

Options

Corporate Submission

Option 1: Make a Corporate Submission on the Proposed District Plan, addressing both substantive, and non-substantive (errors, omissions) matters.

14 *Advantages:*

- a. Ensures errors and omissions, and necessary remedial actions, are identified in a pro-active manner.
- b. Allows Council to request changes to provisions where it has identified improvements can be made.

15 *Disadvantages:*

- a. May suggest uncertainty in Council's position on policy matters and accuracy with drafting provisions and mapping. However, this is not considered a significant issue, as all Plans require refinement and critical review, especially as new information and perspectives arise.

Option 2: Make a Corporate Submission on the Proposed District Plan, addressing only non-substantive (errors, omissions) matters.

16 *Advantages:*

- a. Ensures errors and omissions, and necessary remedial actions, are identified in a pro-active manner.
- b. Avoiding substantive submissions on provisions would result in a simpler submission, and is arguably 'cleaner' in terms of Council's roles.

17 *Disadvantages:*

- a. Would not allow opportunity for substantive changes to be made, where necessary changes or refinements have been identified by Council. If submissions on similar matters are not made by other parties, then it may be difficult for the changes to be made at a later date.
- b. Would not allow the district plan to better align with the evidence base supporting the zoning and provisions.

Option 3: Do not make a Corporate Submission on the Proposed District Plan18 *Advantages:*

- a. None.

19 *Disadvantages:*

- b. Would not ensure errors and omissions, and necessary remedial actions, are identified in a pro-active manner.
- c. Would not allow Council to request changes to provisions where it has identified improvements can be made, or where further information has become available that suggests a different approach is justified.

20 This report recommends **Option 1** for addressing the matter.

Significance and Engagement

21 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy. Whilst submissions made on errors and omissions are generally of lower significance, submissions on more substantive matters may have significant impact on development rights and environmental outcomes.

Risk

22 This matter relates to the strategic risk SR1 'Current and future development needs of the community (including environmental protection)', as documented in the Council's risk register. The risk is classed as high. This matter relates to this risk because the District Plan, along with the 10 Year Plan and Asset Management Plans, is central to the current and future development needs of the community.

23 The recommended option mitigates the risk by ensuring errors and omissions in the Proposed District Plan are addressed proactively, and aligns with the evidence supporting the rezoning changes.

Financial Implications

24 There are no cost implications resulting from the decision.

Council Policies, Strategies and Bylaws

25 No particular Council policies, strategies and bylaws are considered relevant to the submission. The parameters for the preparation of the submissions are provided by the Resource Management Act 1991.

Local Government Act 2002 Purpose Provisions

26 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

27 The persons who are affected by or interested in this matter are residents and ratepayers of the District, iwi, the Otago Regional Council and other statutory bodies.

28 The submission is being made within a formal statutory process, and other parties will have the opportunity of making a further submission on Council's submission. Submitters will not be able to make a primary submission on the provisions set out in the recommended submission, unlike the notified provisions but this will not

Legal Considerations and Statutory Responsibilities

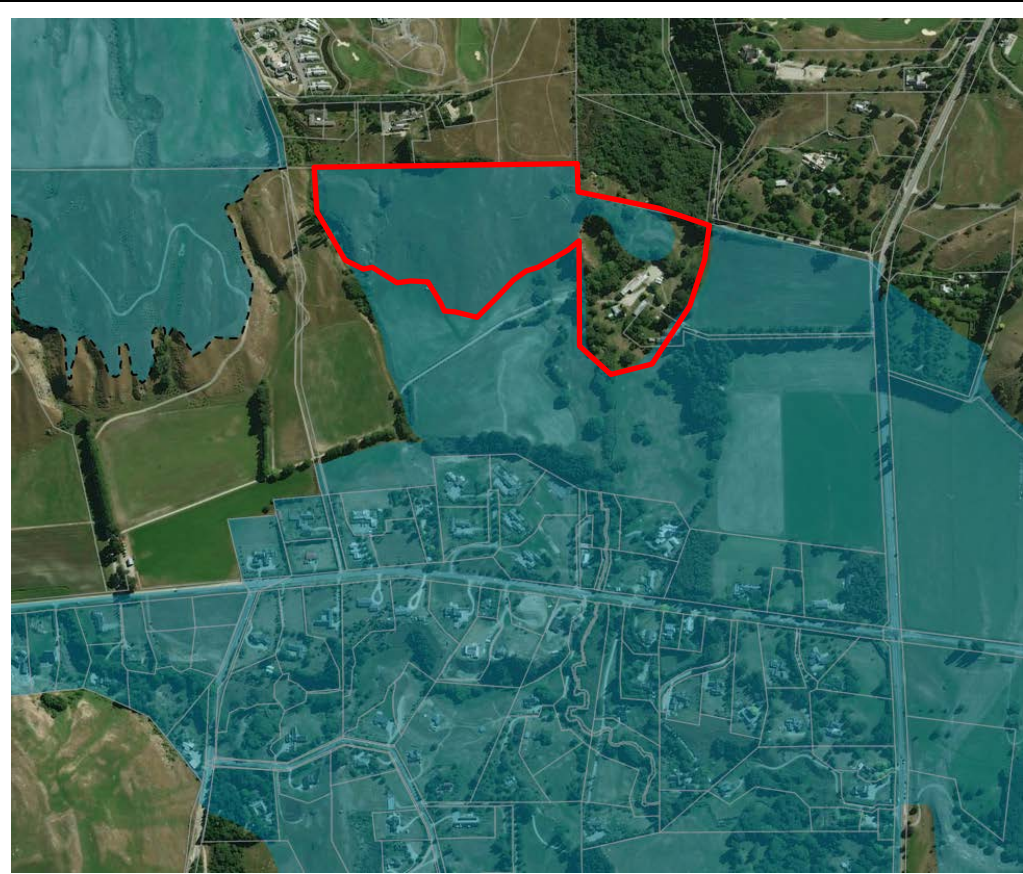
29 The submission is being made in accordance with the requirements and parameters of the Resource Management Act 1991.

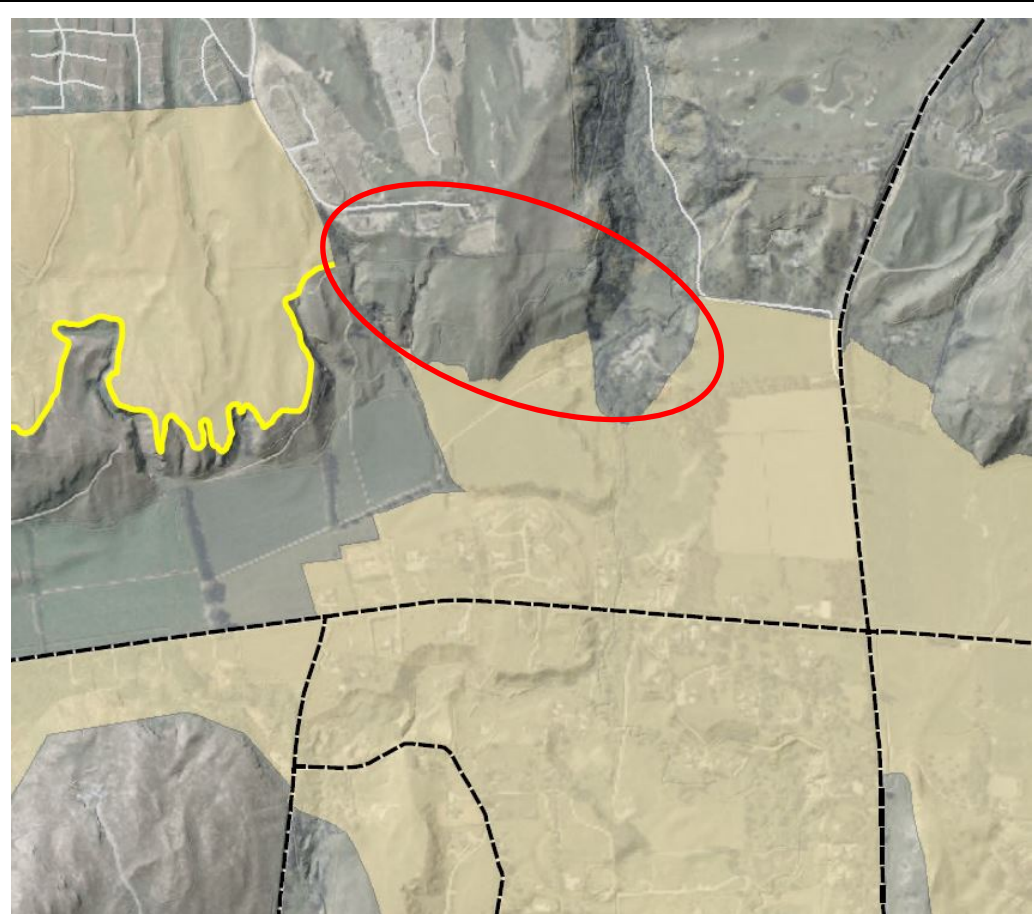
Attachments


A Submission on Specific Provisions of the Proposed District Plan Stage 2

Attachment A. Submission on Specific Provisions of the Proposed District Plan

Point No.	Provision	Support, Oppose	Submission	Decision sought (retain, delete, amend)
	2. Definitions			
1.	Definition of 'Transport Infrastructure'	Oppose	Amend the definition of transport infrastructure to include electric bicycle and vehicle charging.	Amend the definition of transport infrastructure. ... <u>bicycle paths and parking facilities, including electric bicycle and electric vehicle charging stations</u>
	24. Wakatipu Basin			
2.	Planning Map 13d	Oppose	An area of land located south of the Millbrook Resort Zone (Millvista Lane) and to the north of Speargrass Flat Road has incorrectly been zoned as Wakatipu Basin Lifestyle Precinct. The intended zoning is Wakatipu Basin Rural Amenity Zone. The land is legally described as Pt Lot 3 DP 5737.	Rezone the area of land shown in Figures 2 and 3 below located between Millvista Lane and Speargrass Flat Road from Wakatipu Basin Lifestyle Precinct to Wakatipu Basin Rural Amenity Zone.

Point No.	Provision	Support, Oppose	Submission	Decision sought (retain, delete, amend)
				<div data-bbox="1249 300 1917 552" style="border: 1px solid black; padding: 5px;"> <p>Figure 1. Excerpt of Wakatipu Basin Lifestyle Precinct zoning as notified (blue shading). The escarpment and elevated area incorrectly zoned Wakatipu Basin Lifestyle Precinct is identified by the red line. The area is indicative and is more accurately drawn in Figures 2 and 3 below.</p> </div>

Point No.	Provision	Support, Oppose	Submission	Decision sought (retain, delete, amend)
				<p>Figure 2. Illustration of the recommended revised Wakatipu Basin Lifestyle Precinct (brown shading). The general location of the escarpment and hill area incorrectly zoned Wakatipu Basin Lifestyle Precinct is within the red circle.</p>

Point No.	Provision	Support, Oppose	Submission	Decision sought (retain, delete, amend)
				<p>Figure 3. Illustration of the recommended revised Wakatipu Basin Lifestyle Precinct (yellow line). The general location of the escarpment and hill area incorrectly zoned Wakatipu Basin Lifestyle Precinct is within the red circle.</p>

Attachment A. Submission on Specific Provisions of the Proposed District Plan

Point No.	Provision	Support, Oppose	Submission	Decision sought (retain, delete, amend)
3.	Planning Map 21	Oppose	<p>A site located at 185 Upton Road, Wanaka has incorrectly been mapped without a Visitor Accommodation Sub-Zone mapping notation. The intended mapping of the Visitor Accommodation Sub-Zone covered both 181 and 185 Upton Road.</p> <p>The land is legally described as LOT 1 DP 5609, CT-687270, SEC 9 BLK XX Wanaka.</p>	Amend the mapping of the Visitor Accommodation Sub-Zone on Planning Map 21 to include both 181 and 185 Upton Road within the Visitor Accommodation Sub-Zone mapping notation.

Point No.	Provision	Support, Oppose	Submission	Decision sought (retain, delete, amend)
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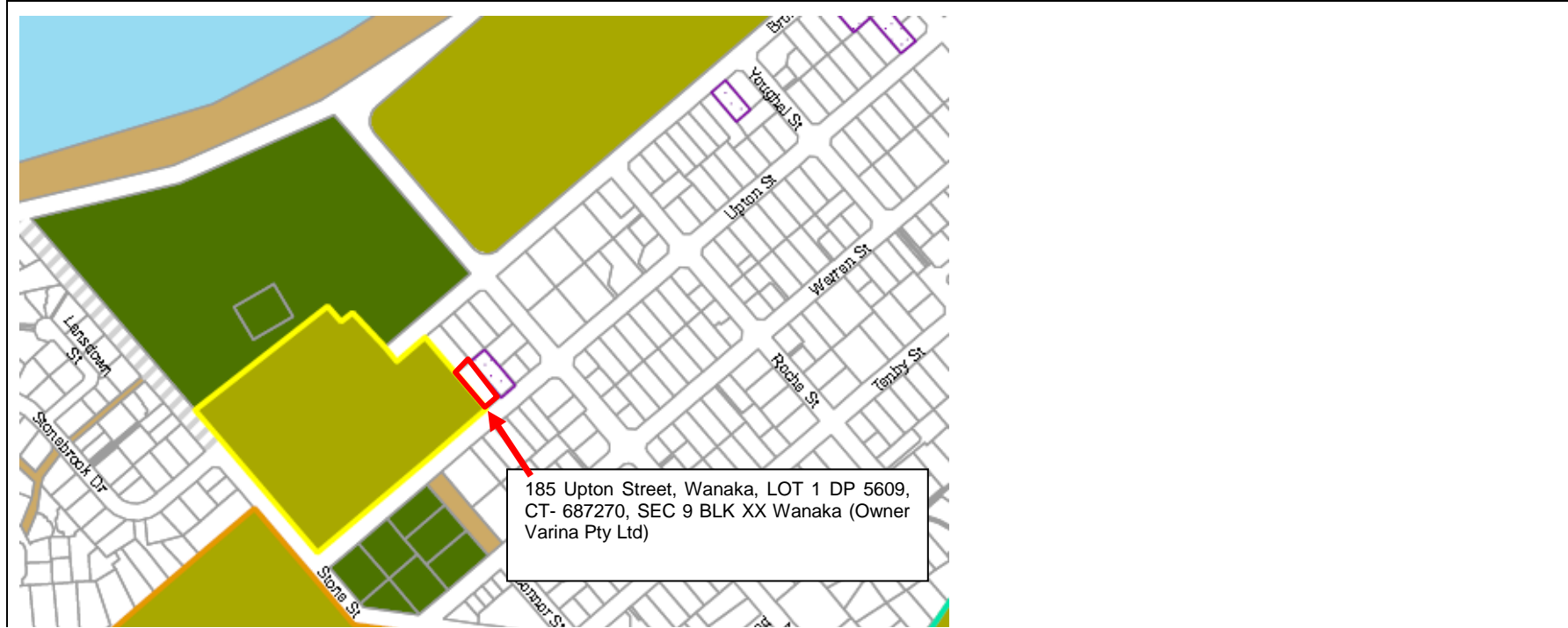


Figure 4. Excerpt from PDP Stage 2 Planning Map 21. The Visitor Accommodation Sub-Zone mapping annotation is shown on 181 Upton Street in Wanaka but both 181 and 185 Upton Street should be shown as a proposed Visitor Accommodation Sub-Zone.

	25. Earthworks			
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Attachment A. Submission on Specific Provisions of the Proposed District Plan

Point No.	Provision	Support, Oppose	Submission	Decision sought (retain, delete, amend)
4.	Rules relating to earthworks within or adjacent to water.		Minor dredging or excavation around Council docking facilities to prevent damage to vessels and propellers should be provided for without the need to obtain a resource consent.	Provide rules and/or any required provisions to exempt /permit minor dredging or excavation around Council docking facilities.
5.	Rules relating to earthworks within or adjacent to water.		More flexibility is required to maintain public boat launching facilities. Provide for excavation and movement of lakeside gravels to enhance and maintain existing public boat launching facilities.	Provide rules and/or any required provisions to facilitate dredging or excavation around Council docking facilities.
	29. Transport			
6.	Policy 29.2.1.5	Oppose	Re-word Policy 29.2.1.5 as follows to improve clarity: Reasons: the purpose of the re-wording is to clarify that this policy is about acknowledging that public transport routes may at times, be established outside of road corridors. For example, as would be necessary if a gondola or monorail between Frankton and Queenstown were established.	Re-word Policy 29.2.1.5 as follows Acknowledges the potential to establish new public transport corridors off <u>beyond</u> existing roads, particularly between Frankton and Queenstown town centre.

Attachment A. Submission on Specific Provisions of the Proposed District Plan

Point No.	Provision	Support, Oppose	Submission	Decision sought (retain, delete, amend)
7.	New Policy	Oppose	<p>Provision for electric vehicle charging</p> <p>Add a new policy under Objective 1 (which includes contributing towards addressing the effects of climate change).</p>	<p>Add new policy to provide for electric vehicle charging</p> <p><u>29.2.1.6 Enable and encourage the provision of electric vehicle charging points/ parking spaces within non-accessory parking, within roads where appropriate, as part of Park and Ride, and in association with accessory parking related to High Traffic Generating Activities</u></p>
8.	Rules 29.9.32 to 29.9.35.	Oppose	<p>Rule 29.5.7 (page 29-16) provides standards for reverse manoeuvring.</p> <p>Rule 29.5.7 (page 29-16) is cross referenced within Rules 29.9.32 to 29.9.35 (minimum parking requirements) and states:</p> <p><i>Note: Also see drop off / pick up (set down) Rule 29.5.7.</i></p> <p>The rule relating specifically to drop off/pick is not Rule 29.5.7, but is 29.5.6 (page 29-15).</p>	<p>Amend the 'note' in Rules 29.9.33 to 29.9.35 to refer to Rule 29.5.6, as follows:</p> <p>Note: Also see drop off / pick up (set down) Rule 29.5.7<u>6</u>.</p>

Attachment A. Submission on Specific Provisions of the Proposed District Plan

Point No.	Provision	Support, Oppose	Submission	Decision sought (retain, delete, amend)
9.	Rules 29.4.7, 29.4.8, and 29.4.10	Oppose	<p>Provide consideration for electric vehicle charging.</p> <p>The establishment of electric vehicle charging stations to be located within road reserve without the need for consent and encourage them to be provided in conjunction with larger scale developments and non-accessory and offsite parking will contribute toward achieving objective 29.2.1</p>	<p>Amend rules 29.4.7, 29.4.8, and 29.4.10 by adding the following text to the matters of discretion as follows:</p> <p>Discretion is restricted to:</p> <p>...</p> <ul style="list-style-type: none"> • <u>The provision of Electric Vehicle charging points/ parking spaces</u>
10.	Advice Notes 29.32.2 or General rules 29.3.3	Oppose	<p>Clarify that land uses such as park and ride facilities are not affected by the rules for non-specified activities located in the zone text of other chapters.</p>	<p>Amend relevant provisions to clarify that specified land uses in Chapter 29 (for instance, park and ride facilities) are not affected by the rules for non-specified activities located in the zone text.</p>
11.	Schedule 29.1 Road Classification	Oppose	<p>Wanaka – Mount Aspiring Road to MacDougall St...50km/hr sign.</p> <p>Provide further clarification as to which 50 km/hr sign. There are multiple sign along this stretch of road.</p>	<p>Amend Schedule 29.1 amended to make it clear that the whole of the Wanaka-Mt Aspiring road is a Collector Road, as per the road classification maps.</p>

QLDC Council
8 February 2018

Report for Agenda Item: 6

Department: Planning & Development

Ratification of Commissioners' recommendation on submissions on Private Plan Change 52: Cardrona Station Special Zone

Purpose

The purpose of this report is to consider and adopt the Commissioners' recommendations on submissions on Private Plan Change 52 – Mount Cardrona Station Special Zone and to notify the Council decision.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Adopt** the Commissioners' recommendation as a Council decision and direct staff to notify the decision in accordance with the First Schedule of the Resource Management Act 1991.

Prepared by:



Blair Devlin
Manager, Planning Practice
15/01/2018

Reviewed and Authorised by:



Tony Avery
General Manager, Planning
and Development
15/01/2018

Background

- 1 The existing Mount Cardrona Station Special Zone (“**MCSSZ**”) is located on a terrace to the north of the Cardrona Village and can be seen from the ski field road up to Cardrona ski field.
- 2 Private Plan Change 52 (“**PC52**”) sought to modify the operative MCSSZ and associated Structure Plans to provide for the inclusion of a golf course, as shown when comparing Figures 1 and 2 below:

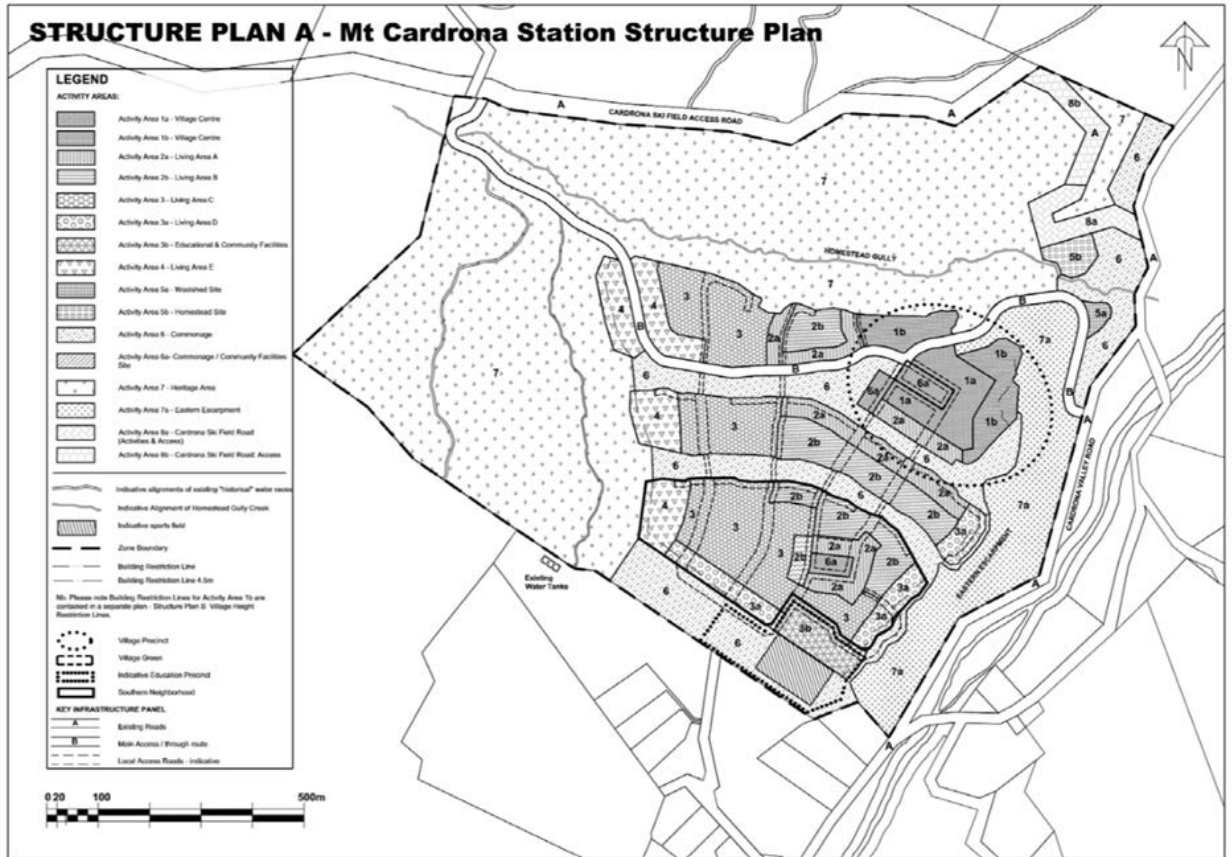


Figure 1: The current Operative MCSSZ Structure Plan A

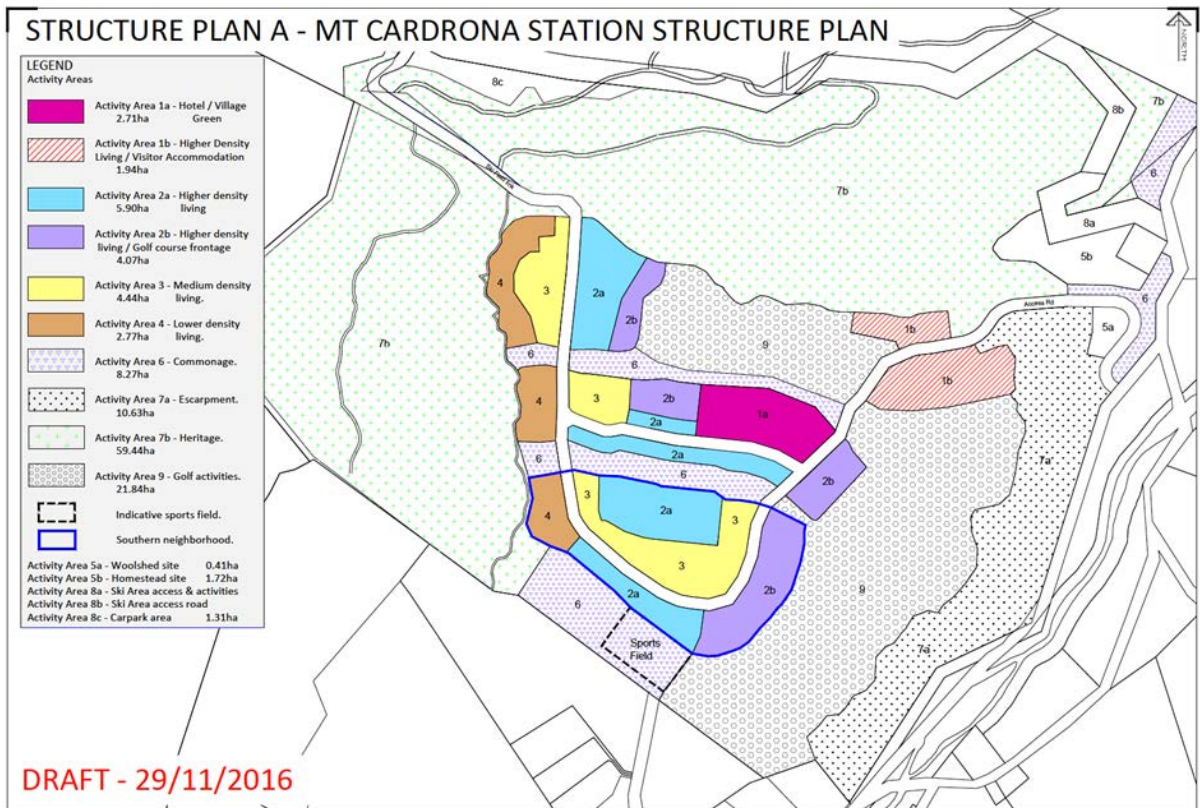


Figure 2: Structure Plan A as Proposed by the Requestor of PC52

- 3 In summary, the proposed PC52 sought changes to Sections 12 and 15 of the Operative District Plan as they relate to the MCSSZ including:
 - a. The following changes to the MCSSZ Structure Plans:
 - i. the introduction of a golf course in a new Activity Area 9;
 - ii. deletion of Activity Area 6a "Village Green" and replacement with public space within the village core in Activity Area 1a;
 - iii. gondola access to the Cardrona Ski Area
 - iv. relocation of the village core (Activity Area 1a) to a more central location
 - v. expansion of Activity Area 4 to the west (in part) to compensate for the residential development area lost by the inclusion of the golf course;
 - vi. the introduction of a new Activity Area 8c to the northwest to enable coordination of car parking and shuttle bus access to the Cardrona Ski Area;
 - vii. deletion of Activity Area 3a to accommodate the golf course;
 - viii. expansion of Activity Area 5b adjacent to the Cardrona Ski Area access road to enable appropriate activities which could benefit from proximity to the road;
 - ix. reorientation of the main access road to the MCSSZ from Cardrona Valley Road to reflect the advice of traffic engineers;
 - b. Amendments to the relevant plan provisions to reflect the changes to the Structure Plans outlined above;
 - c. Amendments to the subdivision rules in Section 15 to:
 - i. reduce minimum lot sizes for Activity Area 3 from 500m² to 300m² with a 350m² minimum average to provide flexibility for subdivision design;
 - ii. reduce minimum lot sizes for Activity Area 4 from 1000m² to 800m² to increase potential density and compensate in part for the areas lost to the inclusion of the golf course;
 - iii. delete the provision restricting commercial development in Activity Area 1a to increase flexibility in overall development sequencing.
- 4 The changes sought in relation to the gondola were subsequently withdrawn by the Requestor on 21 July 2017.
- 5 PC52 was 'accepted for processing' by the Council's Strategy Committee on 2 February 2017 (rather than adopting it as a Council plan change, or rejecting it). It was publicly notified for submissions on 23 February 2017 and a summary of the decisions requested in submissions was publicly notified on 13 April 2017. Further submissions closed on 1 May 2017. A total of 10 original submissions and 2 further submissions were received.

- 6 Commissioners Jan Caunter (Chair), Rachel Dimery and Councillor Ross McRobie were appointed to hear submissions and make recommendations to Full Council.
- 7 The hearing was held on 11 July 2017 and was adjourned that day awaiting delivery of further information requested. Upon the receipt of that further information, another request for further information was issued by the Commission on 10 August 2017. The hearing was formally closed on 17 November 2017.
- 8 It is noted that officers have also re-negotiated the Stakeholder Deed that was agreed through the initial Mt Cardrona Station plan change, which was Plan Change 18, to reflect the amendments proposed through PC52. The developers of PC52 are making a contribution to the District's housing affordability challenges.

Comment

- 9 The Commissioners' recommendation is that PC52 should be incorporated into the Queenstown Lakes District Plan, subject to amendments.
- 10 This recommendation addresses the issues generated by the notified version of PC52 which were identified by the Commission during the hearing process. A copy of the recommendation is appended as **Attachment A**. Changes to the operative provisions are shown in track changes.
- 11 Key changes include:
 - a. Amendments to Section 2.4 of the Design Guidelines which include protection of the night sky and specific reference to the Council's "Southern Lights" lighting strategy.
 - b. Amendments to provisions arising from the withdrawal of changes sought in relation to gondola activities in the MCSSZ by the Requestor.
 - c. Amendments to Rule 12.22.2.3(v) relating to buildings and structures associated with the erection and maintenance of a gondola within Activity Areas 6a, 6b and 7 to exclude Activity Area 6c, with a new rule to classify gondolas in 6c as a non-complying activity and other supporting changes.
 - d. Amendments to Rule 12.22.2.2(v) and Section 2 of the Design Guidelines as proposed by the Requestor and agreed by Council officers in relation to the use of local plant species for planting mitigation and the replacement of macrocarpa with mountain beech or similar.
 - e. Amendments to Rule 12.22.4.2(i) to enable the location of the road intersection with Cardrona Valley Road to move up to 25 metres and to require a minimum separation distance of 25m between the access road / Cardrona Valley Road intersection and the Tuohy's Gully Road / Cardrona Valley Road intersection.
 - f. The inclusion of additional provisions to enable flexibility in the siting and design of all intersections servicing MCSSZ.

- g. Amendments proposed by Heritage New Zealand to Rule 12.22.2.2(viii), Rule 12.22.4.2(x) and Rule 12.22.5(i) requiring consideration and protection of the historic water race for new building activity in Activity Areas 6 and 7b.
- h. Amendments to objectives, policies and rules in relation to Activity Areas 6a, 6b, and 6c (the proposed Commonage ActivityArea)
- i. Various amendments to plan provisions offered by the Requestor to address the protection of Activity Area 7b (Heritage)
- j. Deletion of the Education Precinct from Structure Plan A and amendment of the provisions relevant to the Education Precinct such that these activities must be assessed as a discretionary activity within Activity Areas 4 and 5.
- k. Amendments to Structure Plan C to show pedestrian and cycle linkages to travel in an east-west direction.

12 A large number of other amendments as proposed by the Requestor and the section 42A officer which are included in the decision version of the PC52 provisions and other consequential amendments for consistency and to correct cross-referencing, the full extent of which can be seen in **Attachment A**.

Options

13 Option 1 – Accept the Commission’s Recommendation

Advantages:

- a. The plan change has been through a thorough First Schedule process. Experienced Commissioners had the benefit of submissions and further submissions as well as professional assistance (in the form of an officer’s recommendation) and have reached a robust decision.
- b. The submissions and hearing process gave people the opportunity to either support or oppose the proposal and be heard in relation to their submissions.
- c. Would move the plan change towards being made operative.

Disadvantages:

- a. None. Council appointed the three Commissioners to hear and make recommendations on the submissions received.

14 Option 2 – Reject the Commission’s Recommendation

Advantages:

- a. Would allow Council to appoint new Commissioners to re-hear submissions on any aspects of the Commissioner decision it was unhappy with.

Disadvantages:

- a. Council cannot make changes to the Commissioner recommendation as they have not heard the evidence presented at the hearing or read the submissions. To change the recommendations would not demonstrate fairness or natural justice to the Requestor or submitters.
- b. All submitters will need to be re-heard at another hearing, requiring additional Council and submitter cost and delays.

15 This report recommends **Option 1** for addressing the matter because the issues raised by the proposed PC52 have been thoroughly addressed through the hearing process and changes recommended by the Commission.

Significance and Engagement

16 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it impacts on the environment and people of the district, has a degree of community interest and is not entirely consistent with the operative District Plan.

17 The level of significance determines the level of compliance necessary with the decision-making requirements in sections 76-78 of the Local Government Act 2002. A higher level of compliance must be achieved for a significant decision.

Risk

18 This matter relates to the strategic risk SR1 'Current and future development needs of the community (including environmental protection), as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because PC52 relates to residential land supply providing for the future development needs of the community and because future infrastructure supply to the Cardrona Township is linked to the delivery of PC52.

19 Option 1, as recommended above, mitigates the risk by adopting the decision of the experienced Commissioners who heard all the evidence before them and made a decision based on that evidence. Their consideration of the issues and risks generated by the proposed PC52 and their recommended changes in response to these is considered to have 'treated the risk' by putting measures in place which directly impact the risk.

Financial Implications

20 There are no budget or cost implications that would arise from adopting the decision in line with Option 1.

Council Policies, Strategies and Bylaws

21 The following Council policies, strategies and bylaws were considered:

- Operative District Plan: in that PC52 directly relates to its provisions.

- Cardrona Community Plan 2020 (2003): relevant to PC52 in that it identifies the vision, goals and priorities for the Cardrona community for the 10-20-year period following its adoption. There are a number of infrastructural responses to this that will be delivered through the future development of the MCSSZ, including the wastewater system.
- Long Term Council Plan 2012-2022: relevant to PC52 in relation to the coordination of growth issues and infrastructure responses.
- Housing Our People in our Environment Strategy (2005): relevant to PC52 in relation to the provision of affordable and community housing. It is noted that the level of community housing proposed through PC52 will not be less than the provision agreed with Council under PC18 which originally established the MCSSZ.
- A Growth Management Strategy for the Queenstown Lakes District (2007): relevant to PC52 in that its growth management principles outline that growth should be accommodated mainly in the two urban centres of Queenstown and Wanaka and in existing special zones outside those centres. Growth in the PC52 area is centred on the Cardrona Township and existing MCSSZ.
- Southern Sky Lighting Strategy 2017: relevant to PC52 in that it addresses the adverse effects of light pollution from development on the viewing of the night sky. Such effects were raised by several submitters.

22 The recommended **Option 1** is consistent with the principles set out in the documents named above in that any conflict between PC52 and the named policies has been addressed by the Commission in its recommended changes.

Local Government Act 2002 Purpose Provisions

23 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by providing a decision on PC52 in a timely fashion;
- Expedite the upgrade of infrastructure servicing to existing Cardrona residents, namely through the effluent disposal option being delivered by PC52;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

24 Through the notified Plan Change process all affected parties have had the opportunity to submit on and be heard regarding their opposition or support of PC52. Submissions and hearing appearances were considered by the appointed Commissioners.

Attachments

- A Report and recommendations of independent commissioners – PC52 dated 21 December 2017 including:
 - Appendix 1 – Amended objectives and policies – Mount Cardrona Station Special Zone
 - Appendix 2 – Amended rules – Mount Cardrona Station Special Zone
 - Appendix 3 – Amended rules – Subdivision chapter

QUEENSTOWN LAKES DISTRICT COUNCIL

Recommendations following the hearing of submissions and further submissions on proposed Private Plan Change 52 – Mount Cardrona Station Special Zone

PURSUANT TO CLAUSE 10 OF SCHEDULE 1 OF THE RESOURCE MANAGEMENT ACT 1991, PRIVATE PLAN CHANGE 52 IS RECOMMENDED TO BE APPROVED WITH MODIFICATIONS

THE FULL RECOMMENDATION IS SET OUT BELOW

Hearing Panel:	The plan change request, submissions and further submissions were heard by Hearing Commissioners: Jan Caunter (Chair) Rachel Dimery Ross McRobie
Queenstown Lakes District Council:	Nigel Bryce (reporting planner) David Compton-Moen (landscape) J Enright and O Brown (traffic) Stephanie Prendergast (Administrator)
Appearances:	
Applicant/ Requestor:	Warwick Goldsmith/ Rosie Hill (Counsel)
	Chris Morton (Director)
	Fraser Colegrave (Economist) – by telephone
	Ben Espie (Landscape architect) – in person
	Tom Heller (Engineer - water) – in person
	David Moore (Golf course designer) – by telephone
	Ian Munro (Urban Designer) – by telephone
	Chris Rossiter (Traffic engineer) – by telephone
	Graeme Halliday (Geotechnical engineer) – in person
	Jeff Brown (Planner) – in person
Submitters:	Rebecca Holden (Cardrona Alpine Resort Limited) – in person
	Ian Leslie – in person
	Blyth Adams (Cardrona Resident and Ratepayers Association) – in person
PPC52 Notification Date:	23 February 2017
Hearing:	11 July 2017
Hearing Closed:	17 November 2017

RECOMMENDATIONS OF THE COMMISSIONERS

INTRODUCTION

1. The Queenstown Lakes District Council has appointed Jan Caunter (Chair), Rachel Dimery and Ross McRobie as the hearings commissioner panel to hear and make a recommendation on Mount Cardrona's proposed Private Plan Change 52 (PC52) to the Operative Queenstown Lakes District Plan.
2. A hearing was held at the Lake Wanaka Centre on 11 July 2017. The hearing was then adjourned. The Commission was concerned that some aspects of the Request were not clear or required further information, particularly on traffic effects. We requested and received a series of further information (refer Minutes dated 13 July 2017 and 10 August 2017 attached as Appendix 1)
3. The hearing closed on 17 November 2017.

EXECUTIVE SUMMARY

4. We accept that PC52 delivers a better outcome for the MCSSZ than its predecessor, Plan Change 18.
5. While the Request identifies the intent of PC52 as a mix of residential and tourism development, we have assessed the proposal as primarily a tourism development, given that much of the residential component of the development is more directed at short stay, visitor accommodation. We do not entirely accept the Requestor's evidence that the market process contemplated for residential development will be significantly more affordable to residents or that a permanent housing supply will be delivered. We do accept that there is potential for PC52 to better serve the market and attract developmental growth (including tourism growth) to Cardrona through the introduction of a golf course and associated hotel development and that PC52 delivers housing to support a tourism development.
6. We accept most of the PC52 provisions tabled with the final section 42A report received from Mr Bryce dated 6 October 2017 and further developed in the Requestor's Reply dated 13 October 2017, subject to our further modifications. These modifications are identified under the Issues and Section 32 sections of our decision.
7. We recommend that PC52 be approved subject to modifications, with the submissions and further submissions accepted or rejected to the extent that the provisions at Appendix 3 are either retained or amended.
8. We set out our reasons below.

BACKGROUND

9. The land subject to PC52 is legally described as Lots 1-8 and Lots 10-12 DP 446161, Sec 6 SO 459975 and Lots 7-8 DP 21223 ("the subject site").

Private Plan Change 18

10. Private Plan Change 18, applying to the subject site, was made operative in December 2011 following the resolution of Environment Court appeals.¹
11. The purpose of the operative Mount Cardrona Station Special Zone (MCSSZ) is as follows:

The Zone is configured in a manner that creates a high quality sustainable environment. It provides significant benefits to the wider community through the provision of a range of housing options, recreational activities, protection of open space, commercial activities, visitor accommodation, educational and community facilities, sustainable infrastructure design, and the creation of a distinctive destination.”

12. The operative MCSSZ encompasses approximately 130 hectares of land, including 92 hectares of open space areas that protect the heritage and open space values of the Zone. The MCSSZ is located within an Outstanding Natural Landscape.

13. Future development in the MCSSZ is to be managed in accordance with:

- Structure Plan A – Mt Cardrona Station Structure Plan;
- Structure Plan B – Height Restrictions;
- Structure Plan C – Public Access and Walkaways; and
- Structure Plan D – Mitigation Planting Plan.

These are all contained within section 12.22 Structure Plan, which forms part of the Queenstown Lakes District Council Operative District Plan (“ODP”).

14. The operative version of Structure Plan A identifies 8 Activity Areas within the site, as follows:

- a. Activity Area 1 – Village Centre – entrance to Village and greatest scale and intensity of development
- b. Activity Area 2 – Living Areas A and B – visitor accommodation and residential development
- c. Activity Area 3 – Living Areas B, C and D, comprising:
 - i. 3 (Living Area C) – residential development
 - ii. 3a (Living Area D) – residential development with height and setback restrictions
 - iii. 3b – educational and community precinct
- d. Activity Area 4 – Living Area E – larger residential sections, limits on coverage and height of buildings
- e. Activity Area 5 comprising:
 - i. Area 5a – limited commercial and recreational development at woolshed and homestead sites. This is visible from Cardrona valley Road
 - ii. Area 5b – horse trekking and other commercial recreation operations or farming activities
- f. Activity Area 6 – Commonage – formal and informal recreation activities open to the public, extends throughout the Village
- g. Activity Area 7 – Heritage Area – protection of heritage features throughout the site and future protection of open space surrounding the Village

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

- h. Activity Area 8a – located at base of Cardrona Skifield Access Road – acknowledges existing and future uses comprise access, parking, road maintenance equipment storage, chain hire and ticketing
 - i. Activity Area 8b – provides access to the Cardrona Skifield, no buildings or structures are anticipated.
15. Sitting outside the District Plan, the Mt Cardrona Design Guidelines and the Design Review Board are intended to assist in achieving the design objectives for the MCSSZ through ensuring consistent design at the subdivision and building design stages. The Design Guidelines and the advice of the Design Review Board must be taken into account in the consideration of any subdivision consent or resource consent for any building. Covenants are placed on every certificate of title requiring that all buildings are assessed by the Design Review Board.
16. Also sitting outside the District Plan provisions is the Mt Cardrona Station Stakeholders Deed. We have not seen that Deed but Mr Bryce noted in his section 42A report that the Deed essentially confirms an agreement between Mount Cardrona Station Limited (“MCSL”) and Council on the delivery of community housing, reserves and open space, staging of the development, implementation of the owner’s sustainability guide, infrastructure delivery, use of the Design Guidelines, planting responses identified in the Mitigation Planting Plan, and vesting and stopping of roads. We were advised by Mr Bryce that under the Stakeholder Deed, MCSL is required to contribute to community housing lots, comprising 4 residential lots within Activity Area 2b and 4 residential lots in Activity Area 3.

Private Plan Change 52 (PC52)

17. PC52 seeks to change the operative associated supporting structure plans to provide for the inclusion of a golf course within the MCSSZ. There are associated flow-on effects throughout the MCSSZ. The specific changes as notified were:
- a. Change to the operative Chapter 15 (Subdivision and Development) as this relates to the MCSSZ, largely relating to minimum lot sizes, as follows:
 - i. Reduce the minimum lot size required on Activity Area 3 from 500m² to 300m², with a minimum 350m² minimum average, to provide for flexibility in subdivision design, and in Activity Area 4 to reduce from 1000m² to 800m² to increase the potential density in these areas and to in part compensate for the commercial and recreation areas lost by the inclusion of the golf course;
 - ii. Delete the provision restricting commercial development in Activity Area 1a to increase flexibility in overall development sequencing;
 - b. Amend the policy framework to reflect amendments to the MCSSZ Structure Plan including:
 - i. Introduction of a golf course into the MCSSZ;
 - ii. Deleting Activity Area 6a (Village Green) and replacing it with a village square or public space area (within Activity Area 1a). The intention is that this will be more centrally located and support the Zone’s commercial centre, hotel and commercial hub for the golf course;
 - iii. Provide gondola access to the Cardrona Ski Area;
 - iv. Introduction of an area for car parking and shuttle bus operations for the Cardrona Ski Area (Activity Area 8c). This area would also include road maintenance, equipment storage, chain hire and ticketing. Any buildings would be small-scale.
 - c. Reconfigure Structure Plan Activity Areas A, C and D to provide for the following changes:
 - i. Introduce a new Activity Area 9 to contain the golf course;

- ii. Shift the village core Activity Area 1a so that it is more centrally located;
 - iii. Expand Activity Area 4 to the west (in part) to compensate for the loss of residential development to the golf course;
 - iv. Introduce a new Activity Area 8c, at the north-western part of the Zone, to enable the co-ordination of car parking and shuttle bus access to the Cardrona Ski Area (see all activities proposed here as described above);
 - v. Delete Activity Area 6a, Village Green, due to the change to the core area of the Village;
 - vi. Delete Activity Area 3a, as this will be located within the golf course and is therefore redundant;
 - vii. Expand Activity Area 5b adjacent to the Cardrona Ski Area access road to enable appropriate activities which could benefit from this vicinity to the access road;
 - viii. Re-orient the main access road into the MCSSZ from Cardrona Valley Road to enable a more appropriate location for the intersection.
- d. Modify the provisions to reflect the changes to the Structure Plans outlined above. This includes a change to the activity status of gondolas from Discretionary to Controlled. (This aspect of the plan change was later withdrawn. We comment on this further below).
18. The Plan Change Request was supported by a section 32 evaluation and a number of technical reports.
19. PC52, as notified, did not require any changes to the objectives of the MCSSZ. The Requestor's position was that changes to the policies and rules that have been sought fit within the existing MCSSZ objectives and there was no need to amend them.
20. Through the hearing process, the Request has been further modified in response to submissions and issues raised by the Commission.

PRELIMINARY PROCEDURAL MATTERS

21. Potential hearing dates were discussed between the Council and the Requestor in late May/ early June 2017. The Commission's Chair requested the Council to contact both the Requestor and the submitters to be sure there were no conflicts for the parties on the hearing date, given the forthcoming lengthy district plan review hearing due to commence in Queenstown on 24 July 2017. Hearing dates of 11 and 12 July 2017 were agreed. The Council and Requestor agreed that the pre-circulation of evidence was appropriate. Directions were duly issued on 7 June 2017.
22. The Requestor's evidence was received on 26 June 2017, accompanied by a Memorandum from Mr Goldsmith, counsel for the Requestor. Mr Goldsmith advised us that there was little between the Council's section 42A report and the Requestor, and the Requestor had therefore prepared only two statements of evidence, from Ben Espie (landscape architect) and Jeff Brown (planner) respectively. To our surprise, given the earlier consultation on hearing dates, we were also advised that several of the Requestor's witnesses were not available to attend the hearing for questioning.
23. In response, the Commission issued a Second Minute dated 28 June 2017, noting these matters and expressing concern at the approach taken by the Requestor to the

hearing. We noted we were likely to have several key questions for the Requestor's witnesses. We directed that the hearing dates be abandoned, given witness unavailability.

24. Mr Goldsmith responded, seeking that the hearing dates be reinstated and indicating four witnesses were now proposed to be called by the Requestor, to appear in person. One further witness would be available by telephone. The Commission's Third Minute followed, reiterating many of the points made in the Second Minute, particularly noting the need for the Commission to make an independent recommendation to the Council on the Plan Change Request, regardless of the content of the section 42A report. We invited comment from submitters on the proposal to reinstate the hearing dates, but subject to the date for expert evidence from submitters being extended by 3 days, given they had been potentially prejudiced by the earlier abandonment of the hearing dates.
25. As there was no objection to the reinstatement of the hearing, or the extension of time for the lodgement of expert evidence for the submitters, the hearing proceeded on 11 July. As noted in the table at the start of this decision, many of the Requestor's witnesses appeared by telephone. Mr Munro had been due to appear in person, but due to inclement weather on the day of the hearing, had to cancel his travel plans and instead also appeared by telephone.
26. Otherwise, as already referred to, we issued Minutes dated 13 July and 10 August 2017 seeking further information (Appendix 1).

STATUTORY FRAMEWORK

27. The statutory framework for plan changes is comprehensively set out in Colonial Vineyard Limited v Marlborough District Council² and has been simplified in the more recent decision in Appealing Wanaka Inc v Queenstown Lakes District Council³. The decision in Appealing Wanaka followed the Supreme Court ruling in Environmental Defence Society v The New Zealand King Salmon Company Limited⁴ and also followed the introduction of section 32AA of the Act.⁵
28. Section 32 sets out the legal requirements for preparing and publishing evaluation reports (which include plans). It includes a qualitative analysis of the costs and benefits of the provisions to implement the specified objectives as required by section 32(2) of the Act. Section 32AA requires further evaluation for any changes proposed since the original plan was prepared and must be undertaken in accordance with section 31(1) – (4). The assessment requires a level of detail that corresponds to the scale and significance of the changes.⁶
29. The Court said this in Appealing Wanaka:⁷

“[34] The RMA provides a number of matters which a territorial authority must consider. The principal matters to be considered when preparing a plan or

² [2014] NZEnvC 55

³ [2015] NZEnvC 139

⁴ [2014] NZSC 38

⁵ Section 32AA came into force by virtue of section 70 of the Resource Management Amendment Act 2013

⁶ Section 32AA(1)(c)

⁷ At [34], [35], [37]

plan change are set out in sections 74 and 75 of the RMA. These state (relevantly):

74 Matters to be considered by territorial authority

- (1) A territorial authority must prepare and change its district plan in accordance with-
- a. its functions under section 31; and
 - b. the provisions of Part 2; and
 - c. a direction given under section 25A(2); and
 - d. its obligation (if any) to prepare an evaluation report in accordance with section 32; and
 - e. its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and
 - f. any regulations.
- (2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to –
- a. any-
 - i. proposed regional policy statement; or
 - ii. proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and
 - b. any-
 - i. management plans and strategies prepared under other Acts; and
 - ii. [Repealed]
 - iii. relevant entry of the New Zealand Heritage List/Rarangi Korero required by the Heritage New Zealand Puhere Taonga Act 2014; and
 - iii. regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahanga mataitai, or other non-commercial Maori customary fishing), - to the extent that their content has a bearing on resource management issues of the district; and
 - c. the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities,
- (2A) A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.
- (3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.

75 Contents of district plans

- (1) A district plan must state –
- a. the objectives for the district; and
 - b. the policies to implement the objectives; and
 - c. the rules (if any) to implement the policies.
- (2) A district plan may state –
- a. the significant resource management issues for the district; and

- b. *the methods, other than rules, for implementing the policies for the district; and*
 - c. *the principal reasons for adopting the policies and methods; and*
- (3) *A district plan must give effect to –*
- a. *any national policy statement; and*
 - b. *any New Zealand coastal policy statement; and*
 - c. *any regional policy statement.*
- (4) *A district plan must not be inconsistent with –*
- a. *a water conservation order; or*
 - b. *a regional plan for any matter specified in section 30(1).*

[35] Apart from their formal requirements as to what a district plan must (and may) contain, those sections impose three sets of positive substantive obligations on a territorial authority when preparing or changing a plan. These are first to ensure the district plan or change accords with the authority's functions under section 31, including management of the effects of development, use and protection of natural and physical resources in an integrated way; second to give the proper consideration to Part 2 of the RMA and the list of statutory documents in section 74 and 75; and third to evaluate the proposed plan or change under section 32 of the RMA.

...

[37] Of course where the subject of consideration is a plan change rather than a proposed new plan, that list of considerations also needs to consider the provisions of the plan being changed, that is the operative district plan. In fact, assessing how a plan change fits into an operative district plan may not be straight forward. Broadly, plan changes fall on a line between two extremes. At one end a plan change may be totally subservient to the objectives, policies and even rules of the operative district plan it proposed to amend, in which case the question of whether the plan change integrates the management of adverse effects is unlikely to arise. At the other end, rather than to fit within the district plan (other than in the necessary geographical sense that it must be within the district's boundaries) a plan change may be designed to be added to the operative plan. In the latter case, the first set of considerations under section 74(1)(a) RMA – integrated management – may be very important, as may Part 2 and the statutory documents. It is therefore important to work out at the start where and how the plan change is proposed to fit into the operative district plan.

....

[38].....At first sight section 74 and section 32 require each new objective to be tested against the principles of the Act but not against the other objectives and policies of the operative district plan. However, at least in cases where a plan change is designed to fit within an operative district plan, we consider the proper approach is to view the plan change (proposed purpose, subordinate objectives and all) as a policy change to implement the higher order objectives and policies in the operative district plan."

30. The King Salmon decision referred to above addressed the manner in which the New Zealand Coastal Policy Statement should be given effect to in considering a plan change proposal. The majority of the Supreme Court held that each relevant policy of the New Zealand Coastal Policy Statement had to be considered. It rejected a broad overall judgement of the policies.

31. The Supreme Court decision also determined that the RMA delivers a hierarchy of policy documents, such that lower order documents should give effect to and implement the higher order documents. It was unnecessary to refer back to Part 2 of the Act in determining how plan changes should be decided provided the operative plan in question is sufficiently certain, and is not incomplete or invalid.
32. Given current debate about the interpretation of this case law, we have taken the precaution of including in our assessment an evaluation against Part 2.
33. In the context of PC52, two higher order documents were potentially relevant, the National Policy Statement on Urban Development Capacity 2016 and the Otago Regional Policy Statement. We address the NPS later in our decision.
34. In our opinion, the ODP is the main document of relevance against which this Request should be assessed. It implements the higher order provisions of the Operative Regional Policy Statement and the RMA. The Proposed Regional Policy Statement has less legal weight given it is still the subject of appeals. We agree with the Requestor that there are no higher order documents that render the ODP uncertain, incomplete or invalid. We note that there was no debate between the planning witnesses on the evaluation of PC52 against the Otago Regional Policy Statement.

Part 2 RMA

35. For completeness, we have evaluated this proposal against Part 2. The following provisions are relevant:
 - a. Section 5
 - b. Section 6(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
 - c. Section 6(f) The protection of historic heritage from inappropriate subdivision, use, and development.
 - d. Section 6(h) The management of significant risks from natural hazards.
 - e. Section 7(b) The efficient use and development of natural and physical resources;
 - f. Section 7(c) The maintenance and enhancement of amenity values;
 - g. Section 7(f) The maintenance and enhancement of the quality of the environment;
 - h. Section 7(g) Any finite characteristics of natural and physical resources
 - i. Section 8.

National Policy Statement on Urban Development Capacity 2016 (“NPS”)

36. The Requestor and Mr Bryce have made reference to the National Policy Statement for Urban Development Capacity 2016. In opening submissions, counsel for the Requestor submitted this document had “only ancillary relevance” to PC52 and the broader matters covered by the ODP.⁸ Despite this, Mr Brown’s evidence assessed the NPS in some detail, and concluded that PC52 was consistent with the key relevant objectives and policies of the NPS.⁹

⁸ Requestor opening legal submissions paragraph 16

⁹ Evidence JA Brown paragraphs 5.1-5.6

37. The Preamble to the NPS notes:

“This national policy statement provides direction to decision-makers under the Resource Management Act 1991 (RMA) on planning for urban environments. It recognises the national significance of well-functioning urban environments, with particular focus on ensuring that local authorities, through their planning, both:

- enable urban environments to grow and change in response to the changing needs of the communities, and future generations; and*
- provide enough space for their populations to happily live and work. This can be both through allowing development to go “up” by intensifying existing urban areas, and “out” by releasing land in greenfield areas.”¹⁰*

38. It also states that the NPS *“aims to ensure that planning decisions enable the supply of housing to meet demand”* and that this is linked to housing supply and affordability.¹¹ It notes that the NPS is:¹²

“...about recognising the national significance of:

- a) Urban environments and the need to enable such environments to develop and change; and*
- b) Providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments.”*

39. Mr Brown’s evidence was that the MCSSZ contributed to the District’s fulfilment of the NPS obligations and that PC52 does not affect that because the yield of residential and business yield is largely unaffected by the change.

40. The NPS defines “urban environment” as “an area of land containing, or intended to contain, a concentrated settlement of 10,000 people or more and any associated business land, irrespective of local authority or statistical boundaries.” PC52 does not meet that definition. The MCSSZ land is not located close to any other urban environment in a way that would bring the NPS into play. We do not consider the NPS to be relevant.

¹⁰ National Policy Statement on Urban Development Capacity 2016, page 3

¹¹ At pages 3-4

¹² At page 9

Other Relevant Council Documents

41. A number of Council strategies and plans are either directly relevant or have some bearing on the Request. A full explanation of these documents is set out in Mr Bryce's section 42A report. We summarise the documents below.

Cardrona Community Plan 2020 (2003)

42. Developed through a community workshop in 2003, this document sets out the vision, goals and priorities for the Cardrona community for the 10-20 year period following its adoption. The key community outcomes include creating and maintaining walkways and reserve areas adjacent to the Cardrona River, retaining the general character of the landscape surrounding the township, enhancing public facilities and services to provide for the needs of a growing community and growing visitor numbers and retaining the Rural Visitor Zones with some amendments to enable logical development to occur. Mr Bryce noted there are a number of infrastructural responses that are still to be delivered through the future development of the MCSSZ, including the wastewater system. This document remains relevant to PC52.

Long Term Council Plan 2012-2022

43. This is a ten-year action plan developed by the Council under the Local Government Act 2002. It allows a co-ordinated response to growth issues, which include infrastructure.

Wanaka 2020 (2002 and 2007)

44. This document is more relevant to the Wanaka township than to Cardrona and we have not given it much weight for that reason. It sets the key community outcomes for Wanaka and addresses matters such as the management of growth and provision of infrastructure.

Housing Our People in our Environment Strategy (2005)

45. The Council adopted this strategy in 2005. It is focused on increasing the supply of affordable and community housing within the district. It was revised in 2007 through Plan Change 24. The provision for community housing to give effect to the strategy was established through PC18. The level of community housing proposed through PC52 will not be less than the provision agreed with the Council under PC18.

A Growth Management Strategy for the Queenstown Lakes District (2007)

46. This non-statutory document assists to guide the Council and community in planning for future growth and development of the District. It identifies a number of growth management principles including:
- Principle 1 – Growth is located in the right places. This notes that growth is to be accommodated mainly in the two urban centres of Queenstown and Wanaka and, relevantly, existing special zones outside of these centres. Growth in the Cardrona Valley is centred on the Cardrona Township and MCSSZ.
- Principle 2 – The type and mix of growth meets current and future needs.

Southern Sky Lighting Strategy 2017

47. This includes provisions addressing light pollution and is particularly relevant to PC52. Light pollution has been raised by several submitters.

EVIDENCE HEARD

For the Requestor

48. The Requestor presented statements of evidence or summary statements from the following witnesses:
 - a. David Moore
 - b. Ben Espie
 - c. Ian Munro
 - d. Tom Heller
 - e. Graeme Halliday
 - f. Chris Rossiter
 - g. Jeff Brown.

49. These witnesses were available for questioning, as was Mr Colgrave, an economist. Other technical reports forming part of the Request, but which were not the subject of questioning or evidence covered cultural impacts, ecological effects, archaeological effects and a soil contamination assessment.

50. **Mr Moore** is a co-owner of Greg Turner Golf Limited, a company focused on the design and construction supervision of new courses, existing course revisions and upgrades. His report covered the design of the golf course now proposed for Mt Cardrona Station, the growth and evolution of golf tourism generally but also specifically in this district, and an explanation of the Site Masterplan for the MCS golf course. Mr Moore's report recommended a short form of golf for this site, 12 holes routed so as to facilitate play of 2 returning loops of 6, providing the opportunity for 6, 9 and 12 hole golf. He told us that 9 hole golf is being used by New Zealand Golf to promote the sport to potential new entrants, where time constraints may discourage them from playing 18 holes. We questioned Mr Moore on the use of fertilisers and water on a course such as this. He advised us that link courses, as proposed here, require firm ground, with local plants and less water being applied. The ball bounces more and is part of this golfing experience. Plants can tolerate drought. The design works with the topography and natural contours of the site and involves less earthworks.

51. In terms of golf tourism, Mr Moore confirmed in questioning that New Zealand has the highest proportion of golf courses in the world, other than Scotland. The Wakatipu Basin is an international golf destination, with several high-end courses available. We were told that golfers will spend up to an hour travelling to destination golf courses. Mr Moore considered there was an undersupply of golf courses of the kind proposed here. He expected the course would attract golfers travelling between Queenstown and Wanaka through the Cardrona Valley, perhaps en route to the new proposed Parkins Bay golf course near Wanaka.

52. **Mr Espie** is a Director of Vivian and Espie Limited and provided landscape evidence. He was of the opinion that the Cardrona Valley provides a high-quality landscape character and visual amenity and noted the ONL classification. At a broad scale, he considered PC52 would have a negligible effect of the landscape character of the Cardrona Valley, and that, at a fine scale, there would be some effect of the MCS village development, being now more focused on golf. This did not affect landscape character. The replacement of built development under the operative PC18 with golf course activity had some potential positive effects as the MCSSZ would appear

“softer and greener and therefore less incongruous with its setting.”¹³ The replacement of built development with open space would deliver similar effects. That open space area would be more visually discernible than the proposed area of extended built development. Overall, Mr Espie was of the opinion that PC52 would not result in any significant adverse effects in relation to landscape or visual amenity.

53. Mr Espie agreed with the points made by Mr Compton-Moen in his report (see below).
54. **Mr Munro** is a self-employed urban planner and urban designer and gave urban design evidence. He opined that “the site, with its varied topography and outstanding natural setting, will create a high amenity golf development which encourages short-stay visitation and tourism related activity that complements the ski-field related activities already in existence.”¹⁴ He noted that the golf activities and resulting settlement structure now proposed through PC52 were a compatible ‘fit’ in urban design terms and could enable a well-designed development that is responsive to its landscape setting. Mr Munro’s urban design report noted that PC52 promoted a less rigid ‘urban’ structure, with more of an informal urbanism familiar in rural settings (notably at the interface between development and open space areas). In particular, Mr Munro noted:
- a. The high degree of open space surrounding the developable area, which will be permanently protected;
 - b. Retention of existing access from the site to the Cardrona Valley Road and skifield access road. The internal network is anchored by a ‘U-shaped’ road that circumnavigates the development area and connects the northern and southern blocks. The urban design report recommended that cul-de-sac roads, or accessways should be avoided where practicable. Rear lots should also be avoided where practicable;
 - c. The comprehensive series of bridle paths and walkways which circumnavigate the development area and which also run internally through the site;
 - d. The continued development yield achieved through PC52, at approximately 800 units maximum;
 - e. The provision for visitor accommodation and secondary dwelling units;
 - f. The higher average density of development now promoted through PC52. Higher development intensity will be located adjacent to the highest order movement routes, around the village core with its planned hotel and commercial uses, and associated open space. It is intended that this concentration will assist the village centre to develop as a viable commercial node;
 - g. Areas of lower density are intended to provide a buffer between high and low density residential areas;
 - h. The continued application of height restriction lines through Structure Plan B;
 - i. The appropriate location of building masses and densities relative to visual and landscape sensitivities;
 - j. Overall, a less rigid planning framework will apply so far as that relates to the distribution of housing densities.

¹³ Evidence of Ben Espie paragraph 3, summarising the key conclusions of his landscape report dated 30 November 2016

¹⁴ Summary of Evidence Ian Munro paragraph 5(b)

55. **Mr Heller** is a Director of Environmental Associates Limited. His evidence and report addressed the availability and supply of water to the MCSSZ. Mr Heller's evidence particularly responded to matters raised by Mr Leslie, a submitter, on water supply. We address this evidence in more detail later in this decision.
56. **Mr Halliday** is a Senior Engineering Geologist at Geosolve Limited. His geotechnical assessment included site mapping and observations on site, noting that natural hazards of concern to the Otago Regional Council associated with the Pringles Creek catchment and the Nevis Cardrona Fault Zone had been previously investigated by Royden Thomson, Geologist. The Cardrona fault is identified approximately 300m to the west of the proposed development area. The average return period for earthquakes on this fault is 5000-10,000 years, therefore the risk of strong ground shaking or surface rupture is considered by Mr Halliday to be very low. The main seismic risk is from an earthquake on the Alpine Fault, which has a 30% probability in the next 50 years. This would subject this site, and the whole Wanaka region, to strong ground shaking.
57. The QLDC and ORC maps have identified alluvial fan and active fault hazards within and near the proposed site. Geological mapping has identified shallow landslide and mining hazards in the site area. Mr Halliday's assessment was that there was a negligible risk to the site from flooding and debris flow due to the deeply incised creeks and the lack of recent alluvial fan deposits.
58. **Mr Rossiter** is a Principal Transportation Engineer with TDG. His assessment provided an update on recent traffic counts and an assessment of potential traffic effects that could arise from PC52. This built on an earlier assessment undertaken in 2007 for PC18. The assessment assumed about 580 residential units and 140 hotel rooms, treating each hotel room as providing for visitor accommodation to be consistent with the original PC18 assessment. He also assumed the traffic generation for the golf course would be highly seasonal, 20 rounds a day in winter versus 80 rounds a day in summer, generating up to 80 vehicles per day (vpd) in winter and 320vpd in summer.
59. Overall, the expected traffic generation if the MCSSZ was developed to its maximum limit was 3,980-4,220vpd. The change to the golf course use would mean a marginally higher level of traffic over residential development only. Mr Rossiter recommended that it would be necessary to provide left and right turn lanes for the intersection of the MCSSZ with Cardrona Valley Road, and the intersection of Tuohys Gully Road with Cardrona Valley Road, just to the south. The MCSSZ intersection would include an intersection 25m to the north of the Tuohys Gully Rd intersection.
60. Mr Rossiter's assessment did not include an assessment of the traffic safety issues arising from the intersection of the MCSSZ link road with the Cardrona Skifield Access Rd. This formed part of our further information request dated 13 July 2017.
61. **Mr Colegrave** is an economist with Fraser Colegrave. His assessment was that the golf course would attract visitors into the MCSSZ development and support its commercial elements. It would also make the Zone an attractive place to live and boost residential values. Average selling prices would be in the range of \$878,000 - 925,000. He also noted that the PC52 development would enable Cardrona to become a year-round tourism destination and would make a better contribution to dwelling supply because it would achieve lower selling process and therefore be more affordable. The acceleration of the wastewater infrastructure for Cardrona Village to be achieved through PC52 was another positive factor.

62. **Mr Brown** is a Director of Brown and Company Planning Group Limited. His firm prepared the Assessment of Environmental Effects for PC52 and drafted the proposed PC52 plan provisions. He explained the reason behind PC52, noting here his doubt as to whether the original PC18 contained the right mix of activities and standards to enable its development. He noted that Cardrona had continued to be regarded as a winter season destination, while other parts of the district had developed into 4 season development. PC52 sought to match that through the addition of the golf development and associated short stay accommodation. Mr Brown noted the hotel development had generated some operator interest.
63. Mr Brown also noted the operative MCSSZ contained comparatively prescriptive planning provisions that limited design responses to market needs. He outlined the changes sought to the operative zone, noting the change of activity status for the gondola was intended to match the status sought in the Ski Area Sub Zones and the Rural Zone through submissions to the Proposed District Plan.
64. Mr Brown was of the opinion that the National Policy Statement on Urban Development Capacity 2016 was relevant and that the MCSSZ did not affect the District's fulfilment of the need to provide housing capacity. As noted above, we do not consider the NPS to be relevant.
65. **Mr Morton** is a Director of MCS and gave oral evidence. He outlined the upfront costs involving wastewater, water and roading as being one of the reasons PC18 did not get off the ground. In reviewing the future development for the site, he spoke with Greg Turner, golf designer, and hotel operators, to explore the possibility of adding golf to the development. The advice MCS received was that it was possible to design golf courses for this altitude, and that there was a moving trend towards 12 hole courses. The biggest limiting factor in introducing the golf course to the MCSSZ was that it moved development close to the water race. Mr Morton advised us that he was not sure if the gondola would proceed. It had been included in the development as a possibility. Mr Morton confirmed in questioning that he did not expect there to be a 40% absence of home owners here. The hotel and golf course would be the first stage of development, with the balance feeding out to the west.

From Submitters

66. **Ms Holden** gave evidence for Cardrona Alpine Resort Limited (CARL). CARL supported the plan change request, particularly the identification of Activity Area 8c (AA8c), subject to some minor amendments to enable small-scale associated commercial activities within this activity area (such as chain fitting and a coffee cart). AA8c adjoins the Cardrona Skifield Access Road, the latter being privately owned by CARL. The area is known as the 'Pines Car Park'. It is relatively flat.
67. Ms Holden noted the car park is located within the Rural General zone on land legally described as Lot 1 DP 19394 and Lots 10-13 DP21223, held in Computer Freehold Register OT13A/681 and owned by CARL. Mitigation mounding proposed to occur though PC52 would be located within the MCS land, immediately adjacent to the carpark.
68. **Mr Leslie** owns a property at 6 Gin and Raspberry Lane and shares 450m of boundary with the MCSSZ. In summary, Mr Leslie's evidence addressed the following topics:

- his opinion of the underlying philosophy behind the development changing from residential to resort;
- concerns (also shared by his neighbours) about the protection of residential amenity for properties to the south of the MCSSZ land. This particularly related to activities, including the erection of buildings and structures, proposed for the Area Activity 6 land and the need to protect the night sky;
- the higher density now proposed for the development, which Mr Leslie considered resulted in less space between aspects of the development and a higher land value;
- the proposal for a gondola to be considered as a controlled activity, which would not be publicly notified;
- the paper road status of Pringles Creek Road, which he had understood was to be removed through PC18;
- mitigation planting; and
- the extent of available and consented water supply and more proactive measures for the more efficient use and recycling of water within the zone.

69. **Mr Adams** gave evidence for Cardrona Residents and Ratepayers Association. He noted the Association's support for PC52 because it provided more residential units, a hotel and a golf course, all of which would provide employment for those in Cardrona Village. The opportunity to provide wastewater infrastructure was also a positive benefit. He did not see any need for a sports field to be provided for the Village. Mr Adams noted the difficulty for people to buy or rent in Cardrona Village at the present time, adding that more residential properties should assist. Ski workers are based in Queenstown and Wanaka at the present time.

For Council

70. **Mr Bryce** prepared a section 42A report, which included a landscape assessment from Mr Compton-Moen. The section 42A report helpfully set out the background to MCSSZ, the statutory framework and a section 32 evaluation and noted the main issues. Mr Bryce addressed a number of discussion points and recommendations in response to these issues, which are generally discussed in our own assessment below. Our discussion covers the points below in a different order and under some different headings, and includes other issues we considered to be relevant.

71. The main issues identified by Mr Bryce were:

- a. Economic benefits and effectiveness of PC52;
- b. Effects on landscape and visual amenity values;
- c. Effects on heritage values;
- d. Structure Plan: Activity Areas 6 and 7b;
- e. Structure Plan: Activity Area 8c (car park area);
- f. Effects on paper road;
- g. Mount Cardona Design Guidelines;
- h. Effects on water supply and Pringles Creek;
- i. Amendments to specific rules.

72. Mr Bryce recommended that the MCSSZ be amended in accordance with the outcomes expressed within PC52, subject to several amendments.

73. **Mr Compton-Moen's** landscape and urban design report discussed several key issues and suggested some improvements. Overall, Mr Compton-Moen considered that PC52 would not have an adverse effect on the urban design values of the Operative Structure Plan and some changes would have a positive effect. He noted that some of the village success would be dependent on the implementation of the

Design Guidelines. He considered the change to landscape and visual effects arising from PC52 to be negligible and, in some cases, positive.

74. As we had requested further information on some primary issues, we provided Mr Bryce with the opportunity to provide us with a final section 42A report. We received this on 6 October 2017. Mr Bryce addressed the withdrawal of the gondola provisions, the capturing of stormwater and greywater from buildings within the zone, transportation issues and Activity Areas 6 and 7b and he provided a further section 32 evaluation. We discuss these matters in our assessment of the issues below.

Requestor's right of reply

75. The Requestor's Reply dated 13 October 2017 was brief. In response to the Council's Reply, the Requestor noted most matters raised by the Council were agreed. The matters not agreed were:
- a. Amendments to the Design Guidelines and Assessment Matter 15.2.7.3(ix) addressing final road widths and dimensions. The Requestor accepted the intent of the Council's amendments but suggested refined wording;
 - b. Amendments to Rule 12.22.2.2(a) and Assessment Matter 12.22.5(1) addressing the deletion of the sports field in AA6. The intent of the changes was accepted by the Requestor, subject to minor wording changes.
76. Otherwise, the Requestor relied on points it had already made in post-hearing memoranda and provided a range of final proposed amendments to PC52 in response to matters raised by the Commission and submitters over the course of the hearing. A table was provided setting out those changes.

ISSUES

77. We have identified the following relevant issues:
- a. The intent of PC52 and economic effects
 - b. Gondola
 - c. Urban design
 - d. Landscape and amenity effects
 - e. Traffic effects
 - f. Effects on heritage values and protection of existing water race
 - g. Activity Area 6 and 7b
 - h. Activity Area 8
 - i. Design Guidelines
 - j. Natural hazards
 - k. Water supply
 - l. Wastewater and greywater
 - m. Paper road, pedestrian and cycling linkages
 - n. The overlap between subdivision and design review
 - o. Reinstatement of the public easement in gross on Structure Plan C
78. We have also included a section addressing amendments sought to specific rules that fall outside the above issues.

The intent of PC52 and economic effects

79. We have at times struggled to understand the real intent of PC52 and what it is seeking to deliver to the market. The reports and evidence variously refer to a permanent residential development for Cardrona, a mix of tourism and residential

development (including short stay residential) and a predominantly tourism development. The rates of occupation forecast may depend to some extent on the nature of the development underpinning the Request.

80. If the focus is indeed tourism, we have been disappointed in the lack of cohesive planning between MCS and Cardrona Alpine Resort Limited (CARL) to achieve an outcome that would benefit both operations and deliver a sustainable option for the future tourism development of MCS, Cardrona Village itself and Cardrona Alpine Resort. While there have been discussions between MCS and CARL about a gondola operation (at least so far as the connection point on the Skifield access road is concerned) and the development of Activity Area 8C comprising a range of activities related to transport to the ski area, there has not been a more comprehensive plan put before us involving the hotels and other short term stay residential development. In fact, when we explored some overlaps between the two operations with Ms Holden, appearing for CARL, it was clear that Ms Holden's brief was limited to the matters outlined in CARL's submission and no more. She had no comment, for example, on the gondola.
81. The same comment applies to the provision of worker accommodation at MCSSZ. It was acknowledged by the Requestor that ski workers in and around Wanaka struggle to find affordable accommodation that is reasonably close to their place of work. It seems to us that a joint approach to this issue could have addressed a number of problems and enabled a more sustainable resolution to this problem.
82. In questioning, we asked Mr Colegrave whether the housing would be for permanent residents or visitor accommodation. He indicated there would be "an element of permanent residents".
83. We were not presented with evidence that there is a strong demand for permanent housing at this location. Mr Goldsmith confirmed in questioning that PC52 was about enabling an outcome and that the residential development would proceed if there is demand for it. Given Mr Morton's indication that the hotel and golf course would proceed first, we have approached our assessment on the basis that the development is more tourism based than intent on establishing a permanent residential population.
84. A number of original submitters identified the economic benefits of PC52 and considered it to be a more efficient and effective means of achieving the purposes of the Act. No submitter sought that PC52 be rejected.
85. Submissions raised the following points:
 - a. PC52 is a more efficient and effective means of achieving the purpose of the Act than the current plan provisions;¹⁵
 - b. The plan change will make MCS an all-year round destination;¹⁶
 - c. The plan change will be beneficial to the Cardrona Village and the local economy. The proposed golf course will be a great asset to the area and provides opportunities for locals and visitors;¹⁷
 - d. Support for the Activity Area 8c provisions as they better reflect the existing use than the existing zoning. PC52 is likely to be complementary to future

¹⁵ Submission 52/06/03

¹⁶ Submission 52/01/01

¹⁷ Submission 52/04/01

- logical uses of the adjacent area and is likely to enable efficient integration of the transport network and access to Mt Cardrona;¹⁸
- e. PC52 will be an improvement to the existing zoning and the golf course will make the development more attractive. The hotel will give visitors more reason to stay and will offer employment opportunities for the Cardrona community;¹⁹
 - f. The plan change will facilitate infrastructural support for Cardrona Valley, including greywater and sewerage disposal. It will also provide new residential and recreational activity and provide a solution to the Cardrona Skifield parking issues;²⁰
 - g. Strong support for PC52 as an immediate neighbour.²¹
86. The Request was supported by a comprehensive section 32 assessment, as were further changes proposed by the Requestor following the hearing. The assessment concluded PC52 is the most effective and efficient approach to deliver the development and supporting infrastructure.
87. The economic assessment included with the Request expressed the view that the PC52 proposal would deliver higher ongoing economic benefits than PC18. In summary, the reasons for this opinion were:
- a. The golf course will assist in supporting greater commercial activity and attract more visitors with non-golf expenditure that will provide benefits to the wider district;
 - b. PC52 will enable Cardrona to become a year-round tourism location.
 - c. It will improve dwelling supply (because there will be more sections at smaller sizes and these will achieve lower selling prices and hence be more affordable than the PC18 provisions);
 - d. It will accelerate the delivery of critical infrastructure such as the wastewater treatment.
88. We accept some, but not all, of these points. We are not entirely convinced that the market prices contemplated for residential development will be significantly more affordable to residents, or that a permanent housing supply will be delivered, given the tourism basis of PC52. However, we do accept that the plan change will deliver a level of housing that may support tourism development.
89. All submissions lodged on this topic are accepted.

Gondola

90. The Plan Change Request as notified included a proposed change to the activity status for a gondola. The proposed PC52 provisions enabled structures and buildings associated with a gondola as a controlled activity, rather than its previous classification as a discretionary activity. The possible alignment of the future gondola was presented at the hearing.
91. Our Sixth Minute followed the 11 July hearing and requested more information on the gondola proposal and its activity status. We were conscious that the gondola's activity status had also been subject to evidence at the District Plan Review hearings

¹⁸ Submission 52/06/02

¹⁹ Submission 52/09/01

²⁰ Submission 52/10/01

²¹ Submission 52/03/01

in front of a differently constituted panel. We sought clarity on the Requestor's and the Council's approach to the gondola through the District Plan Review process. In response to that Minute, the Requestor advised in a Memorandum dated 21 July 2017 that it wished to withdraw the parts of PC52 that applied to the gondola and its activity status. We have therefore not addressed submissions on this issue but note that some submissions on other topics raised general points about the impact of buildings and structures in some parts of the zone, which include the gondola and associated structures.

92. As a result of the Requestor withdrawing the relief sought on the activity status for the gondola, the gondola remains as a discretionary activity in the final PC52 provisions attached to this recommendation. While the Council and the Requestor confirmed the return to discretionary status in the final PC52 provisions provided to us, some parts of the plan provisions were not amended in line with this. We have therefore made consequential amendments, as follows:
- a. Policy 4.14 on page 12-139f, clarifying where buildings and infrastructure, including the gondola, should be located and avoiding such activity in Activity Area 6c;
 - b. Rule 12.22.2.3(v) on page 12-139p, clarifying that buildings and structures associated with the erection and maintenance of a gondola will be a discretionary activity in Activity Areas 6a, 6b and 7;
 - c. Rule 12.22.2.4(i) on page 12-139q, clarifying that buildings and structures associated with the erection and maintenance of a gondola are non-complying in Activity Area 6, 7, 8 and 9 unless approved as a discretionary activity under Rule 12.22.2.3(v) (which would not apply to zones other than Activity Areas 6a, 6b and 7);
 - d. Rule 12.22.2.5(ix)(a) on page 12-139s clarifying that buildings and structures in Activity Area 7 are prohibited, other than those associated with the erection and maintenance of a gondola approved under Rule 12.22.2.3(v);
 - e. Rule 12.22.2.5(x) on page 12-139s which prohibits parking of vehicles and machinery in Activity Areas 6b, 6c and 7 after construction in these areas. We have deleted the exception providing for parking for a gondola in these areas;
 - f. Zone Standard 12.22.4.2(iii)(c) on page 12-139x, clarifying that the maximum height for Activity Areas will not apply to pylons and other structures associated with a gondola in Activity Areas 6a and 6b;
 - g. Assessment Matter 12.22.5(ix) on page 12-139cc noting that a discretionary activity status for buildings and structures associated with the erection and maintenance of a gondola applies in Activity Areas 6a, 6b and 7.

Urban design

93. We outlined above Mr Munro's evidence on urban design. This topic was not raised specifically in submissions but rather was part of submissions concerning the MCS Design Guidelines. We address this topic below in our discussion of the Design Guidelines.

Landscape and amenity effects

94. The subject site is located within an Outstanding Natural Landscape. The Request was accompanied by a comprehensive landscape assessment. In his evidence, Mr

Espie summarised the assessment. We set this out earlier in our decision. It was his opinion that the golf component of PC52 brought some positive landscape benefits. Mr Compton-Moen agreed.

95. Submitters raised the following concerns about landscape and visual amenity:
 - a. Protection of the night sky through ensuring the zone streetscape and overall lighting design meets zone and design guideline rules;²²
 - b. The need to protect amenity values of adjoining properties bordering the MCSZ and visual effects of some development activities within Activity Areas 6 and 7b (we discuss this in detail below under the heading Activity Area 6); and
 - c. Planting mitigation.²³
96. MCS supported in part submissions addressing the lighting impacts and how these were mitigated through the Design Guidelines.²⁴ Amendments to Section 2.4 of the Design Guidelines include protection of the night sky and specific reference is made to the Council's "Southern Lights" lighting strategy in this part of the Design Guidelines. We accept these amendments as appropriate.
97. On planting mitigation, submitters preferred that local species be used and raised concerns about the timing of such planting. Dr Kyle was of the opinion that planting should be done before any development work was undertaken.²⁵ MCS agreed that local species should be used in planting mitigation and made suggested amendments to Rule 12.22.2.2(v) Earthworks and Planting required by Structure Plan D to include a new matter over which Council's control was reserved. Mr Bryce made some suggested further changes to these provisions.
98. In response to submitters, MCS also suggested some changes be made to Section 2 (page 2-20) of the Design Guidelines to reflect species that could be planted in Activity Area 6, such that *Macrocarpa* was replaced with Mountain Beech or a similar species, and ensure that only species that are suited to the environment are planted (e.g. silver tussocks). Mr Compton-Moen and Mr Bryce agreed with these suggestions.
99. In response to Dr Kyle's concerns about the timing of planting, Mr Bryce noted that Zone Standard 12.22.4.2(i) and (vi) are directed at ensuring that mitigation planting is implemented before buildings are erected in Activity Area 1b or in the Southern Neighbourhood shown on Structure Plan A. It would therefore be a non-complying activity to construct any buildings within these respective areas before mitigation planting was implemented in accordance with Structure Plan D. Mr Bryce did not consider any further amendments were required.
100. We agree. We accept the changes to the PC52 provisions and Design Guidelines proposed by the Requestor and agreed to by Mr Compton-Moen and Mr Bryce.

Traffic effects

101. Two new intersections are shown on Structure Plan A; the ski field link road intersection to the Cardrona ski field access road and the access road to Cardrona

²² Submissions 52/02/06, 52/09/06, 52/03/04, 52/08/02

²³ Submissions 52/02/07, 52/03/08 and 52/08/03

²⁴ Further Submission FS-52/12/05, FS-52/12/07, FS-52/12/15, FS-52/12/45

²⁵ Submission 52/02/10

Valley Road. Structure Plan A show the access road to Cardrona Valley Road shifting to the north when compared to the location in operative MCSSZ.

102. We were concerned that we did not have the benefit of an independent assessment of the traffic safety aspects of PC52, particularly in relation to the intersections. We considered the key issues to be the safety of the repositioned intersection on Cardrona Valley Road and the safety of the ski field link road intersection given its proximity to Activity Area 8C. Our Sixth, Seventh and Eighth Minutes following the hearing requested that the Requestor and Council provide further assessment of these issues.
103. We have considered the independent assessment of the transport matters prepared by Stantec, the advice from Council's Engineer, as well as the Requestor's response, including the letter from Traffic Design Group (TDG). The assessments highlighted the need to provide for some flexibility in the location of the intersection with Cardrona Valley Road, as the final location cannot be confirmed until detailed design occurs. The experts for Council (Stantec) and for the Requestor (TDG) supported the proposed provisions to enable the intersection location to move up to 25 metres in any direction and were satisfied as to the safety of the intersection arrangement.
104. Mr Brown, on behalf of the Requestor, provided amendments to Rule 12.22.4.2(i) to enable the intersection to be moved up to 25 metres and to require a minimum separation distance of 25m between the access road / Cardrona Valley Road intersection and the Tuohy's Gully Road / Cardrona Valley Road intersection. Mr Bryce supported the proposed amendments. The provisions have been amended accordingly.
105. The experts for Council and the Requestor also provided advice regarding the safety of the ski link road intersection. The experts agree that the existing Cardrona ski field access road has sufficient width to allow traffic to safely pass vehicles making a right-hand turn into the ski link road. They further agreed that a degree of flexibility should be provided for the location of the intersection, which would be determined during detailed design, considering the location of the carpark access in Activity Area 8C, road surfaces and traffic movements.
106. Mr Bryce and the Requestor agreed on the inclusion of additional provisions to enable flexibility in the siting and design of all intersections servicing MCSSZ. We are satisfied that the provisions are appropriate. The assessment has demonstrated with sufficient certainty that the intersections can be designed to ensure safe and efficient access to the MCSSZ. The provisions enable a degree of flexibility in the siting and design of the intersections and for this to be assessed at the time resource consent applications are made for subdivision and/or development.

Effects on heritage values and protection of existing water race

107. The Request documents included an assessment of the archaeological and cultural values of the area, prepared by KTKO Limited.²⁶ An archaeological assessment was also prepared by Angela Middleton, which was prepared as an Addendum to the PC18 considerations undertaken some years earlier.²⁷

²⁶ Document 8 of the Request

²⁷ Document 11 of the Request

108. Heritage New Zealand's submission sought that the chaff storage platform located within the PC52 boundary be scheduled in the Inventory of Protected Features contained within the Operative Plan and Schedule 26.10 of the Proposed District Plan and sought further protection of the existing water race on site. It also sought a range of amendments to achieve the protection of heritage values.²⁸

109. The Requestor supported:

- a. the submission of Heritage New Zealand regarding the impact on heritage value and accepted that the proposed amendments provided more appropriate rules in relation to the Walter Little water race.²⁹
- b. the suggested amendments to Rule 12.22.2.2(viii),³⁰ Rule 12.22.4.2(x) and Rule 12.22.5(i) proposed by Heritage New Zealand.³¹ These require consideration and protection of the historic water race for new building activity in Activity Areas 6 and 7b;
- c. the provisions sought by Heritage New Zealand concerning the protection of the chaff storage platform and its scheduling in the named inventory.³²

110. Mr Bryce agreed that the amendments were appropriate, subject to a change to proposed Rule 12.22.4.2(x). We have no jurisdiction to amend a schedule in the Proposed District Plan and reject that part of the submission of Heritage New Zealand. Otherwise, the provisions have been amended accordingly.

Activity Area 6 and 7b

111. A number of issues arose concerning Activity Area 6 and 7b, as follows:

- a. The 'commonage/ heritage/ grazing areas in Zones 6 and 7b being protected from further development at a later stage;³³
- b. The location of the sports field/ tennis court area;³⁴
- c. The protection of Activity Areas 6 and 7a commonage in perpetuity;³⁵
- d. Pushing back the southern boundary of Activity Area 6 to separate development from immediate neighbours and the extent of development in this area;³⁶
- e. Deletion of the sports field in Activity Area 6;³⁷
- f. The preservation of open space.³⁸

112. We have grouped these issues in our discussion below.

²⁸ Submissions 52/07/01, 52/07/02, 52/07/03, 52/07/04, 52/07/05, 52/07/06

²⁹ Further submission FS-52/12/35

³⁰ We note this provision was later deleted as it related to the gondola

³¹ Further submission FS-52/12/36, FS-52/12/37, FS-52/12/38

³² Further submission FS-52/12/39

³³ Submission 52/02/03

³⁴ Submissions 52/02/04, 52/05/05

³⁵ Submission 52/03/02

³⁶ Submissions 52/03/03, 52/05/02, 52/05/04, 52/09/02

³⁷ Submissions 52/03/05, 52/09/03

³⁸ Submission 52/05/03

Activity Areas 6a, 6b and 6c

113. In its current form, Activity Area 6 (AA6) provides for both formal and informal recreation activities open to the public. The open space extends through the Village and provides recreational, visual and environmental resource for residents and the wider community. Buildings are strongly discouraged, other than those associated with the functioning of the Village, such as the provision of access to the surrounding recreational activities, the provision of gas storage facilities, a recycling station and the provision of small scale buildings associated with potential sports fields within the Education Precinct.
114. The Requestor now proposes to split AA6 into three parts - 6a, 6b and 6c.
115. AA6a is located on the eastern site boundary, next to the Cardrona Skifield access road and Cardrona Valley Road. It will be 2.25ha in area and is identified on Structure Plan A as Roadside Commonage. Tennis courts, gas storage facilities, a recycling station and commercial recreation activities are now proposed to be located in this area.
116. AA6b will be 3.46ha in area and is identified on Structure Plan A as Village Commonage. This area lies in the central part of the MCSSZ, between the Hotel/Village Square, Higher Density Living and Medium Density Living areas. AA6b is intended to include the "green fingers" passing through this area.
117. AA6c is to the south of the MCSSZ site and, importantly, adjoins land owned by some submitters in the Pringles Creek subdivision. As noted above, submissions raised concerns about the nature of facilities to be located in this part of the site and the impact they may have on residential amenity, in particular large infrastructure and buildings. Residents were also concerned about the potential for vehicles to pass through a paper road in this area and to access the MCSSZ from the south, and the effects that might arise from the location of tennis courts in this area.
118. AA6b and 6c are to include pedestrian and cycling linkages, as identified on Structure Plan C, which shows the linkages running through AA6c in an east-west direction.
119. We discuss the matters of the sports field and open space below, under the heading Education Precinct and Sports Field/ Open Space.
120. In response to concerns raised by submitters, the Requestor proposed amendments to Rules 12.22.2.3 (vi) on page 12-139p and 12.22.2.4(vii) and (viii) on page 139-q, along with amendments to the Structure Plans, to ensure there is no motorised vehicle access through AA6c, there are no above ground structures apart from fencing in AA6c and there is no storage of gas in AA6c. These are now identified as non-complying activities.
121. The Requestor was of the view that tennis courts were still a desirable amenity and could be located in a variety of locations within Activity Area 6. It proposed that the courts be provided for as a discretionary activity by way of a new discretionary activity rule which focused on nearby residential amenity.³⁹ In his report to us, Mr Compton-Moen did not consider tennis courts would have an adverse effect on the

³⁹ Further submission FS-52/12/16, FS-52/12/26, FS-52/12/42

landscape character or visual amenity of the area, subject to lighting controls ensuring no upward spill is incorporated into the rules. Mr Bryce agreed.

122. In his evidence, Mr Leslie noted that PC52 proposed that the tennis courts be located further to the west and at a higher ground level. This would, in his view, create more adverse effect for residents, including more traffic. He preferred the tennis courts to be located closer to built form.
123. The Requestor has responded to this by restricting the tennis courts to AA6a, closer to built form and access routes, and has identified tennis courts as a discretionary activity in this area.⁴⁰
124. The Requestor also confirmed at the hearing, following Mr Leslie's evidence, that there would be no gondola related infrastructure in AA6c. This was not included with the Requestor's final amendments. We consider it important to ensure AA6c is absent of any gondola infrastructure, particularly as the height limits forming part of Structure Plan B exclude the height of gondola infrastructure.⁴¹
125. In our overall assessment of AA6c, we considered whether all specific exclusions within AA6c should be identified as prohibited activities. We concluded that there is no legal scope to introduce that restriction. However, we were not satisfied that the objectives and policies addressing AA6c included with the Requestor's Reply were sufficient to provide the restrictions and limitations intended through the amended plan provisions. If the restrictions are to have any force, the objectives and policies relevant to the rules are critical.
126. We have therefore amended objectives, policies and rules to provide this surety and to ensure consistency across the plan provisions, as follows:
- a. The various additional amendments outlined in paragraph 92 above relating to the gondola;
 - b. Amendments to Policy 4.14 on page 12-139f to clarify that buildings and motorised vehicle activity are to be avoided in Activity Area 6c and adding lighting as a nuisance effect;
 - c. Rule 12.22.2.3(iv) on page 12-139p, clarifying that access roads are in Activity Areas 6 and 7, deleting reference to carparking in Activity Area 7 and deleting reference to the exception for road access and parking associated with a gondola in these areas;
 - d. Rule 12.22.2.3(vii) on page 12-139q to clarify that tennis courts are a discretionary activity in Activity Areas 6a and 6b;
 - e. Rule 12.22.2.4(i) on page 12-139q, noting the extent of non-compliance of buildings in Activity Areas 6, 7, 8 and 9;
 - f. Rule 12.22.2.4(i) on page 12-139q, clarifying that tennis court fencing over 2m in height is a non-complying activity other than in Activity Areas 6a and 6b;
 - g. Rule 12.22.2.4(viii) on page 12-139r, clarifying that tennis courts are non-complying in Activity Areas 6c, 7, 8 and 9 and deleting any parking in Activity Area 6c;
 - h. Rule 12.22.5(x) on page 12-139s prohibiting the parking of vehicles and machinery in Activity Areas 6b and c after construction in these areas;

⁴⁰ Rule 12.22.2.3(vi)

⁴¹ Zone Standard 12.22.4.2(iii)(c) page 12-139x which, as proposed by the Requestor, stated "The maximum height for Activity Area 6 does not apply to pylons and other structures associated with a gondola."

- i. Site Standard 12.22.4.1(viii) on page 12-139u, specifying that bus shelters are in Activity Area 6a;
- j. Assessment Matters 12.22.5(xi) on page 12-139dd adding the word “structures” to maintain consistency with other plan provisions and adding assessment matters for the tennis courts in Activity Areas 6a and 6b.

Activity Area 7b

127. The various amendments to plan provisions offered by the Requestor, along with the amendments outlined above, also address the protection of Activity Area 7b.

Education Precinct and Sports Field/ Open Space

128. PC18 included a potential sports field within the indicative Education Precinct. The sports ground was identified as lying close to the southern boundary, not far from the Pringles Creek subdivision. Through PC52, the Requestor proposed to delete the Education Precinct (Activity Area 3b) and to locate a sports ground elsewhere, letting the market decide where community facilities are best located if and when they are required.

129. In his section 42A report, Mr Bryce noted that the underlying Mount Cardrona Stakeholders Deed identified the land that the Council and the Requestor had decided should be set aside as reserve land and an ‘indicative sports field’. This was largely driven by the siting of Activity Area 3b – Educational and Community Facilities under PC18.

130. Submissions sought that:

- a. The sports field be located out of the southern part of the site as it encroached into the 100-metre mitigation strip and risked the use of night lights and noise pollution. It also risked the use of the paper road/ Pringles Creek road for vehicle parking and movement congestion.⁴²
- b. The sports field be deleted as there was no parking provision and no such capacity for parking in the Pringles Creek community;⁴³
- c. The topography in this location was unsuitable for a sports field and it should be located on the flat valley floor in a more centrally located position;⁴⁴
- d. The Activity Area between the Southern Neighbourhood and the Pringles Creek boundary be designated as reserve such that some activities could not occur there and open space would be provided for village residents while preserving rural amenity values for the Pringles Creek residents.⁴⁵

131. The Requestor, through further submissions, supported the submissions of Kyle, Frengley, Leslie and Rasmussen, and Kiesow.⁴⁶ It noted in opening submissions that the sports field was clearly related to the original proposal for a school and the residents of Cardrona Village preferred that a sports field be located in the middle of the village on flat land.

⁴² Submissions 52/02/04 and 52/09/03

⁴³ Submission 52/03/05

⁴⁴ Submission 52/05/05

⁴⁵ Submission 52/05/02

⁴⁶ Further submissions FS-52/12/16, FS- 52/12/26 and FS-52/12/42

132. Mr Blyth, appearing for Cardrona Residents and Ratepayers, questioned whether a sports field was indeed needed in Cardona Village at all, noting there was a cricket pitch there already and the village did not need a rugby ground.
133. In his original section 42A report, Mr Bryce recommended that an indicative sports field be retained within Structure Plan A as this could assist in guiding the future location for Education and Community Facilities and associated open space. In speaking to his report, having heard from the Requestor and submitters, Mr Bryce noted that he had no concerns if the sports field was deleted but considered the rule framework for education facilities should have a matter of control linked back to the use of open space. That was why the sports field had been introduced initially and the open space underpinned the Mt Cardrona Stakeholder Deed with the Council, to which we have already referred.
134. Rule 12.22.2.2(i) on page 12-139o, addressing controlled activities, has been amended to include the words “access to open space for educational activities”. Assessment Matter 12.22.5(a) includes the same wording. We are satisfied these amendments address the relevant matters of concern.
135. The indicative sports field and the Education Precinct have been deleted from Structure Plan A. Provisions relevant to the Education Precinct have been amended such that this activity falls to be assessed as a discretionary activity within Activity Areas 4 and 5.⁴⁷

Activity Area 8

136. A number of issues arose concerning Activity Area 8 (“AA8”).
137. First, CARL’s primary submission⁴⁸ sought that Rule 12.22.2.3(vii), relating to restricted discretionary activities within Activity Area 8c (“AA8c”) be amended to include “complementary commercial use and buildings”, such as chain fitting services or coffee cart activities. CARL also sought as a matter of discretion the nature and scale of the complementary commercial use and noted that built form associated with these complementary services was limited by Zone Standard 12.22.4.2(iii)- Height, which restricts the maximum building height to 4.5m. Equally, Zone Standard 12.22.4.2(xi) – Buildings within AA8c limited the total combined gross floor area of all buildings within AA8c to 400m². The Requestor supported this relief.
138. The existing carpark in the Area identified as AA8c is located on land owned by CARL and is zoned Rural General. We have no jurisdiction over that part of this land as it lies outside the PC52 area. AA8c is an extension to that area.
139. AA8c has the potential to be a very busy area, particularly at either end of the day, given the area will be used for parking and shuttle buses and other related activities associated with skifield operations. We requested more clarity on the types of activities, and related buildings, that were intended to be located in AA8c and suggested the wording in the relevant rules and any associated objectives and policies could be better framed as “ancillary” rather than “complementary”. We were concerned to ensure that any commercial uses in this area were well defined and that they related to the transport use in the carpark.

⁴⁷ Rule 12.22.2.3(iii)

⁴⁸ Submission 52/06/06

140. Through its Reply the Requestor proposed an amendment to Rule 12.22.2.3(vii) such that the wording “ancillary commercial uses” would replace the words “complementary commercial uses”. The Requestor also proposed that “ancillary commercial uses” be defined as follows:
“Note: “ancillary commercial uses” includes activities such as chain fitting, coffee carts and other small-scale activities that provide services to people utilising the transport-related purpose of the Activity Area.”
141. Rule 12.22.2.3(vii)(c) includes as a matter of discretion the nature and scale of ancillary activities. Subject to some minor wording amendments to ensure consistency of language which are consequential to the relief sought, we are satisfied that the amendments proposed through the Requestor’s Reply address our concerns and that the activities intended to be located in AA8c are more clear.
142. The second issue raised concerning AA8 was the sealing of the carpark area in Activity Area 8c and the access (AA8a and 8b), including the access road length between the entrance up to and including the carpark. Submitters sought that CARL conduct rigorous dust mitigation measures for the remainder of the skifield access road to manage dust nuisance and effects on neighbouring properties.⁴⁹
143. Mr Bryce noted in his report that only a small portion of the access road identified as AA8a and 8b fell within the PC52 boundary and in his view, it was not appropriate to require these to be sealed when the wider access was unsealed.
144. Through its further submission FS-52/12/09 and FS-52/12/20, the Requestor supported in part the submissions of Dr Kyle and Patrick Frengley, that the Skifield area carpark in AA8c should be sealed and this should be enforceable by amending Rule 12.22.2.3(vii)(b). Mr Bryce agreed with this, considering it to be an appropriate response to the likely future concentrations of vehicle activity in this location.
145. Through its further submission⁵⁰ CARL opposed submissions from residential neighbours seeking road sealing on the basis that the Cardrona Skifield Access Road is not within the MCSSZ. Ms Holden, the planning witness for CARL, told us that the AA8c carpark was proposed to be located alongside the CARL existing carpark on the ski access road. CARL did not agree to seal the carpark area outside the PC52 land as things currently stood. She advised us that it was possible the carpark would expand further and that “area B” of AA8c (subject to an easement between the parties) was not yet resolved between CARL and the Requestor. If the Requestor extended the carpark area, then it could be sealed.
146. Ms Holden also confirmed in questioning that the current CARL carpark did not require a resource consent, but that consent would be required if commercial activities were established in this area as that would be outside the Cardrona Ski Zone. Overall, it was CARL’s intention to reduce the number of vehicles using the ski access road, especially in adverse weather, and the increased ski transport and the development of this carpark area were designed to assist in facilitating that change.
147. We find that we have no jurisdiction to require the sealing of any land outside the PC52 area. In that regard, we do not agree that the main skifield access road should be sealed. On the evidence, we do not consider that the small areas of access roads

⁴⁹ Submissions 52/02/08, 52/03/09

⁵⁰ Further submission FS-52/11/02

in AA8a and 8b or the area of carpark next to AA8c that lies outside the PC52 boundary should be sealed.

148. We accept the amendments to Rule 12.22.2.3(vii)(b) proposed through the submissions and evidence and the section 42A report.
149. The third issue was also raised by CARL, noting inconsistencies in the labelling of Activity Areas within Structure Plan A – Mt Cardrona Station Structure Plan and Structure Plan B – Height Restrictions. This particularly related to Area 9 within Structure Plan A which was labelled as “Activity Area 8” within Structure Plan B. There were also inconsistencies in the labelling of Activity Areas 1a and 1b on Structure Plan A. CARL sought the correction of these errors.⁵¹ Mr Bryce recommended that the errors be corrected and the Requestor agreed. We accept these amendments to the labelling of Structure Plans A and B.
150. We have made a consequential amendment correcting the numbering of Rule 12.22.2.2(vii) to read 12.22.2.2(viii).

Design Guidelines

151. This topic overlaps with urban design and landscape and amenity effects. Submissions raised concerns about landscape responses within the Design Guidelines, as follows:
- a. Review of the landscaping plan reflected in the Design Guidelines, in particular the Pringles Creek mounding/ buffer zone and the need to use local species in planting;⁵²
 - b. Mitigation planting be done before development work is undertaken;⁵³
 - c. Existing strict design guidelines for all dwellings and buildings be kept in place, now and to the future;⁵⁴
 - d. A need to address long term noxious weed and pest control;⁵⁵
 - e. Removal of macrocarpa from mitigation planting;⁵⁶
 - f. Add an additional matter of control to Rule 12.22.2.2(v) Earthworks regarding the use of locally grown species.⁵⁷
152. The Requestor has responded to most of these matters by making amendments to the Design Guidelines and to Rule 12.22.2.2(v). Plant species that are native to the site or do not have high water and maintenance requirements were included within the Request as notified and remain within Section 2.6 Landscaping. Macrocarpa has been replaced with mountain beech or similar. Otherwise, we have addressed the points raised under this topic in our discussion of Landscape and Amenity Effects.

Natural hazards

153. This issue was not raised specifically in submissions. Given this topic arises under section 6(h) of the Act, we have given due attention to the degree of risks from natural hazards. We note that the definition of “natural hazard” in section 2 of the Act

⁵¹ Submission 52/06/05

⁵² Submission 52/02/07

⁵³ Submission 52/02/09

⁵⁴ Submission 52/02/10

⁵⁵ Submission 52/03/07

⁵⁶ Submissions 52/03/08 and 52/08/04

⁵⁷ Submission 52/08/03

includes any earth occurrence such as erosion, landslips or subsidence. Geotechnical hazards fall under this definition.

154. As we noted earlier in our discussion of Mr Halliday's evidence, Geosolve's geotechnical assessment included site mapping and observations. Mr Halliday's evidence was that the risk of strong ground shaking or surface rupture was considered to be very low. The main seismic risk is from an earthquake on the Alpine Fault, which has a 30% probability in the next 50 years. This would subject this site, and the whole Wanaka region, to strong ground shaking.
155. Mr Halliday's assessment was that there was a negligible risk to the site from flooding and debris flow due to the deeply incised creeks and the lack of recent alluvial fan deposits.
156. Overall, it was Mr Halliday's opinion that further residential development on the site would not be impeded by any geotechnical issues apart from some areas north and south of Homestead Creek and to the west of the proposed development due to land sliding. Further, the area in the immediate vicinity of the Cardrona Fault Scarp was affected. It is proposed that future construction in these areas will be assessed on a case-by-case basis. Specific assessment will be required and localised mitigation measures may prove to be necessary.
157. We note the Council's engineering staff have raised no concerns about natural hazards.
158. In its Reply, the Requestor proposed further amendments to the plan provisions, noting that a geotechnical hazard assessment would be required at design review stage⁵⁸ and that compliance with the Design Guidelines was also a matter for consideration.⁵⁹ The subdivision provisions also now include geotechnical hazards as a matter over control is reserved.⁶⁰ We have made minor consequential amendments which instead refer to natural hazards (including geotechnical hazards).
159. We are satisfied that natural hazards have been properly assessed and that the PC52 provisions take account of these risks.

Water supply

160. A number of submissions raised issues related to infrastructure and servicing of PC52.
161. In summary, the issues were:
- a. Reliance of the Pringles Creek/ Gin and Raspberry Lane subdivisions on the water supply from Pringles Creek and the existing water rights enjoyed by Mount Cardrona Station, which concerned a minimum flow regime.⁶¹ Submitters sought that the water rights to the Pringles Creek and Gin and Raspberry Lane subdivisions be guaranteed and sought an option to join the Mount Cardrona Station water scheme at some future stage.

⁵⁸ Assessment Matter 12.22.5(xxv)(b) page 12-139gg

⁵⁹ Assessment Matter 12.22.5(xxv)(c) page 12-139gg

⁶⁰ 15.2.7.1

⁶¹ Submission 52/09/05

- b. Confirmation was sought that the water consents for the zone are realistic and sustainable for the future;⁶²
- c. Protection of water courses outside of the MCSSZ was sought where these activities will be affected by activities within the zone. Water efficiencies across the zone were also sought to be targeted to reduce water demand. The PC52 water requirements were requested to be clarified;⁶³
- d. More detailed analysis, implementation of effective safeguards and robust water management measures were sought to ensure volumes of storage and maximum water efficiencies within the MCSSZ. This submitter sought the capture all stormwater and greywater from buildings within the zone and use for irrigation of golf course and public areas.⁶⁴

162. Mr Heller noted in his evidence that ORC Permit 2009.191 authorises water to be taken by MCS at two points, Pringles Creek and the Cardrona River main stem. These takes are concurrent. The residual flow condition in this permit pertains only to the take from Pringles Creek, meaning that any drop in flow in Pringles Creek below the residual flow requirement enables MCS to reduce that abstraction and / or to take the water from the Cardrona River main stem. The water supply is therefore reliable. The permit provides for up to 382,920 cubic metres per annum of primary allocation to be taken for irrigation, commercial and communal domestic supply. This figure was confirmed in a variation to the 2009 Permit, granted by Otago Regional Council in May 2017.

163. Mr Heller was satisfied that the rate and volume of water authorised by the Permit was sufficient for both community development and golf course irrigation. We accept that evidence.

164. Through its Reply, the Requestor offered additional mitigation of water use through Section 3.8 of the Design Guidelines. This section, titled Water Efficiency, is proposed to be amended to include the objective of ensuring buildings through the MCSZ adopt design techniques to achieve water efficiency, therefore reducing long-term water use in an area where there are water constraints. We note that the reference to Section 3.8 of the Design Guidelines should in fact be a reference to Section 3.7A on page 3-7 of the Design Guidelines. We accept this additional mitigation as appropriate.

Wastewater and greywater

165. In opening legal submissions,⁶⁵ the Requestor noted that MCS holds Consent 061036.02 authorising the construction of buildings for effluent treatment and Consent 2009.348 authorising the discharge of up to 2164m³ per day wastewater to land. The proposed treatment and disposal area is on a terrace located between the Cardrona Valley Road and the Cardrona River, opposite and slightly north of the MCSSZ.

166. Consent 061036.02 expires in January 2019. We were told there is no reason to anticipate any problem gaining an extension, subject to the details of a new wastewater system for Cardrona being developed.

⁶² Submission 52/02/01

⁶³ Submission 52/02/02

⁶⁴ Submission 52/05/06

⁶⁵ Requestor opening legal submissions paragraph 46

167. Consent 2009.348 expires in July 2045. We were advised by the Requestor that this consent authorises a discharge amount sufficient to cater for the MCSSZ, the Cardrona Skifield and the Cardrona Village. The requirement for the MCSSZ is about one third of the consented volume.
168. The Request included a letter from Mr Brown to the Council dated 18 January 2016 confirming that the Requestor had been in discussions with the Council's engineering team regarding the provision of a wastewater system. PC18 had included a wastewater scheme that had far greater capacity than the needs of the MCSSZ and was a viable option for an integrated Cardrona Valley infrastructure scheme which would include the Cardrona Village and the Cardrona Ski Area, should the Council's planned pipeline proposal not proceed.
169. Mr Brown also noted in the Request that the Council could refer to and rely on where necessary the infrastructure reports for the 2008 plan change (PC18). However, he noted the Council should be mindful that the water and wastewater management schemes for the MCSSZ approved through PC18 was "now "locked in" by way of the district and regional resource consents for these schemes."⁶⁶
170. Mr Adams, appearing for Cardrona Residents and Ratepayers Society Inc, confirmed the Cardrona's community's support for proposed PC52 as it would provide more employment and the wastewater treatment plan proposed to service the development would also be able to be used by Cardrona Village residents. That was a positive benefit.
171. Mr Bryce confirmed the Council's engineering staff had no comments to make on the infrastructure proposed.
172. In our request for further information, we asked the Requestor a number of questions about the possible use of greywater, as this was raised by submitters (see above discussion on water supply).
173. By way of memorandum dated 28 July 2017, the Requestor advised that:
- a. Mr Heller had confirmed there was sufficient abstraction quantities provided for in the MCS Water Permit 2009.191 for irrigation of the proposed golf course. It was therefore not necessary to capture and use stormwater or greywater for golf course irrigation;
 - b. Capturing stormwater and greywater from all buildings was not otherwise necessary and was not volunteered by the Requestor;
 - c. The irrigation storage requirement for the golf course was a daily operational buffer of 350 cubic metres, which would allow irrigation water to be applied efficiently and to maintain compliance with Water Permit 2009.191 conditions. This storage pond could be located within a small amenity pond established adjacent to the golf course during construction;
 - d. The storage pond would not fall within the definition of a building in the District Plan. Controlled Activity 12.22.2.2(iii) earthworks proposed to be amended through PC52 provides for "construction and maintenance of the golf course and related ground works including access and irrigation storage and reticulation."

⁶⁶ Document 16 of the Request

174. In his final section 42A report, Mr Bryce recommended that no additional plan provisions were required to address stormwater and greywater as the existing subdivision rules already cater for capturing and using both through Rule 15.2.11.3(iii)(a)(iv). We agree.
175. We are satisfied that wastewater has been adequately addressed. There is no requirement for stormwater and greywater to be captured and used in the development. The irrigation storage requirement has been provided for in the PC52 provisions.

Paper road/ pedestrian and cycling linkages

176. The purpose of the paper road to the south of the MCSZ was challenged by some submitters. In summary, the issues of concern on this topic were:
- a. The need to cancel or move the paper road still existing on the Pringles Creek property as it sits on a ridge and could be viewed by submitters. If used as a walkway, it should include mitigation planting to limit the visibility of the walkway and should exclude motor vehicle access and parking;⁶⁷
 - b. Limiting the paper road to strictly walking and cycling uses, with some possible future infrastructure connection to Pringles Creek/ Village;⁶⁸
 - c. Preventing vehicle access to MCS from Pringles Creek Road/ Gin and Raspberry Lane and use paper road for walking only; secure access to walkways through MCS heritage area.⁶⁹
177. The Requestor responded to these matters by proposing amendments to Structure Plan C. The arrow notation of the pedestrian and cycle linkages has been changed to travel in an east-west direction and the legend has been amended to state "KEY PEDESTRIAN AND CYCLE LINKAGES". The Requestor also proposed changes to Rules 12.22.2.4(vii) and (viii) on page 12-139r. We addressed this above in our discussion of AA6c and outlined there the further amendments we have made to relevant objectives and policies to add weight to the rules.
178. We find that it is not within the scope of PC52 to stop the paper road.

Overlap between subdivision and design review

179. Structure Plan A rationalises the number of indicative roads shown when compared to the operative MCSSZ. This is due to the introduction of the golf course in Activity Area 9 and reduction in the size of the activity areas identified for living/visitor accommodation purposes.
180. In our Sixth Minute we sought written comment from Council's Engineer on road design. Council's Engineer reviewed the Mount Cardrona Station Design Guidelines 2017 and road layouts shown on Structure Plan A. Council's Engineer identified a concern that some of the road dimensions in the design guidelines do not meet the applicable design standards specified in NS4404:2010. The planning experts for Council and the Requestor agreed that the plan provisions and design guidelines should make it clear that the specified road widths are indicative only and will be subject to engineering approval at the time of subdivision.

⁶⁷ Submission 52/02/05

⁶⁸ Submission 52/03/06

⁶⁹ Submission 52/09/04

181. We prefer the wording of Rule 15.2.7.3(ix)(e) proposed by the Requestor, subject to some minor amendments for greater clarity. The provisions are efficient and effective, avoiding the need to rewrite the design guide, while enabling the appropriateness of road widths and design to be assessed through the engineering approval process at the time of subdivision. We are satisfied that this is appropriate.
182. We are also satisfied with the amendments proposed by the Requestor to the Mount Cardrona Station Design Guidelines 2017, which make it clear that the road widths will be subject to Council engineering approval at the time of subdivision.

Reinstatement of public easement in gross on Structure Plan C

183. We note that Structure Plan C proposed by the Requestor did not include an area of public easement in gross for Activity Area 6c on Structure Plan C. We have not found any explanation for this in the Request or the evidence, nor have we seen any section 32 assessment on this point.
184. We note that Structure Plan C contained within the ODP includes this area of public easement in gross, as does the version of Structure Plan C contained within the Design Guidelines at Section 2.5 Open Space Network. We have amended Rule 15.2.7.1 to include reference to the provision of easements in gross to secure public access over all relevant areas.

Amendments to specific rules

185. Some submissions sought modifications to the rules to address particular matters of concern, as follows:
- a. CARL sought amendments to Site Standard 12.22.4.1xi-Earthworks to align with the provisions adopted by Plan Change 49. This plan change is now operative and did not previously apply to the MCSSZ or any other special zone. Plan Change 49 removed the square limit of earthworks on the basis that the area of earthworks is now linked to the volume. The area limit was relevant to controlling dust, and dust is controlled under the Environmental Protection Measures. The submitter sought that Site Standard 12.22.4.1xi(b) be deleted.⁷⁰
 - b. MCSL sought amendments to Rule 12.22.4.2(i) – Buildings in Activity Areas 6, 7, 8 and 9 (Non-complying activities) so as to exempt tennis court fencing over 2m in height.⁷¹ MCSL noted that tennis courts are usually located within or adjacent to sports fields and wished to avoid any difficulty establishing tennis court fencing in Activity Area 6.
186. Mr Bryce did not agree with either submission. On earthworks, he was of the opinion that the Operative District Plan controls all earthworks apart from earthworks in special zones. Special zones include their own earthworks rules. To remove the provision as requested would mean there were no earthworks rules of this nature applying to the MCSSZ. We agree with Mr Bryce.
187. On the tennis court fencing issue, our discussion of AA6c above covers the location of tennis courts and the activity status that would apply in AA6c. We have also made some consequential amendments to related objectives and policies to strengthen the

⁷⁰ Submission 52/06/04

⁷¹ Submission 52/08/01

statutory assessment of tennis courts in AA6c as a non-complying activity. We do however accept in part the submission by MCSL, and have recommended amendments to 12.22.2.4(i) to exempt tennis court fences in AA6a and 6b.

188. Further submissions made by MCSL⁷² has resulted in some amendments to Rule 12.22.2.3(vii)(c) such that tennis courts are now a discretionary activity in AA6a only. We have added AA6b also. The Assessment Matters for tennis courts in AA6a and 6b now also include specific consideration of the proximity of such courts to neighbouring properties and adverse effects of noise and lighting on residential amenity, along with any effect of the location of the tennis courts on stormwater flow paths and stormwater management.⁷³

STATUTORY ASSESSMENT

189. Our statutory assessment covers three tests:

- a. Does PC52 accord with the Council's functions under section 31?
- b. Does PC52 give proper consideration to Part 2 of the RMA and the list of statutory documents in section 74 and 75?
- c. Evaluation under Section 32

Section 31

190. Section 31 of the Act requires the Council to manage the effects of development, use and protection of natural and physical resources in an integrated way.

191. We note that the current version of section 31 includes subsection (1)(aa) as an additional function:

192. "the establishment, implementation, and review of objectives, policies, and methods to ensure there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district."

193. This provision was inserted into the Act from 19 April 2017.⁷⁴ As this provision came into force after PC52 was notified, we have taken no account of it.

194. We are satisfied that PC52 accords with the Council's functions under section 31. It provides improved tourism and related residential and business development and maintains and enhances amenity values and the quality of the environment. It also protects areas of open space and important historic features. Importantly, the characteristics of the Outstanding Natural Landscape – District Wide will not be any more affected than they would be through PC18.

Part 2

195. We noted earlier in our decision the Part 2 matters to be considered.

Section 5

196. PC52 seeks to deliver a more attractive and viable development for the MCSSZ, that operates all year round and increases the range of businesses and accommodation options, along with facilities and services, for the development. It will enable a mix of accommodation types and have some ability to accommodate any population growth at Cardrona.

⁷² Further submissions FS-52/12/16, FS-52/12/26 and FS-52/12/42

⁷³ 12.22.5(xi) page 12-139dd

⁷⁴ Section 13(1) Resource Legislation Amendment Act 2017

197. It will better enable the MCSSZ to meet the reasonably foreseeable needs of future generations, not only through the nature of the development proposed but through the delivery of wastewater infrastructure to the Cardrona Valley. Air, water, soil and ecosystems will continue to be safeguarded through the protection of the ecological values of Homestead Creek, the protection of open space and the reticulation and disposal of wastewater. The MCSSZ will continue to avoid, remedy or mitigate potential adverse effects on the environment.

Section 6

198. With reference to section 6(b) of the Act, PC52 will be consistent with the landscape objectives for the Outstanding Natural Landscapes – District Wide classification that applies to the Cardrona Valley. The landscape evidence is that the development will not adversely affect landscape values and the development proposed is appropriate.

199. Under section 6(h), historic heritage will be protected. The PC52 provisions include the protection of the historic water race and the chaff storage platform.

200. Section 6(h) requires the management of significant risks from natural hazards. The evidence confirms there are no significant risks and that any risks from natural hazards can be managed.

Section 7

201. Section 7(b) requires us to have particular regard to the efficient use and development of physical and natural resources. As noted by Mr Brown in his evidence,⁷⁵ it is efficient to locate new development with a more year-round focus on recreational pursuits and to complement the existing winter sports activities and non-winter outdoor recreation offerings in this area. PC52 should also deliver improved employment opportunities for Cardona and Wanaka residents. The reticulated wastewater service will better support potential growth in the Cardrona Valley.

202. Sections 7(c) and (f) require that particular regard is had to the maintenance and enhancement of amenity values and the quality of the environment. We are satisfied that PC52 achieves a satisfactory level of amenity value and maintains and enhances the quality of the environment, particularly in light of the modifications that have been made to Activity Area 6c so as to better protect the amenity of the residents living to the south of the MCSSZ.

203. Section 7(g) raises finite characteristics of natural and physical resources. The nature of this mixed development and its intended support for existing and future recreational opportunities is, in our view, a finite resource, and should be recognised in the Operative District Plan.

Section 8

204. The Request included a cultural impact assessment. No submissions were made on this aspect of the proposal. We are satisfied that there are no section 8 matters requiring further consideration.

⁷⁵ Evidence J Brown paragraph 6.6

205. Otherwise, PC52 must give effect to any higher document. The only relevant document in this case is the Otago Regional Policy Statement. The relevant provisions were reviewed in the Request and the section 42A report. There was no disagreement on the provisions or their application to PC52. We consider the Operative Otago Regional Policy Statement has been given effect to as required by section 75 of the Act. As noted earlier in this decision, the Proposed Regional Policy Statement is still the subject of appeals and we have given it less weight for that reason. The Request and section 42A report noted that PC52 would give effect to the proposed Regional Policy Statement.
206. For reasons stated earlier in our decision, we do not consider the National Policy Statement on Urban Development 2016 to be relevant.

Section 32

207. We are required under Section 32AA of the RMA to undertake a further evaluation only for any changes that have been made, or are recommended to be made, since the evaluation report was completed. We have accepted many of the changes proposed by Mr Bryce and Mr Brown. These changes were addressed in the further evaluation set out at section 6.0 of Mr Bryce's s42A Written Right of Reply and Mr Brown's assessment (Appendix 4 to the Requestor's right of reply).
208. Changes and consequential changes have been recommended by the Commission in response to issues raised during the hearing. These changes are indicated by turquoise highlighted text in the sections below. Other text shown in underline or strikethrough has been evaluated previously in the evaluations undertaken by Messrs Bryce and Brown.
209. We have set out our re-evaluation below. In arriving at our conclusions, the scale and significance of the amendments and consequent effects have been considered.

Policy 4.14

Within Activity Area 6:

- *To provide for formal and informal public recreation activities and pedestrian trails;*
- *To provide for communal open space areas through the Zone;*
- *To restrict buildings in ~~the~~ Activity Area 6a, other than those buildings associated with the functioning of the Village, the provision of access to the surrounding recreational activities, the provision of gas storage facilities, and a recycling station, and the provision of small scale buildings associated with potential sports fields located within the education precinct.*
- *To restrict buildings in Activity Area 6b, other than those buildings associated with the functioning of the Village and the provision of access to the surrounding recreational activities;*
- *To avoid buildings and motorised vehicle activity in Activity Area 6c;*
- *To ensure that activities do not create nuisance effects such as noise, odour or obtrusive lighting.*

210. The amendments to the third bullet point are as a result of the deletion of the indicative sports field and education precinct from Structure Plan A. We made further amendments to provide greater policy direction for activities in each of the sub-areas, particularly those activities that could be detrimental to the amenity of the

neighbouring properties at Pringles Creek, such as parking and buildings. These changes also provide clear guidance that activities should not create nuisance effects.

211. The amended policy is efficient and effective in terms of administration of the District Plan, as the policy provide clear guidance of the expected level of amenity and types of activities that are appropriate. There are no costs associated with this amendment, as the policy gives effect to the amended rules. The policy is the most appropriate way to achieve Objectives 4 and 8.

Rule 12.22.2.2(i)

Educational facilities and community activities, including health and day care facilities, in Activity Areas 1, 2 and 3b and commercial recreation activities in Activity Area 5

Matters over which control is reserved:

- Site layout
- External appearance of buildings
- Parking, loading and access
- Location of outdoor activities
- Access to open space areas for educational facilities
- Noise

212. The Commission adopts the section 32 evaluation of Mr Brown. We have determined that it is appropriate to also include an additional matter of control in relation to noise. This is necessary to give effect to the existing assessment matters, which include compatibility with amenity values and the potential for noise effects. The change is efficient as it will assist plan users and decision makers. The change is effective, as it will ensure that amenity values are considered when assessing resource consent applications. The rule will not result in any additional costs, as the existing plan provisions apply noise limits in the zone standards. It is the most appropriate way to achieve the objectives, particularly Objectives 1 and 4.

Rule 12.22.2.2(vii)

Premises Licensed for the Sale of Liquor within Activity Area 1

Premises licensed for the sale of liquor under the Sale of Liquor Act 1989, for the consumption of liquor on the premises between the hours of 11pm and 7am. Matters of control are reserved with respect to the scale of the activity, car parking, retention of amenity, noise and hours of operation. This rule shall not apply to the sale of liquor:

- To any person who is residing on the premises (temporarily or permanently)
- To any person who is present on the premises for the purpose of dining.

213. The amendments to the rule insert missing wording to clarify that the matters listed are the matters over which control is reserved. These changes are efficient and effective as they will assist plan users and will enable improved plan administration.

Rule 12.22.2.3(iv)

Access Roads in Activity Areas 6 and 7 and Carparking in Activity Areas 6a and 7, except:

- Roads identified within ~~the~~ Structure Plan A.
- Underground car parks

~~Road access and parking associated with a gondola.~~

214. The amendments to the rule clarify that carparking is a discretionary activity in Activity Area 6a. We have also made a consequential amendment as a result of the withdrawal of the provisions relating to the gondola. As a result, the activity status of carparking for a gondola is discretionary, which is consistent with the activity status of gondolas (Rule 12.22.2.3(v)). The rule is efficient and effective in the administration of the District Plan and provides a clear hierarchy of rules for plan users, particularly given the prohibited activity rule in the ODP for parking in Activity Areas 6 and 7. It will also be effective, as it will enable carparking to occur alongside the existing ski field access road, adjacent to Activity Area 6a. This rule more appropriately achieves Objectives 4 and 6 for Activity Area 7 and will ensure the protection of the identified heritage values in Activity 7.

Rule 12.22.2.3(v)

Buildings and Structures associated with the erection and maintenance of a gondola within Activity Areas 6a, 6b and 7 that provides access from the Village Precinct Centre to the surrounding recreational activities.

215. The Commission has added a new rule in response to submissions that classifies gondolas in Activity Area 6c as a non-complying activity. This amendment clarifies that the discretionary activity status for buildings and structures associated with a gondola only applies in Activity Areas 6a, 6b and 7. This change will assist with interpretation of the plan provisions and will be effective in enabling improved administration of the plan.

Rule 12.22.2.3(vii)

Buildings and structures within Activity Area 6a that are for the following purposes:

- (a) ~~One~~ recycling Station (Activity Area 6a only)
- (b) ~~One~~ gas storage facilities (Activity Area 6a only)

~~Buildings located within 25 metres of the southern boundary of Activity Area 3, and that are less than 50m² in size. Tennis courts (Activity Areas 6a and 6b only)~~

216. The amendments to the rule clarify that the discretionary activity status for tennis courts applies only to Activity Areas 6a and 6b. One recycling and gas storage facility continues to be enabled as a discretionary activity in Activity Area 6a. These amendments have been made in response to submissions as set out earlier in our decision. This rule more appropriately achieves Objective 4.

Rule 12.22.2.3(viii)

Within Activity Area 8c: carparking; earthworks for carparking formation and avoidance or mitigation of visual effects; and buildings that are for shuttle / ski area ticketing, bus shelters, ablation facilities and complementary ancillary commercial uses (limited to such as chain fitting services and coffee carts) and associated buildings.

The Council's discretion is restricted to the following matters:

- (a) Effects of carparking, associated buildings and mitigation earthworks and landscaping on landscape and visual amenity values when viewed from Activity Areas 1, 2, 3, 4, 5 and 6 within the Zone, or from the existing dwelling on Lot 6 LT 344432, or from the Cardrona Valley Road;
- (b) In relation to earthworks: sediment control, dust control, site rehabilitation, the sealing of the carpark, and landscaping.
- (c) Nature and scale of the complementary ancillary commercial uses and associated buildings

Note: “ancillary commercial uses” includes activities such as chain fitting, coffee carts and other small scale activities that provide services to people utilising the transport-related purpose of the Activity Area.

217. The Commission has amended clause (c) of the matters of discretion to refer to “ancillary commercial uses”. The change is efficient and effective as it achieves internal consistency of terms used within the rule and will enable improved administration of the plan.

Rule 12.22.2.4(i)

Buildings in Activity Areas 6a, 6b, 7, and 8 and 9

Except:

- Buildings in Activity Area 6a approved pursuant to Rule 12.22.2.3(vi)(vii)
- Historic equipment
- Bus shelters within Activity Area 6a (~~permitted pursuant to Site Standard 12.22.5.1(viii)~~)
- Buildings within Activity Areas 8a and 9 approved pursuant to ~~Controlled Activity Rule 12.22.32.2(vi)~~.
- ~~One recycling station within Activity Area 6 approved pursuant to Rule 12.22.32.3(vi)(a)~~
- ~~One gas storage facility within Activity Area 6 approved pursuant to Rule 12.22.32.3(vii)(b)~~
- ~~Two buildings within the Indicative Education Precinct within Activity Area 6, approved pursuant to Rule 12.22.3.3(vii)(c).~~
- Buildings and structures associated with the erection and maintenance of a gondola approved pursuant to Rule 12.22.32.2(viii)2.3(v).
- Buildings within Activity Area 8c approved pursuant to Rule 12.22.2.23(viii).
- **Fencing for tennis courts which is over 2m in height in Activity Areas 6a and 6b**

218. The Commission has amended the last bullet point to provide an exemption for fencing for tennis courts. This is efficient and effective as tennis courts within Activity Areas 6a and b are provided for as a discretionary activity. Fencing would necessarily be greater than 2m in height to contain tennis balls. It is neither efficient nor effective for the activity of establishing a tennis court to be a discretionary activity and the fencing for a tennis court is a non-complying activity.

219. The Commission has also amended the rule to apply to all of Activity Area 6, rather than just sub-areas a and b, as set out in the provisions attached to the Requestor’s reply. This amendment is more effective in managing the potential adverse effects of buildings that have not otherwise been provided for. It is the most appropriate way to achieve Objective 4.

Rule 12.22.2.4(viii)**Tennis courts, parking, or buildings and structures for recycling station or gas storage facilities in Activity Area 6c**

220. The Requestor's reply did not include an evaluation of this new rule. We have amended the rule so that it only applies to tennis courts in Activity Area 6c. This amendment has been made in response to submissions, as set out earlier in our decision. Parking is already addressed by the existing prohibited activity rule 12.22.2.5(x) and buildings are already addressed under Rule 12.22.2.4(i). This change is efficient and effective as it manages potential amenity effects on the properties in the Pringles Creek subdivision.

Rule 12.22.2.5(x)**Parking of vehicles and machinery in Activity Areas 6b, 6c and 7 ~~during and/or~~ after construction in these areas. except parking associated with a gondola.**

221. The Commission has made an amendment to limit the application of this rule to sub-areas b and c of Activity Area 6. This is to provide consistency with Rule 12.22.2.3(iv) which enables resource consent as a discretionary activity for carparking in Activity Area 6a. The rule is efficient and effective in the administration of the District Plan and provides a clear hierarchy of rules for plan users. It avoids interpretation issues that may arise as a result of discretionary activity rule 12.22.2.3(iv) which provides for car parking in Activity Area 6a.

12.22.4.2 Zone Standards (iii) Building Height (c)**The maximum height for Activity Area 6 does not apply to pylons and other structures associated with a gondola in activity areas 6a and 6b.**

222. The Commission has added a new rule in response to submissions that classifies gondolas in Activity Area 6c as a non-complying activity. This amendment clarifies that the exemption for gondola structures only applies to Activity Areas 6a and 6b. This change will assist with interpretation of the plan provisions and will be effective in enabling improved administration of the plan.

Assessment matter 12.22.5(xi)**Discretionary activity- buildings and structures within Activity Areas 6a and 6b****With respect to tennis courts, the extent to which:**

- (a) The activity is compatible with the amenity values of the surrounding environment, particularly in relation to any noise and lighting;**
- (b) The building and structures have been located where they can be absorbed into the landscape;**
- (c) The location of the tennis courts adversely affects stormwater flow paths and stormwater management.**

223. We have amended the heading of the Assessment Matter to match the wording of Rule 12.22.2.3(vii) and have relocated the assessment matter for tennis courts to sit with the other assessment matters for this rule. Amendments have also been made

to the wording proposed in the Requestor's reply in order require consideration of the landscape effects. These amendments will assist with the effective implementation of the associated discretionary activity rule. The provisions are also the most appropriate way to achieve Objectives 2 and 4.

Assessment matter 12.22.5(xxiii)

Restricted Discretionary Activity – in Activity Area 8c: carparking; earthworks for carparking formation and visual avoidance or mitigation; and buildings that are for shuttle / ski area ticketing, bus shelters, ablution facilities and complementary ancillary commercial uses (limited to such as chain fitting services and coffee carts) and associated buildings.:

- (a) Whether the carparking, associated buildings and activities are screened from view by mitigation earthworks and planting when viewed from:
 - Activity Areas 1, 2, 3, 4, 5 and 6 of the Zone;
 - the dwelling on Lot 6 DP 344432;
 - the Cardrona Valley Road;
- (b) In relation to the earthworks required, the extent to which the matters in 12.22.5(xxii) above are satisfied.
- (c) Sealing of the carpark to an acceptable standard;
- ~~(d) The nature and scale of the complementary commercial uses and associated buildings.~~
- ~~(d) The extent to which the proposed uses and buildings are ancillary to and complementary with the primary car parking activity.~~

224. The Commission has amended this Assessment Matter to refer to “ancillary commercial uses” to match the wording of the corresponding rule. The change is efficient and effective as it achieves internal consistency of terms used within the plan provisions and will enable improved administration of the plan.

Assessment matter 12.22.5(xxiv)

Discretionary activity – Rule 12.22.2.3.2(viii)(ix) – activities prior to subdivision of the site to accommodate that activity:

- (a) Future efficient subdivision and development is not compromised by inappropriately located development.
- (b) The proposal is supported by a geotechnical natural hazards assessment prepared by a suitably qualified professional engineer
- (c) Compliance with the Mount Cardrona Station Design Guidelines (2017)

Rule 15.2.7.1

...

- Geotechnical Natural hazards

225. The Commission has amended all references to geotechnical hazards, to instead refer to natural hazards in Assessment matter 12.22.5(xxiv) and Rule 15.2.7.1. This captures the full ambit of hazards that are required to be considered under s6(h) and

s106 when considering a subdivision. This change is efficient and effective as it better gives effect to the requirements of the Act.

Rule 15.2.7.1 (bullet point three)

- ...
- Location and form of pedestrian access including the provision of easements in gross to secure public access over all areas identified as 'Key Pedestrian Linkages' and 'Public Easement in Gross' on Structure Plan C-Public Access Easements and Walkways.
- ...

226. We have added a reference to Structure Plan C to ensure that the public access easements and walkways/cycleways are provided for at the time of subdivision. This will ensure that appropriate linkages are provided with recreational activities throughout the Cardrona Valley. This is the most appropriate way to provide for Objectives 4 and 8.

Assessment matters 15.2.7.3

227. We have added references to cycling to better reflect Structure Plan C. It is efficient and effective, as it ensures that provision for recreational opportunities are considered at the time of subdivision. This is the most appropriate way to provide for Objectives 4 and 8.

Consequential amendments

228. The Commission has made a number of consequential amendments to correct cross-referencing and to reflect the splitting of Activity Area 6 into three sub-areas. These changes are efficient and effective as they will assist plan users and will enable improved plan administration.

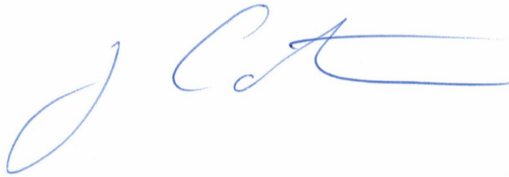
RECOMMENDATION

229. Pursuant to our delegation under section 34A of the Resource Management Act 1991, we recommend that Private Plan Change 52 to the Queenstown Lakes Operative District Plan is approved with modifications. In summary, the reasons for our recommendation are:

- a. We consider PC52 delivers a better outcome for the MCSSZ than its predecessor, Plan Change 18.
- b. PC52 seeks to enhance market viability for residential and visitor accommodation and commercial uses. If it succeeds, it should assist in growing the township of Cardrona and improve the opportunities for residents and workers there. It will also deliver important wastewater infrastructure for the Cardrona Valley.
- c. PC52 is an efficient use of the natural and physical resources of the Cardrona Valley as it seeks to provide a range of accommodation and businesses that better link in with recreational opportunities in the Valley. There is potential for PC52 to better serve the market and attract developmental growth to Cardrona through the introduction of a golf course and associated hotel development.

APPENDICES

- Appendix 1 Minutes dated 13 July and 10 August 2017
- Appendix 2 Amended version of the PC52 provisions, showing tracked changes.
- Appendix 3 Clean version of the PC52 provisions, following amendment.



Jan Caunter (Chair)
For the Hearings Commission

Date: 21 December 2017

MOUNT CARDRONA STATION SPECIAL ZONE

12

Note: **Red** text (in **addition** and **deletion**) denotes changes suggested by the QLDC in 2012 as part of preparation for the District Plan review, and agreed to by Mount Cardrona Station Limited

Blue text (in **addition** and **deletion**) denotes new changes proposed by Mount Cardrona Station Limited.

Purple text (in **addition**) denotes new changes proposed as part of the section 42A report

Yellow Highlighted text (in **addition** and **deletion**) denotes new changes proposed following receipt and review of the s.42A Report.

Brown text (in **addition** and **deletion**) denotes new changes proposed following the hearing.

Turquoise highlighted text (in **addition** and **deletion**) denotes new changes proposed in the recommendations made by the Commission

12.21 Mount Cardrona Station Special Zone

12.21.1 Zone Purpose

The purpose of the Zone is to provide for an integrated community within a Village environment that provides a range of activities including residential, visitor accommodation, recreational, commercial, residential, educational and community activities. The Zone is located within the Cardrona Valley, 2km north of the existing Cardrona Village, and approximately 20km to the south of the Wanaka township.

The Zone is configured in a manner that creates a high quality sustainable environment. It provides significant benefits to the wider community through the provision of a range of housing options, recreational activities, protection of open space, commercial activities, visitor accommodation, educational and community facilities, a range of housing options, sustainable infrastructure design, and the creation of a distinctive destination.

12.21.2 Issues

Issue 1:

i Sustainability

In order to achieve the objective of sustainable management, there is a need to understand what the term means for the Zone.

ii Landscape

The Zone is located within an Outstanding Natural Landscape, and the visual amenity values of this and the surrounding landscape need to be recognised and provided for.

iii Integrated community

The potential for coordinated development to occur in a manner that provides for a sustainable and integrated community.

iv Spatial planning and design

Site planning and design controls are important in establishing coordinated development.

v Ecological values

Farming and gold mining activities have resulted in a reduction of the natural ecosystem values and endemic species within the environment of the Zone, and there is potential to improve this.

vi — Heritage values

~~A rich cultural heritage exists within the Cardrona Valley associated with gold mining and pastoral farming. This needs to be recognised and provided for.~~

vii — Infrastructure

~~Development of the Zone will require the provision of services including roading access, water supply, sewage disposal, stormwater, telecommunications and electricity supply. There is an opportunity to provide these services in a sustainable manner.~~

viii — Recreation

~~There are significant recreational activities already being undertaken within the Cardrona Valley. It is anticipated that these activities will grow in diversity as a result of an increase in the local population. Such growth could be complemented by the Zone.~~

12.21.32 Objectives and Policies**Objective 1 – Sustainable Management**

*The Zone provides **for** a community that minimises its effects on the environment and provides for the social and economic wellbeing of the people living within.*

Policies:

Sustainable management in the context of the Zone is made up of the following components:

1.1 *Ecological sustainability*
To encourage the planting of species that are suited to the climate and landscape, needing little maintenance. Where possible, encourage the planting of species that are indigenous to the area so that they attract indigenous flora and reflect the past ecological structure of the Valley.

1.2 *Social and economic sustainability*

*To establish a Village that provides for the health and wellbeing of residents and visitors, with design that is conducive to social interaction and the establishment of a sense of place. Through providing a mix of uses, recreational **and tourism** opportunities and housing opportunities, to provide an environment that appeals to a range of people.*

1.3 *Heritage (historic value) sustainability*

To build on the heritage values that exist in the Cardrona Valley, and use the heritage values to assist in providing an identity for the Zone.

1.4 *Energy sustainability*

To ensure that the Zone is energy efficient; and the following is achieved:

- *buildings are aligned to achieve maximum solar gain;*
- *where possible renewable energy sources are used, particularly solar heating.*

1.5 *Sustainable infrastructure provision*

To ensure that infrastructure supporting the Village has minimal impacts on the natural functioning of the environment through:

- *Minimising water takes and disposal of waste;*
- *Designing infrastructure systems to have the capacity to meet changes in demand.*

1.6 *Sustainable management of landscape values*

To achieve a built environment that has a limited footprint when viewed within the wider landscape context, and to encourage built form that harmonises with the landscape rather than competing with it.

1.7 *Sustainable growth management*

To create a Zone that provides for future growth of the Queenstown Lakes District in a contained location, avoiding inappropriate urban sprawl and providing a critical mass that enables effective infrastructure provision.

Implementation Methods

~~Objective 1 and associated policies will be implemented through a number of methods including:~~

~~i. District Plan~~~~(a) Inclusion of a Structure Plan incorporating Activity Areas~~~~(b) Rules and Assessment Matters, including rules controlling subdivision design~~~~ii. Other~~~~(c) Design Guidelines that incorporate sustainable design~~~~(d) Covenants on title~~**Objective 2 - Landscape**

1. **Development recognises and responds to the values and character of the landscape.**
2. **Development areas within the Zone are contained and a defined urban edge is established in order to prevent 'urban sprawl'.**
3. **Landscaping within the Zone responds to the opportunities and constraints of the site and its surrounds and reinforces cultural landscape patterns in the wider Cardrona Valley.**

Policies:

- 2.1 Through the provision of a Structure Plan, to achieve:
 - an overarching design framework, facilitating the establishment of a coherent built environment that responds to the natural environment and existing landscape values of the site and its surrounds;
 - clear boundaries to the Zone that relate to topography and landscape features;
 - ~~areas of open space throughout the Zone that provide a relationship between built form and the surrounding open landscape, reinforce natural patterns in the landscape and~~

~~protect the areas of visual prominence such as the escarpment face.~~

- areas of open space throughout the Zone that:
 - provide a relationship between built form and the surrounding open landscape,
 - protect the areas of visual prominence such as the escarpment face **within Activity Area 7a.**
 - provide for golf course open space treatment on the lower part of the terrace landform.

2.2 To create a strong sense of place and a character that reflects the cultural and heritage values of Cardrona Valley.

2.3 ~~To maintain views of the night sky through ensuring that street lighting is low level and is directed away from Cardrona Valley Road. Avoid upward light spill on into the night sky through appropriate control of the design and type of street lighting and other lighting external to buildings.~~

2.4 To ensure that the colours and materials of buildings and structures complements the dominant colours in the landscape.

2.5 To provide landscaping within the Zone that complements the surrounding natural and cultural landscape values, and, where necessary, mitigates the effects of development.

2.6 To avoid buildings that break the skyline when viewed from the Cardrona Valley Road, and where possible to mitigate the effects of buildings when viewed from surrounding public places.

2.7 To ensure that the golf course follows where practical the natural contours of the land, and that associated planting and water features reflect the naturally occurring vegetation and ecological values of the wider Cardrona Valley.

Implementation Methods

~~Objective 2 and associated policies will be implemented through a number of methods including:~~

~~i. District Plan~~~~(a) Inclusion of a Structure Plan incorporating Activity Areas~~~~(b) Rules and Assessment Matters, including rules controlling bulk, location and density of buildings~~~~ii. Other~~~~(c) Design Guidelines~~**Explanation and Principal Reasons for Adoption**

~~The special amenities and the quality of the landscape are associated with the tawny gold characteristics of the tussock and grassland that cover much of the Cardrona Valley. It is important that development within the Zone recognises and complements the landscape characteristics of the Cardrona Valley through the adoption of clear boundaries to the development areas, building design controls, and appropriate landscaping.~~

Objective 3 - Integrated Community

To enable a complementary mix of uses within the Zone in order to create an integrated and sustainable community.

Policies:

- 3.1 *To establish a mix of residential, visitor accommodation, educational, and commercial activities, and recreational and community activities including [golf](#), open space and walkway linkages, throughout the Zone.*
- 3.2 *To establish a range of accommodation options and densities for residents, workers (including seasonal workers) and visitors that is integrated throughout the Zone.*
- 3.3 *To encourage the construction of secondary units within the Zone for the purpose of providing accommodation for permanent residents and/or long term rental accommodation for workers.*

3.4 *To encourage permanent residents through the provision of a range of densities and housing options, and where practical, through the provision of community, recreational and educational facilities.*

3.5 *To recognise the limitations for development of the site (defined by natural topographical boundaries, development form and style, and servicing constraints), while ensuring that the development yield provided is adequate to establish a sustainable and vibrant community.*

Implementation Methods

~~Objective 3 and associated policies will be implemented through a number of methods including:~~

~~i. District Plan~~~~(a) Inclusion of a Structure Plan incorporating Activity Areas~~~~(b) Rules and assessment matters, including controls on location of activities and density provisions~~~~ii. Other~~~~(c) Stakeholders deed~~~~(d) Design Guidelines~~**Explanation and Principal Reasons for Adoption**

~~A significant factor in ensuring the vibrancy of the Village and long term success stems from its ability to provide for a range of uses and accommodation opportunities. Providing for permanent residents is important because it creates a sense of community. The ability to provide for a range of commercial and recreational facilities that are is important in creating a diverse village also relies on a critical mass of residents and visitors. The Zone provisions therefore encourage a range of uses, densities and housing types. Educational and community facilities are also encouraged. Secondary units are encouraged where they are for the purposes of providing long term~~

~~accommodation options either for the first home buyer as a stepping stone before building a larger house, or for workers. Given the purpose of secondary units, visitor accommodation within any secondary unit is a non-complying activity.~~

Objective 4 - Spatial Planning and Design

A coherent site layout that provides a heart to the Village, and creates a legible, safe, attractive and efficient environment with a strong character and identity that reflects its unique location.

Policies:

- 4.1 To provide a clear framework for locating activities, building volumes and densities that are appropriate to their location within the Village, and their function and form.
- 4.2 To ensure building and subdivision design occurs that:
- Contributes positively to the overall Village structure;
 - Creates an integrated network of safe and pleasant streets and walkways;
 - Is in harmony with the natural environment;
 - Recognises the character of the Cardrona Valley and the vision for the Zone;
 - Creates a vibrant and integrated community;
 - Enables the creation of a high quality living environment.
- 4.3 To design the bulk, form and mass of individual buildings to blend with the natural form and character of the landscape and to reflect the cultural and historical associations of the Cardrona Valley.
- 4.4 To achieve a public realm and built environment that contributes to the creation of a strong sense of place/identity.
- 4.5 To ensure that development occurs in accordance with the Structure Plan.
- 4.6 To ensure the location of open spaces and alignment of streets reinforces key views and vistas.
- 4.7 To design and locate buildings and structures in such a manner that they:
- Positively address the street and public places in order to contribute to neighbourhood amenity values including pedestrian accessibility and safety, and streetscape values such as diversity and attractiveness;
 - Optimise solar access;
 - Promote social interaction through placing buildings on site so that they front public open space [and the golf course](#);
 - Retain human scale;
 - Provide for efficient and comprehensive infrastructural servicing.
- 4.8 To promote higher density development and commercial activities within Activity Areas 1 and 2, and reduce density towards the perimeter of the Zone.
- 4.9 Within Activity Area 1:
- To encourage building design that can adapt to a range of activity mixes, and provide effectively for the provision of commercial activities at ground level;
 - To encourage ~~the area~~ [Activity Area 1a](#) to become the Village ~~focal point~~ [Centre](#), providing commercial [and visitor accommodation](#) activities that support the residential, visitor accommodation, worker accommodation, recreational and community activities within the Village;
 - To encourage buildings and activities to front onto ~~the a~~ [Village Green square or public open space](#);
 - To ensure that parking areas and garaging do not dominate the street, and, within the Village Centre, to encourage the provision of underground car parking where feasible;
 - To provide ~~larger scale for visitor accommodation activities and higher density residential activities~~ in Activity Area 1b.
 - To provide for a single landmark building abutting ~~the a~~ [Village Green square or public open space](#) in Activity Area 1a.
 - [To integrate the golf course into the Zone by co-locating access, parking and commercial activities \(such as the pro-](#)

[shop\) with the visitor accommodation and commercial activities within Activity Area 1a.](#)

4.10 Within Activity Area 2:

- To provide for visitor accommodation and higher density residential development to reflect the proximity of the Activity Areas to the Village Centre;
- To ensure that development has strong links with the open space areas [and golf course](#), and provides for clear viewshafts from individual allotments;
- To ensure that the densities are higher in closer proximity to the Village [Precinct Centre](#).

4.11 Within Activity Area 3:

- To provide for medium density residential development and encourage permanent residents into the zone;
- To ensure that visibility from surrounding areas is properly avoided [and or](#) mitigated by restricting the height of buildings and ensuring adequate building separation from the eastern escarpment;
- ~~To provide an educational and community precinct which can cater for potential demand for educational or community facilities;~~
- To ensure that activities are in keeping with residential intensity and character, and do not create nuisance effects such as noise, odour or obtrusive lighting.

4.12 Within Activity Area 4:

- To provide a buffer between the higher density areas of the Village and the surrounding open space areas;
- To provide for lower density residential development with low building coverage and restricted height limits to reflect the location of the [Activity Area](#) and its relationship to the surrounding open space;

- To ensure that activities are in keeping with residential intensity and character, and do not create nuisance effects such as noise, odour or obtrusive lighting.

4.13 Within Activity Area 5:

- To provide for limited commercial and recreational development at specific sites within the Zone;
- To ensure that any future buildings within the woolshed site are at a similar scale and character to the existing woolshed (Activity Area 5a);
- To provide for commercial recreation activities and farming activities within the homestead site (Activity Area 5b).

4.14 Within Activity Area 6:

- To provide for formal and informal public recreation activities and pedestrian trails;
- To provide for communal open space areas through the Zone;
- To restrict buildings in ~~the~~ Activity Area [6a](#), other than those buildings associated with the functioning of the Village, the provision of access to the surrounding recreational activities, the provision of gas storage facilities, [and a recycling station,](#) and the provision of small scale buildings associated with potential sports fields ~~located within the education precinct.~~
- [To restrict buildings in Activity Area 6b, other than those buildings associated with the functioning of the Village and the provision of access to the surrounding recreational activities;](#)
- [To avoid buildings and motorised vehicle activity in Activity Area 6c;](#)
- [To ensure that activities do not create nuisance effects such as noise, odour or obtrusive lighting.](#)

4.15 Within Activity Area 7:

- To provide for the protection of heritage features within the Zone, and the [future](#) protection of the open space surrounding the Village.

MOUNT CARDRONA STATION SPECIAL ZONE

12

- To enable public pedestrian access through the area while ensuring the safe operation of farming and other rural activities, ~~provisiending~~ providing for ecological enhancement, and ~~protectiending of~~ protecting the water races.
- To restrict buildings other than those associated with the provision of access to the surrounding recreational activities.
- To ensure that the natural values of the escarpment west of Cardrona Road are maintained and enhanced by suitable revegetation and by avoiding buildings in Activity Area 7a(a).

4.16 Within Activity Area 8:

- To maintain the existing activities and provide for future ~~uses~~ activities expected within the ski area access road including access, parking, road maintenance equipment storage, chain hire and ticketing.
- To provide for parking to co-ordinate with shuttle access to the Cardrona Ski Area, and to ensure that the visibility of parking when viewed from the Zone and the wider environs is avoided or adequately mitigated.
- To ensure that buildings, where necessary, are of a small scale.

4.17 Within Activity Area 9:

- To provide for a golf course and related activities and buildings including construction, operations and maintenance.

Implementation Method

~~Objective 4 and associated policies will be implemented through a number of methods including:~~

~~i. District Plan~~

~~(a) Inclusion of a Structure Plan incorporating Activity Areas~~

~~(b) Rules and assessment matters~~

~~ii. Other~~

~~(e) Design Guidelines~~

~~(d) Design Review Board~~

~~(e) Covenants on title.~~

Explanation and Principal Reasons for Adoption

~~Creation of a clear and co-ordinated structure and built environment with a cohesive character that creates a clear sense of place are important factors in establishing a sustainable, vibrant Village. The overall design of the Zone at the broad scale, through to the location and design of each individual building impacts on the overall legibility and quality of the Zone. These objectives can be achieved through the adoption of a Structure Plan, the use of Plan rules, development standards and assessment matters, as well as Design Guidelines.~~

~~The Design Review Board and Mount Cardrona Station Design Guidelines are methods that sit outside the District Plan and assist in achieving the objectives for the Zone through ensuring consistent design at the subdivision and building design stages.~~

~~When considering any subdivision consent or resource consent for any building the Council must take into account the Mount Cardrona Station Design Guidelines (2008) and the advice of the Design Review Board.~~

~~In order to ensure that all buildings are appropriately assessed there is a requirement that covenants are placed on every certificate of title requiring that all buildings are assessed by the Design Review Board. The Design Review Board is a design review panel agreed to by the Council and comprising a number of professionals including landscape architects, planners, urban designers and architects. When assessing any building or subdivision the Design Review Board will have regard to the Mount Cardrona Station Design Guidelines (2008).~~

~~The Mount Cardrona Station Special Zone provides the opportunity to create an integrated Village at the base of the Cardrona ski fields that is~~

complementary to the surrounding activities within the Valley, and integrated into the landscape, without imposing adverse effects on the qualities of that landscape.

Future development of the Zone will be managed in accordance with a Structure Plan, which forms part of the District Plan. This identifies 8 Activity Areas within the site which have been established as a result of comprehensive landscape and urban design analyses. Through the adoption of rules in the District Plan each Activity Area provides for a range of uses and densities, with lower and higher density enabled where this can be absorbed, and where it assists in creating a logical development including a golf course and related open spaces and amenities. The Structure Plan also provides for a greater diversity of activities within the Village Precinct, contributing to its vibrancy and role as a focal point.

The Activity Areas identified within the Structure Plan are described as follows:

Activity Area 1 – Village Centre

Activity Area 1 is located at the entrance to the Village, and is where the greatest scale and intensity of development is provided. Activity Area 1a will become the Village focal point, providing commercial activities that support the residential, visitor accommodation, worker accommodation, recreational and community activities within the Village. Buildings and activities are encouraged to front the Village Green, and are provided with views of Mount Cardrona to the northwest. Specifically, building within Activity Area 1a will facilitate a single landmark building abutting the village green, intended as a focal point within the village. Such building may be free-standing or form part of another building. The landmark building element is intended to define the Village Precinct and contribute to the identity of the village. Commercial activities are encouraged to locate in Activity Area 1a, which also provides for visitor and worker accommodation and residential activities. *The combined total gross floor area of specific activities in Activity Area 1a is restricted to ensure that the commercial function of the Village is appropriately proportional to the overall population capacity of the Zone, and to ensure that the Village complements the commercial potential of the Rural Visitor Zone at Cardrona Village.*

Activity Area 1b provides larger scale visitor accommodation activities and is located on the periphery of Activity Area 1a.

Activity Area 2 – Living Areas A and B

Activity Area 2 provides for visitor accommodation and residential development. The section sizes and density provisions reflects its proximity to the Village Centre, and its relationship to the open space areas, which provides for clear viewshafts from individual allotments and assists in retaining high amenity values.

Activity Area 2a (Living Area A) is largely located within the Village Precinct and provides compact living environment that fronts public open space. Activity Area 2b (Living Area B) is located further from the Village Centre, and has a slightly lower density than Area 2a.

Activity Area 3 – Living Areas B, C and D

Activity Area 3 (Living Area C) provides for residential development. It is located on the periphery of Area 2, and therefore is further from the Village Centre. Visitor accommodation is a discretionary activity within this area, reflecting the need to encourage permanent residents.

Activity Area 3a (Living Area D) is located on the eastern and southern boundaries of the Zone. In order to reduce visibility from surrounding areas the height of buildings within this Area is restricted, and buildings must be set back from the edge of the Zone.

Activity Area 3b is an educational and community precinct, providing for the potential demand for educational or community facilities. The associated rules ensure that this land is set aside for educational and/or community purposes indefinitely unless alternative land for these facilities is zoned or designated in the Cardrona Village or near the valley floor. If alternative land is provided elsewhere in Cardrona, Activity Area 3b is deemed to be zoned Activity Area 3a allowing for residential housing.

Activity Area 4 – Living Area E

Activity Area 4 (Living Area E) is located at the upper boundary of the Zone, and provides a buffer between the higher density areas of the Village and the surrounding open space areas. It requires larger sections, low building

coverage and limits buildings to 5.5m in height. These controls reflect the location of the Area and its relationship to the surrounding open space.

Activity Area 5 – Woolshed and Homestead Sites

Activity Area 5 provides for limited commercial and recreational development at the woolshed and homestead sites. The woolshed site (Area 5a) is visible from the Cardrona Valley Road, and is therefore considered the reference for the Village. Rules for this Area ensure that any future buildings are at a similar scale and character to the existing woolshed. Consequently, building heights are restricted to 6m.

The homestead site (Area 5b) is located within the Homestead Valley, and is located on the site that had previously contained the historic Cardrona Station homestead. Provisions for this area reflect its use for horse trekking and other commercial recreation operations or farming activities.

Activity Area 6 – Commonage

Activity Area 6 provides for both formal and informal recreation activities open to the public. This open space extends through the Village, providing an important recreational, visual and environmental resource for both residents within the Zone and the wider community. Buildings are strongly discouraged, other than those associated with the functioning of the Village. Buildings that may occur within this Activity Area are therefore restricted to those associated with the provision of access to the surrounding recreational activities, the provision of gas storage facilities, a recycling station, and the provision of small scale buildings associated with the golf course and potential sports fields located within the Indicative Education Precinct.

Activity Area 6a provides for some small scale buildings associated with commercial activities and community facilities. The Village Green is located within Activity Area 6a and provides an area of open space as a key focus and activity area for the Village Centre. Some built form is expected within the Village Green providing for activities such as farmers markets. However, its principle purpose is to provide communal open space.

Activity Area 7 – Heritage Area

Activity Area 7 provides for the protection of heritage features within the site, and the future protection of the open space surrounding the Village. Access easements ensure the public can walk throughout this area, however, unlike

the commonage; in some areas access is restricted to specific easements. This ensures the safe operation of farming activities, the horse trekking business, provision for ecological enhancement, and protection of the water races. This area is more natural in character than the commonage, reflecting the surrounding rural landscape. Similar to the Commonage, buildings are restricted, other than those associated with the provision of access to the surrounding recreational activities.

Activity Area 7a contains the steep escarpment immediately west of the Cardrona Road and east of the terrace. The escarpment is highly visible when viewed from the Cardrona Road and parts of the Cardrona Village, and is unsuitable for development. The policies seek to ensure that the natural values of the escarpment are maintained and enhanced through indigenous revegetation, and avoiding all buildings.

Activity Area 8a:

Activity Area 8a is located at the base of the Cardrona Ski Field Access Road. The provisions for Activity Area 8a acknowledge that the existing and future uses anticipated within the road primarily relate to provision of access, parking, road maintenance equipment storage, chain hire and ticketing. Given the functional use of the road and its prominent location adjacent to the Cardrona Valley Road, activities and buildings will be of a small scale, and control over external appearance and potential screening will be necessary.

Activity Area 8b

Activity Area 8b consists of the Cardrona Ski Field Access Road where it runs through the Zone. Previously zoned Rural General, this section of road provides access to the Cardrona Ski Field, and therefore no buildings or structures are anticipated.

Objective 5 – Ecological Values

To improve ecological values where possible within the Zone.

Policies:

- 5.1 To identify suitable areas for the protection and improvement of ecosystems, with a focus on the natural character and ecological values of the natural water courses within the Zone.
- 5.2 To encourage the integration of public and private open space areas with nature conservation values within the Zone.
- 5.3 To encourage riparian planting within the Homestead Gully and planting across the eastern escarpment face that enhances ecological and amenity values.
- 5.4 To encourage the use of endemic species in any landscaping plans, [including golf course areas](#), where their use is practical and complementary to the enhancement of the ecological values of the [site Zone](#) and its surrounds.

Implementation Methods

~~Objective 5 and associated policies will be implemented through a number of methods including:~~

- ~~i. District Plan

 - ~~(a) Inclusion of a Structure Plan incorporating Activity Areas~~~~
- ~~ii. Other

 - ~~(b) Design Guidelines~~~~

Explanation and Principal Reasons for Adoption

~~There are opportunities to improve the ecological values of the Zone and its surrounds through planting endemic species, particularly in the Homestead Gully. Additionally, the use of appropriate landscaping within both private and public land can improve ecological values as well as providing amenity value. Care must be taken to ensure that enhancement programmes can be successful in the Cardrona Valley climate and do not require significant irrigation and maintenance.~~

Objective 6 – Heritage Values

To recognise the rich cultural history of the Cardrona Valley through promoting heritage awareness and protection of important heritage features within the Zone.

Policies:

- 6.1 To reflect the farming, mining and recreational heritage values of the Cardrona Valley in the Structure Plan, urban design, landscaping, trails network and building design of the Zone.
- 6.2 To establish a Heritage Activity Area, in order to protect the Walter Littles and Cardrona Water races, and draw attention to the important heritage features and values in the Zone.

Implementation Methods

~~Objective 6 and associated policies will be implemented through a number of methods including:~~

- ~~i. District Plan

 - ~~(a) Inclusion of a Structure Plan incorporating specific Activity Areas, particularly Areas 6 and 7~~
 - ~~(b) Rules and Assessment Matters controlling activities within Activity Areas 6 and 7~~~~
- ~~ii. Other

 - ~~(c) Design Guidelines~~~~

Explanation and Principal Reasons for Adoption

~~Remnants of the Cardrona Valley's goldmining and pastoral farming heritage are scattered throughout the Valley and are not well understood or protected.~~

~~Of significance, the Walter Littles and Cardrona Water Races run through the Zone. These were established in the 1860's, and have been used for goldmining and farming activities to the present day. Given their significance as a reminder of past activities, it is important that they are protected and made accessible to the local community and visitors. There are opportunities to provide linkages between the heritage values of the Zone and those found in the wider Cardrona Valley through provision of walkways and interpretive information.~~

Objective 7 - Infrastructure

Long term environmental sustainability of the Village and its surrounds.

Policies:

Roading

- 7.1 To provide safe and efficient road access to the Zone from the Cardrona Valley Road, and the Cardrona [Ski field Area](#) access road.
- 7.2 To establish a distinctly rural character for streets throughout the Zone that reflects the rural character of the surrounding environment. This includes the avoidance of kerb and channelling and obtrusive lighting.
- 7.3 To provide a high level of connectivity throughout the Zone by providing well connected vehicle, pedestrian, bridle and cycling networks.
- 7.4 To design local streets to ensure safe, low speed traffic environments.
- 7.5 To encourage the use of rear lane access to residential allotments and the provision of 'farm yard car parks' that provide access and car parking to a number of residential units.
- 7.6 [For carparking:](#)
- (a) To encourage the provision of a comprehensive underground car parking facility within the Village [Precinct Centre](#).
- (b) [To provide for an area for car parking adjacent to the Cardrona Ski Area Road access road where it can co-ordinate with shuttle](#)

[bus access to the Ski Area and where potential adverse effects on landscape values can be avoided or adequately mitigated.](#)

Water management

- 7.7 To encourage sustainable water use practices, including:
- the collection and use of roof water;
 - the recycling and use of grey water; and
 - the avoidance of using potable water for irrigation purposes.
- 7.8 As far as practicable, to retain and where possible enhance the natural water courses and wetlands within the Zone.
- 7.9 To incorporate stormwater and sediment management options that ensure that:
- (i) The rate of discharge remains equal to or less than that of pre-development
- (ii) The quality of the water in that discharge remains equal to or better than that of pre-development.
- 7.10 To ensure that people living within the [MGS Village](#) are aware of the water supply system; its constraints and capacity so that they can manage their use of water more efficiently.

Energy

- 7.11 To encourage the use of energy efficient techniques in design and construction, and incorporate new renewable energy sources as they develop;
- 7.12 To encourage the use of solar energy.
- 7.13 To encourage the use of energy efficient solid fuel burners with low emissions in order to maintain the visual amenity values of the Cardrona Valley.

Implementation Methods

~~Objective 7 and associated policies will be implemented through a number of methods including:~~

~~i. District Plan~~~~(a) Subdivision rules and assessment matters~~~~ii. Other~~~~(b) Design Guidelines~~**Explanation and Principal Reasons for Adoption**

~~Sustainability needs to be addressed comprehensively, from the broad scale subdivision design through to the individual dwelling. Part 15 of the District Plan contains objectives and policies, rules and assessment matters that address the subdivision process. The objectives and policies for the Zone build on the general subdivision provisions in the District Plan, reflecting the importance of sustainability objectives for the Zone.~~

Objective 8 - Recreation

To provide for and encourage recreational opportunities and activities within the Zone and their linkage with recreational activities throughout the Cardrona Valley and the surrounding area.

Policies:

- 8.1 *To provide a trail network throughout the Zone that has the ability to connect to existing and future trails within the Cardrona Valley and the surrounding area.*
- 8.2 *To provide open space for active and passive recreational activities throughout the Zone.*
- 8.3 *To integrate well managed open space areas with valuable amenity into the Zone and to maximise their use.*

8.4 *To ensure that activities, buildings and structures enhance passive and active recreation activities, and integrate with the surrounding public access linkages.*

8.5 *To restrict residential and commercial activities within the Heritage and Commonage Areas to ensure that they are available for passive and active recreation.*

8.6 *To provide for potential connections between the Village and the Cardrona Ski Area.*

8.7 *To provide a golf course for local and public use and to provide a high standard of recreational and visual amenity for residents and visitors to the Zone*

Implementation Methods

~~Objective 8 and associated policies will be implemented through a number of methods including:~~

~~i. District Plan~~

~~(a) Subdivision rules and assessment matters, which specifically require public access easements and the establishment of walkways.~~

~~ii. Other~~

~~(b) Design Guidelines~~

12.21.4 Environmental Results Anticipated

~~Implementation of the objectives, policies and methods for the Zone will result in:~~

~~Landscape Values~~

- ~~• A Village that complements the landscape of the Cardrona Valley through careful design and location of buildings.~~

Integrated Community

- ~~A year-round destination with recreational activities provided in both summer and winter.~~
- ~~A well-structured, vibrant, sustainable and integrated community that provides for permanent residents, visitors and seasonal workers.~~

Spatial Planning and Design

- ~~The creation of a Village with a unique character, and a strong sense of place.~~

Ecological Values

- ~~The improvement of ecological values within the site, particularly within water courses.~~

Heritage Values

- ~~The protection of significant heritage values, and an increased understanding of the heritage of the Zone and the wider Cardrona Valley.~~

Infrastructure

- ~~The Village incorporating sustainable design and management practices.~~

Recreation

- ~~A well-connected Village with walkways, cycle ways, bridle trails and roading connections throughout with linkage to the surrounding area.~~

MOUNT CARDRONA STATION SPECIAL ZONE

12

Note: **Red** text (in **addition** and **deletion**) denotes changes suggested by the QLDC in 2012 as part of preparation for the District Plan review, and agreed to by Mount Cardrona Station Limited

Blue text (in **addition** and **deletion**) denotes new changes proposed by Mount Cardrona Station Limited.

Green text (in **addition**) denotes new changes proposed in further submissions by Mount Cardrona Station Limited

Purple text (in **addition**) denotes new changes proposed as part of the section 42A report

Yellow Highlighted text (in **addition** and **deletion**) denotes new changes proposed following receipt and review of the s.42A Report.

Brown text (in **addition** and **deletion**) denotes new changes proposed following the hearing.

Turquoise highlighted text (in **addition** and **deletion**) denotes new changes proposed in the recommendations made by the Commission

~~Cardrona Village, and approximately 20km to the south of the Wanaka township.~~

~~The Zone is configured in a manner that creates a high quality sustainable environment. It provides significant benefits to the wider community through the provision of recreational activities protection of open space, educational and community facilities, a range of housing options, sustainable infrastructure design, and the creation of a distinctive destination.~~

~~The preparation of site and zone standards in the District Plan and Design Guidelines will ensure that the Village contributes to the social, economic and cultural wellbeing of the wider community, contributing to the integration of the built and natural environment.~~

Interpretation:

It is noted that Activity Areas 1, 2, ~~3~~, 5, **6**, 7 and ~~6~~ **8** all contain sub-areas. Except where 'a' or 'b' **or 'c'** is specifically listed, the rules of the Activity Area shall apply. For example, Activity Area **31** contains two sub-activity areas **31a** and **31b**. Where a rule refers to Activity Area **31**, it applies to both Activity Areas **31a** and **31b**.

12.22.21 District Rules

Attention is drawn to the following District Wide Rules which may apply in addition to any relevant Zone rules. The provisions of the Mount Cardrona Station Special Zone will take precedence over the District Wide Rules in any situation where the rules differ. Otherwise the provisions of the District Wide Rules shall continue to apply.

- (i) Heritage Protection - Refer Part 13
- (ii) Transport - Refer Part 14
- (iii) Subdivision - Refer Part 15
- (iv) Hazardous Substances - Refer Part 16
- (v) Utilities - Refer Part 17
- (vi) Signs - Refer Part 18
- (vii) Relocated Buildings and Temporary Activities - Refer Part 19

12.22.32 Activities

12.22 Mount Cardrona Station Special Zone Rules

12.22.1 Zone purpose

~~The purpose of the Zone is to provide for an integrated community within a Village environment that provides a range of activities including visitor accommodation commercial, residential, educational and community activities. The Zone is located within the Cardrona Valley, 2km north of the existing~~

MOUNT CARDRONA STATION SPECIAL ZONE

12

12.22.32.1 Permitted Activities

Any Activity which complies with all the relevant **Site** and **Zone** Standards and is not listed as a **Controlled, Discretionary, Non-Complying or Prohibited** Activity, shall be a **Permitted Activity**.

12.22.32.2 Controlled Activities

The following shall be **Controlled Activities** provided they are not listed as a **Prohibited, Non-Complying or Discretionary** Activity and they comply with all the relevant **Site** and **Zone** Standards.

The matters in respect of which the Council has reserved control are listed with each controlled activity.

i. Educational facilities and community activities, including health and day care facilities, in Activity Areas 1, 2 and 3b and commercial recreation activities in Activity Area 5

Matters over which control is reserved:

- Site layout
- External appearance of buildings
- Parking, loading and access
- Location of outdoor activities
- **Access to open space areas for educational facilities**
- **Noise**

ii. Visitor Accommodation in Activity Areas 1b and 2

Matters over which control is reserved:

- Parking and access, including bus and pedestrian access
- Noise
- Hours of operation of premises licensed for the sale of liquor associated with visitor accommodation.

iii. Earthworks that are for the purposes of:

- Access roads

- Underground car parks
- Walkways
- [Construction and maintenance of the golf course and related ground works including access and irrigation storage and reticulation](#)
- Farm tracks and bridle paths
- Utilities
- Mitigatory earthworks as shown on Structure Plan D
- [Construction of buildings](#)

And that:

- exceed a volume of **200m³** per site (within a 12 month period); or
- expose an area of bare soil greater than **400m²** in area within that site (within a 12 month period) where the average depth is greater than 0.5m; or
- are undertaken within 7m of a water body.

~~Shall be a controlled activity.~~

Matters over which control is reserved:

- Sediment control
- Dust control
- Site rehabilitation and landscaping
- **Effects of golf course construction on natural landform**

iv. Buildings within Activity Areas 1 and 5a

Matters over which control is reserved:

- External appearance including colours and materials;
- Site configuration and building orientation;
- Signage;
- Lighting;
- Landscaping;
- Consistency with the Mount Cardrona Station Design Guidelines (~~2008~~ 2017);
- Advice of the Design Review Board;
- Design and height of a landmark building in Activity Area 1a in terms of the building's relationship to ~~the a~~ Village [Green square](#) [or public open space](#) and surrounding buildings.
- Provision for parking.

MOUNT CARDRONA STATION SPECIAL ZONE

12

v. Earthworks and planting required by Structure Plan D: Mitigation Earthworks and Planting Plan

Matters over which control is reserved:

- Proposed plant species and bunding
- Consistency with Structure Plan D: Mitigation Earthworks and Planting Plan
- The use of plant species that are proven to grow locally.

vi. Buildings within Activity Area 9 (for the purpose of golf course and driving range operations and maintenance) and Activity Area 8a

Matters over which control is reserved:

- External appearance
- Landscaping
- Access and parking

vii. Premises Licensed for the Sale of Liquor within Activity Area 1

Premises licensed for the sale of liquor under the Sale of Liquor Act 1989, for the consumption of liquor on the premises between the hours of 11pm and 7am. Matters of control are reserved with respect to the scale of the activity, car parking, retention of amenity, noise and hours of operation. This rule shall not apply to the sale of liquor:

- To any person who is residing on the premises (temporarily or permanently)
- To any person who is present on the premises for the purpose of dining.

~~viii. Buildings and Structures associated with the erection and maintenance of a gondola within Activity Areas 6 and 7b that provides access from the Zone to the Cardrona Ski Area.~~

~~Matters over which control is reserved:~~

- ~~— Location including the extent to which the passenger lift system breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.~~
- ~~— External appearance, including materials, colours and light reflectance, including consistency with existing landscape features of which the gondola will form a part.~~

- ~~— Access and parking~~
- ~~— Sediment and erosion control; and~~
- ~~— Protection of the historic water races~~

12.22.32.3 Discretionary Activities

The following shall be **Discretionary Activities** provided they are not listed as a **Prohibited or Non-Complying** Activity and they comply with all the relevant Zone Standards. Any activity that does not comply with ~~the any~~ site standards shall be a restricted discretionary activity with the Council's discretion limited to the activity subject to the site standard.

- i. **Commercial activities** (excluding service stations) in Activity Areas 1b, 2, 3, and 5 and **Commercial Recreational Activities** in Activity Areas 2 and 3
- ii. **Visitor Accommodation** in Activity Areas 3 and 4
- iii. **Educational facilities and community activities** in Activity Areas 3 (except 3b), 4 and 5.
- iv. **Access Roads in Activity Areas 6 and 7 and Carparking** in Activity Areas 6a and 7, except:
 - Roads identified within ~~the~~ Structure Plan A.
 - Underground car parks.
 - ~~— Road access and parking associated with a gondola.~~
- v. **Buildings and Structures associated with the erection and maintenance of a gondola within** Activity Areas 6a, 6b and 7 that provides access from the Village **Precinct** Centre to the surrounding recreational activities.
- vi. **Take off and landing of aircraft (except for emergencies)** within Activity Area 5a.
- vii. **Buildings and structures within Activity Area 6a** that are for the following purposes:

Comment [DCL1]: 13/12 "s" deleted from Areas and removed bold to follow format of other rules

Comment [DCL2]: 14/12 changed to reflect changes to policy 4.9 and 4.10

MOUNT CARDRONA STATION SPECIAL ZONE

12

- (a) ~~One~~ recycling Station (Activity Area 6a only)
- (b) ~~One~~ gas storage facilities (Activity Area 6a only)
- (c) Buildings located within 25 metres of the southern boundary of Activity Area 3, and that are less than 50m² in size. Tennis courts (Activity Areas 6a and 6b only).

viii. Within Activity Area 8c: carparking; earthworks for carparking formation and avoidance or mitigation of visual effects; and buildings that are for shuttle / ski area ticketing, bus shelters, ablution facilities and complementary ancillary commercial uses (limited to such as chain fitting services and coffee carts) and associated buildings.

The Council's discretion is restricted to the following matters:

- (a) Effects of carparking, associated buildings and mitigation earthworks and landscaping on landscape and visual amenity values when viewed from Activity Areas 1, 2, 3, 4, 5 and 6 within the Zone, or from the existing dwelling on Lot 6 LT 344432, or from the Cardrona Valley Road;
- (b) In relation to earthworks: sediment control, dust control, site rehabilitation, the sealing of the carpark, and landscaping.
- (c) Nature and scale of the complementary ancillary commercial uses and associated buildings

Note: "ancillary commercial uses" includes activities such as chain fitting, coffee carts and other small scale activities that provide services to people utilising the transport-related purpose of the Activity Area.

viii ix. Any:

- building (and associated roading, parking and other related and ancillary activities) for any purpose.
- permanent road.
- permanent infrastructure

proposed to be constructed prior to the subdivision to create the site(s) for that activity.

12.22.32.4 Non-complying Activities

The following shall be Non-Complying Activities provided that they are not listed as a Prohibited Activity. Any activity which is not listed as a Prohibited Activity and which does not comply with one or more of the relevant zone standards shall be a Non-Complying Activity.

i. Buildings in Activity Areas 6a, 6b, 7, and 8 and 9

Except:

- Buildings in Activity Area 6a approved pursuant to Rule 12.22.2.3(vii)
- Historic equipment
- Bus shelters within Activity Area 6a (permitted pursuant to Site Standard 12.22.5.1(viii))
- Buildings within Activity Areas 8a and 9 approved pursuant to Controlled Activity Rule 12.22.32.2(vi).
- ~~One recycling station within Activity Area 6 approved pursuant to Rule 12.22.32.3(vi)(a)~~
- ~~One gas storage facility within Activity Area 6 approved pursuant to Rule 12.22.32.3(vii)(b)~~
- ~~Two buildings within the Indicative Education Precinct within Activity Area 6, approved pursuant to Rule 12.22.3.3(vii)(c).~~
- Buildings and structures associated with the erection and maintenance of a gondola approved pursuant to Rule 12.22.32.2(vii) 12.3(v).
- Buildings within Activity Area 8c approved pursuant to Rule 12.22.2.3(vii).
- ~~Fencing for tennis courts which is over 2m in height in Activity Areas 6a and 6b~~

ii. Commercial activities, including commercial recreational activities, in Activity Area 4.

iii. Visitor Accommodation:

- Located within Activity Area 4
- Located within a secondary unit.

Comment [DCL3]: 13/12 strikethrough removed from "F"

Comment [DCL4]: 14/12 inserted "6" before "b" to refer to sub-areas in a consistent manner

MOUNT CARDRONA STATION SPECIAL ZONE

12

iv.ii. Service Stations

iv. The construction of any building within the Zone (except within Activity Area 8a or Activity Area 9 approved pursuant to Rule 12.22.2.2(vi)) prior to approval of subdivision consent that establishes public access easements throughout Activity Areas 6 and 7 that are in general accordance with the Mount Cardrona Station Walkways Plan (Structure Plan C).

vi. Take off and landing of aircraft; except for

- Emergencies
- Take off and landing within Activity Area 5a approved pursuant to Rule 12.22.32.3(vii)

vi.ii. Secondary Units in Activity Area 2(a) on sections lots less than 230m²

vii. Any motorised vehicle activity on, or use of, the legal road at the south-east corner of the Zone in Activity Area 6c, linking to Pringles Creek Road

viii. Tennis courts, parking, or buildings and structures for recycling station or gas storage facilities in Activity Area 6c

12.22.32.5 Prohibited Activities

The following shall be Prohibited Activities

i. Except for a recycling station approved pursuant to Rule 12.22.32.3(viii): Panelbeating, spray painting, motor vehicle repair or dismantling, fibreglassing, sheet metal work, bottle or scrap storage, motorbody building or fish or meat processing or any activity requiring an Offensive Trade Licence under the Health Act 1956.

ii. Planting of the following tree species:

- Pinus radiata

- Pinus muricata
- Pinus contorta
- Pinus ponderosa
- Pinus sylvestris
- Pinus nigra
- Douglas Fir
- All Eucalyptus varieties

- Pine (Pinus radiata)
- Bishops Pine (Pinus muricata)
- Contorta or lodgepole pine (Pinus contorta)
- Ponderosa Pine (Pinus ponderosa)
- Scots pine (Pinus sylvestris)
- Corsican Pine (Pinus nigra)
- Douglas Fir (Pseudotsuga menziesii)
- Mountain Pine / Dwarf Mountain Pine (Pinus mugo)
- Maritime Pine (Pinus pinaster)
- European larch (Larix decidua)
- Sycamore
- Hawthorn
- Boxthorn

iii. Factory farming, Forestry activities and Mining

iv. Industrial Activities

v. The installation of any domestic heating appliance that is designed to have the ability to burn coal

vi. Residential Flats

There shall be no residential flats constructed within the Mount Cardrona Station Special Zone. This rule does not apply to secondary units.

vii. Buildings in Activity Area 7a

viii. Residential Activities and Visitor Accommodation Activities in Activity Areas 5, 6, 7, and 8 and 9

Comment [DCL5]: 13/12 full stops added after roman numerals vi. vii. and viii and 12.22.2.5(vi), (vii) and (viii)

Comment [DCL6]: 14/12 fixed cross-reference

MOUNT CARDRONA STATION SPECIAL ZONE

12

ix. Activity Area 7

- (a) Buildings, except:
- Buildings and structures associated with the erection and maintenance of a gondola approved pursuant to ~~Rule 12.22.3.3(v)~~ ~~12.22.2.2(viii)~~ ~~12.22.2.3(v)~~;
 - Necessary farm buildings approved (location and materials) by the Design Review Board
- ~~(b) Motorised vehicles;~~
- (eb) Bikes, except on marked and surveyed tracks;
- (ec) **Public** access during periods that the area is closed for grazing.

- x. **Parking** of vehicles and machinery in Activity Areas ~~6b, 6c~~ and 7 ~~during and/or after construction in these areas, except parking associated with a gondola.~~

12.22.43 Non-notification of Applications

~~Any application for a resource consent for the following matters may be considered without the need to obtain a written approval of affected persons and need not be notified in accordance with Section 93 of the Act, unless the Council considers special circumstances exist in relation to any such application:~~

Any application for resource consent for the following matters shall not require the written consent of other persons and shall not be notified or limited notified:

- (i) All applications for **Controlled** Activities;
- (ii) Applications for the exercise of Council's discretion in respect of the following site standards:
 - Earthworks
 - Outdoor Living Space
 - Village Green square / public open space area in Activity Area 1a
 - Bus shelters
 - Minimum Gross Floor Area
 - Service Areas and Access

12.22.54 Standards

12.22.54.1 Site Standards

i. Village Green square / public open space area in Activity Area 1a

- (a) Within Activity Area 1(a), ~~every building with road frontage adjacent to the Village Green (Activity Area 6a) shall be built up to the street boundary along the full frontage of the site, except:~~
- ~~— where a pedestrian linkage is provided with a maximum width of 6.2m; and~~
 - ~~— the building may be set back up to 2m from the front boundary within 8m of any building corner.~~

~~This rule shall not preclude the provision of recessed entrances within any façade to a depth of 0.75m. a village square / public open space area shall be provided as a focal point to the Village. The village square / public open space area shall adjoin:~~

- Activity Area 6b to the north
- Commercial activities (including food and beverage) at ground floor level and/or road to the east, south and west.

The location, area, and design of the village square / public open space area shall be determined and assessed at the time the building(s) within Activity Area 1a are consented pursuant to Rule 12.22.2.2(iv).

ii. Setbacks from Roads and Secondary Rear Access Lanes

- (a) Within Activity Area 1a all buildings shall be set back a minimum of 1m from the main access ~~through route B (as road~~ depicted on ~~the Mount Cardrona Station Special Zone Structure Plan A).~~

Comment [DCL7]: 14/12 full stops added to clauses (ix) and (x)

MOUNT CARDRONA STATION SPECIAL ZONE

12

- (b) Within Activity Areas 1b and 2a all buildings shall be set back a minimum of 1m and a maximum of 3m from the road boundary.

Except:

~~The minimum setback from the main access/through route B (as depicted on the Mount Cardrona Station Special Zone Structure Plan A) for buildings within Activity Area 1b and 2a shall be 1 metre.~~

- (c) Within Activity Areas 2b and 3 all buildings shall be set back a minimum of 2m and a maximum of 4m from the road boundary.
- (d) Within Activity Area 4 the minimum setback from road boundaries of any building shall be 4.5m.
- (e) Within Activity Areas 2, 3 and 4 all garages and carports must be set back at least 1 metre from the front façade of the residential unit (i.e. the façade that faces the road).
- (f) Setbacks from secondary rear access lanes:
Where the site has access to a secondary rear access lane, all residential units and secondary units shall be set back at least 2 metres from the rear lane boundary. There shall be no setback requirements from this rear lane for garages and accessory buildings.
- (g) Setback from Cardrona Valley Road
Within Activity Area 8a all buildings shall be set back at least 10m from the boundary of the Cardrona Valley Road.

iii. Setbacks from Internal Boundaries- Activity Areas 1, 2, 3, 4

- (a) There shall be no internal setback requirements within Activity Areas 1 and 2a.
- (b) Within Activity Area 2b there shall be one internal setback of 1m.

- (c) Within Activity Area 3, all buildings shall be set back at least 3.5m from the rear boundary, and at least 2m from all other internal boundaries.
- (d) Within Activity Area 4 all buildings shall be set back at least 4m from all internal boundaries.
- (e) Accessory buildings for residential activities (other than those used for the housing of animals) may be located within the setback distances from internal boundaries, where the total length of the walls of accessory buildings within the setback does not exceed 7.5m in length and there are no windows or openings, other than for carports, along any walls within 2m of an internal boundary.
- (f) Within Activity Areas 1, 2 and 3 no setback is required from an internal boundary where buildings share a common wall on that internal boundary.
- (g) Setbacks from Farm Yard Car Parks:
Where the site has access to a farm yard car park, all residential units and secondary units shall be set back at least 2 metres from the boundary of the farm yard car park. There shall be no setback requirements from the farm yard car park for garages and accessory buildings.

iv.

Outdoor Living Space

The following provision shall be made for outdoor living space [\[note: the requirements below do not apply to hotel guest units\]](#)

- (a) The minimum provision of outdoor living space for each residential unit and secondary unit contained within the net area of the site shall be:
- (i) Activity Area 1
5m² contained in one area with a minimum dimension of 2m.

MOUNT CARDRONA STATION SPECIAL ZONE

12

(ii) Activity Area 2a

- Residential unit: 20m² contained in one area with a minimum dimension of 3.5m.
- Secondary unit: 5m² contained in one area with a minimum dimension of 2m.
- Above ground residential unit: 8m² balcony with minimum dimension of 2m.

(iii) Activity Area 2b

- Residential unit: 36m² contained in one area with a minimum dimension of 3.5m.
- Secondary unit: 5m² contained in one area with a minimum dimension of 2m.

(iv) Activity Area 3

- Residential unit: 36m² contained in one area at the ground floor level, with a minimum dimension of 6m.
- Secondary unit: 5m² contained in one area with a minimum dimension of 3.5m.

(b) The outdoor living space shall be readily accessible from a living area.

(c) No outdoor living space shall be occupied by any building.

v. Building Height

The maximum building height within each Activity Area shall be:

Activity Area	Maximum Height
1	12m*
2	8m

* Except for the single landmark building in Activity Area 1a, provided for by [Rule 12.22.5.4.1 \(xiv xiii\)](#), which shall have a maximum height of 24m

vi. Stud Height

Within that area of Activity Area 1a that fronts the Village [Green square / public open space area](#), any building or part of a building within 6 metres of the front façade shall have a minimum ground floor stud height of 3.9 metres measured from floor to floor.

vii. Boundary Fencing

The maximum height of any [Boundary Fencing](#) shall be:

- (i) Road [Boundary](#): 1.2m in height;
- (ii) Side yard boundaries: Between the road boundary and a point 1 metre behind the front façade of the dwelling: 1.2m in height;
- (iii) All other boundaries: 1.8m in height.

Except:

Boundary fencing located between a private allotment and Activity Area 6 or 7 shall have a maximum height of 1.2m.

viii. Bus Shelters within Activity Area 6a

Bus [Shelters](#) shall have dimensions no greater than 7.2m x1.8m.

ix. Minimum Gross Floor Area – Residential Units (excluding secondary units) within Activity Areas 1, 2, 3 and 4 [\[note: the requirements below do not apply to hotel guest units\]](#)

Number of bedrooms	Minimum Gross Floor Area (square metres) (including above ground outdoor decking)
Studio units	40
1 (including studio units)	50
2	75 65
3+	90
4	115

x. Service Areas and Access – Activity Area 1

MOUNT CARDRONA STATION SPECIAL ZONE

12

- (a) Any storage or servicing areas shall be contained within the building or accessed from a service lane at the rear of the property.

xi. Earthworks

The following limitations apply to all earthworks (as defined in this Plan), except for:

- earthworks associated with a subdivision that has both resource consent and engineering approval, and
- earthworks for the purposes of activities listed in [Controlled Activity Rule 12.22.32.2\(iii\)](#)

1. Earthworks

- (a) The total volume of earthworks does not exceed **200m³** per site (within a 12 month period). For clarification of “volume”, see interpretative diagram 5.
- (b) The maximum area of bare soil exposed from any earthworks where the average depth is greater than 0.5m shall not exceed **400m²** in area within that site (within a 12 month period).
- (c) Where any earthworks are undertaken within 7m of a Water body the total volume shall not exceed **20m³** (notwithstanding provision 17.2.2).
- (d) No earthworks shall:
- (i) expose any groundwater aquifer;
 - (ii) cause artificial drainage of any groundwater aquifer;
 - (iii) cause temporary ponding of any surface water.
- ### 2. Height of cut and fill and slope
- (a) The vertical height of any cut or fill shall not be greater than the distance of the top of the cut or the toe of the fill from the site boundary (see interpretative diagram 6). Except where

the cut or fill is retained, in which case it may be located up to the boundary, if less or equal to 0.5m in height.

- (b) The maximum height of any cut shall not exceed 2.4 metres.
- (c) The maximum height of any fill shall not exceed 2 metres.
- ### 3. Environmental Protection Measures
- (a) Where vegetation clearance associated with earthworks results in areas of exposed soil, these areas shall be revegetated within 12 months of the completion of the operations.
- (b) Any person carrying out earthworks shall:
- (i) Implement erosion and sediment control measures to avoid soil erosion or any sediment entering any water body. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.
 - (ii) Ensure that any material associated with the earthworks activity is not positioned on a site within 7m of a water body or where it may dam or divert or contaminate water.
- (c) Any person carrying out earthworks shall implement appropriate dust control measures to avoid nuisance effects of dust beyond the boundary of the site. Refer to the Queenstown Lakes District earthworks guideline to assist in the achievement of this standard.

xii. Buildings within Activity Area 8a

No building within Activity Area 8a shall have a gross floor area of greater than 80m².

~~xiii. Commercial Activities in Activity Area 1b~~

MOUNT CARDRONA STATION SPECIAL ZONE

12

~~No commercial activities shall occur in Activity Area 1b until such time as at least 65% of the ground level of Activity Area 1a is built and occupied by commercial activities.~~

xivj. Landmark Building in Activity Area 1a

In Activity Area 1a, one building only may comprise, among one or more design components, a landmark design component. The landmark design component shall not exceed the following dimensions:

- Maximum dimension of width or length: 8 metres
- Maximum width x length: 50m²

The building containing the landmark design component shall abut or be adjacent to the Village ~~Green square / public open space area.~~

12.22.54.2 Zone Standards

- i. All subdivision, use and development shall be undertaken in general accordance with ~~the Mount Cardrona Station Special Zone Structure Plans A – D.~~ except that:

- a) The intersection of Cardrona Valley Road and the Access Road, and the intersection of the Cardrona Ski Field Access Road and the Ski Field Link Road, may be moved up to 25 metres in any direction in order to enable safe and efficient functioning of those intersections.
- b) The roading design shall show a minimum separation distance of 25m between the Access Road / Cardrona Valley Road intersection and the Tuohy's Gully Road / Cardrona Valley Road intersection.

ii. Building Restriction Line

- (a) ~~No building shall be located between the Building Restriction Line and the Zone boundary (as depicted on Structure Plan A).~~

~~(b)~~ **No building** shall be located between the Building Restriction Line- Maximum height 4.5m (as depicted on Structure Plan B) and the Zone boundary (as depicted on Structure Plan A).

~~(c)~~**(b)** **No building** shall be located within the Mitigation Bund- No Build as depicted on Structure Plans A and B.

iii. Building Height

Activity Area	Maximum Height
1a, 1b	15m
2a, 2b	10m
3	7m
3a and 3b	5.5m
4	5.5m
5a (woolshed)	6m
5b (homestead)	8m
6a	4m
8a, 9	7m
8c	4.5m

Except:

- (a) Within Activity Area 1a a maximum building height of 24m for the single landmark building element that abuts or is adjacent to the Village ~~Green square / public open space area.~~
- (b) Within Activity Area 1b **maximum** building heights shall be in accordance with the Mount Cardrona Station Structure Plan B "~~Village Height Building~~ Restriction Lines", such that:
- (i) Any building or parts of a building located between the 'Building Restriction Line- Maximum Height 4.5m' and the 'Building Restriction Line- Maximum Height ~~6.5m~~ (as depicted on Structure Plan B) shall have a maximum height of 4.5m.

MOUNT CARDRONA STATION SPECIAL ZONE

12

(ii) Any building or parts of a building located between the 'Building Restriction Line- Maximum Height 5m' and the 'Building Restriction Line- Maximum Height 6m' (as depicted on Structure Plan B) shall have a maximum height of 5m.

(ii) (iii) Any building or parts of a building located between the 'Building Restriction Line- Maximum Height 6m' and the 'Building Restriction Line- Maximum Height 8m' (as depicted on Structure Plan B) shall have a maximum height of 6m.

(iv) Any building or parts of a building located between the 'Building Restriction Line- Maximum Height 7m' and the 'Building Restriction Line- Maximum Height 8m' (as depicted on Structure Plan B) shall have a maximum height of 7m.

(iii) (v) Any building or parts of a building located between the 'Building Restriction Line- Maximum Height 8m' and the 'Building Restriction Line- Maximum Height 10m' (as depicted on Structure Plan B) shall have a maximum height of 8m.

(vi) Any building or parts of a building located between the 'Building Restriction Line- Maximum Height 9m' and the 'Building Restriction Line- Maximum Height 10m' (as depicted on Structure Plan B) shall have a maximum height of 9m.

(iv) (vii) Any building or parts of a building located between the 'Building Restriction Line- Maximum Height 10m' and the 'Building Restriction Line- Maximum Height 12m' (as depicted on Structure Plan B) shall have a maximum height of 10m.

(viii) Any building or parts of a building located between the 'Building Restriction Line- Maximum Height 11m' and the 'Building Restriction Line- Maximum Height 12m' (as

depicted on Structure Plan B) shall have a maximum height of 11m.

(c) Within Activity Area 3a

(i) Any building or part of a building located within a site adjacent to the 'Building Restriction Line- Maximum Height 4.5m' (as depicted on the Mount Cardrona Station Special Zone Structure Plan) shall have a maximum height of 4.5m.

(c) The maximum height for Activity Area 6 does not apply to pylons and other structures associated with a gondola in activity areas 6a and 6b.

iv. Building Coverage – all buildings

The maximum building coverage for all activities on any site shall be:

Activity Area	% site coverage	% site coverage - dwelling and secondary unit
1a	95%	N/A
1b	80% 95%	N/A
2a	65% 75%	75%
2b	80%	
3	45%	55%
4	35% 40% except that where the site is greater than 4000m ² 800m ² in size, the maximum site coverage shall be 35% 40% or 400m ² , whichever is the lesser.	N/A
5a (woolshed)	40%	N/A
5b (homestead)	30%	N/A

MOUNT CARDRONA STATION SPECIAL ZONE

12

v. Noise Limits

- (a) Activity Area 1
Activities **located within Activity Area 1** shall be so conducted that the following noise limits are not exceeded at any point within the boundary of any other site within Activity Area 1:
- daytime (0800 - 2200 hrs) 60dBA L10
 - night time (2200 - 0800 hrs) 50dBA L10 and 70dBA Lmax
- (b) Activity Areas 2, 3, **and 4 and 5**
Activities located within Activity Areas 2, 3, **and 4 and 5** shall be so conducted that the following noise limits are not exceeded at any point within the boundary of any other site within Activity Areas 2, 3, **and 4 and 5**
- Daytime 0800- 2000 hours 50dBA L₁₀
Night-time 2000- 0800 hours 40dBA L₁₀ and 70dBAL_{max}
- (c) Noise levels shall be measured and assessed in accordance with NZS 6801:1991 and NZS6082:1991.**
- (c) Activities conducted in adjoining Activity Areas shall not exceed Activity Areas 2, 3, and 4 and 5 noise limits at any point within the boundary of any site within Activity Areas 2, 3, and 4 and 5.**
- (d) Noise levels shall be measured and assessed in accordance with NZS 6801:1991 and NZS6082:1991.**

vi. Educational and Community Precinct

- ~~(i) Buildings constructed within Activity Area 3b shall be for the purpose of educational facilities or community activities only.~~

~~(ii) If alternative land for these facilities is zoned or designated in the existing Cardrona Village or on the valley floor, clause (i) shall expire, and Activity Area 3b shall be deemed to be zoned Activity Area 3a.~~

vii. Walkways

~~Until such time as the walkway along the eastern boundary of Activity Areas 1, 3a, 3b has been constructed, no buildings shall be erected within Activity Area 3a.~~

viii. Mitigation Earthworks and Planting

No building shall be erected within Activity Areas ~~1b, 3a and 3b~~ or in the Southern Neighbourhood (as shown on Structure Plan A) prior to the Mitigation Earthworks and Planting Plan (MEPP) (Structure Plan D) being approved ~~and implemented~~ pursuant to ~~Controlled Activity Rule 12.22.32.2(v) and implemented~~. Mitigation planting area M4 (as shown on Structure Plan D) shall be planted at commencement of development occurring on-site. For the areas of M4 at higher elevations (adjacent to Activity Area 4) the mitigation shall comprise earth mounding with native grasses, low tussocks and shrub species.

Prior to the commencement of development occurring on-site, the pines species in mitigation planting area M5 (as shown on Structure Plan D) shall be removed and the area replanted in accordance with the Mount Cardrona Station Design Guidelines 2017.

Upon approval of the MEPP under Rule 12.22. ~~32.2(v)~~ implementation shall commence within the first available planting season.

~~ix~~ viii. Commercial Activities in Activity Area 1a

Within Activity Area 1a the maximum combined total gross floor area of the following activities is restricted to 3000m²:

Comment [DCL8]: 13/12 comma deleted

Comment [DCL9]: 13/12 full stops added clauses vii. viii. ix. x. and xi.

MOUNT CARDRONA STATION SPECIAL ZONE

12

- Bars
- Licensed Premises
- Restaurants
- Retail sales / Retail / Retailing
- Taverns

Provided that:

- this rule does not apply to any of the activities listed above if those activities are ancillary to and located in the same premises as any visitor accommodation operation;
- this rule does not apply to any temporary activity as defined in this District Plan;
- this rule shall cease to have effect on the date 15 years following the date that the Mount Cardrona Station Special Zone becomes operative 8 December 2026.
- For the purpose of this rule gross floor area excludes any areas for access, car parking and loading.

xviii. Maximum number of units within the MCSSZ Zone

The number of residential units (excluding secondary units) and visitor accommodation units within the MCSSZ Zone shall not exceed 1000.

For the purposes of this rule a residential or visitor accommodation unit shall have a GFA greater than 50m². In respect of buildings with multiple units of less than 50m², the number of units will be calculated as the sum total GFA of all units with an individual GFA of less than 50m², divided by 50.

ix. Protection of stream bed and riparian margins in Homestead Gully – Activity Area 7**b**

No development shall occur in the zone until the a Homestead Gully Management Plan for the M6 Homestead Gully (as shown on Structure Plan D) Management Plan has been adopted prepared by

the landowner and approved by the Council and complied with. The purpose, features and implementation of the Homestead Gully Management Plan are set out in **Appendix A** to this Zone.

x.iii Protection of water races in Activity 7**b** and Chaff Storage Platform in Activity Area 9

Prior to the commencement of development occurring on-site, the landowner shall be responsible for preparing and submitting to the Council for its approval a Management Plan for the water races and their margins and the chaff storage platform. The Management Plan will set out the on-going care and protection of the water races and their margins, including fencing and the planting of the downhill side of the water races in Chionochloa ecosystem species, and having regard to the management recommendations set out in the report Mount Cardrona Station Addendum November 2016 (Arch Hill Heritage Report No. 165).

The landowner shall also fill in any breaches in the water races except for drainage to the open space areas in Activity Area 6.

The management plan will also set out the on-going care and protection of the chaff storage platform, and how this feature will be incorporated into the golf course as a feature of historical interest.

The Management Plan shall be complied with on an ongoing basis.

xi. Buildings within Activity Area 8**c**

The total combined gross floor area of all buildings within Activity Area 8c shall not exceed 400m².

12.22.65 Assessment Matters

- Controlled and Discretionary Activities - Educational Facilities, Community Activities, Visitor Accommodation in Activity Areas 3 and 4, Health and Day Care Facilities, Commercial Recreation Activities in Activity Area 5**

MOUNT CARDRONA STATION SPECIAL ZONE

12

The extent to which:

- (a) The activity is compatible with the amenity values of the surrounding environment, considering:
 - The visual amenity of the street, neighbouring properties and open space;
 - Hours of operation;
 - The proximity of outdoor facilities to neighbours and potential noise effects;
 - [Access to open space areas for education facilities](#);
 - The ability to landscape and or mitigate adverse visual effects.
- (b) The location and design of vehicle access and loading areas is such that it ensures safe and efficient movement of pedestrians and vehicles;
- (c) Outdoor storage areas do not have an adverse effect on the visual amenity of the surrounding area, and are screened from public view.

ii. Controlled Activity- Buildings within Activity Areas [1a](#), [1b](#) and [5a](#)

In considering applications for buildings within Activity Areas 1 and [5a](#), the Council shall take into account the Mount Cardrona Station Design Guidelines ([2008/2017](#)), advice of the Design Review Board, and the extent to which:

- (a) The building has been considered as part of the wider environment in terms of how it reflects its location within the Village and the location of the open spaces it may face;
- (b) Views to the surrounding mountains have been considered in the design of the building;
- (c) The building design provides visual interest through articulation and variation;

- (d) The ground and first floor facades of the building establish a strong relationship to pedestrians, and the first floor appears accessible;
- (e) The building design is sympathetic to the character of the Village; having regard to:
 - materials
 - glazing treatment
 - vertical and horizontal emphasis
 - Colours
- (f) Proposed landscaping is consistent with the Mount Cardrona Station Design Guidelines ([2008/2017](#)), utilising plant species that reflect the surrounding environment, are drought tolerant and reflect the character of the Zone.
- (g) Car parking is unobtrusive and is consistent with the Mount Cardrona Station Design Guidelines ([2008/2017](#))
- (h) The design of the single landmark building reflects its function as a central point within the wider MCS Village and a key node within the village [precinct](#).

(i) [In Activity Area 1a:](#)

- [Buildings are designed to maximise outlook towards nearby trees and greens within Activity Area 9;](#)
- [Buildings adjacent to the village square / public open space area are designed to address and provide an active interface with the village square / public open space area, taking into account the matters in 12.22.5\(xii\) below.](#)

iii. Controlled Activity- Mitigation Earthworks and Planting Plan

[In relation to Structure Plan D](#), ~~the~~ the extent to which:

- (a) The earthworks are consistent with Structure Plan D.

MOUNT CARDRONA STATION SPECIAL ZONE

12

- (b) The proposed planting is consistent with the planting list provided within Schedule 1a of the Mount Cardrona Station Design Guidelines ([2008/2017](#)).
- (c) The planting and earthworks reduce the effect of buildings within Activity Areas 1b, ~~3a and 3b~~, particularly when viewed from dwellings accessed from the paper road on the eastern side of the Cardrona River.
- (d) The proposed planting uses plant species that are proven to grow locally.

iv. Controlled activity- buildings within Activity **Areas 8a and 9**

The extent to which:

- (a) The building and associated activities:
 - In Activity Area 8a, ~~Are~~ are consistent with the maintenance of Activity Area 8a as the access to the Cardrona Ski Field Area and do not adversely affect the functioning of the Cardrona Valley Road.
 - Are compatible with the amenity values of the surrounding environment;
 - ~~Do not adversely affect the functioning and amenity of the Cardrona Valley Road.~~
- (b) Landscaping, materials and colours ~~is~~ are used to soften the visual appearance of any buildings.

v. Controlled Activity- Visitor Accommodation within Activity Areas **1b and 2**

The extent to which:

- (a) The activity is compatible with the amenity values of the surrounding environment, considering:
 - Hours of operation associated with any premises licensed for the sale of liquor

- The proximity of outdoor facilities to neighbours and potential noise effects

- (b) The location and design of vehicle access and loading areas is such that it ensures safe and efficient movement of pedestrians and vehicles;
- (c) Outdoor storage areas do not have an adverse effect on the visual amenity of the surrounding area, and are screened from public view.

vi. Controlled Activity- Premises Licensed for the Sale of Liquor in Activity Area 1.

The extent to which:

- (a) The activity is compatible with the amenity values of the surrounding environment, considering:
 - Hours of operation
 - The proximity of outdoor facilities to neighbours and potential noise effects
 - The adequacy of screening between the activity and any surrounding visitor accommodation or residential activities
 - The character and scale of the activity.

vii. Discretionary Activity- Commercial Activities in Activity Areas 1b, 2, 3 and 5, and Commercial Recreational Activities in Activity Areas 2 and 3

- (a) The extent to which the activities are compatible with surrounding residential activities, by taking into account:
 - Potential effects on the amenity of the street, neighbouring properties and open space;
 - Hours of operation;
 - The proximity of outdoor facilities to neighbours and potential noise effects;
 - The ability to landscape and or mitigate adverse visual effects.

MOUNT CARDRONA STATION SPECIAL ZONE

12

(b) In Activity Area 1b:

- The extent to which the commercial activity does not detract from the vibrancy and cohesion of Activity Area 1a;
- The extent to which the commercial activity contributes to the mix of activities already established within Activity Area 1a;
- The extent to which the commercial activity is required to locate in Activity Area 1b in terms of functional operating or servicing requirements.

viii. **Discretionary Activity- Access Roads in Activity Areas 6 and 7 and Car parking and access within in Activity Areas 6a and 7**

The extent to which:

- (a) The car parking and access is necessary in order to enable public access to the open space areas;
- (b) The effects from hard surfaces can be avoided through use of permeable material;
- (c) The car park and access areas are rural in character;
- (d) Landscaping is used to mitigate adverse effects;
- (e) Earthworks are minimised through appropriate site location and design.

ix. **Discretionary Controlled Activity- Buildings and Structures associated with the erection and maintenance of a gondola within Activity Areas 6a, 6b and 7**

Consideration includes, but will not be limited to, the extent to which:

- (a) Adverse visual effects can be mitigated through the use of appropriate colour, design and location;
- (b) The activity provides direct access from the Village ~~Precinct~~ to surrounding recreational activities the Cardrona Ski Area, and reduces the need for private vehicle use on the ski ~~field~~ area access road;

- (c) Comprehensive car parking facilities are provided that
 - are located where they are easily accessible from the Village ~~Precinct~~ Centre to surrounding recreational activities;
 - are effectively landscaped with species appropriate to the site so that adverse visual effects are minimised;
 - Provide significant permeable surfaces in order to reduce potential stormwater run-off.

- (d) The provision of linkage bus services from surrounding areas have been incorporated into the proposal;

- (e) As far as practicable the integrity of the open space area through which the gondola extends is retained;

- (f) The path of the gondola is sensitively located to reduce its visual effect (with regard to skyline, ridgeline and prominent slope);

- (g) The path of the gondola has an effect on the ecological functioning of natural stream/ native ecosystems;

- (h) Safety has been incorporated into the design;

- (i) The structures and associated facilities are designed so that earthworks are minimised and do not adversely affect the historic water races.

x. **Discretionary Activity- Take off and landing of aircraft within Activity Area 5a**

- (a) The extent to which noise from aircraft would:
 - (i) Be compatible with the character of the surrounding area;
 - (ii) Adversely affect the pleasant use and enjoyment of the surrounding environment by residents and visitors;
 - (iii) Adversely affect the quality of the experience of people partaking in recreational and other activities.

Comment [DCL10]: 13/12 amended to reflect changes to wording of rule

MOUNT CARDRONA STATION SPECIAL ZONE

12

- (b) The cumulative effect of a dispersed number of take off and landing sites;
- (c) Convenience to and efficient operation of existing airports.
- (d) The visual effect of the take off and landing of aircraft and associated activities;
- (e) The frequency and type of aircraft activities;

xi. Discretionary activity- buildings and structures within Activity Areas 6a and 6b

With respect to gas storage facilities and a recycling station, the extent to which:

- (a) The built form and structures and associated landscaping have been designed to avoid or mitigate any adverse effects on the visual amenity of public places or open space;
- (b) The building and structures are necessary for the functioning of the Zone;
- (c) The building and structures have been located where they can be absorbed into the landscape.

With respect to tennis courts, the extent to which:

- (a) The activity is compatible with the amenity values of the surrounding environment, particularly in relation to any noise and lighting;
- (b) The building and structures have been located where they can be absorbed into the landscape;
- (c) The location of the tennis courts adversely affects stormwater flow paths and stormwater management.

~~With respect to buildings located within the Indicative Education Precinct, the extent to which~~

- ~~(a) The building is necessary for the functioning of sports fields~~
- ~~(b) The building can not be accommodated within the neighbouring Activity Area 3b~~
- ~~(c) A significant buffer is retained between the edge of the development and the southern boundary of the Special Zone.~~
- ~~(d) The building is designed and located such that adverse effects on landscape values are avoided.~~

xii. Site Standard- ~~Commercial Activity in Activity Area 1b~~ Village square / public open space in Activity Area 1a

- ~~(a) The extent to which the commercial activity does not detract from the vibrancy and cohesion of Activity Area 1a;~~
- ~~(b) The extent to which the commercial activity contributes to the mix of activities already established within Activity Area 1a;~~
- ~~(c) The extent to which the commercial activity is required to locate in Activity Area 1b in terms of functional operating or servicing requirements.~~

Whether and the extent to which:

- (a) the location, size and design of the village square / public open space area will allow it to:
 - be easily accessible to pedestrians;
 - act as the focal point for the Village;
- (b) the eastern, southern and western edges are or can be activated by commercial activities or food and beverage activities (including outdoor seating);

Comment [DCL11]: 14/12 added "6" to reflect changes above (consistent referencing of sub-areas)

MOUNT CARDRONA STATION SPECIAL ZONE

12

(c) the design incorporates soft and/or hard landscaping, sculpture, and furniture to encourage interest, usability and vitality.

(d) the outlook to the north across Activity Areas 6 and 9 is promoted;

xiii. Site Standard- ~~Village Green and~~ Road Setbacks and Secondary Rear Access Lanes

- (a) The extent to which the intrusion into the front yard is necessary to enable more efficient, practical use of the remainder of the site and a layout that responds to the surrounding context;
- (b) The extent to which the building will detract from the coherence, openness and attractiveness of the site as viewed from the street and adjoining sites;
- (c) The ability to provide adequate opportunities for landscaping that can help mitigate the effects of the intrusion into the setback;
- (d) The ability to provide adequate on-site parking and manoeuvring for vehicles.

xiv. Site Standard- Internal Setbacks

- (a) The extent to which the intrusion into the internal boundary is necessary to enable more efficient, practical use of the remainder of the site and a layout that responds to the surrounding context;
- (b) The extent of any potential adverse effects on adjoining sites from the proximity of the building, including reduced privacy, visual dominance and loss of access to sunlight;
- (c) The ability to provide adequate landscaping around the building.

xv. Site Standard- Outdoor Living Space

- (a) The extent to which the reduction in outdoor living space and/or its location will adversely affect the ability of the site to provide for the outdoor living needs of likely future residents of the site;
- (b) Any alternative provision on, or in close proximity to, the site for outdoor living space to meet the needs of likely future residents;
- (c) The extent to which the reduction in outdoor living space or the lack of access to sunlight is compensated for by alternative space within buildings with access to reasonable sunlight and fresh air.

xvi. Site Standard- Building Height

- (a) The extent to which the increased building height may:
 - be incompatible with the scale of the surrounding buildings and local character;
 - adversely affect properties within the vicinity;
 - overshadow adjoining sites and result in reduced sunlight.
- (b) Whether the effects of the increased height could be mitigated through site layout and increased setback distances;
- (c) Within Activity Area 1, whether the height intrusion
 - Helps define and give character to open spaces, squares, streets, paths and parks;
 - Helps provide variation in building height that contributes to the legibility, visual interest and character of the neighbourhood;
 - Is used in combination with other design considerations such as street and open space layout, site configuration, building form, façade articulation and roof form design;

Comment [DCL12]: 13/12 Fix punctuation

MOUNT CARDRONA STATION SPECIAL ZONE

12

- Has taken into account the importance in framing important vistas or views.

xvii. Site Standard- Stud height in Activity Area 1

- (a) The ability of the building to provide for a range of uses at the ground floor.

xviii. Site Standard- Boundary Fencing

- (a) The extent to which the fence is consistent with the overall character of the Mount Cardrona Station Special Zone, and retains the relationship between the private and public realm.

xix. Site Standard- Bus Shelters in Activity Area 6a

The extent to which:

- (a) The materials, colour and landscaping of the bus shelter is consistent with the character of the Zone;
- (b) Coach parking and turning areas are provided that are safe and efficient and are easily accessed from Cardrona Valley Road.

xx. Site Standard- Minimum Gross Floor Area

- (a) The compatibility of the proposed buildings with the scale of other buildings in the surrounding area;
- (b) The ability to provide adequate on-site amenity [having regard to the proposed use of the building.](#)

xxi. Site Standard- Servicing and Access in Activity Area 1

- (a) The extent to which the pedestrian focus at the building frontage is retained;
- (b) The ability to minimize adverse effects of loading and access on the coherence and character of the street.

xxii. Controlled Activity and Site Standard – Earthworks

1. Environmental Protection Measures

- (a) Whether and to what extent proposed sediment/erosion control techniques are adequate to ensure that sediment remains on-site.
- (b) Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.
- (c) Whether earthworks will be completed within a short period, reducing the duration of any adverse effects.
- (d) Where earthworks are proposed on a site with a gradient >18.5 degrees (1 in 3), whether a geotechnical report has been supplied to assess the stability of the earthworks.
- (e) Whether appropriate measures to control dust emissions are proposed.
- (f) Whether any groundwater is likely to be affected, and any mitigation measures are proposed to deal with any effects.

NB: Any activity affecting groundwater may require resource consent from the Otago Regional Council.

2. Effects on landscape and visual amenity values

- (a) Whether the scale and location of any cut and fill will adversely affect:
 - the visual quality and amenity values of the landscape;
 - the natural landform of any ridgeline or visually prominent areas;
 - the visual amenity values of surrounding sites
- (b) Whether the earthworks will take into account the sensitivity of the landscape.

MOUNT CARDRONA STATION SPECIAL ZONE

12

(c) The potential for cumulative effects on the natural form of existing landscapes.

(d) The proposed rehabilitation of the site.

3. Effects on adjacent sites:

(a) Whether the earthworks will adversely affect the stability of neighbouring sites.

(b) Whether the earthworks will change surface drainage, and whether the adjoining land will be at a higher risk of inundation, or a raised water table.

(c) Whether cut, fill and retaining are done in accordance with engineering standards.

4. General amenity values

(a) Whether the removal of soil to or from the site will affect the surrounding roads, and neighbourhood through the deposition of sediment, particularly where access to the site is gained through residential areas.

(b) Whether the activity will generate noise, vibration and dust effects, which could detract from the amenity values of the surrounding area.

(c) Whether natural ground levels will be altered.

(d) Whether the golf course construction will generally maintain the natural contours of the land

5. Impacts on sites of cultural heritage value:

(a) Whether the subject land contains a recorded archaeological site, and whether the NZ Historic Places Trust has been notified.

xxiii. Restricted Discretionary Activity – in Activity Area 8c: carparking; earthworks for carparking formation and visual avoidance or mitigation; and buildings that are for shuttle / ski area ticketing, bus shelters, ablution facilities and complementary ancillary commercial uses (limited to such as chain fitting services and coffee carts) and associated buildings.

(a) Whether the carparking, associated buildings and activities are screened from view by mitigation earthworks and planting when viewed from:

- Activity Areas 1, 2, 3, 4, 5 and 6 of the Zone;
- the dwelling on Lot 6 DP 344432;
- the Cardrona Valley Road;

(b) In relation to the earthworks required, the extent to which the matters in 12.22.5(xxii) above are satisfied.

(c) Sealing of the carpark to an acceptable standard;

~~(d) The nature and scale of the complementary commercial uses and associated buildings.~~

~~(d) The extent to which the proposed uses and buildings are ancillary to and complementary with the primary car parking activity.~~

xxiv. Discretionary activity – tennis courts in Activity Area 6:

~~(a) Proximity of the courts to neighbouring properties and any adverse effects of noise and lighting on residential amenity.~~

~~(b) Whether the location of the tennis courts adversely affects stormwater flow paths and stormwater management.~~

Comment [DCL13]: Fixed punctuation in clauses (a) and (c)

MOUNT CARDRONA STATION SPECIAL ZONE

12

xxiv. Discretionary activity – Rule 12.22.2.3.2(viii)(ix) – activities prior to subdivision of the site to accommodate that activity:

Comment [DCL14]: 14/12 full stop added

- (a) Future efficient subdivision and development is not compromised by inappropriately located development.
- (b) The proposal is supported by a geotechnical **natural** hazards assessment prepared by a suitably qualified professional engineer
- (c) Compliance with the Mount Cardrona Station Design Guidelines (2017)

MOUNT CARDRONA STATION SPECIAL ZONE

12

APPENDIX A – MITIGATION PLANTING AREA 6 (M6) HOMESTEAD GULLY – PREPARATION, APPROVAL AND IMPLEMENTATION OF THE HOMESTEAD GULLY MANAGEMENT PLAN (HGMP)

The HGMP applies to all of the land within Activity Area 7b located south of [Road A](#) (the [Ski Field Area](#) access road), north of [Road B](#) the ski area link road, and north of Activity Areas 1, 2, 3, and 4 and 9, as shown on Structure Plan A and Structure Plan D.

The landowner shall be responsible for preparing and submitting the HGMP to the Council for its approval. The HGMP will set out the plans and methods to achieve:

- (i) The long term protection and enhancement of the natural values of the Homestead Gully area including all wetland and stream areas, riparian margins and the gully walls;
- (ii) The progressive removal of all weed species;
- (iii) The control of animal pest species;
- (iv) Complete fencing of the gully from the grassy slope to the northeast, to prevent intrusion by farm stock;
- (v) The inclusion of pedestrian trails, including (but not limited to) a 2-2.5m wide trail along the northern side of Homestead Creek [as shown on Structure Plan A](#);
- (vi) In the floor of the Gully, the planting of indigenous species and at a density in general accordance with the following table:

Indigenous Plants for Ecological Plant Communities	Grid planting density – 1 plant per:
<i>Coprosma rugosa</i>	3.0m
<i>Halocarpus bidwillii</i> (bog pine)	4.0m
<i>Hebe salicifolia</i> (koromiko)	3.0m
<i>Olearia bullata</i> (tree daisy)	3.0m

<i>Olearia hectorii</i> (tree daisy)	4.0m
<i>Carex secta</i> (oio, nigger head)	1.5m
<i>Chionochloa conspicua</i> (bush tussock)	1.5m
<i>Phormium tenax</i> (swamp flax)	2.0m

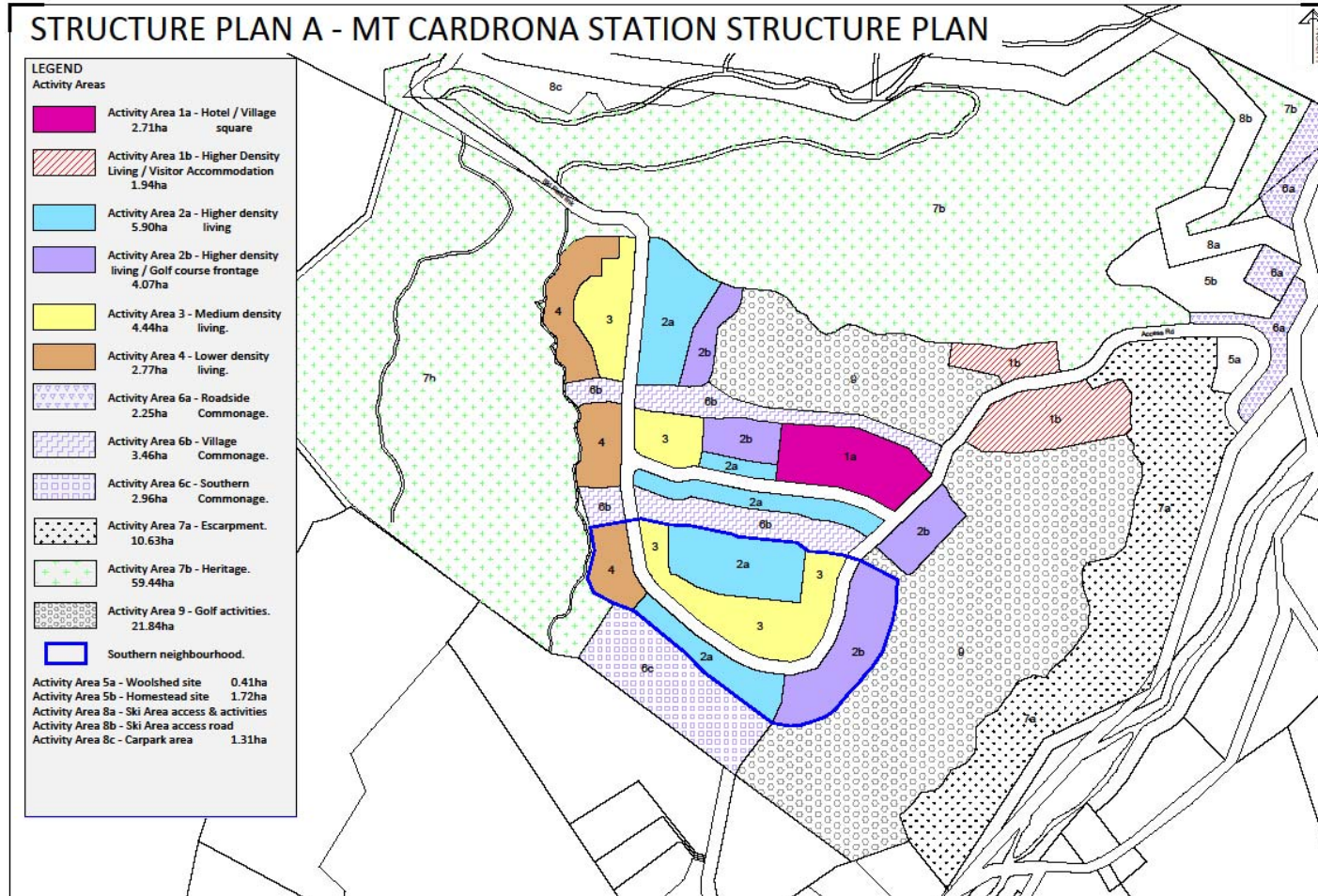
- (vii) On the northern face of the Gully, the planting of indigenous beech-hardwood species in pockets around the existing shrubland areas, and pockets of indigenous grey shrublands on the upper part of the face..
- (viii) On the southern face of the Gully, the planting of small groups of indigenous grey shrubland species particularly in the shallow depressions/gullies.
- (ix) The ongoing maintenance of the indigenous planting in (vi), (vii) and (viii) above;
- (x) In the area above the groundwater seepage line on the higher slopes of the south side of the gully, to maintain an extended Matagouri/grey shrubland mix of species;
- (xi) Careful design of the edge of the gully area including of any retaining walls necessary at the boundary with Activity Area 1b, in respect of the visibility from other parts of the gully and the [Ski Field Area](#) access road.

The HGMP shall set out the methods for implementation to achieve the goals in (i) – (xi) above, including any staging proposed as development through the zone proceeds, and shall specify the various responsibilities for the implementation and ongoing maintenance of the works required.

Once approved, the HGMP shall be complied with on an ongoing basis.

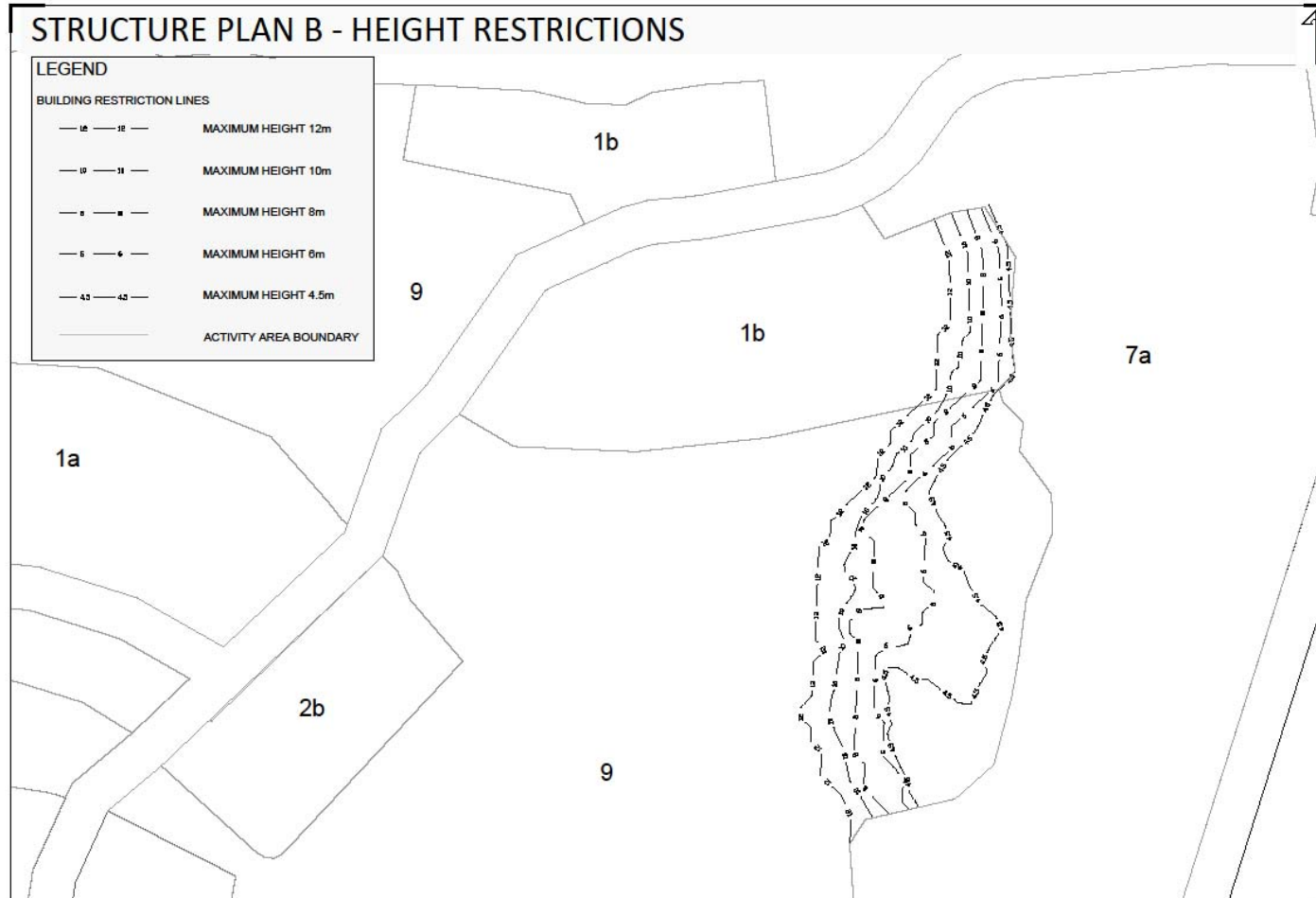
NOTE: Operative versions of Structure Plans A – D have been deleted. Proposed versions have been inserted as follows

MOUNT CARDRONA STATION SPECIAL ZONE

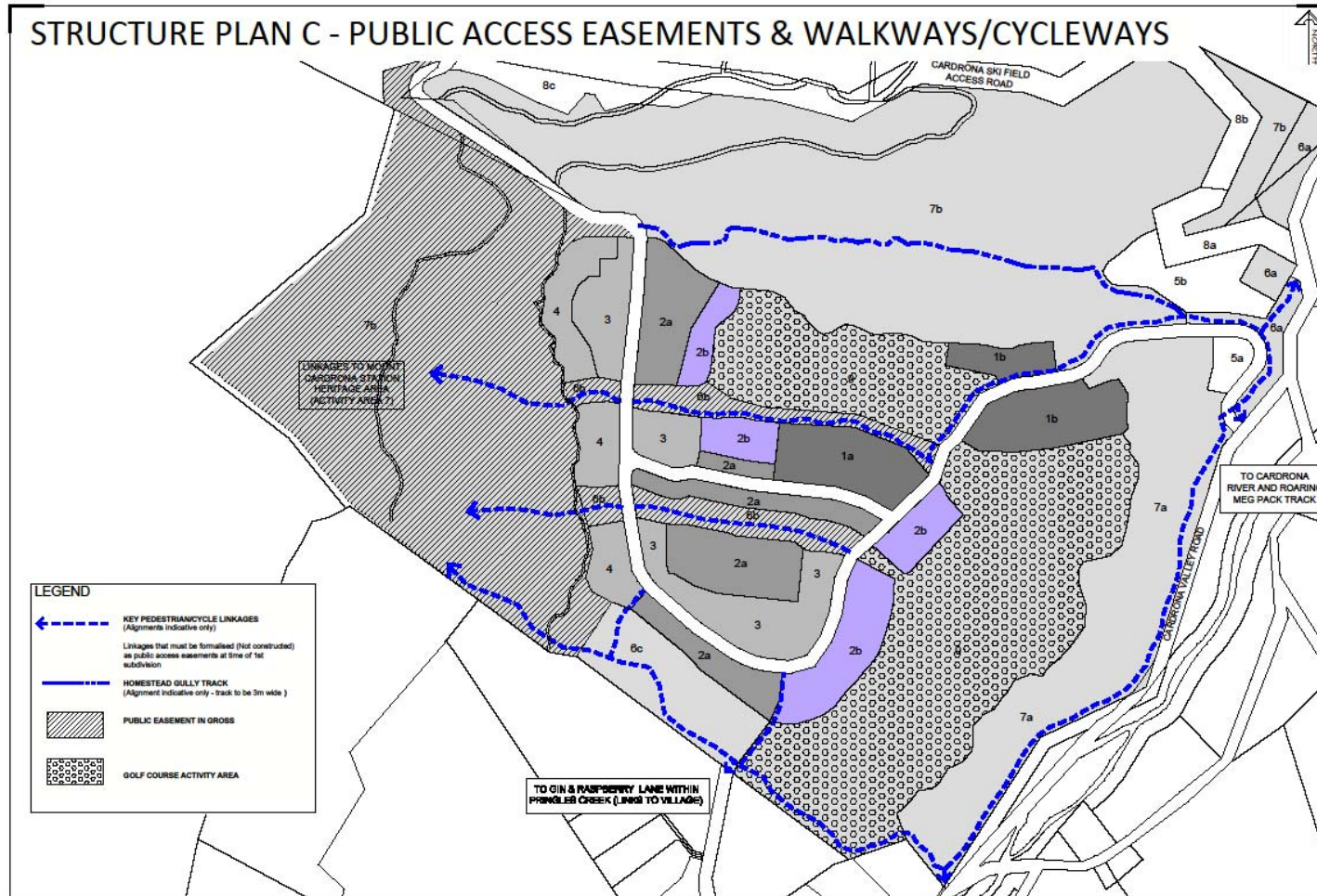


MOUNT CARDRONA STATION SPECIAL ZONE

12

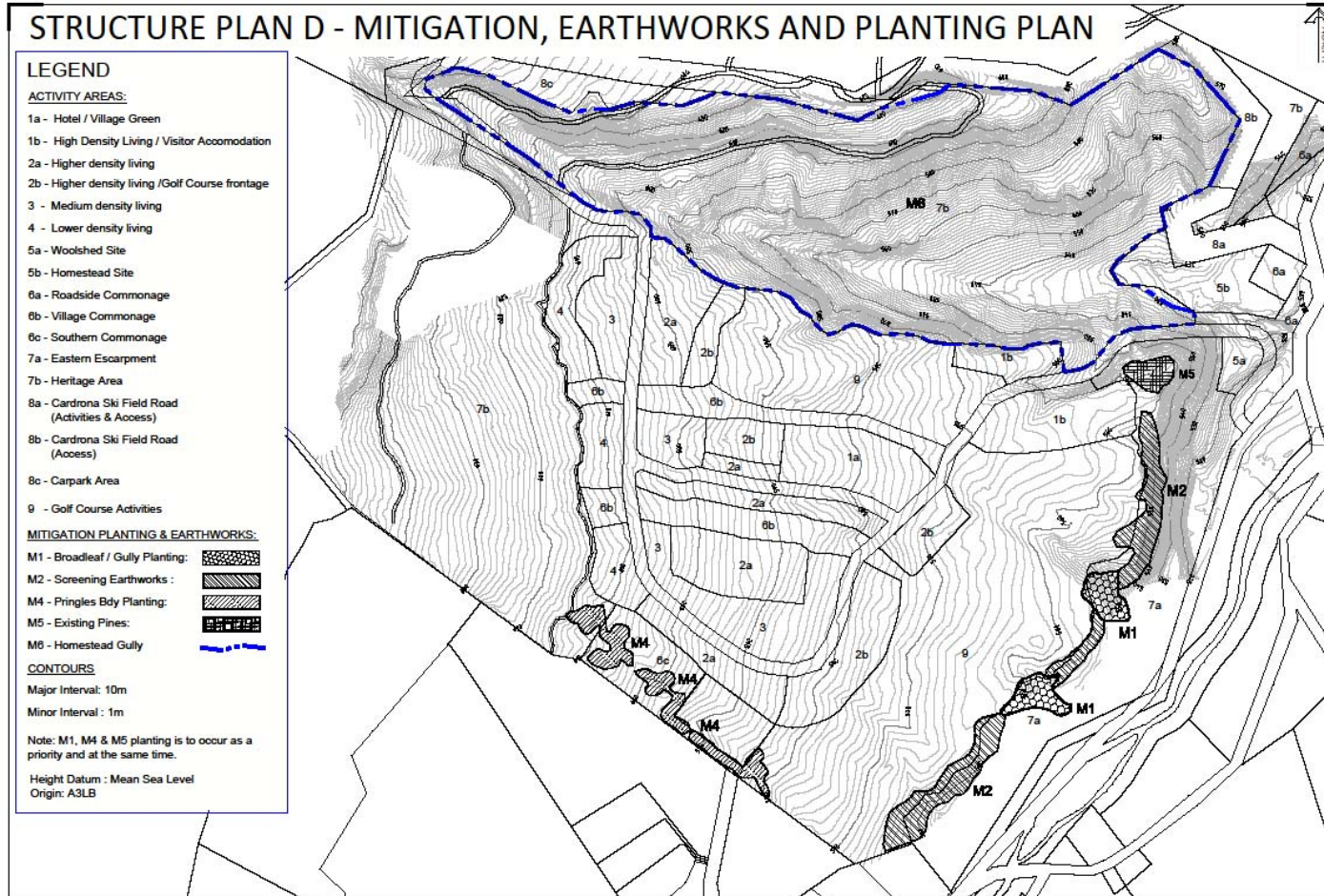


MOUNT CARDRONA STATION SPECIAL ZONE



Comment [DCL15]: I have just picked up that this plan has removed the public easement in gross from AA6c. There is no assessment of this as far I can see in either the Requestor's s32 or the s42A report. I am not sure about the background to this. It could potentially limit access from Pringles Creek Road.

MOUNT CARDRONA STATION SPECIAL ZONE



Mount Cardrona Station Limited

Requested Plan Change – November 2016

Requested amendments to the Operative Queenstown-Lakes District Plan – Chapter 15 (Subdivision and Development)

Requested amendments are shown in strikeout and underline as follows:

Purple text (in addition) denotes new changes proposed as part of the section 42A report

Yellow highlight text (in **addition** and **deletion**) denotes further changes proposed following receipt and review of the s42A report

Brown text (in **addition** and **deletion**) denotes new changes proposed following the hearing.

Turquoise highlighted text (in **addition** and **deletion**) denotes new changes proposed in the recommendations made by the Commission

Part 15.2 Subdivision, Development and Financial Contributions Rules

...

15.2.6.3 Zone Subdivision Standards – Lot Sizes and Dimensions

Any subdivision of land that does not comply with any one or more of the following Zone standards shall be a **Non-Complying Subdivision Activity**.

i Lot Sizes ...

- (a) No lots to be created by subdivision, including balance lots, shall have a net area less than the minimum specified for each zone in the Table below ...

Zone	Minimum Lot Area
Mount Cardrona Station Special Zone	Activity Area 1 – No minimum
	Activity Area 2a – 200m ²
	Activity Area 2b – 250m ²
	Activity Area 3 – 500m² <u>300m²</u> (minimum average 350m ²)
	Activity Area 4 – 1000m² <u>800m²</u>
	Activity Area 5a and 5b – No minimum
	Activity Area 6 – No minimum
	Activity Area 7 – No minimum

Except:

In the Mount Cardrona Station Special Zone:

- (i) No minimum allotment size shall apply in Activity Area 2a and 2b where each allotment to be created and the original allotment all contain at least one residential unit. This exclusion shall not apply where any of the lots to be created contains only a secondary unit.

NB: for the purposes of this Rule, the term residential unit does not include secondary unit.

- ~~(ii) Activity Area 3, 3a and 3b shall have a minimum allotment size of 500m², except where a comprehensive subdivision plan creating more than 5 allotments is lodged, in which case the average allotment size shall be 500m², with a minimum of 400m².~~

...

(h) Mount Cardrona Station Special Zone

- (i) A covenant shall be registered on the title of each allotment within the Zone in favour of the Council that requires that any building shall be assessed by the Mount Cardrona Station Design Review Board, and that the building shall be constructed in accordance with the terms of the Design Review Board's approval for that building.

Note:

The Design Review Board shall comprise of at least four members agreed by the Council and the developer and shall include persons qualified in the following professions:

- landscape architect
- architect
- resource management planner

When assessing the design of any building the Design Review Board shall be guided by the Mount Cardrona Station Design Guidelines ~~dated September 2008~~ (2017).

- (ii) No allotments shall be created that transect the boundary between Activity Areas 1a, 1ab, 1b, 2a, 2b, 3, ~~3a, 3b~~, 4, 5a or 5b and the adjacent Activity Area 6, ~~6a, 7a~~ or 7ab except those allotments created for the purposes of roads, access lots including driveways and walkways, reserves and or utilities.
- (iii) All subdivision shall be in general accordance with Structure Plan A - Mount Cardrona Station Structure Plan.
- (iv) Any subdivision consent creating an allotment or allotments within the MCSSZ shall include a condition or conditions providing for the following:
- (a) All land shall be cleared of exotic weed species and animal pests, and maintained in that state. This shall require the submission of a Weed Management Plan.
- (b) Clause (a) above shall be complied with on a continuing basis by the subdividing owner and subsequent owners and shall be the subject of consent notices to be registered under the Land Transfer Act 1952.
- (c) This clause may be applied in stages as subdivision through the Zone proceeds.

- ~~(v) Prior to certification under section 224(c) of the Act in respect of the 200th residential lot within the MCSSZ, at least 350m² of gross floor area suitable for use for commercial purposes shall be constructed within Activity Area 1a.~~

- (v) Any subdivision consent creating an allotment or allotments with a boundary adjoining the 1m buffer separation from the Walter Little's water race (archaeological site F41/590) shall include a condition or conditions requiring that prior to certification under section 224(c) of the Act a post and wire or post and rail fence shall be constructed along the western boundary of those allotment(s) and any open spaces between the lots.

...

15.2.7 Subdivision Design

15.2.7.1 Controlled Subdivision Activities - Subdivision Design

...

Within the Mount Cardrona Station Special Zone, the Council reserves control over the following matters:

- Whether the subdivision design is in general accordance with Structure Plan A - Mount Cardrona Station Structure Plan, except that:
 - a) The intersection of Cardrona Valley Road and the Access Road, and the intersection of the Cardrona Ski Field Access Road and the Ski Field Link Road, may be moved up to 25 metres in any direction in order to enable safe and efficient functioning of those intersections.
 - b) The roading design shall show a minimum separation distance of 25m between the Access Road / Cardrona Valley Road intersection and the Tuohy's Gully Road / Cardrona Valley Road intersection.
- Whether the subdivision has been approved by the Design Review Board and is consistent with the Mount Cardrona Station Design Guidelines (2008 2017).
- Location and form of pedestrian access including the provision of easements in gross to secure public access over all areas identified as 'Key Pedestrian Linkages' and 'Public Easement in Gross' on Structure Plan C - Public Access Easements and Walkways.
- Provision for stormwater management.
- Orientation of lots to maximise solar gain.
- The scale and nature of earthworks and the disposal of excess material.
- Design of roads to provide a rural character and pedestrian friendly environment, including street lighting design and whether this avoids upward light spill ~~on~~ into the night sky.
- The allotment created can be adequately accessed and serviced (including for bulk reticulation) to provide for the maximum capacity of that allotment for subdivision and/or land use.
- Geotechnical Natural hazards

...

15.2.7.3 Assessment matters for resource consents

...

- (ix) In addition to the above, within the Mount Cardrona Station Special Zone the extent to which:
- (a) The subdivision design is in general accordance with Structure Plan A - Mount Cardrona Station Structure Plan.
 - (b) The subdivision is consistent with the Mount Cardrona Station Design Guidelines (2008 2017) and the recommendations of the Design Review Board.
 - (c) The objectives and principles of SNZ: HB 44:2001 have been achieved.
 - (d) The development is staged in a logical manner, ensuring that adverse effects on amenity values of the site and its surrounds are as far as possible retained throughout the construction phase.
 - (e) Roads widths identified in ~~are designed in accordance with~~ are designed in general accordance with the Roding Schedule contained in the Mount Cardrona Station Design Guidelines (2008 2017). It is noted these are indicative only. These road widths are the MCS intended road widths but will be subject to Council engineering

approval at time of Subdivision. All road designs are to contribute to a 'rural' character, avoiding kerb and channelling and wide road widths, and creating a pedestrian and cycling friendly environment.

- (f) Road widths and other traffic calming measures are utilised within the Village Precinct Centre to enable the creation of a pedestrian and cycling friendly environment.
- (g) Ford crossings within Activity Area 6 are encouraged in order to maintain a rural character.
- (h) Pedestrian footpaths and trails to be are in accordance with the Mount Cardrona Station Design Guidelines (~~(2008 2017)~~) and any relevant engineering standards.
- (i) Street lighting is designed to avoid upward light spill on into the night sky.

QLDC Council
8 February 2018**Report for Agenda Item: 7****Department: Community Services****Freedom Camping Amendments****Purpose**

The purpose of this report is to consider restricting access to overnight freedom campers at Lake Hayes reserves and the Lower Shotover and to increase facilities at land below and adjacent to the Shotover River Bridge.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Authorise** staff to install lockable gates to restrict vehicle access to the northern end of Lake Hayes Reserve, to monitor and restrict all other areas of Lake Hayes under Council control as required, along with the Shotover Delta area, between the hours of 10pm and 5.30am.
3. **Authorise** staff to take all necessary steps to increase the provision of parking and facilities available at the Shotover River Bridge for use by freedom campers.
4. **Direct** staff urgently to progress the review of Council's Freedom Camping Bylaw and the Arrowtown Lake Hayes Reserve Management Plan and preparation of the District's Camping Strategy.

Prepared by:



Thunes Cloete
General Manager Community
Services
31/01/2018

Reviewed and Authorised by:



Mike Theelen
Chief Executive

31/01/2018

Background

- 1 The Queenstown Lakes District is seeing significant growth in freedom camping numbers in all locations. The majority of campers are responsible and respectful, and bring economic benefit to the area. In key areas (specifically Lakes Hayes, Shotover Delta, Wanaka Lakefront) residents have escalating concerns regarding freedom camper behaviour, such as washing in lakes, human waste, overcrowding etc.
- 2 The Council has previously allowed freedom camping to take place at Lake Hayes and on the Shotover Delta in accordance with its Freedom Camping Bylaw. These locations are shown on Attachment A of this report.
- 3 The Reserve Management Plan for Arrowtown and Lake Hayes makes provision for freedom camping at Lake Hayes as follows:

Policy 17 Lake Hayes Reserves

- 17.1 Permit freedom camping in certified self-contained vehicles for a maximum of two nights at:
 - i. The northern end of Lake Hayes within a designated area.
 - ii. The area adjacent to the State Highway, north of the rowing club access road within a designated area.
 - 17.2 Determine the designated area for freedom camping, with regard to demand for camping and reducing impacts on day visitors.
- 4 There is no specific provision in any reserve management plan for freedom camping on the Shotover Delta.
 - 5 To date, a small freedom camping area has been provided on reserve land adjacent to the Shotover River Bridge with up to 12 vehicles being located on this reserve over the busy summer period. Additional reserve land located adjacent to this area has been restricted to vehicles and therefore freedom camping access.

Comment

Shotover Delta and Lake Hayes Reserve Restrictions

- 6 The land is a mixture of freehold and recreation reserve owned or administered by the Council, with some exceptions where the land is owned or administered by the Department of Conservation (DOC) and Land Information New Zealand (LINZ). Both DOC and LINZ have been consulted on the proposal and tentatively approve of the measures being considered by the Council.
- 7 In respect of the reserve land at Lake Hayes, Council is the administering authority responsible for administering, managing, and controlling the reserves under its control in accordance with the Reserves Act 1977 to ensure the use, enjoyment, development, protection and preservation, as the case may require,

of the reserve is for the purpose for which it was classified (Section 40, Reserves Act).

- 8 The Lake Hayes Reserves and parts of the Lower Shotover Delta are classified as recreation reserves under the Reserves Act.
- 9 Generally speaking recreation reserves are intended for the purpose of providing areas for recreation and sporting activities and for the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside (Section 17, Reserves Act).
- 10 With regard to that general purpose, administering bodies are empowered to administer these reserves so that, amongst other things, the public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on the administering body, to any bylaws under the Reserves Act applying to the reserve, and to such conditions and restrictions as the administering body considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it. They are also tasked with ensuring that the qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment and to the better use and enjoyment of the reserve are conserved (Section 17(2)(a) and (c), Reserves Act).
- 11 Preserving public access to recreation reserves is central to the Council's role as administering authority of reserves. It is also committed to providing opportunities for responsible camping in the district. However, if access to reserves is abused by members of the public to the point where the health and safety of the remaining public is at risk, as are the intrinsic values associated with public enjoyment of reserves, then it is considered that in certain circumstances it is appropriate to impose controls to restrict access in order to manage these impacts on a reserve and the public using them.
- 12 The actions of some members of the public who use reserves for unauthorised freedom camping with flagrant disregard for the health and safety of other reserve users and little regard for the preservation of the reserves themselves, have resulted in the need for Council to take further necessary steps to restrict all vehicle access to the reserves identified in Attachment A between the hours of 10pm and 5.30am. These restrictions are proposed to remain in place until such time as the Council has the opportunity to consider its Freedom Camping Bylaw and the Reserve Management Plans in place for these reserves and any other reserves similarly affected.
- 13 While there are no express provisions in the Reserves Act to impose vehicle access restrictions on recreation reserves, the Council does have a number of powers in section 53 of the Reserves Act including the ability to do such other things as may be considered desirable or necessary for the proper and beneficial management, administration, and control of the reserve. The Council considers restriction of vehicle access to the reserves in the evenings is a necessary and proportionate response to the impacts created by unlawful camping in reserves.

- 14 Access will be secured to the land by swing gates and managed by Council's freedom camping monitoring contractors. Council will install signage at the entrance to and within the reserves that alerts users to the closure times of 10pm through to 5.30am.
- 15 Council officers will continue to educate reserve users and freedom campers up to the closure time for the reserve at which point they will be asked by staff to leave the reserve if they have not already.
- 16 It is considered that these actions, while not consistent with the reserve management plan for Lake Hayes, are consistent with the general purpose of the Reserves Act which is (relevantly) to provide for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing recreational use or potential whether active or passive, and to ensure as far as possible, the preservation of access for the public to and along lakeshores and riverbanks.
- 17 There are a large number of responsible campers who abide by the rules and camp in self-contained vehicles. The New Zealand Motor Caravan Association (NZMCA) has over 73,000 members who add to our economy, we want to ensure these people are still welcome. While these responsible campers will be affected by the changes, it is considered that the broader benefits to all reserve users outweigh the effects associated with relocating some campers. As part of Council's provision for freedom camping in the district, those responsible campers who are complying with the requirements of freedom camping will be able to camp in the area identified on land below and adjacent to the Shotover River Bridge, which is already established as a small area for freedom camping.

Shotover River Bridge Reserve

- 18 The reserve land adjacent to the Shotover River Bridge is classified as Recreation Reserve and administered by the Council, with legal descriptions sections 1 & 2, SO 409393.
- 19 It is proposed to form and fence an expanded parking area within the reserve, to the north of the current parking area, accommodating between 50 and 100 vehicles per night. The current parking area will be changed to a 4 hour max duration parking area. Refer to Attachment B for the proposed site set-up (provisional) of this area.
- 20 Council will provide portaloos at the site along with rubbish bins on a trial basis, intended to keep the area clean and clear of rubbish and waste. The area will also be fully fenced at heights of between 1 and 2 metres to ensure the riverside trail remains clear of vehicles, and that Council's green waste operational area remains clear.
- 21 It should be noted that additional traffic congestion on the Quail Rise - SH6 intersection has been identified as a potential issue with this expansion. Advice has been sought on this matter from Council's Roding Engineers who have advised that they consider that as the additional traffic is likely to occur outside peak travel times it will therefore be acceptable to overall traffic flow.

22 Once the site is opened, it is suggested that daily monitoring and patrols be established to ensure that the site is kept safe and tidy. This will also capture the numbers of vehicles that are using the site and confirm the traffic movements created by it are within assumed levels.

Long term solution

23 As identified above, the controls proposed for Lake Hayes and Shotover Delta are temporary and will remain in place until such time as the Council has had the opportunity to consider a long term solution to the increased number of visitors to the district who wish to freedom camp.

24 Council is also continuing conversations with DIA, DOC, NZTA and MBIE to provide funding to alleviate the problems caused by freedom camping. This could include provision of facilities at main sites and thoroughfares, or the funding of a resource to fast track the review of the Reserve Management Plans and Bylaw.

25 Council is initiating a review of the Freedom Camping Bylaw and the Reserve Management Plan for Lake Hayes. We are also working with partner agencies (DOC, LINZ, MBIE, NZTA) to develop a Camping Strategy for the entire District.

Options

26 Option 1 To close the Shotover Delta and Lake Hayes Reserves to all vehicles between 10pm and 5.30am and to increase the parking provision at land below and adjacent to the Shotover River Bridge.

Advantages:

27 Enables the protection and management of existing reserves for the better use by locals and visitors alike.

28 Provides a new purpose-built location for freedom campers that minimises rubbish and waste from surrounding areas.

29 Will enable the tidying and improvement to land at Lake Hayes and the Shotover Delta.

Disadvantages:

30 Concentrates an activity on reserve land at the Shotover River Bridge that is currently limited to approximately 12 vehicles at any one time.

31 Places additional traffic on the Quail Rise-SH6 intersection which will require ongoing monitoring.

Option 2 To retain the existing overnight freedom camping at Shotover Delta and Lake Hayes Reserves but to also increase the parking provision at land below and adjacent to the Shotover River Bridge.

Advantages:

- 32 May take some pressure off the existing freedom camping locations at Shotover Delta and the Lake Hayes Reserve.
- 33 Provides a new purpose-built location for freedom campers that minimises rubbish and waste from surrounding areas.

Disadvantages:

- 34 Concentrates an activity at the Shotover Bridge River reserve that is currently limited to approximately 12 vehicles at any one time.
 - 35 Places additional traffic on the Quail Rise-SH6 intersection which will require ongoing monitoring.
 - 36 Would not enable the protection and management of existing reserves for the better use by locals and visitors alike.
 - 37 Would not enable the tidying and improvement to land at Lake Hayes and the Shotover Delta.
- 38 Option 3 To retain the existing overnight freedom camping at Shotover Delta, Lake Hayes Reserves and the Shotover River Bridge reserve.

Advantages:

- 39 Spreads the existing freedom camping issues across three locations.
- 40 Does not place additional traffic on the Quail Rise-SH6 intersection which will require ongoing monitoring.

Disadvantages:

- 41 Would not enable the tidying and improvement to land at Lake Hayes and the Shotover Delta.
 - 42 Would not enable the protection and management of existing reserves for the better use by locals and visitors alike.
 - 43 Provides negative reserve and public amenity issues across three locations.
 - 44 Would not provide a new purpose-built location for freedom campers that minimises rubbish and waste from surrounding areas.
- 45 This report recommends **Option 1** for addressing the matter, as it provides protection of existing high amenity land and reserves, and provides a designated purpose built facility that will better manage the freedom camping activity.

Significance and Engagement

- 46 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves Council land and reserves, but that are not classified as strategic assets by the Council.

Risk

47 This matter related to the operational risk OR11 decision making – working within legislation, as documented in the Council’s risk register. The risk is classed as low. The matter relates to this risk because the options highlighted require the Council to follow an approval process that amends current activities on land and reserves.

Financial Implications

48 The proposed changes to freedom camping arrangements in the District will have financial implications in terms of the site set-up costs the Shotover River Bridge reserve, the cost of installation of signage and gates at Lake Hayes and Shotover Delta, and the staff cost associated with enforcing the new rules. These costs are unbudgeted but will be tracked and reported to Council separately.

Council Policies, Strategies and Bylaws

49 The following Council policies, strategies and bylaws were considered:

- Freedom Camping Bylaw 2012
- Arrowtown – Lake Hayes Reserve Management Plan (RMP)

50 The recommended option is not consistent with the principles set out in the above documents. The current Bylaw authorises freedom camping in the areas where the Council is proposing to restrict vehicle access in the evenings. The RMP also makes provision for freedom camping at the northern end of Lake Hayes and at the southern end adjacent to the rowing club. The reasons why the recommended option is inconsistent with the policies is explained in detail in the body of the report. Further, the number of freedom campers visiting the District has increased significantly to a point that was not anticipated by Council when these documents were adopted. As a result they are no longer effective tools to manage the effects associated with the vast number of freedom campers in the District. Necessary steps have been taken to ensure the protection of Council reserves for use by all reserve users and to ensure the health and safety of those people using reserves.

51 As set out above the Council intends to commence a review of the Bylaw and RMP to better reflect the impacts of the number of freedom campers visiting this District.

52 This matter is not included in the 10-Year Plan/Annual Plan but can be paid for from existing operational and capex budgets.

Local Government Act 2002 Purpose Provisions

53 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses

by removing a problem activity from high amenity land and reserves and properly managing it at a new purpose-built facility;

- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's obligations under the Reserves Act 1977; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

54 The persons who are affected by or interested in this matter are the residents, visitors, and ratepayers of the Queenstown Lakes District.

55 The Council is currently seeking feedback from the public on the freedom camping issue, via an online survey. This will help the Council inform long term planning for the activity.

Legal Considerations and Statutory Responsibilities

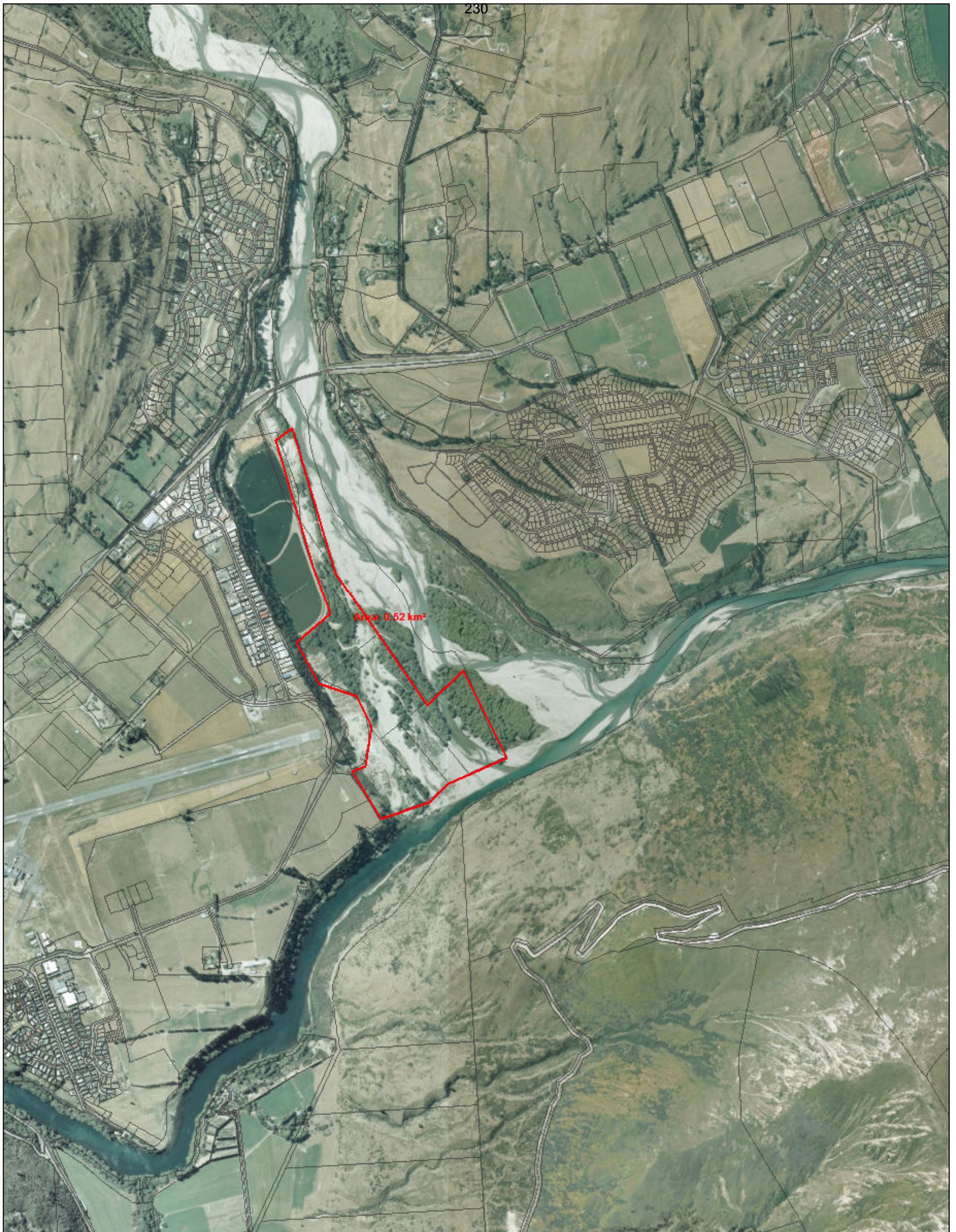
56 Council has obtained legal advice which confirms that the proposed changes to restrict vehicle access to reserves are consistent with the purpose of the Reserves Act 1977 and are in line with the Council's role as administering authority of the affected reserves.

Attachments

- A Lake Hayes and Shotover Delta - Areas to be restricted
- B Shotover River Bridge reserve - Site plan



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Attachment B. Shotover River – Freedom Camping Site Plan



Signs – (wording to be finalised)

-  4 Hr parking sign
-  Freedom Camping Notification / Conditions etc.
-  No Fire signs
-  Giveaway sign for mulching station
-  Toilets & Rubbish sign
-  QLDC Mulching Station
-  Port-a-loo
-  Bins
-  Deer Fence
-  Waratah & wire fence
-  Stile / Gate

Total area = 3372m²

Less Roding, rubbish & Bins (30%) = 2360m²

Anticipated camp sites (av. 35m²) = 67

Recommendation to Exclude the Public

It is recommended that the Council resolve that the public be excluded from the following parts of the proceedings of the meeting:

The general subject of the matters to be discussed while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(a) of the Local Government Information and Meetings Act 1987 for the passing of this resolution is as follows:

Confirmation of minutes of ordinary meeting held on 14 December 2017

15. Economic Development Fund 2017/18
16. New Management and Maintenance Services for Open Spaces Contract
17. Well Smart Limited (Thompson Street) Land Transfer Agreement

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
15. Economic Development Fund 2017/18	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: b)ii) protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	Section 7(2)(b)(ii)
16. New management and maintenance services for Open Spaces Contract	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
17. Well Smart Limited (Thompson Street) Land Transfer Agreement	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(i)

Agenda items

8. Request for Council Guarantee of the Shared Home Equity Product Model

General subject to be considered.	Reason for passing this resolution.	Grounds under Section 7 for the passing of this resolution.
8. Request for Council Guarantee of the Shared Home Equity Product Model	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of information is necessary to: b)ii) protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);	Section 7(2)(b)(ii) Section 7(2)(i)

This resolution is made in reliance on Section 48 [1] [a] of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act or Section 6 or Section 7 or Section 9 of the Official Information Act 1982 as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as shown above with respect to each item.