

In the Environment Court of New Zealand  
Christchurch Registry

I Te Koti Taiao o Aotearoa  
Ōtautahi Rohe

**ENV-2018-CHC-**

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Under	the Resource Management Act 1991 ( <b>RMA</b> )
In the matter of	An appeal under clause 14(1) of Schedule 1 of the RMA in relation to the proposed Queenstown Lakes District Plan
Between	<b>Mt Cardrona Station Limited</b>
	Appellant
And	<b>Queenstown Lakes District Council</b>
	Respondent

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**Notice of Appeal**

19 June 2018

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**Appellant's solicitors:**

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**To** The Registrar  
Environment Court  
Christchurch

- 1 Mt Cardrona Station Limited (**MCSL**) appeals against part of the decision of Queenstown Lakes District Council on the proposed Queenstown Lakes District Plan (**PDP**).
- 2 MCSL made a submission (#407) and further submission (#1153) on the PDP.
- 3 MCSL is not a trade competitor for the purpose of section 308D Resource Management Act 1991 (**RMA**).
- 4 MCSL received notice of the decision on 7 May 2018.
- 5 The decision was made by Queenstown Lakes District Council (**QLDC**).
- 6 The parts of the decisions appealed relate to:
  - (a) Chapter 3 Strategic Direction;
  - (b) Chapter 21 Rural;
  - (c) Chapter 27 Subdivision;
  - (d) Chapter 33 Indigenous vegetation and Biodiversity;
  - (e) Chapter 2 Definitions;
  - (f) Planning Maps 10 and 24.
- 7 Reasons for appeal

### **Background**

- 8 MCSL has particular interests in the area of land located within the Mt Cardrona Station Special Zone (MCSSZ) under the Operative District Plan. The MCSSZ has not been reviewed as part of Stage 1 of the PDP, however it provides an important connection to, and strategic link with, the Cardrona Ski Area Subzone (SASZ) which is part of the PDP Stage 1 review.
- 9 The Mt Cardrona Station Special Zone provides an integrated resort style development within the Cardrona Valley at the base of three established ski fields; Mount Cardrona (to the west) and the Wairau Snow Farm and Snow Park to the east. The purpose of the MCSSZ is to create a Village that provides for a

sustainable community accommodating permanent residents, seasonal workers and visitors, with supporting commercial, community and educational activities. Activities within the MCSSZ link with, support and enhance the recreational activities of the wider Cardrona Valley and the surrounding area, which provides for both summer and winter activities. These currently include horse riding, rally car driving, mountain biking, walking/tramping and skiing.

- 10 The MCSSZ encompasses approximately 130 hectares of land, including 92 hectares of open space areas that protect the heritage and open space values of the MCSSZ.
- 11 The purpose of MCSL's submission to the PDP and this appeal is to provide for:
  - (a) better integration of ski area subzones with nearby operative urban and resort zones;
  - (b) a future gondola link between the Cardrona SASZ and adjacent Rural Zoned land, which could readily service the MCSSZ and other users to better and more efficiently provide for the transportation of skiers, snowboarders, summer recreational visitors, staff and other users of the SASZ;
  - (c) a wide range of recreational activities within SASZ on an all year round basis;
  - (d) better clarity in relation to interpretation of definitions and provisions relevant to SASZ;
  - (e) enhanced connection between the operation and growth of SASZ and adjacent Rural Zoned land, including by providing for transport connections (through roads and passenger lift systems).

### **Chapter 3 Strategic Direction**

- 12 Chapter 3 provides for the overarching strategic direction for resource management in the Queenstown Lakes District. The nature of Chapter 3 applying as higher order provisions to all other provisions of the PDP means that MCSL interests are affected by Chapter 3.
- 13 Significant changes to content and structure of Chapter 3 have occurred between the notified PDP version and the decisions version. MCSL therefore considers that its appeal on this chapter is significantly broad and not limited in scope to original policies and objectives listed.
- 14 MCSL opposes those provisions of Chapter 3 which do not provide for appropriate diversification of land uses (particularly in the Rural Zones and in

Chapter 6 Landscapes for ski area activities and recreation), and which do not provide sufficiently for the social, economic, and cultural wellbeing of people and communities.

- 15 The specific provisions of Chapter 3 and the relief sought by MCSL are set out in **Appendix A** to this Appeal.

## **Chapter 21 Rural**

- 16 Specific amendments are sought to ski area provisions within the Rural Zone to provide for their ongoing viability and recognised benefits to tourism and recreation within the District. Amendments are sought to provisions to enable and encourage ongoing road access to the SASZs and connections to the wider District road network. Ski areas are currently reliant on roads as the primary access to ski fields (although provision should also be made for future access through gondola and other access options).
- 17 The default activity status for ski area activities outside of SASZs should be amended from non-complying to discretionary as there is an interconnected nature between development of SASZs which is enabled and recognised in Chapter 21, and adjacent rural land (which is usually identified as ONL). There is no justification for a non-complying activity status in adjacent rural zones where the development enhances and is connected to the SASZ.
- 18 The definition of Passenger Lift System specifically excludes base and terminal buildings. Any application for a gondola will include the base and terminal buildings attached to the gondola and associated bundling would render the entire gondola non-complying, rather than restricted discretionary. This makes the restricted discretionary provisions for passenger lift systems redundant (21.4.25). The status of non-complying for these specific buildings is also more stringent than the status of any other buildings in the Rural zone, with no justification. There is no scope to specify that base or terminal buildings of a gondola outside SASZ is non-complying.
- 19 Provisions relating to the heights of buildings will also apply to any passenger lift system and therefore require additional consents for breaches of those height limits. This is an inefficient consenting regime given that it is known in advance where any passenger lift system might be located and that it has different effects and a different purpose to general buildings. The height provisions should include an exemption for passenger lift systems.
- 20 The specific provisions of Chapter 21 and the relief sought by MCSL are set out in **Appendix A** to this Appeal.

### **Chapter 27 Subdivision**

- 21 Subdivision in SASZs is sought to be included in the list of recognised non-notified subdivision activities in Chapter 27, given the strategic importance of SASZs and their ongoing viability to recreation and tourism in the District.
- 22 The specific provisions of Chapter 27 and the relief sought by MCSL are set out in **Appendix A** to this Appeal.

### **Chapter 2 Definitions**

- 23 Definitions integral to the operation, enhancement and functioning of SASZs are sought to be amended so as to better achieve strategic order objectives and policies and those provisions specific to SASZs and their growth. Specifically those definitions opposed in the PDP decisions relate to: passenger lift systems, ski area activities, and buildings.

### **Planning Maps 10 and 24**

- 24 MCSL seeks to amend planning maps 10 and 24 to provide for a gondola extension corridor in the form of a SASZ Extension from the Cardrona SASZ into adjacent rural zoned land.
- 25 The SASZ that contains the Cardrona Ski Area is very close (400 metres) from the MCSSZ. The MCSSZ provides for 1000 dwellings for permanent residents, visitors and seasonal workers, a commercial village, community and educational activities. It sits near the valley floor close to the existing Cardrona Village and at the base of three skifields: Cardrona (to the west) and Wairau Snow Farm and the Snow Park (to the east).
- 26 The location of this SASZ Extension is approximated on the attachment at **Appendix C** to this Appeal. MCSL seeks alternative relief as to the dimensions and locations of this corridor extension so as to refine options for optimal location in the course of the appeal hearing process, including that as originally sought in the MCSL submission

### **Further and consequential relief sought**

- 27 MCSL seeks alternative, consequential, or additional relief to that set out in this appeal and necessary to give effect to the matters raised generally in this appeal and in MCSL's PDP submission and further submission.

## Attachments

28 The following documents are **attached** to this notice:

- (a) **Appendix A** – relief sought
- (b) **Appendix B** - A copy of the Appellant's submission and further submission;
- (c) **Appendix C** – A copy of the indicative proposed SASZ extension sought to Planning Maps 10 and 24;
- (d) **Appendix D** - A copy of the relevant parts of the decision; and
- (e) **Appendix E** - A list of names and addresses of persons to be served with this notice.

Dated this 19<sup>th</sup> day of June 2018



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Rosie Hill  
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### **Advice to recipients of copy of notice of appeal**

#### **How to become party to proceedings**

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the Appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

#### **Advice**

If you have any questions about this notice, contact the Environment Court in Christchurch