

# **Commissioners Recommendation**

## **Plan Change 18**

### **Mt Cardrona Station**

Report and Recommendation of J.G. Matthews, G. MacLeod and L. Overton, acting as Commissioners appointed by the Queenstown Lakes District Council pursuant to Section 34 of the Resource Management Act 1991

## 1. INTRODUCTION

1.1 We have been appointed by the Queenstown Lakes District Council as commissioners to hear submissions on, and to consider and make a recommendation on Proposed Plan Change 18 to the Queenstown Lakes District Council Partially Operative District Plan (the Plan), by which the Queenstown Lakes District Council (the Council) seeks to create the Mt Cardrona Station Special Zone (the Special Zone) on an area of land at Cardrona, and to remove from the Plan the nearby Rural Visitor Zone (RVZ).

1.2 The relevant provisions in the Queenstown Plan which are affected by the Plan Change are:

<b>Plan Section</b>	<b>Provision</b>
Part 12	Special Zones- Insertion of a new special zone entitled Mount Cardrona Station Special Zone
Part 14	Transportation- Insert Table 1B and Amend Rule 14.2.4.1(ix) Queuing
Part 15	Subdivision- Insert Zone Standards and Assessment Matters
Part 18	Signage- Insert rules for Mount Cardrona Station Special Zone
Definitions	Insert definitions specific to Mount Cardrona Station Special Zone
Planning Maps	Amend planning maps 10 and 24 by removing the RVZ located on Mount Cardrona Station and replacing with the new Mount Cardrona Station Special Zone

1.3 Our role as commissioners is to consider all the material relating to this Plan Change including the Section 32 analysis and report, the materials produced by the Council, its officers and consultants in support of the Plan Change, the submissions filed, and all submissions and evidence presented at public hearings over which we presided. It is then our task to make a recommendation to the Council on whether the proposed Plan Change should be accepted in its entirety, or should be varied, or should be declined in its entirety. Our decision is not binding on the Council, whose role it is to make a final determination.

- 1.4 We have considered all the written material provided to us including the proposed Plan Change and all background reports, read all the submissions which were filed, conducted public hearings and heard from a number of submitters together with appointed Council consultants and staff. We visited the area to which the Plan Change relates prior to the commencement of the hearing and again during it. We record our appreciation of the manner in which the hearing was conducted by all parties who participated, and we express our appreciation of the skillfully prepared and presented material, including both evidence and submissions, which have assisted us in undertaking our task. All matters which we have taken into account were presented in the public forum, with the exception of our own observations on site visits. During the hearing, which took place in Wanaka, witnesses, Council and reporting officers readily engaged in debate with us, and this process assisted us considerably in coming to grips with, and determining, the complex issues which are before us.
- 1.5 This decision assesses submissions in groups based on issues raised, where the content of the submissions is the same or similar. In summarising submissions, the name of the submitter is shown in **bold**, with the corresponding submission number shown in normal font within [square brackets]. In summarising further submissions, the names of the further submitters are shown in ***bold italics***, with their submission numbers shown in *italics* within (round brackets).
- 1.6 Throughout this report the following terms are used:
- The proposed Mount Cardrona Station Special Zone is referred to as the Special Zone;
  - The existing Rural Visitor Zone located on the Mount Cardrona Station site is referred to as the RVZ;
  - The Partially Operative Queenstown Lakes District Plan is referred to as the Plan;
  - Plan Change 18: Mount Cardrona Station Special Zone is referred to as the Plan Change;

- Queenstown Lakes District Council is referred to as the Council;
- Figure 9 of the Landscape Report prepared for the purposes of the Section 32 report (Appendix 2.1 to that Report) provides area names for the site and its surrounds. This identifies the ‘Mount Cardrona Station Village Terrace’, which is referred to as the MCS Terrace throughout this decision.

1.7 It is also noted that where provisions of the Plan Change are referred to, they are referenced as Section 12.21 for Issues, Objectives and Policies, and 12.22 for Rules and Assessment Matters. This reflects their correct placement in the Plan. However, this is different from the references made in submissions because the Plan Change provisions, as notified, incorrectly referenced Section 12.20 for Issues, Objectives and Policies, and Section 12.21 for Rules and Assessment Matters.

1.8 Some submitters only seek one decision, but within their material raise other concerns or issues. Where this occurs the submission may appear a number of times. For example, some submitters oppose the Plan Change and request that it is withdrawn, but also make comment regarding, for example, water supply which is dealt with as a separate issue. In such cases the submission is referred to twice so that the concerns raised regarding water can be discussed in some detail and considered alongside other submissions that deal with that issue.

1.9 Should any discrepancy be found between the recommendations of this decision and the amended provisions attached as Appendix B then the recommendations of this decision shall take precedence.

## **2.0 BACKGROUND AND PROCESS**

### **2.1 Background**

2.1.1 The following provides a brief background to the Plan Change, summarising the process undertaken to the point where the hearings were held. It identifies the

background to the decision to undertake the Plan Change, a brief summary of the key characteristics of the Plan Change site, the process undertaken in deriving the Plan Change concept, and the key components of that concept.

- 2.1.2 An area of 17ha of land located at the base of the Cardrona Ski Field Access Road has been zoned for 'Rural Visitor' purposes since the 1980s. This is the zoning that applies to the existing Cardrona Village. The RVZ is very permissive and has the potential to enable more than 1000 residential and visitor accommodation units to be built as a controlled activity.
- 2.1.3 The Cardrona Community Planning Workshop held in December 2003 suggested that a plan change should be initiated in order to modify the location of the RVZ, given that it is currently located in close proximity to the Cardrona Valley Road and enables development that could result in significant adverse landscape effects.
- 2.1.4 A preliminary landscape report was undertaken that confirmed the findings of the Community Planning Workshop, concluding that the RVZ located on Mount Cardrona Station, if implemented, would cause significant adverse landscape effects. It concluded that the development rights associated with the RVZ should be relocated on to the terrace located above the Cardrona Valley Road.
- 2.1.5 In December 2005 Mount Cardrona Station Limited (MCSL), which owns 15ha of the RVZ (the remaining 2ha comprising the Council owned cemetery and the Cardrona Ski Field Access Road), was approached by the Council with a request that it work with the Council in preparing a Plan Change.
- 2.1.6 The purpose of the Plan Change was agreed as follows:

*To relocate the zone boundaries and improve the provisions in order to provide a zone which enables the development potential of the current zone but does so in a way which has significantly less adverse effect on the landscape. In addition, the*

*zone provisions would be further refined to ensure an appropriate mix of uses within the zone, such that provision of permanent residential housing, visitor accommodation, worker housing, and ancillary small scale commercial amenities are all assured.*

The following objectives were agreed:

***Landscape values***

*To ensure that development within the zone has a significantly lesser effect on the outstanding natural landscape of the Cardrona Valley (as compared to the current zoning)*

*To ensure that development is contained and that a defined urban edge is established in order to ensure against sprawl*

***Sustainable, integrated community***

*To ensure high quality mixed use and mixed density development, which provides accommodation for residents, visitors, and seasonal workers in an integrated manner*

*To require best practice urban design principles to be employed throughout*

*To ensure the MCS land and existing village develop in a complementary way, which enables a sustainable and integrated community to establish within the Valley*

*To provide for and encourage recreational opportunities within the zone and in connection with other development in the vicinity*

***Ecological Values***

*To enhance the ecological values of the Mount Cardrona site*

***Heritage Values***

*To recognise and enhance heritage values that exist within the zone*

***Infrastructure***

*To ensure that infrastructure is provided in an environmentally acceptable manner, and, where practicable, is coordinated with the existing Cardrona village*

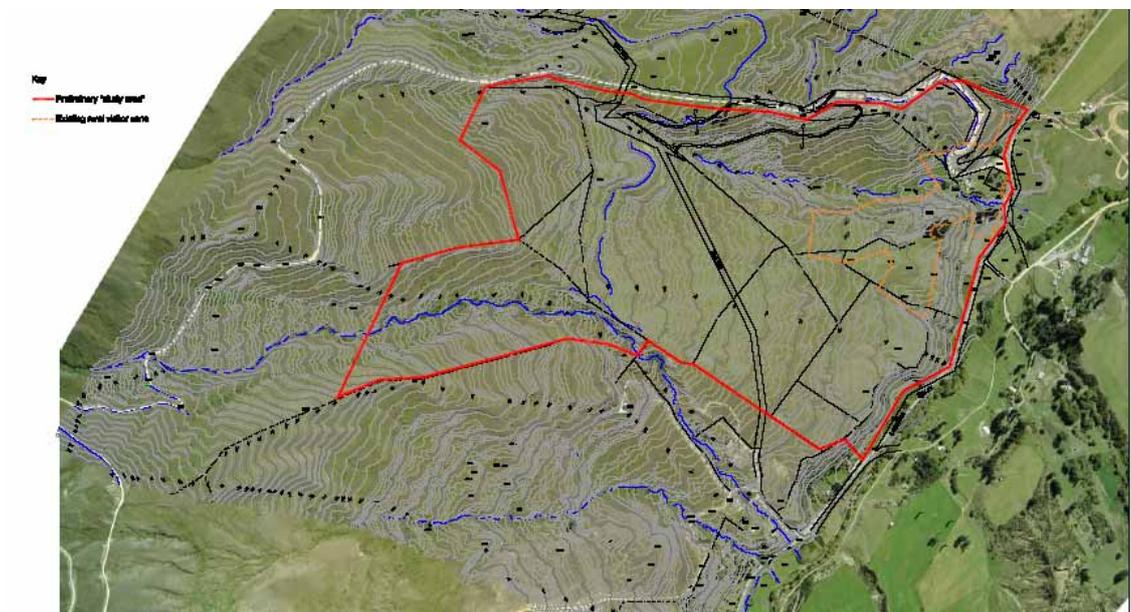
*To achieve principles and objectives of SNZ HB 44: 2001*

## **2.2 The Plan Change site**

2.2.1 Mount Cardrona Station (MCS) is situated on the western side of Cardrona Valley Road approximately 1.5 kilometres north-east of the existing Cardrona Village. The site is close to the Cardrona Village and ski fields and affords spectacular views of the surrounding ranges.

2.2.2 Access to the site is from Cardrona Valley Road, a two-lane rural road with a 100 km/h speed limit which is increasingly serving as the primary through-route between Queenstown and Wanaka. The site is flanked on the western side by the Cardrona Ski Field and on the eastern side of Cardona Valley Road by the Wairau Snow Farm and Snow Park.

2.2.3 The following figure shows the location of the study area for the Plan Change. The study area is demarcated in red. The existing RVZ is shown in orange outline.



### 2.3 The process used in preparing the Plan Change concept

2.3.1 Following the community workshop in December 2003 and the resolution of the Strategy Committee of the Council in December 2005 that a Plan Change should be initiated, a consultant team was formed and began preliminary investigations of the site and its surrounds.

2.3.2 In early 2006 preliminary urban design, landscape, traffic, geotechnical, hazard, archaeological, economic and ecological reports were completed. These focussed on the study area identified above within the context of the wider Cardrona Valley

and provided the key parameters for a Plan Change, identifying sensitive areas within the study area where development should be limited or avoided, identifying how key infrastructure could be provided, establishing whether there was adequate demand for a development in this location, and providing recommendations for the future management of the site.

2.3.3 The findings from the preliminary technical reports are summarised in the report of Ms Jenny Parker, consultant planner, and need not be repeated here.

## **2.4 Consultation**

2.4.1 Details of the consultation process and discussion documents are included within Appendix 3 to the Section 32 Report and need not be set out here.

2.4.2 The feedback received through the consultation process was used to assist in the consideration of different options for the Plan Change.

## **2.5 Options assessed**

2.5.1 The Section 32 Report provides a detailed assessment of key options, determining which is the most appropriate in terms of achieving the purpose of the Resource Management Act (the Act) as reflected in the settled objectives and policies of the Plan. The following provides a brief synopsis of the more detailed analysis contained in the Section 32 Report.

2.5.2 When identifying the options available to the Council, it must be recognised that the existing zoning of the subject site comprises Rural Visitor (approximately 17 hectares) and Rural General.

2.5.3 Removing the RVZ entirely from the MCS site is not available as an option to the Council. This is because the existing zoning provides development rights for the

land owner, and an agreement to shift those development rights can only be reached if they are retained within the same ownership. A resource consent application has been approved for the development of the RVZ. Buildings within the RVZ are a controlled activity and accordingly, while the Council could impose conditions on consent, it could not decline the resource consent.

2.5.4 Consequently, the three key options assessed were:

Option 1:

Do nothing/status quo: Under this option the objective would be to retain the existing zoning of the Plan, and therefore not undertake a plan change.

Option 2:

Undertake a plan change to relocate the RVZ from its current position onto the MCS Terrace: The objective of this option would be to reduce the visual effects of the RVZ when viewed from the Cardrona Valley Road, but to make no other changes to the Plan provisions.

Option 3:

Undertake a plan change to relocate the RVZ onto the MCS Terrace, and amend the provisions in order to establish a 'Special Zone': The objectives for this option would be to change the location of the zoning and improve its provisions to achieve better environmental outcomes.

2.5.5 The Section 32 Report concluded that the most appropriate option in terms of achieving the purpose of the Act, the settled objectives and policies of the Plan, and the objectives for this Plan Change is Option 3.

## 2.6 The Plan Change concept

2.6.1 The Plan Change concept was derived as a result of technical analysis of the site, the consultation process and the Section 32 analysis. It is proposed that the Plan Change concept would be achieved through a number of mechanisms including:

- Provisions within the **District Plan** that create the Mount Cardrona Station Special Zone. These are detailed provisions specific to the site, and use a Structure Plan to achieve the different densities and activities promoted by the Concept Plan.
- A **Stakeholders Deed** has been agreed between the Council and the landowner. It provides for initiatives such as affordable housing, open space and reserves and infrastructure.
- **Design Guidelines** have been prepared that sit alongside the District Plan provisions, and provide guidance to future landowners when considering subdivision and building design.
- An **Owners Sustainability Guide** will be prepared. This will be available to all future landowners, and will provide guidance on how to achieve sustainability principles.

2.6.2 The characteristics of the Plan Change concept are summarised in the following table.

<b>CHARACTERISTICS</b>	<b>PLAN CHANGE</b>
<b>SIZE OF DEVELOPMENT AREA</b>	32ha
<b>PROTECTED OPEN SPACE</b>	92ha
<b>AVERAGE HEIGHT</b>	8m
<b>DENSITY</b>	Different levels of density provided across the site, determined by urban design and landscape analysis. Highest density located at the Village Centre where it can be best absorbed, and where it provides a focal point.
<b>POTENTIAL YIELD</b>	Urban design assessment recommends 1000 units (made up of residential and visitor accommodation) to enable an integrated and sustainable community. Yield is also

	derived from existing development rights associated with the RVZ.
<b>ACTIVITY MIX</b>	Determined by urban design analysis, tested by masterplanning, and achieved through the ability to impose a structure plan. Aims to ensure creation of an integrated community.
<b>ANALYSIS LEADING TO ZONE LAYOUT AND BOUNDARIES</b>	Zone boundaries determined by landscape and urban design analysis, and confirmed by master planning processes.
<b>SHAPE FACTOR</b>	Accommodates well structured urban pattern.
<b>COMMUNITY FACILITIES</b>	92 hectares of open space, in addition to neighbourhood parks, and ability to provide for community facilities. Provision for education and community facilities within an education precinct.
<b>HERITAGE PROTECTION</b>	Heritage protection area, protecting significant heritage features.
<b>PROVISION FOR AFFORDABLE HOUSING</b>	Agreement between the landowner and the Council to provide affordable housing within the site.
<b>ACHIEVING PRINCIPLES OF SNZ: HB 44: 2001</b>	The Servicing Report prepared for the Plan Change and attached as Appendix 2.9 to the Section 32 Report makes recommendations for achieving the objectives of SNZ: HB 44:2001. These have been reflected in proposed provisions within Parts 12 and 15 of the Plan.

### 3.0 SUBMITTERS

- 3.1 The Plan Change was notified for public submission on 7 September 2007. Forty submissions were received. Of those, nineteen were in full support of the Plan Change, seven were in partial support, requesting some amendments to the Plan Change as notified, eleven opposed the Plan Change, and three neither supported nor opposed. Five further submissions were received. A table of submitters is annexed as Appendix A.
- 3.2 Two of the further submissions which were received did not specify what submissions they supported or opposed. These were lodged by Bruce Williams and George Roberts.

3.3 Given that Bruce Williams lodged an original submission we have assumed that the letter received on 22 January 2008 is a further submission in support of his original submission. However in the case of Mr George Roberts no original submission was lodged. A letter was sent to both Mr Williams and Mr Roberts on 2 April 2008 requesting clarification as to whether the letters received were to be considered as further submissions. No response was received. As a result the matters raised in the letter of Mr Williams have been considered on the above basis, but those raised by Mr Roberts have not.

3.4 Following a pre hearing meeting on 9 April 2008 Brooklynne Holdings Limited provided an additional memorandum on Friday 23 May 2008. On Tuesday 27 May 2008 Brooklynne Holdings requested that this additional memorandum be accepted as a further submission. It is noted that the closing date for further submissions was 25 January 2008. Given that the memorandum does not identify what original submission it supports or opposes we have assumed that it supports the original submission of Brooklynne Holdings Limited.

#### **4.0 THE HEARING**

4.1 The hearing was convened on 23 June 2008 at 11am at the Edgewater Resort, Wanaka. We heard from the following people during the course of the hearing:

##### 4.2 Submitters

- Upper Clutha Environmental Society represented by Dr Mike Float
- John Lee
- Little Bo Peep Sheep Company represented by Sam Lee
- MCSL represented by:
  - o Lauren Semple, Legal Counsel
  - o Ross Hawkins and Andrew Spencer, Directors of Mount Cardrona Station Limited
  - o John Schellekens, Registered Valuer

- Kobus Mentz, Urban Designer
- Gert van Maren, Computer Visualization and Virtual Reality Specialist
- Ben Espie, Landscape Architect
- Michael Copeland, Economist
- Andrew Carr, Traffic Engineer
- Simon McCaulay, Engineer
- Amanda Treharne and Jeff Brown, Resource Management Planners
- John Scurr
- Tim Scurr
- Charles Roberts
- Isabella Anderson
- Bruce Williams
- Darrin Thompson
- Brooklynne Holdings Limited represented by
  - David Hughes, Resource Management Planner
  - Michael Lee, Engineer
  - Kathy Lynn, Director of Brooklynne Holdings Limited
- Cardrona Ski Resort Limited, represented by Russell Ibbotson, Legal Counsel

#### 4.3 Council

- Jenny Parker, Consultant Resource Management Planner
- Rebecca Skidmore, Consultant Urban Designer
- Liz Kidson, Consultant Landscape Architect

4.4 After initial introductions and procedural issues, including agreement on the sequence of presentations, the hearing commenced with a presentations by Jenny Parker, who provided a brief background to the Plan Change.

4.5 This was followed by individual presentations from submitters. The officers then précised the contents of their reports and responded to issues that had arisen. We

asked questions of all persons who spoke. The hearing was then adjourned on Thursday 26 June 2008.

- 4.6 Following the hearing we issued a minute dated 27 June 2008 requesting further advice from the reporting planner on two issues, being legality of the proposed design review process in the proposed Plan Change, and alternatives to that process, and the provision for secondary units within Activity Area 2. This advice was received on 14 July 2008 and circulated to all submitters. Responses were received from MCSL and Brooklynne Holdings Limited on 4 August 2008. The additional submissions have assisted in our formulation of recommendations and we thank those parties for providing this additional material.

## **5.0 EVIDENCE AND ISSUES**

- 5.1 This section identifies and discusses the key issues raised in regard to the Plan Change. For each issue we provide a brief introduction, identify the submissions lodged, consider those submissions and then provide recommendations for each.

### **5.2 Whether to proceed with the Plan Change**

#### ***Introduction***

- 5.2.1 The first issue to determine is whether to proceed with the Plan Change as proposed or modified, or to reject it in its entirety. To this end the following discusses the reasons for the Plan Change, the submissions and evidence presented in opposition and support and concludes with our recommendations.
- 5.2.2 The Plan Change was first considered as a result of a suggestion in the Cardrona 2020 Community Plan that the RVZ should be relocated onto the terrace above the Cardrona Valley Road in order to reduce adverse landscape effects that could result from the RVZ in its current location. This suggestion was then tested by a preliminary landscape analysis which found that landscape effects would be

reduced by undertaking such a Plan Change. Given its location and the provisions that apply, implementation of the RVZ would result in high density development, catering primarily for visitor accommodation. The Plan Change therefore offered an opportunity to reduce adverse landscape effects and also to provide a greater mix of housing opportunities in addition to visitor accommodation and some commercial activities.

### ***Submissions***

5.2.3 We heard from a number of submitters who are opposed to the Plan Change. First, Dr Mike Floate presented written and oral evidence on behalf of the Upper Clutha Environmental Society (UCESI) which requested that the Plan Change be abandoned, or in the alternative a Plan Change be undertaken as suggested in its original submission (this alternative is discussed in Section 5.3 below).

5.2.4 UCESI opposed the Plan Change as notified and submitted that it is not needed and does not meet landscape objectives. UCESI prefers the RVZ because it is more compact than the area proposed for the Plan Change and believes that because it consolidates residential/visitor accommodation/commercial activities the RVZ is consistent with objectives and policies of the Plan which promote consolidated and compact development. Unlike the Plan Change the existing RVZ does not sprawl across an important and highly visible terrace categorised as ONL. The RVZ is more than adequate in terms of size to meet market demand.

5.2.5 In response to questions Dr Floate said that the Society does not believe that consideration of urban design is relevant in this setting, and that it is preferable to achieve a concentrated 'hamlet' rather than spreading development across the landscape. Dr Floate suggested that removing the upper third of each of the areas of development would assist in resolving the Society's concerns.

- 5.2.6 Dr Floate said that when descending from the Cardrona Ski Field the development will be obvious; and not enough weight was given to the effect on views from public places (other than Cardrona Valley Road).
- 5.2.7 Mr Charles Roberts, who owns property adjacent to the Plan Change site, submitted that the Plan Change would result in unnecessary sprawl within the ONL and increases the area of development to that of the size of a South Island town and is therefore inappropriate. Mr Roberts believes that the consultation process was flawed, and that the Plan Change is larger than was ever expressed to the community. The Plan Change shows a public walkway through Mr Roberts' property, however, they have not been consulted in this regard. Mr Roberts submitted that the Plan Change is inconsistent with the Cardrona 2020 community Plan and will affect the value of his property and his lifestyle choices.
- 5.2.8 In response to questions Mr Roberts confirmed that they were aware of the existing RVZ when they purchased their property, and therefore were aware that there would be development. However, they did not believe that development would occur across the terrace, or of the magnitude proposed. Mr Roberts believes that the scale and intensity needs more discussion, and that the development is not supported by most people.
- 5.2.9 Isabella Anderson presented written and oral evidence opposing the Plan Change. Ms Anderson is a fourth generation Cardrona Valley resident and said that while she would prefer that the town grew around the Cardrona hotel the RVZ is preferable to spreading development over the terrace, and the Plan Change as proposed is inappropriate. Ms Anderson said that the mitigation planting proposed would not be sufficient to mitigate the effects of development and would take too long to establish, and the list of plants provided does not alter this view.
- 5.2.10 Ms Anderson is concerned about the water supply required for a development of this size, and queried where the water would come from to irrigate mitigation

planting. She identified that historically the terrace upon which development is proposed has grown record crops of wheat and barley, and therefore believes that it is misleading to dismiss the land's farming value. In conclusion, Ms Anderson requested that the Plan Change be declined, and that the RVZ be retained, subject to height restrictions being imposed.

5.2.11 Brooklynne Holdings Limited, which owns 9ha of land within the existing Cardrona Village, submitted in opposition to the Plan Change and was represented by Mr David Hughes, a senior resource management planner and director of Burton Consultants, Mr Michael Lee, a registered engineer and director of Aireys Consultants Limited and Kathy Lynne, a director of the submitter. Brooklynne's key concerns in regard to the Plan Change are scale, size of commercial area, enforcement of design controls and visual effects.

5.2.12 Mr Bruce Williams, who resides on the eastern side of the Cardrona River, presented evidence opposing the Plan Change because of adverse visual effects on his residence.

5.2.13 John and Sam Lee, Darrin Thompson, John Scurr, Tim Scurr and MCSL presented evidence in support of the Plan Change. Mr John Lee provided a useful history of both areas of RVZ within the Cardrona Valley and said that the RVZ located on MCS was in response to persons working on Cardrona Ski Field requesting local accommodation. Five locations were initially identified as potential sites for a new Zone. In identifying these sites it was recognised that expansion of the existing Village could not occur due to topography (being within a narrow valley). Following analysis the MCS Village Terrace was identified as the most appropriate location because it could provide for a permanent population and is away from the main road. However, this was amended by the Council and the location approved was the existing RVZ.

- 5.2.14 Mr Lee said that a gondola has been approved to provide access from the Cardrona Valley Floor to the future Roaring Meg ski field. This will result in a doubling of staff numbers currently required to run the Snow Farm and Snow Park.
- 5.2.15 Mr Lee believes that the existing RVZ would clutter the Cardrona Valley and Cardrona Ski Field Roads and suggests that the Special Zone needs to evolve over time. He believes that there is potential for significant growth in summer activities within the Cardrona Valley including mountain biking.
- 5.2.16 Sam Lee submitted in support of the Plan Change. He has grown up in the Cardrona Valley and now manages the Snow Park ski area. He explained what it was like growing up in the Cardrona Valley and stressed the importance of providing facilities within the Valley, including a school and accommodation for employees. Mr Lee outlined the costs associated with employing staff from Wanaka in terms of both travel and accommodation costs, saying that travel costs equate to 5-7% of overall business costs. He said that given the current lack of housing and facilities within Cardrona Valley it is difficult to retain long term staff. Affordable housing options are therefore a very important component of the Plan Change and provision for secondary units is supported. In addition to reduced costs Mr Lee said that there are social benefits associated with living at the base of the ski field. In regards to the mix of visitor versus permanent accommodation provided, Mr Lee suggested that this would be determined by the market.
- 5.2.17 In terms of the size of the development, Mr Lee believes that if the development is appropriate then the size is not of great concern. Development under the Plan Change will not appear as 'aggressive' in the landscape as development in the RVZ, which would appear out of place. In his view being able to see a village from the Wairau Snow Farm would be better than seeing bare land.

5.2.18 Mr John Scurr, a fourth generation resident of the Cardrona Valley, presented oral evidence in support of his original submission. He also provided evidence on behalf of the Cardrona Residents and Ratepayers Association. However no submission was lodged on its behalf, and therefore the evidence put forward for the Association is not discussed here.

5.2.19 Mr Scurr supports the Plan Change for the following reasons:

- The Plan Change will create a vibrant community and provide seasonal worker accommodation;
- There are a lot of people showing interest in the Cardrona Valley;
- Positive community outcomes that will result from the Plan Change include infrastructure and opportunities for employment;
- The Plan Change is better for the community than the existing RVZ because it provides opportunities for permanent residents;
- The Plan Change will provide an increased range of recreational activities;
- The Plan Change will complement the existing Cardrona Village;
- Providing for a school is of great value.

5.2.20 Mr Scurr believes that if the development is designed well it will be appropriate. The Plan Change removes the cluster of development away from the Ski Field entrance. The terrace is also better from a visual perspective, and gets better sunshine.

5.2.21 Tim Scurr supports the Plan Change subject to the mitigation of visual effects along the bottom of the escarpment. He submitted that the Plan Change will form the base of a growing tourism industry and its future role for visitors needs to be recognised. He believes that the Special Zone creates an opportunity to establish a critical mass in the Valley and will generate its own growth.

- 5.2.22 Darrin Thompson provided oral evidence in support of his original submission and also on behalf of Backcountry Saddles and Landcare Limited. Mr Thompson has had a long association with the Cardrona Valley and supports the Plan Change for a number of reasons, including the ability to provide for permanent residents and the provision of affordable housing. He said that the Plan Change offers Backcountry Saddles the opportunity to relocate onto the Plan Change site. Mr Thompson is keen to see accommodation within the Special Zone and believes that the number of people living within the Special Zone will be dictated by the market.
- 5.2.23 MCSL presented evidence in support of the Plan Change. Legal submissions were presented by Ms Lauren Semple followed by the presentation of evidence by a range of technical experts. A summary of their evidence and responses to questions is provided as follows.
- 5.2.24 In opening submissions Ms Semple said that the Plan Change provides an opportunity to enhance the social and economic wellbeing of the people and communities of the Cardrona Valley, the Queenstown Lakes District and the wider Otago region, while appropriately managing the limited number of adverse effects which might arise from its implementation. Put simply it achieves the purpose of the Act.
- 5.2.25 Mr John Schellekens, a registered valuer and partner of Ernst and Young, provided evidence in relation to the Market Demand Study he was involved in while preparing for the Plan Change in 2006. This report found that there is demand for such a development within the Valley and that the Plan Change would complement the existing Cardrona Village.
- 5.2.26 Mr Kobus Mentz, an urban designer with significant experience in both New Zealand and abroad presented evidence in respect of the urban design approach adopted for the Plan Change. Mr Mentz said that the existing RVZ has few requirements in terms of quality, and that the Plan Change achieves far better

urban design outcomes. Mr Mentz said that the design framework applies widely approved urban design principles which provide a structure within which a variety of creative design solutions can be accommodated. The approach is to create an integrated development framework.

5.2.27 Mr Gert van Maren, a Computer Visualisation and Virtual Reality Specialist, provided evidence on the 3 dimensional model which has been developed for the site. This provided a visual simulation that compared the approved resource consents for the RVZ with a potential development scenario of the Special Zone.

5.2.28 Mr Ben Espie, a landscape architect and principal of Vivian and Espie Limited, provided evidence on matters relating to visual amenity and landscape. Mr Espie agreed with the findings of Ms Kidson that the Plan Change area is preferable to the RVZ in terms of the effects of potential development on amenity, and landscape protection. Mr Espie believes that the provisions of the Special Zone will lead to the creation of a small township in the Cardrona Valley that is logically and appropriately located, is internally pleasant and well designed and that presents an outward appearance that is appropriate, coherent, justified and attractive in its rural landscape setting.

5.2.29 Michael Copeland is a consulting economist and provided evidence assessing the economic implications of the Plan Change. Mr Copeland believes that the Plan Change has a number of economic benefits and no significant economic costs relative to the consented baseline (or other development forms that may occur in the RVZ). Mr Copeland believes that the Plan Change is consistent with enabling the communities of Queenstown and Wanaka to provide for their economic wellbeing, is an efficient use and development of natural and physical resources and provides greater opportunity for residential development, reducing the amount of high density development from 15ha to 4.5ha.

- 5.2.30 Mr Andrew Carr, a chartered professional engineer and associate of Traffic Design Group Limited, provided evidence responding to submissions that refer specifically to traffic and transport related matters.
- 5.2.31 Mr Simon McAulay, a registered engineer with Montgomery Watson Harza, provided evidence on the feasibility of providing adequate infrastructure for the Plan Change. Mr McAulay said that there is sufficient water available to provide potable water for the Plan Change, and that MCSL holds a water permit allowing abstraction of water from Pringles Creek and Little Meg Stream for the purpose of providing potable water to the Plan Change site. Mr McAulay said that the water supply will be ‘restricted’, meaning that less water is taken from the natural environment.
- 5.2.32 Mr McAulay said that there are suitable stormwater management solutions available to ensure that stormwater leaving the Plan Change site is of a quality and quantity equal to or better than the pre-development situation. In terms of wastewater treatment and disposal, Mr McAulay said that there is sufficient land for both treatment and disposal and MCSL currently holds a land use consent for the treatment facility and a discharge consent for the disposal.
- 5.2.33 Ms Amanda Treharne, a senior resource management planner with Brown and Pemberton Planning Group, presented planning evidence that provided a background to the Plan Change and addressed the amendments requested by MCSL in its submissions. Ms Treharne provided an outline of the proposed development within the RVZ for which resource consents have been approved.
- 5.2.34 Mr Jeff Brown, a senior resource management planner and director of Brown and Pemberton Planning Group, provided evidence explaining that the Plan Change is necessary to achieve the purpose of the Resource Management Act (the Act). In summary, Mr Brown found that the Special Zone achieves the broad District wide objectives and policies that, in managing the use, development and protection of resources, direct the location and form of new urban development particularly in

District Wide ONL. Specific objectives and policies, rules and other provisions for the Special Zone, having been tested through Section 32 of the Act, would provide the best urban environment for a growing community in Cardrona. Mr Brown said that in the context of foreseeable growth and the existing provisions of the Plan, the Special Zone is necessary to achieve the purpose of the Act.

5.2.35 Finally, Mr Andrew Spencer, a director of MCSL and the managing director of a chartered business and accounting advisory practice, provided evidence detailing MCSL's relationships within the Cardrona Valley and outlining the infrastructure proposals for the site, identifying the opportunities and benefits that MCSL consider will be facilitated as a result of infrastructure provision for the wider Cardrona Valley Community.

### ***Consideration***

5.2.36 Urban design and development controls are important components of the Plan Change. The design framework is a significant benefit of the Special Zone over the RVZ. In comparison the RVZ provides little direction for how a settlement would develop. The Plan Change offers the opportunity to create an integrated and sustainable community, rather than a resort.

5.2.37 A structure of different housing choices would encourage a mix of residential and visitor accommodation and allow a natural evolution as the community develops. The Special Zone provides a spectrum of densities, with the highest density at the village centre, moving towards lower density at the periphery. The green fingers between buildings help set the village apart and achieve a sense of place.

5.2.38 The proposed Special Zone is more appropriately located than the RVZ in terms of landscape and amenity values.

5.2.39 On balance we find the Plan Change is more appropriate than the RVZ. It provides an opportunity to create a coherent, well designed development that

responds to its landscape setting and provides a mix of activities and densities within a well designed structure. The open space fingers are an important component of the development and help achieve a sense of place. Their removal has not been suggested by any of the professionals we heard. Overall we find that the benefits of the Plan Change outweigh any adverse factors.

5.2.40 For these reasons we find that the Plan Change should be approved, subject to modifications that result from other submissions lodged which we discuss further in the following sections.

### ***Recommendations***

That the submissions of **Jean Anderson** [18/2/1], **Dan Fountain** [18/8/1], **Robert Fountain** [18/9/1], **Patrick and Sally Frengley** [18/10/1], **Gus Gordon** [18/12/1], **Ross Hawkins** [18/13/1], **Mario Kiesow and Hil Stapper** [18/15/1], **John and Mary Lee** [18/17/1], **Little Bo Peep Sheep Company** [18/19/1], **Terry O'Hagan** [18/25/1], **Simon Rogers** [18/28/1], **John Scurr** [18/30/1], **Darryn Slee** [18/33/1], **Kevin Stevenson** [18/34/1], **Elaine Sutherland** [18/35/1], **Darrin Thompson** [18/36/1], **Debs Thompson** [18/37/1], **Adam Whitehead** [18/39/1] and the further submissions of **MCSL** are allowed.

**Cardrona Ski Resort Limited** [18/6/8] and the further submission of **Mount Cardrona Station Limited** (18/6/8/1) are allowed in part.

That the submissions of **Isabella Anderson** [18/1/1], **Mary Anderson** [18/3/1], **Natasha Anderson** [18/4/1], **Kay and Martin Curtis** [18/7/1], **John and Paulette Laidlaw** [18/16/1], **Ian and Leslie Rasmussen** [18/18/1], **Peter and Carol McKinnon** [18/20/1], **Charles and Jenny Roberts** [18/27/1], **Upper Clutha Environmental Society** [18/38/1], **Bruce Williams** [18/40/1] and **Brooklynne Holdings** [18/5/7] are rejected, and the further submissions of **Mount Cardrona Station Limited** (18/1/1/1), ((18/3/1/1), (18/4/1/1), (18/7/1/1), (18/16/1/1)(18/18/1/1), (18/20/1/1), (18/27/1/1), (18/38/1/1), (18/40/1) are

accepted, and the further submissions of *Peter and Carol McKinnon* (18/16/1/2), (18/20/1/2), (18/38/1/2) are disallowed.

### **5.3 Size of the Zone and effect on landscape values**

#### ***Introduction***

5.3.1 The Plan Change proposes to relocate the development rights provided by the RVZ and to increase the size of the development area to 32ha. This enables the provision of a range of densities and activities, instead of only high density as provided by the RVZ. The overall size of the Special Zone is 92 hectares, including the open space areas within which development can not occur.

#### ***Submissions***

5.3.2 We heard from Brooklynne Holdings, UCESI, Isabella Anderson and Charles Roberts who oppose the Plan Change in large part because of its size. UCESI suggested an alternative Plan Change that retained the provisions of the RVZ (but reduced height of buildings) and relocated it upon the MCS Terrace.

5.3.3 Mr Espie, the landscape architect called by MCSL agreed with the findings of Ms Kidson that the Plan Change is preferable to the RVZ in terms of the effects of potential development on amenity and landscape protection. Both landscape architects found that the development area proposed could be absorbed from a landscape perspective and that on balance the Plan Change is preferable to the RVZ in terms of landscape effects.

5.3.4 In reaching the opinion that the RVZ is more appropriate than the Plan Change UCESI did not take into account urban design issues. For MCSL, Mr Mentz gave evidence on urban design. He outlined the benefits of the structure planning process and said that the design framework and structure achieved by the Special Zone is a significant benefit of the Plan Change. In comparison the existing RVZ provides little guidance for how a settlement would develop. The Plan Change

offers the opportunity to create an integrated and sustainable community, rather than a resort.

5.3.5 UCESI and Ian Leslie and Toni Rasmussen submitted that the open space fingers between development areas should be removed. Mr Mentz said that without these fingers running through the development, residents would have less connection to the surrounding landscape.

5.3.6 Goldrush Holdings Limited submitted that the Special Zone should include the submitters land on the terrace to the south.

5.3.7 Ian Leslie and Toni Rasmussen suggested an alternative zoning configuration, supporting higher density, removal of the open space fingers and a smaller footprint.

### ***Consideration***

5.3.8 In our view the development area is supported by the evidence from a landscape perspective, and the increased development area is required to enable a range of housing typologies and activities and the establishment of a clear structure based on urban design principles. The open space fingers are an important component of the development that will help to create a sense of place.

5.3.9 There appears to be little merit in amending the boundaries of the Zone as requested by the submitters. These boundaries have been derived through detailed landscape analysis and they enable the establishment of a well integrated and designed development. Increasing density, and therefore ‘squeezing’ development into a smaller area, would reduce the range of housing options and limit the ability to provide for the range of needs of a future village without achieving any improvement from a landscape perspective.

5.3.10 A structure allowing for a range of different housing choices encourages a mix of residential and visitor accommodation and allows a natural evolution as the community develops. The Special Zone provides a spectrum of densities and it is important to have this range. The structure is important in determining where different activities and densities should be located and using this structure the Plan Change achieves the highest density at the village centre, moving towards lower density at the periphery.

5.3.11 It is clear on the evidence that the boundaries proposed for the Special Zone have been determined as the most appropriate through extensive landscape analysis and that there is a clear boundary to the development established by the proposed open space zone (Activity Areas 6 and 7). It is not in our view appropriate to extend the boundaries as requested by Goldrush Holdings Limited.

### ***Recommendation***

That the submission of **Goldrush Holdings Limited** [18/11/1] is disallowed and the further submission of ***Mount Cardrona Station Limited*** (18/11/1/1) is allowed.

That the submission of **Upper Clutha Environmental Society** [18/38/2] is disallowed and the further submission of ***Mount Cardrona Station Limited*** (18/38/2/1) is allowed.

That the submission of **Ian Leslie and Toni Rasmussen** [18/18/1] is disallowed and the further submissions of ***Mount Cardrona Station Limited*** (18/18/1/1) and ***Otago Regional Council*** (18/18/1/2) are allowed.

## **5.4 Yield and provision for secondary units**

### ***Introduction***

5.4.1 The Plan Change proposes to relocate the development rights or yield of the existing RVZ onto the MCS Terrace. Therefore the potential yield of the existing RVZ is an important consideration when determining the potential yield that could be achieved from the Special Zone.

***Submissions***

5.4.2 As noted, we heard evidence from Kobus Mentz, an urban designer called by MCSL who was involved in the preparation of the urban design framework for the site. In his evidence Mr Mentz provided an estimate of the overall yield for the Special Zone based on detailed design testing of the master plan. Mr Mentz did not include secondary units within his calculations of the potential number of units, and in his opinion overall yield for the Special Zone is around 1000 units.

5.4.3 We also heard evidence on potential yield from Michael Lee, an engineer called by Brooklynne Holdings Limited. Mr Lee calculated the potential yield based on determining land area, maximum site coverage and minimum allotment sizes and ascertained that the yield would be in the order of 2200 units. Mr Lee included the potential number of secondary units within his yield calculations.

5.4.4 Because of the complexities of the issues relating to the development yield derived from the Zone, the density of certain parts of the development and the extent to which the proposed Zone could be developed, we asked the reporting planning officer, Ms Jenny Parker, to report to us on the position which would arise from deleting the ability to build secondary units within Activity Area 2. This Report (Appendix D) provided an explanation of the rationale for secondary units and provided further information on yield calculations that were undertaken by Ms Rebecca Skidmore during the preparation of the Plan Change.

5.4.5 In terms of whether or not secondary units should be provided within Activity Area 2 Ms Parker concluded that

*“reducing the ability to provide secondary units may be beneficial in terms of reducing yield. But conversely this would reduce the ability to provide secondary units as an affordable housing option and the potential to provide for a range of housing types and arrangements that contribute to the creation of a mixed and integrated community.”*

5.4.6 In its response to Ms Parker’s findings Brooklynne Holdings Limited (Brooklynne) submitted that the RVZ provided specifically for visitor accommodation, and that based on consultation undertaken by the Council including Cardrona 2020, the RVZ should be retained primarily for this use. Brooklynne rejects the yield calculations contained in Ms Parker’s report and also the premise that secondary units should not be included within the calculated yield.

5.4.7 MCSL supported Ms Parker’s findings, adding that because secondary units can not be subdivided from the primary dwelling and can not be used for visitor accommodation purposes they should be excluded from yield calculations.

### ***Consideration***

5.4.8 Because the development rights associated with the Plan Change are derived from those enabled by the existing RVZ we agree that yield is an important matter when considering the appropriate development potential enabled by the Plan Change. However we recognise that defining a particular yield and restricting the future Zone to that yield is problematic and not necessarily beneficial for a number of reasons.

5.4.9 The yield or number of units can only be an estimate at the time of zoning (given that ultimate development yield will be determined at implementation stage) and is one of a number of considerations when determining whether the Plan Change is the most appropriate option for achieving the purpose of the Act. Design

testing, which is more realistic than a theoretical assessment, is a better means of determining yield.

5.4.10 The ability to create an integrated community that provides for permanent residents as well as visitors is an important component of the Plan Change. It is difficult to compare the yield derived from the RVZ, which provides for mostly high density visitor accommodation activities, with the potential yield of the Special Zone, which, in catering for residents and visitors, provides a range of section sizes and activities.

5.4.11 Yield should not be considered in isolation from the overall effects of the Plan Change. Thus, in considering the potential effects of yield we are mindful of the other benefits derived from the Plan Change including walkways, education facilities, affordable housing, an integrated mix of activities, improved landscape effects and heritage values.

5.4.12 We are also mindful of our finding in Section 5.3 above that the development area proposed is appropriate from a landscape perspective. Given this finding the question is whether there should be a limit on the amount of development that is allowed within the Zone boundaries, i.e. a limit on density. To this end we requested advice on the effects of removing secondary units from Activity Area 2, given that this could be a means of reducing density and therefore yield.

5.4.13 Having considered the evidence presented at the hearing, the additional report provided by Ms Parker and the responses to that report we find that the provision for secondary units should be retained for the following reasons:

- Restricting secondary units is probably outside the scope of submissions;
- Retaining provision for secondary units but ensuring they can not be used for visitor accommodation assists with affordable housing by increasing land utilization;

- Providing secondary units is consistent with the objective of achieving an integrated and sustainable community;
- Although secondary units will contribute to a potentially greater yield this is not of itself a negative, as take-up will be demand driven and significant take-up will reduce pressure in future to zone more land elsewhere for this purpose;
- High Density is better able to be absorbed in this Zone than in others as a result of the layout incorporating open spaces which compensate for the increased density;
- Although the landscape is able to absorb a development of this size, we would not regard a larger village as appropriate so prefer to make provision for future demand this way;
- We also accept the three matters set out in paragraph 2.2.2 of the submission by Mount Cardrona Station Limited dated 5 August 2008, which read:
  - i) *Secondary units are unable to be separately subdivided (and therefore sold) from the primary dwelling. The two are intrinsically linked to specifically provide for the pathway to affordability intended by their inclusion in the Plan Change in the first instance;*
  - ii) *Significant planning and consideration has been given to how the secondary units will work within the Structure Plan. Part 3-8 of the Design Guidelines set out specific aims, guidelines and controls for secondary units and Schedule 6 of the Guidelines specifically contains a number of design layout configurations for how secondary units can be achieved within Activity Area 2. As discussed above in paragraph 2.1.5 of this submission, these Design Guidelines would be referred to in the Assessment Matters for Controlled Activity buildings within the Plan provisions.*
  - iii) *The Plan provisions have been specifically drafted to restrict secondary units from being used as visitor accommodation. This is*

*to ensure they are used for residential purposes and not visitor accommodation, which once again assists in ensuring housing affordability for long term or short term rental of the secondary units for local workers or the like.*

### ***Recommendation***

That the submission of **Brooklynne Holdings Limited** is disallowed, and that the submission of **Mount Cardrona Station Limited** is allowed.

## **5.5 Methods to achieve the design outcome- the Design Review Board (DRB)**

### ***Introduction***

5.5.1 In order to achieve the design outcome for the Special Zone the Plan Change as notified proposed that two mechanisms would be used:

- structure plan and associated rules controlling bulk and location of buildings, location of activities, heights and densities etc.
- Rules requiring that every subdivision consent and every building must be approved by a Design Review Board. The DRB would be assisted by a set of Design Guidelines and the objectives, policies and assessment matters of the Special Zone.

### ***Submissions***

5.5.2 Mr David Hughes, a resource management planner called by Brooklynne Holdings Limited, presented evidence that the DRB process as proposed by the Plan Change is not legally robust and that all buildings within the Special Zone should require resource consent.

5.5.3 Mr Hughes identified that in his experience the package of structure plan, development controls and a DRB are not sufficient to address the range of issues that could arise from development proposals with permitted activity status. Mr Hughes considers that the DRB should have an advisory rather than statutory role

and in response to questions said that because the DRB is part of the Zone Standards it is determining the activity status of activities, and is therefore ultra vires.

5.5.4 In response to questions regarding coherent design outcomes and consistent design Mr Mentz said that achieving good design is difficult, and is about finding a balance between providing for architectural talent, allowing room to be creative, and the other extreme where pre-design typologies are required. He suggested that there should be strong guidance around materials and believes that the DRB provides professional judgment that can assess exceptions to the base design and can determine whether they are appropriate.

5.5.5 As a consequence of the evidence presented by Mr Hughes we sought legal advice on the DRB provisions as proposed. The advice received confirmed that Mr Hughes is correct and the provisions as proposed are not lawful. This is because they enable the DRB, being a non-statutory body, to determine the activity status of activities.

5.5.6 Given the legal advice received we requested an additional report on this matter from Ms Jenny Parker (Appendix D). Having considered the costs and benefits of a range of options for achieving the design objectives for the Special Zone, Ms Parker recommended that all buildings within Activity Areas 1 and 5a require controlled activity consent, and that all other buildings are permitted (subject to site and zone standards), and that a Zone Standard is included within Part 15 of the Plan requiring that a covenant is placed on each title requiring that all buildings are assessed by the DRB.

5.5.7 In their responses to Ms Parker's report, MCSL and Brooklynne Holdings submitted that all buildings throughout the Zone should be a controlled activity. Both submitted that the costs of controlled activity consent are not significant, and that controlled activity consent provides greater control over design outcomes.

### *Consideration*

- 5.5.8 Having considered this issue carefully we concur with Ms Parker that controlled activity status for all buildings within the Zone is not necessary and would impose undue costs on future landowners. While some aspects of the Special Zone are resort oriented (particularly Activity Area 1), an important component is housing for permanent residents and such housing should not be subject to the cost implications of resource consent requirements. Requiring resource consent for every building, and then the monitoring of each of those consents also imposes unnecessary costs on the Council.
- 5.5.9 Given that we know the site can absorb development the key issue is in regard to achieving internal amenity. We believe that because of the importance of achieving a successful community an appropriate level of amenity will be achieved if we rely on the standards within the Plan and the initiatives of the developer.
- 5.5.10 Activity Areas 1 and 5a are different from the remainder of the Special Zone because of their prominence at the entrance to the Zone and the level of activity and built form that can occur within them. Activity Area 1 in particular will provide the focus for the development and it is important that this is designed and developed to a high quality.
- 5.5.11 We therefore recommend that in all areas other than Areas 1 and 5a control over buildings will be exercised by the DRB set up and run by an Incorporated Society which the developer will instigate. The Council will not be involved beyond including a rule in the Plan that ensures a covenant will be placed on each title ensuring that this process occurs. Control over subdivision would be held by the Council as this would be a controlled activity. In Activity Areas 1 and 5a control over building will be exercised by the Council, the buildings being controlled

activities and thus the subject of resource consents. Those involved in the assessment of those resource consents will have regard to the Design Guidelines.

5.5.12 This does not go as far as MCSL and Brooklynne would have liked but balances the need for control, and through that a quality design outcome, with the cost to future landowners associated with consent requirements, and to the Council in terms of assessment and monitoring of every building project.

### ***Recommendation***

That the submission of **Brooklynne Holdings Limited** [18/5/3] and the further submission of **Mount Cardrona Station Limited** (18/5/3/1) are allowed in part and the following amendments are made to the Special Zone:

Insert the following explanation within for Objective 4 and associated policies:

*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).*

Insert the following definition of Design Review Board:

*Design Review Board: In the Mount Cardrona Station Special Zone means a panel of at least four members who assess the design of subdivisions and buildings, who are agreed to by the Council and the developer and who are qualified in the following professions: landscape architecture, architecture, resource management planning, urban design.*

Insert reference to the design review board and covenants on titles within methods of implementation.

Insert the following controlled activity rule and associated assessment matters for buildings located within Activity Areas 1 and 5a.

v. *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);*
- *Provision for car parking.*

(ii) *Controlled Activity- buildings within Activity Areas 1 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), the recommendations 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), 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).

Delete Zone Standard 12.22.5.2(iii) Design Review Board

Add the following to Zone Standard 15.2.6.3(i):

- (h) Mount Cardrona Station Special Zone

- (i) A covenant shall be registered on the title of each allotment within the Zone requiring that any building within that allotment shall be assessed by the Mount Cardrona Station Design Review Board.

Note:

The Design Review Board shall comprise of at least four members agreed to by the Council and the developer and shall include persons qualified in the following professions:

- landscape architecture
- architecture
- resource management planning
- urban design

When assessing the design of any building the Design Review Board will be guided by the Mount Cardrona Station Design Guidelines ( 2008).

Add the following to 15.2.7.1 Controlled Subdivision Activities- Subdivision Design

- (i) *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.*
  - Whether the subdivision is consistent with the Mount Cardrona Station Design Guidelines (2008)
  - *Location of pedestrian access*
  - *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.*

Add the following to 15.2.7.3 Subdivision Design- Assessment Matters

*(xi) 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) 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 are designed ~~so that they are~~ in accordance with the Roding Schedule contained in the Mount Cardrona Station Design Guidelines (2008) and contribute to a 'rural' character, avoiding kerb and channelling and wide road widths, and creating a pedestrian friendly environment.*
- (f) Road widths and other traffic calming measures are utilised within the Village Precinct to enable the creation of a pedestrian friendly environment.*
- (g) Ford crossings within Activity Area 6 are encouraged in order to maintain a rural character.*

## **5.6 Relationship between Mount Cardrona Station and the existing Cardrona Village**

### ***Introduction***

5.6.1 When the Plan Change was first initiated consideration was given to preparing it together with a plan change for the existing Cardrona Village. To this end a valley-wide analysis was prepared by Rebecca Skidmore. This report was presented to the Council in March 2006 and concluded that because of the

physical separation of the two communities and the fact that they will develop as two separate settlements the plan changes for the existing Cardrona Village and Mount Cardrona Station did not need to be considered together.

### ***Submissions***

5.6.2 Brooklynne Holdings Limited requested that the Plan Change be put on hold until such time as the plan change for the existing Cardrona Village is progressed and that if the Plan Change is to proceed, that it is amended in order to recognise the existing Cardrona Village as the commercial centre within the Valley. We note that the request to defer the Plan Change was not made within an original submission.

### ***Consideration***

5.6.3 We agree with Ms Skidmore that because of the physical separation of the two communities they will develop as two separate settlements that will be linked and complementary. By providing a different setting for commercial activities and creating greater opportunity to provide for residential activities the Plan Change will contribute positively to the existing Village and will not foreclose the development of that Village. In comparison the existing RVZ would be more likely to compete with the existing Village given that it has a similar setting alongside the road and is subject to the same provisions in the Plan. For these reasons we consider that the provisions do not require amendment as proposed by Mr Hughes for Brooklynne.

### ***Recommendation***

That the submissions of **Brooklynne Holdings** [18/5/1] and [18/5/2] are disallowed and the further submissions of **Mount Cardrona Station Limited** [18/5/1/1] and [18/5/2/1] are allowed.

## **5.7 Provision for commercial activities within the Special Zone**

### ***Introduction***

5.7.1 As notified, the Plan Change provides for commercial activities as a permitted activity within Activity Area 1. Activity Area 1 comprises two sub-zones; Area 1a which is focused around a village green, and Area 1b which is located on the periphery of Area 1a and provides primarily for visitor accommodation. This issue is related to the issue discussed in Section 5.6 above in regard to the relationship between the Special Zone and the existing Cardrona Village.

### ***Submissions***

5.7.2 Brooklynne Holdings Limited submitted that enabling commercial activities throughout Area 1 is too permissive, and that the area within which commercial activities can locate is too large.

5.7.3 In response to the concerns raised by Brooklynne Holdings the planners report suggested a compromise whereby commercial activities would remain permitted within Area 1a, but would be discretionary activities in Area 1b. Mr Hughes submitted that this suggestion will not address Brooklynne's concern that there is an overprovision of commercial activities within the Special Zone. In addition, Mr Hughes considers that the assessment matters proposed for commercial activities within Area 1b are concerned with ensuring that the activities are compatible with surrounding residential activities, rather than exercising any measurable control over the scale and location of commercial activities in this location and considering the effects of such activities on the wider Cardrona Valley. Mr Hughes submitted that the policy framework should actively discourage the establishment of commercial activities other than a minor supporting role for visitor accommodation and residential activities. In his concluding remarks Mr Hughes submitted that the provisions for commercial activities should be limited to an area less than 1000m<sup>2</sup> and all commercial activities should be discretionary activities.

5.7.4 Ms Treharne, a resource management planner, presented planning evidence on behalf of MCSL. Ms Treharne agreed that the approach suggested within the planners report, in which commercial activities would be permitted within Activity Area 1a and discretionary within Activity Area 1b, recognises the importance of the village heart in Activity Area 1a. However, Ms Treharne said that this approach does not necessarily facilitate or ensure that development within Activity Area 1a will occur prior to development in Activity Area 1b and therefore suggested a staging provision to control the growth of the village centre, as follows:

***Site Standard 12.22.5.1(xiii) Retail activity within Activity Area 1b***

*No retail activities in Activity Area 1b until at least 65% of the ground level of Activity Area 1a is developed.*

Insert the following additional Assessment Matter 12.22.6(xx)

***Site Standard- Retail Activity in Activity Area 1b***

- (a) The extent to which the retail activity does not detract from the vibrancy and cohesion of Activity Area 1a;*
- (b) The extent to which the retail activity contributes to the mix of activities already established within Activity Area 1b;*
- (c) The extent to which the retail activity is required to locate in Activity Area 1b in terms of functional operating or servicing requirements.*

5.7.5 In response to questions from the Panel Mr Hughes considered that the staging provisions for Activity Area 1 suggested by MCSL would go some way to resolve Brooklynne's concerns. However, Mr Hughes believed that staging should be considered on a broader scale.

5.7.6 We also heard from Mr Mentz on this issue, who considered that given the challenge associated with locating retail within the Special Zone, any commercial activities within the Special Zone should be encouraged. Because of the

movement economy, commercial activities will try and locate by the road, and because of this there should be less restriction on the provision of retail within the Special Zone. Mr Mentz does not see a risk associated with a permissive approach to commercial activities and given the benefits associated with non-residential uses Mr Mentz believes that a permissive approach is appropriate.

### ***Consideration***

5.7.7 Requiring that retail activities are staged such that they locate within Area 1a before extending into Area 1b would help avoid potential dispersal of commercial activities and would help to establish Area 1a as the focal point of the Village. However, consideration needs to be given to whether it is retail activities that need to be staged, as put forward by Ms Treharne, or commercial activities in general. The definition of commercial activities reads:

*Means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or services, and includes shops, postal services, markets, showrooms, restaurants, takeaway food bars, professional, commercial and administrative offices, service stations, motor vehicle sales, the sale of liquor and associated parking areas. Excludes recreational, community and service activities, home occupations, visitor accommodation and homestays.*

5.7.8 The key difference between the definition of retail activities and that of commercial activities is that commercial activities include administrative offices. Given that Area 1a comprises a total of 2 hectares it is reasonable to assume that at no point will all of this area be used for retail activities, and in fact it may be difficult to achieve 65% of the ground floor (being 65% of 2 hectares). In order for Area 1a to become the focal point of the village it should also provide for commercial offices, which assist in creating vibrancy and demand for retail activities, and it is preferable that these activities locate within Area 1a first before extending into Area 1b. We note that Area 1b can provide visitor accommodation within which bars and retail activities associated with visitor accommodation can occur.

- 5.7.9 When considering how the staging provision may be implemented the wording of the site standard suggested by MCSL requires amendment, given that it is unclear as to what ‘developed’ means, or what the 65% is of. Area 1a comprises over 2 hectares, and therefore 65% of 2ha equates to around 13 000 m<sup>2</sup> of the total area in Activity Area 1a. However as this figure does not take into account the land required for road formation, footpaths etc it is effectively a higher proportion than initially considered and potentially more restrictive. Consequently, it is appropriate that, if the threshold is applied to the total area of Activity Area 1a, a lower threshold should be used to offset the land that will not otherwise be developable. It is also appropriate that the rule applies to only the ground floor levels of buildings, as upper levels may comprise residential activities, and it is the ground floor that relates most to the street and provides the village focus.
- 5.7.10 Given these findings we propose that the Site Standard is amended so that commercial activities within Area 1b are restricted. This will assist in ensuring that commercial activities (other than those ancillary to visitor accommodation) are located in Area 1a as a preference. We will achieve this by providing that until such time as 50% of the ground floor of Area 1a is occupied by commercial activities they will be a discretionary activity within Area 1b.
- 5.7.11 Mr Hughes believes that the assessment matters for commercial activities should consider provision of commercial activities from a Valley wide perspective. However, as discussed above, Cardrona Village and the Special Zone will develop as separate and distinct settlements. Providing commercial activities within the Special Zone will be a challenge and it is not necessary to require that they are limited or restricted depending on what may be occurring in the Cardrona Village. Evidence presented at the hearing from both urban design and economic experts identified that the Plan Change will, as proposed, complement the existing Village and therefore no further changes to the issues, objectives, policies and assessment matters for the Special Zone are necessary.

5.7.12 In terms of determining the amount of commercial space appropriate for the Special Zone, we are mindful that there is a market reality in terms of take up and demand. Ms Parker noted at the hearing that in the preparation of the Plan Change advice was sought from Ecosign, an overseas research company based in Whistler which has significant experience in resort planning. It was unable to provide advice on the amount of commercial space that should be provided, and was unable to provide any ratio or pattern. This is because demand for commercial activities depends on such a range of variables, including surrounding infrastructure and distance to other commercial centres. As both Mr Mentz and Ms Skidmore said that commercial activities within the Special Zone are an important component, and it will be a challenge to achieve their provision. We should therefore avoid restricting their provision unnecessarily.

### ***Recommendation***

That the submission of **Brooklynne Holdings** [18//5/1] is allowed in part and the further submission of **Mount Cardrona Station Limited** (18/5/1/1) is disallowed in part, in that the relationship between Mount Cardrona Station and the existing Cardrona Village is recognised. However, no changes are made to the issues, objectives and policies.

That the submissions of **Brooklynne Holdings** [18//5/4] and [18/5/5] are allowed in part, the further submissions of **Mount Cardrona Station Limited** (18/5/4/1) and (18/5/5/1) are disallowed, and the submission of **Mount Cardrona Station Limited** [18/23/1] is allowed in part, and that the following amendments are made to the Plan Change:

Amend the description for Activity Area 1 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. ~~and provides a range of activities, including residential, worker accommodation, visitor accommodation and supporting commercial.~~ Buildings and activities are encouraged to front the Village Green, and are provided with views of Mount Cardrona to the northwest. Commercial activities are encouraged to locate in Activity Area 1a, which also provides for visitor and worker accommodation and residential activities. Activity Area 1b provides larger scale visitor accommodation activities and is located on the periphery of Activity Area 1a.*

Insert the following additional site standard:

12.22.5.1(xiii) Commercial Activities in Activity Area 1b

No commercial activities shall occur in Activity Area 1b until such time as at least 50% of the ground floor level of Activity Area 1a has been built and occupied by commercial activities.

Insert the following additional assessment matters:

Site Standard- Commercial Activity in Activity Area 1b

- (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.

## **5.8 Effects of future buildings on residents located on the eastern side of the Cardrona River**

### ***Introduction***

5.8.1 The Plan Change proposes to extend the development area towards the south along the escarpment. This creates the potential for future dwellings to be visible from existing dwellings located on the eastern side of the Cardrona River. In order to reduce these potential effects a mitigation plan has been proposed in addition to height limitations imposed on buildings located within close proximity to the escarpment.

### ***Submissions***

5.8.2 Bruce Williams presented evidence in support of his original submission. He owns a dwelling on the eastern side of the Cardrona River and is concerned about the effects of the Plan Change on his property. Mr Williams believes that the boundary of development is too close to the edge of the escarpment and that the proposed mitigation planting will not resolve his concerns. In response to questions, Mr Williams confirmed that he would prefer to retain the existing RVZ because it does not affect his property. Mr and Mrs McKinnon, who own a dwelling on the eastern side of the Cardrona River, oppose the Plan Change because it would adversely affect privacy and reduce amenity value.

5.8.3 MCSL lodged a submission requesting amendments to the provisions that require the implementation of a Mitigation Earthworks and Planting Plan (MEPP) and requested the insertion of a revised MEPP.

5.8.4 Mr Espie presented evidence on behalf of MCSL recommending the inclusion of the revised MEPP and said that the mitigation planting plan stipulates planting that must be undertaken, with the type and character of the planting being chosen specifically for the site, building on the vegetation already in place. Mr Espie believes that the planting will provide both visual and ecological benefit. The

MEPP has been reviewed by Ms Kidson who agrees with Mr Espie that it improves upon the initially proposed mitigation plan and is therefore appropriate. The planners report supported the amendments proposed by MCSL and to this end recommended amendments to the Plan provisions.

### ***Consideration***

- 5.8.5 The effects of the existing RVZ on landscape values would have been worse than the effects of the Special Zone, particularly at the snow farm entrance and when viewed from the Cardrona Valley Road. The view from residences such as Mr Williams up to the escarpment is not direct, and for six months of the year would be in large part screened by the existing willows that are located along the Cardrona River. Activity Area 3b, which is the area most visible from Mr Williams residence contains the education precinct and therefore would not be lit at night, nor would it be built for approximately 15 years. We find that the MEPP as proposed by MCSL is appropriate as a means of reducing potential effects on neighbouring properties.
- 5.8.6 The suggested MEPP and associated amendments to the Plan provisions are a positive step to reduce potential visual effects on landowners situated on the eastern side of the Cardrona River, particularly for those residents at the northern end of the paper road.

### ***Recommendation***

That the submissions of **Mount Cardrona Station Limited and Others** [18/24/1], **Joss Mercer and Samantha Carey** [18/21/1], **John Scurr** [18/30/1], **William and Debbie Scurr** [18/32/1], **Timothy and Catherine Scurr** [18/31/1] and **Mount Cardrona Station Limited** [18/23/8], [18/23/18] and the further submissions of *Mount Cardrona Station Limited* (18/21/1/1), (18/30/1/1), (18/31/1/1), (18/32/1/1) are allowed and the submissions of **Bruce Williams** [18/40/1], Carol and Peter McKinnon [18/20/1] are disallowed and the further submission of *Mount Cardrona Station Limited* (18/40/1/1) is allowed.

And that the following amendments are made to the Plan Change as notified:

Amend Controlled Activity Rule 12.22.3.2(iv) Earthworks as follows:

- (iv) *Earthworks that do not comply with Site Standard 12.22.5.1(xi) where such earthworks are for the purposes of:*
- *Access roads*
  - *Underground car parks*
  - *Walkways*
  - *Farm tracks and bridle paths*
  - *Utilities*
  - *Mitigatory earthworks as shown on Structure Plan D*

Insert the following additional Controlled Activity Rule:

- (vi) *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*

Insert the following assessment matters

- iii. Controlled Activity- Mitigation Earthworks and Planting Plan*

*The extent to which:*

- (a) *The earthworks are consistent with Structure Plan D.*

- (b) The proposed planting is consistent with the planting list provided within Schedule 1a of the Mount Cardrona Station Design Guidelines (2008).
- (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.

Delete Site Standard 12.22.5.1(xii) Mitigation Planting and insert the following Zone Standard:

Zone Standard 12.22.5.2

(ix) Mitigation Earthworks and Planting

No building shall be erected within Activity Areas 1b, 3a and 3b prior to the Mitigation Earthworks and Planting Plan (MEPP) (Structure Plan D) being approved and implemented pursuant to Controlled Activity Rule 12.22.3.2(vi)

Upon approval of the MEPP under Rule 12.22.3.2(vi) implementation shall commence within the first available planting season.

Amend Structure Plans A and B to show the location of the mitigation bunding within Activity Areas 1b and 2a and amend Zone Standard 12.22.5.2(ii) as follows:

**ii. Building Restriction Line**

- (a) *No building shall be located between the Building Restriction Line and the Zone boundary (as depicted on ~~the Mount Cardrona Station Special Zone Structure Plan A~~).*
- (b) *No building shall be located between the Building Restriction Line- Maximum height 4.5m and the Zone boundary (as depicted on ~~the Mount Cardrona Station Special Zone Structure Plan A~~).*
- (c) *No building shall be located within the Mitigation Bund- No Build as depicted on Structure Plans A and B.*

Insert additional Structure Plan D into the District Plan (Mitigation Earthworks and Planting Plan) (see Appendix B).

Insert Schedule 1a: Mitigation Planting Plan and Structure Plan D into the Design Guidelines (amended design guidelines are attached as Appendix C).

Reference the Structure Plans as follows:

*Structure Plan A – MCS Special Zone Structure Plan*

*Structure Plan B – Village Height Restriction Lines*

*Structure Plan C – Public Access Easements and Walkways*

*Structure Plan D – Mitigation Earthworks and Planting Plan*

Delete assessment matters 12.22.6 (xx) Mitigation Planting Plan.

## **5.9 Access from the Special Zone directly onto the Cardrona Ski Field Access Road**

### ***Introduction***

5.9.1 The Plan Change proposes to provide a road linking the Special Zone directly to the Cardrona Ski Field Access Road. This would enable residents and visitors staying within the Zone to access the ski field without having to re-enter the Cardrona Valley Road.

### ***Submissions***

5.9.2 We heard evidence from Mr Andy Carr, a traffic engineer who was called by MCSL, and who considered that the direct access between the Special Zone and the Cardrona Ski Field Road was beneficial in that it avoided the need for vehicles to re-enter Cardrona Valley Road from the Special Zone before then turning left onto the Ski Field Access Road. Mr Carr believes that any potential traffic safety effects at the proposed intersection onto the Ski Field Access Road can be effectively managed.

5.9.3 Mr Ibbotson, legal counsel representing Cardrona Ski Resort Limited, presented a submission on behalf of the Ski Resort stating that the Ski Field Access Road is private and that the Ski Resort remains opposed to an access directly onto the road from the Special Zone.

### ***Consideration***

5.9.4 We recognise the benefits associated with providing direct access from the Special Zone onto the Ski Field Access Road and understand that from a technical perspective the intersection would be safe; we viewed the proposed location of the intersection on our site visit and concur with Mr Carr that the site distance provided is significant either side of the intersection location. However, the ability to provide the access onto the Ski Field Road is a legal matter that can not be determined in this forum. It is noted that while its provision is preferable given the associated efficiency and safety benefits, this direct access is not critical for the future functioning of the Special Zone. Therefore we leave the resolution of legal aspects of this matter to the parties but retain the access road in the Structure Plan.

### ***Recommendation***

That the submissions of **Cardrona Ski Resort Limited** [18/6/2] and [18/6/5] are allowed in part, and the further submissions of **Mount Cardrona Station Limited** (18/6/2/1) and (18/6/5/1) are allowed in part.

The part accepted is the issue raised with regard to the ability to provide access onto the ski field road from a legal perspective. The part not accepted is the submission that the intersection would be unsafe.

## **5.10 Treatment of that part of the present Ski Field Access Road that runs through the Special Zone**

### ***Introduction***

5.10.1 Prior to the notification of the Plan change the Ski Field Access Road was zoned RVZ at its base and Rural General as it extended up to the Ski Field. Because it was recognised that RVZ in its existing location is inappropriate, and also recognising the limited development potential of the Ski Field Road given its function and width, it was proposed that it would be included within Activity Area 7 of the Special Zone. However, while it was included within the Special Zone it was identified as a road and consequently no provisions applied.

### ***Submissions***

5.10.2 Cardrona Ski Resort Limited opposed the inclusion of the Ski Field Access Road within the Special Zone and submitted that the RVZ should be retained for that stretch of road. The planners report considered this in detail and recommended that a specific activity area be applied to the road. This Activity Area would provide for the existing and potential activities that may occur while also recognising the importance of managing effects of activities within such a prominent location.

5.10.3 At the hearing Mr Ibbotson advised that the Ski Resort remains opposed to the inclusion of the base of the ski field road within the Special Zone and does not agree with the recommendations within the planners report. In response to questions Mr Ibbotson said that it would be preferable if the road were zoned Rural General and said that restricting buildings to 50m<sup>2</sup> in size, as proposed, does not provide for storing graders.

### *Consideration*

5.10.4 The entrance to the Cardrona Ski Field is used for activities such as parking and ticketing, with the potential into the future to provide chain hire and other uses associated with the access to the Ski Field.

5.10.5 The amendments suggested within the planners report provide clarification and enable built form within the lower portion of the Road while ensuring that future buildings are appropriate to their setting, being adjacent to the Cardrona Valley Road, Activity Area 7 of the Special Zone, and the primary access point to the Cardrona Ski Field. The suggested provisions also recognise that the purpose of the road is primarily to provide access and therefore buildings will be limited in size and function. However, we note that limiting buildings to 50m<sup>2</sup> in size may be too restrictive for the purposes of storing graders and other roading equipment. We also find that the setback from the road boundary should be increased to 10m, rather than the 6m suggested in the planners report. This better manages potential adverse effects associated with buildings located in close proximity to the Cardrona Valley Road. Because the Road runs through the Special Zone it is practical to include it within the Special Zone and apply specific provisions. This also provides greater certainty into the future.

5.10.6 The planners report recommends that the part of the Road previously zoned Rural General (and that runs through the Special Zone) is zoned Activity Area 8b. Because of the topography of this section of the Road and its primary use as a road, buildings are not anticipated and therefore it is appropriate that they are a non-complying activity. It is recommended that the part of the road previously

zoned RVZ is zoned Activity Area 8a. Given the existing and future activities associated with its role as the primary entrance to the Ski Field, and in recognition of what could be provided under the RVZ, it is suggested that small scale buildings are provided as a controlled activity, subject to site and zone standards as follows:

***Residential and visitor accommodation activities*** are non-complying recognising that the area provides for activities associated with the access to the Cardrona Ski Field.

***Gross Floor Area:*** Gross Floor Area is restricted to 80m<sup>2</sup> recognising the purpose of the buildings and the need to retain space for parking and access while enabling storage of roading equipment.

***Setback from Cardrona Valley Road:*** The 10m setback is consistent with the provisions of the RVZ, and recognises the importance of providing reasonable setback between buildings and the Cardrona Valley Road.

***Height:*** height is restricted to 7m, this is consistent with the height restrictions of the RVZ and is appropriate given the location of the Road alongside the Cardrona Valley Road.

### ***Recommendation***

5.10.7 That the submissions of **Cardrona Ski Resort Limited** [18/6/1], [18/6/4] are allowed in part, and the further submissions of **Mount Cardrona Station Limited** (18/6/1/1), (18/6/4/1) are disallowed, and the following amendments are made to the Plan Change as notified:

Amend Structure Plan A such that the part of the Cardrona Ski Field Access Road that runs through the Special Zone previously zoned RVZ becomes Activity Area 8a, and that part of the Road previously zoned Rural General becomes Activity Area 8b as illustrated in the amended Structure Plan, attached as Appendix B.

Insert the following provisions for Activity Areas 8a and 8b in order to provide for existing and future uses:

Insert under Objective 4 Spatial Planning and Design the following additional Policy

4.12 To enable buildings and structures within Activity Area 8a that provide for the continued functioning of the activities associated with the entrance to the Ski Field Access Road, and ensure the continued functioning of Activity Area 8b as the access road to the Cardrona Ski Field.

Insert the following description of Activity Areas 8a and 8b:

**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.

Insert the following controlled activity rule:

12.22.3.2 Controlled Activities

(vii) Buildings within Activity Area 8a

Matters over which control is reserved:

- External appearance
- Landscaping
- Access and parking

Amend Non-Complying Activities Rules 12.22.3.4(i), (iii), (iv) and (vi) as follows:

**i. Buildings in Activity Areas 6, ~~and 7~~ and 8**

*Except:*

- Buildings in Activity Area 6a
- Historic equipment
- Bus shelters within Activity Area 6 (permitted pursuant to Site Standard 12.22.5.1(viii))
- Buildings within Activity 8a approved pursuant to Controlled Activity Rule 12.22.3.2(vii).

**iii. Visitor Accommodation:**

- Located within Activity Areas 4, 5, 6, ~~and 7~~ and 8
- Located within a secondary unit.

**iv. Residential Activities in Activity Areas 6 ~~and 7~~ and 8**

**vi. The construction of any building within the Zone (except within Activity Area 8a) 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).**

Insert the following additional clause under Site Standard 12.22.5.1(ii) Setbacks from roads and secondary rear access lanes:

*(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.*

Insert the following Site Standard 12.22.5.1(xii) for buildings within Activity Area 8a:

***(xii) Buildings within Activity Area 8a***

*No building within Activity Area 8a shall have a gross floor area of greater than 80m<sup>2</sup>.*

Amend Zone Standard 12.22.5.2(iv) Building Height as follows:

***iv. Building Height***

<i><b>Activity Area</b></i>	<i><b>Maximum Height</b></i>
<i>1</i>	<i>15m</i>
<i>2</i>	<i>10</i>
<i>3</i>	<i>7m</i>
<i>3a and 3b</i>	<i>5.5m</i>
<i>4</i>	<i>5.5m</i>
<i>5a (woolshed)</i>	<i>6m</i>
<i>5b (homestead)</i>	<i>8m</i>
<i>6a</i>	<i>4m</i>
<i><u>8a</u></i>	<i><u>7m</u></i>

Insert the following additional assessment matters for buildings within Activity Area 8a:

***iv. Controlled activity- buildings within Activity Area 8a***

The extent to which:

(a) The building and associated activities:

- Are consistent with the maintenance of Activity Area 8a as the access to the Cardrona Ski Field;
- 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 is used to soften the visual appearance of any buildings.

## **5.11 Provision for Outdoor Living Space within Activity Area 2**

### ***Introduction***

5.11.1 Activity Area 2 of the Zone provides opportunity for high density living and visitor accommodation activities. The provisions as notified included a site standard requiring that every residential unit has access to outdoor living space at the ground level. The purpose of this rule was to ensure that each unit achieves a level of internal amenity. It also has the secondary effect of creating space between buildings.

### ***Submissions***

5.11.2 MCSL submitted that providing for some apartment style dwellings could assist in achieving more variety in design styles and living opportunities. However as currently drafted the site standard for Outdoor Living Space does not allow above ground apartments because it requires the provision of outdoor living space at the ground, and that is accessed from a living area.

5.11.3 At the hearing it was clarified that the submitter is concerned only with Activity Area 2a, and does not wish to see an increase in density, but instead an ability to provide a greater variety of housing typologies. MCSL submitted that the site standard for Outdoor Living Space should be amended as follows:

*(ii) Activity Area 2a*

- *Ground level residential unit: 20m<sup>2</sup> contained in one area with a minimum dimension of 3.5m.*
- *Secondary unit: 5m<sup>2</sup> contained in one area with a minimum dimension of 2m.*
- *Above ground residential unit: 8m<sup>2</sup> balcony with minimum dimension of 2m.*

***Consideration***

5.11.4 Reducing the amount of outdoor living space required is beneficial for the following reasons:

- A mix of dwelling types and living opportunities helps create variety and potentially affordability.
- Activity Area 2a is located towards the centre of the Zone and is adjacent to areas of open space and therefore private residences gain amenity from public open space.
- Activity Area 2a is located where it can be absorbed from a landscape perspective.
- Demand for apartment style dwellings within Activity Area 2a would help create vibrancy at the centre of the Zone
- Above ground apartments could be used for either visitor accommodation or permanent residents. This amendment therefore enables flexibility.

***Recommendation***

That the submission of **Mount Cardrona Station Limited** [18/23/15] is allowed and the following amendment is made to Site Standard 12.22.5.1(iv):

*(ii) Activity Area 2a*

- *Ground level residential unit: 20m<sup>2</sup> contained in one area with a minimum dimension of 3.5m.*

- *Secondary unit: 5m<sup>2</sup> contained in one area with a minimum dimension of 2m.*
- *Above ground residential unit: 8m<sup>2</sup> balcony with minimum dimension of 2m.*

## **5.12 Earthworks requirements**

### ***Introduction***

5.12.1 The Plan Change as notified proposed that the Special Zone is subject to the earthworks provisions that apply throughout residential areas of the District.

### ***Submission***

5.12.2 In preparing its submission MCSL carried out an exercise to ascertain the likely implications of applying the District wide earthworks standards within the Special Zone. The exercise assumed indicative lot sizes and building platforms/footprints within Activity Areas 3 and 4 based on the site and zone standards currently contained within the notified provisions (i.e. minimum/maximum lot sizes; maximum site coverage, and front and side setbacks etc.). The study found that in all instances, the estimate of earthworks (both volume and area of stripped soil) exceeded the basic 100m<sup>3</sup> volume and 200m<sup>2</sup> bare soil area specified in the current provisions.

5.12.3 MCSL submitted that including a site standard for earthworks that is not achievable for even the most basic building platform or dwelling imposes unnecessary costs on future landowners and is not justified from an effects perspective.

### ***Consideration***

5.12.4 As proposed the earthworks rules impose cost and time delays that are not justified on an effects basis. The potential risk from increasing the thresholds is limited, and the changes proposed by MCSL are therefore appropriate.

5.12.5 Other minor amendments are recommended within the planners report to provide clarification and certainty and these amendments are appropriate.

***Recommendation***

That the submissions of **Alyson Schuler** [18/28/1] and [18/28/4], the submission of **Mount Cardrona Station Limited** [18/23/4] and the further submissions of **Mount Cardrona Station Limited** (18/28/1/1) and (18/28/4/1) are allowed.

That the submission of **Mount Cardrona Station Limited** [18/23/7] is allowed in part, the submission of the **Otago Regional Council** [18/26/4] is allowed and the further submission of **Mount Cardrona Station Limited** (18/26/4/1) is allowed in part.

That the earthworks provisions are amended as follows:

Amend Controlled Activity Rule 12.22.3.2(iv) as follows:

*iv. Earthworks that do not comply with Site Standard 12.21.5.1(xii) where such earthworks are for the purposes of:*

- Access roads
- Underground car parks
- Walkways
- Farm tracks and bridle paths
- Utilities

And that:

- exceed a volume of 200m<sup>3</sup> per site (within a 12 month period); or
- expose an area of bare soil greater than 400m<sup>2</sup> 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*

Amend Site Standard 12.22.5.2(xi) as follows:

***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 12.22.3.2(iv)*

***1. Earthworks***

- (a) *The total volume of earthworks does not exceed ~~100m<sup>3</sup>~~ 200m<sup>3</sup> 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 ~~200m<sup>2</sup>~~ 400m<sup>2</sup> in area within that site (within a 12 month period).*

### **5.13 Roading Schedule**

#### ***Introduction***

5.13.1 Roading design is recognised as an important factor in achieving the overall sense of place and character for the Special Zone and to this end the objectives, policies and assessment matters emphasized the need to provide a distinct character when

designing roads. This needs to be balanced against the Council's subdivision standards which specify design criteria for future roads.

### ***Submission***

5.13.2 MCSL submitted that a Roding Schedule should be inserted into Part 14 of the Plan, so that any roading for future subdivisions within the Zone would be assessed against the Roding Schedule instead of the Subdivision Code.

5.13.3 The planners report recommended that instead of being inserted within the Plan the Roding Schedule should be included within the Design Guidelines. This would enable the Council to consider both the Subdivision Code and the Roding Schedule when assessing future subdivision consents. At the hearing MCSL said that it agreed with the recommendations of the planners report and agreed that the objectives, policies and assessment matters contained in the notified Plan provisions can satisfactorily guide the design of roading for the Village, assuming that the Roding Schedule are inserted into the guidelines.

### ***Consideration***

5.13.4 The Roding Schedule provide a departure from the Subdivision Code in terms of road widths and treatments, and we understand the importance of this difference in achieving the sense of place and character envisaged for the Special Zone. The Roding Schedule should be considered instead of the Subdivision Code so that decisions made at the time of subdivision reflect the desire to create a development with a rural character and sense of place. This is considered appropriate and recognises the need to reflect the design aspirations of the Special Zone.

### ***Recommendation***

That the submission of **Mount Cardrona Station Limited** [18/23/10] is allowed and the Design Guidelines are revised to include the Roding Schedule and

Roading Plan (revised design guidelines are attached as Appendix C), and amend Assessment Matter 15.2.8.3(iv) as follows:

*(iv) The provisions of the Council's Code of Practice for Subdivision in respect of the design and construction of roads and private access, with the exception of the Mount Cardrona Station Special Zone, where roads and private access shall be designed and constructed in accordance with the Roading Schedule contained within the Mount Cardrona Station Design Guidelines (2008).*

## **5.14 Bulk titles**

### ***Introduction***

5.14.1 In a development the size of the Special Zone there will likely be subdivision of 'bulk titles'. These enable the transfer of ownership of large titles that will be subject to further and more detailed subdivision in the future.

### ***Submissions***

5.14.2 MCSL submitted that it is important to differentiate between those obligations that should be triggered on the development of any allotment including a bulk or block title allotment and those that should only be triggered on development of an allotment available for immediate use as a residential or commercial property.

5.14.3 At the hearing the submitter suggested the following addition to Assessment Matter 15.2.7.1 Subdivision Design

*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 which is a controlled activity.*

### ***Consideration***

5.14.4 The assessment matter suggested by MCSL would apply in addition to those already in place, recognising that in some cases bulk title subdivision will occur. There is little risk associated with adopting this suggestion, given that it applies in addition to the other existing assessment matters and requirements. The reference to controlled activity at the end of the assessment matter is not required, given that all potential land use activities, including those that are permitted, should be considered.

### ***Recommendation***

That the submission of **Mount Cardrona Station Limited** [18/23/16] is accepted and the following assessment matter is added to Assessment Matter 15.2.7.1 (i)

*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.*

## **5.15 Water Supply**

### ***Introduction***

5.15.1 Before it can accept the Plan Change the Council needs to ensure that it can be adequately serviced, including an adequate level of potable water supply to each future allotment. The Servicing Report (Appendix 2.9 to the Section 32 Report) identifies that an adequate source of potable water can be supplied to each future allotment and also identifies techniques that can be adopted to reduce water usage.

### ***Submissions***

5.15.2 Isabella Anderson presented evidence opposing the Plan Change, and is concerned that there is not enough water to supply a development of this size and to irrigate the proposed mitigation planting.

- 5.15.3 Cardrona Ski Resort submitted that they extract water from Pringles and Roaring Meg Creeks for snow making and general use, and are concerned that further extraction from such a limited supply could prejudice their existing and future activities. Otago Regional Council (ORC) submitted that this concern is outside the jurisdiction of this Plan Change, given that water allocation is an ORC responsibility.
- 5.15.4 MCSL submitted that there is more than sufficient water supply for the site available within the Cardrona Valley and that MCSL has sought to adopt a sustainable approach to water supply, provision and usage in keeping with the overall sustainable design approach to the Special Zone. Measures proposed to be implemented include requiring the installation of water metres for each allotment, imposing covenants on titles to restrict the reticulated supply of water for potable use and requiring alternative sources of water for irrigation purposes (e.g. rainwater tanks).
- 5.15.5 Mr Simon McCaulay, an engineer with Montgomery Watson Harza, presented evidence on behalf of MCSL. Mr McCaulay has been involved in the preparation of the servicing and infrastructure reports for the Plan Change and the obtaining of required resource consents for water abstraction. Mr McCaulay concluded that there is sufficient water available to provide potable water for the Plan Change, and said that MCSL holds a water permit allowing abstraction of water from Pringles Creek and Little Meg Stream for the purpose of providing potable water to the Plan Change site. Mr McCaulay identified that the water supply will be ‘restricted’, meaning that less water is taken from the natural environment than would be the case if an ‘unrestricted’ supply option were provided.
- 5.15.6 MCSL requested amendments to the provisions to include reference to specific standards for the Special Zone, and agrees with the recommendations of the planners report in this regard.

### ***Consideration***

5.15.7 There is adequate water supply for the Plan Change, and a water permit has been obtained from Otago Regional Council for an adequate amount of water for the development proposed.

5.15.8 The objectives, policies, rules and assessment matters inserted for the Plan Change provide sufficient guidance for the consideration of water supply at the time of subdivision consent. Given that the Council has not yet made a decision on how the subdivision standard will be amended for Cardrona, it is not possible at this time to make a recommendation to include water supply standards for the Special Zone in the Plan. The suggested amendments reflect the nature of the proposed water supply system and the objectives for achieving lower water usage and we therefore find them appropriate.

### ***Recommendation***

That the submission of **Mount Cardrona Station Limited** [18/23/12] is allowed in part and the submission of **Cardrona Ski Resort Limited** [18/6/6] is disallowed, and the further submissions of **Otago Regional Council** (18/6/6/1) and **Mount Cardrona Station Limited** (18/6/6/2) are allowed.

That the submissions of **Mary Anderson** [18/3/1], **Isabella Anderson** [18/1/1] and **Natasha Anderson** [18/4/1] and **Kay and Martin Curtis** [18/7/1] are disallowed, and the further submissions of **Mount Cardrona Station Limited** (18/1/1/1), (18/3/1/1), 18/4/1/1) and (18/7/1/1) are allowed.

That Zone Standard 15.2.11.3(iii) is amended as follows:

(iii) *Where no communal owned and operated water supply exists, all lots other than lots for access, roads, utilities and reserves, shall be provided with a potable water supply of at least 1000 litres per day per lot.*

(a) *Except within the Mount Cardrona Station Special Zone where:*

- *every allotment, other than allotments for access, roads, reserves, open space or utilities, shall be connected to the one reticulated restricted potable water supply.*
- *the reticulated restricted potable water supply shall be capable of meeting ~~peak demand and~~ fire fighting requirements, including provision for 24 hour storage at average levels of demand; and*
- *where bulk water meters are not provided every allotment connected to the reticulated restricted water supply shall be provided with a water meter at the frontage to the allotment to measure the consumption of water on that allotment.*
- *A consent notice shall be placed on each certificate of title restricting the use of reticulated restricted water supply for potable use; any water used for irrigation must be sourced from a separate supply (for example rain water or recycled greywater)*

## **5.16 Protection of cultural heritage values**

### ***Introduction***

5.16.1 During the preparation of the Plan Change an archaeological assessment was undertaken to provide a historical context to the study area and the surrounding environment and to identify any archaeological sites or features within the study area. This report identified the importance of the Walter Littles and Cardrona water races located within the Plan Change site.

### ***Submissions***

5.16.2 The Historic Places Trust (HPT) lodged a submission in support of the Plan Change, in particular, the protection afforded to the water races. UCESI submitted that the Plan change is less successful at protection heritage values than the existing zoning. UCESI did not support this view at the hearing. MCSL supports the submission of the HPT and opposes the submission of UCESI.

### ***Consideration***

5.16.3 The Plan Change recognises and provides for the heritage values of the site and the surrounding environment. This is achieved through the Activity Area 7, objectives and policies relating to heritage values, and the design guidelines for future subdivision and development.

### ***Recommendation***

That the submission of the **New Zealand Historic Places Trust** [18/14/1] and the further submission of **Mount Cardrona Station Limited** (18/14/1/1) are allowed, and the submission of **Upper Clutha Environmental Society** [18/38/1] is disallowed, and the further submission of **Mount Cardrona Station Limited** (18/38/1/1) is allowed.

## **5.17 Signage within the Special Zone**

### ***Introduction***

5.17.1 The Plan Change as notified enabled signage throughout the Zone as a permitted activity, relying on the DRB process to ensure appropriate design, siting and size of any future signage.

### ***Submissions***

5.17.2 Brooklynne Holdings Limited opposed the permitted activity status for signs and suggested that signage should be a controlled activity within Part 18 of the Plan. MCSL opposed the submission of Brooklynne Holdings Limited. However, MCSL presented evidence at the hearing in support of the controlled activity

status for signage and suggested that the controlled activity rule and associated assessment matters for signage should include reference to consistency of the signage with the Design Guidelines.

### ***Consideration***

5.17.3 It is recognised that while important to the functioning and legibility of the Zone, signage can have an adverse effect on amenity values if inappropriately located or designed and therefore some level of control should be imposed.

5.17.4 Controlled activity status for any signage enables the Council to consider all signage proposals and impose conditions in order to reduce any potential adverse effects. Because signage will not be needed on all buildings the controlled activity consent process is not considered onerous.

### ***Recommendation***

That the submission of **Brooklynne Holdings Limited** [18/5/6] is allowed and the further submission of **Mount Cardrona Station Limited** (18/5/6/1) is disallowed and the following amendments are made to the Plan Change provisions:

Amend Part 18: Signs as follows:

Insert the following controlled activity rule within 18.2.2:

(b) All signs within the Mount Cardrona Station Special Zone, with Council's control limited to:

- (i) Colour and materials
- (ii) Design
- (iii) Location
- (iv) Size

- (v) Consistency with the Mount Cardrona Station Design Guidelines (2008)

Within Part 18 insert the following assessment matters for signage within Mount Cardrona Station Special Zone:

**(ii) Controlled Activity – Signs within Mount Cardrona Station Special Zone**

The extent to which:

- (a) The colour and materials complement the external appearance of surrounding buildings;
- (b) The design, location and size complements the surrounding built environment and does not dominate built form;
- (c) The design is consistent with other signs in the vicinity;
- (d) The size, colour and location do not adversely affect traffic safety;
- (e) The signage is consistent with the Mount Cardrona Station Design Guidelines (2008).

## **5.18 Noise within the Education Precinct**

### ***Introduction***

5.18.1 As notified the Plan Change proposes an Education precinct for the purposes of enabling future education facilities to locate within the Zone. As notified, the rules require that noise emissions from that part of the Education Precinct located within Activity Area 3a comply with noise standards adopted for residential areas.

### ***Submissions***

5.18.2 MCSL lodged a submission requesting that the noise standards are amended in order to recognise the potential needs of the educational facilities in the future. At the hearing MCSL identified that following further consideration and advice from a noise expert the recommended noise limit of 50dbA throughout the day will be

sufficient to give effect to educational activities within Activity Area 3b and therefore no changes are needed to the Noise Standards.

***Consideration***

5.18.3 Evidence presented at the hearing by MCSL recognised that the noise limits proposed are sufficient for the functioning of educational activities within Activity Area 3b and therefore no changes are necessary. Requiring compliance with noise limits imposed for residential areas ensures the amenity values of the residential environment are achieved.

***Recommendation***

That the submission of **Mount Cardrona Station Limited** [18/23/9] is disallowed.

**5.19 Provision for visitor accommodation within Activity Areas 1 and 2**

***Introduction***

5.19.1 As notified the Plan Change proposed controlled activity status for visitor accommodation activities within Activity Areas 1 and 2, with control reserved over site layout, parking and access including bus and pedestrian access, noise and hours of operation. The purpose of the controlled activity status is to ensure compatibility between uses.

***Submissions***

5.19.2 MCSL submitted that within Activity Area 1 control should be reserved over parking and access, and within Activity Area 2 control should be reserved over noise, hours of operation and parking and access. MCSL submitted that these amendments better reflect the range of activities that will likely locate within Activity Area 1.

5.19.3 The planners report identified that the purpose of the controlled activity rule for visitor accommodation is to ensure compatibility between activities. The key issue

is potential noise and the effects of noise on surrounding activities, particularly residential uses, which are permitted within Activity Areas 1 and 2.

5.19.4 The planners report recognised that in addition to visitor accommodation, premises licensed for the sale of liquor, whether within or separate to a visitor accommodation activity, have the potential to cause adverse effects. It was therefore recommended that a separate controlled activity rule is inserted for premises licensed for the sale of liquor.

5.19.5 At the hearing MCSL identified that it is comfortable with the recommendations of the planners report and therefore provided no further evidence on this matter.

#### ***Consideration***

5.19.6 Given the mix of residential and visitor accommodation activities provided for within Activity Areas 1 and 2 it is appropriate that some level of control is placed on those activities with the potential to generate noise. The insertion of a controlled activity rule for premises licensed for the sale of liquor can be undertaken as a consequential amendment to the submission of Brooklynne Holdings [18/5/4] which requests consideration of the appropriateness of commercial activities being permitted within Activity Area 1, and the submissions of Mount Cardrona Station [18/23/3] and [18/23/19] as a consequential amendment to the submission on visitor accommodation.

#### ***Recommendation***

That the submission of **Mount Cardrona Station Limited** [18/23/3] is allowed in part and the following amendments are made to the Plan provisions as notified:

Amend Controlled Activity Rule 12.22.3.2(ii) as follows:

***(ii) Visitor Accommodation in Activity Areas 1 and 2***

*Matters over which control is reserved:*

~~—Site layout~~

- *Parking and access, including bus and pedestrian access*
- *Noise*
- *Hours of operation of premises licensed for the sale of liquor associated with visitor accommodation.*

Amend Site Standard 12.22.5.1(x) to read as follows:

**(x) *Service Areas and Access – Activity Area ~~1~~ 1***

- (a) *Any storage or servicing areas shall be contained within the building or accessed from a service lane at the rear of the property.*

Insert the following assessment matter for Visitor Accommodation activities within Activity Areas 1 and 2:

v. **Controlled Activity- Visitor Accommodation within Activity Areas 1 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.

Amend Assessment Matter 12.22.6(i) as follows:

- i. *Controlled and Discretionary Activities- Educational Facilities, Community Activities, Visitor Accommodation in Activity Area 3, Health and Day Care Facilities*

As a consequential amendment, insert the following controlled activity rule for premises licensed for the sale of liquor:

Controlled Activity 12.22.3.2(viii) Premises licensed for the sale of liquor

- viii. **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 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.*

Insert the following assessment matters for premises licensed for the sale of liquor

- 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.

## **5.20 Description of Activity Area 6 and provision for buildings**

### ***Introduction***

5.20.1 The purpose of Activity Area 6 is to provide open space and recreation activities and as such buildings (except historic equipment and bus shelters) are a non-complying activity. The purpose of Activity Area 6 is described in the notified Plan provisions as follows:

*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 provision of access to the surrounding recreational activities.*

### ***Submissions***

5.20.2 MCSL submitted that the description of Activity Area 6 should be amended to recognise that part of the Activity Area is subject to the Indicative Education Precinct, and as such the non-complying activity rule for buildings should be amended to exempt small scale buildings associated with education activities (such as equipment sheds and changing facilities).

5.20.3 MCSL also submitted that gas storage facilities should be allowed within Activity Area 6 and therefore should be excluded from the non-complying activity rule. As a result of the submission of MCSL it was recognised that while the description of Activity Area 6 recognised the need to provide for a gondola within Activity Area

6 (subject to discretionary activity consent) this had not been excluded from the non-complying activity rule. Alyson Schuler submitted that a recycling drop off point should be allowed within Activity Area 6.

5.20.4 The planners report recommended the insertion of a discretionary activity rule for a recycling station and gas storage facilities within Activity Area 6 and buildings within the Indicative Education Precinct. These would be excluded from the non-complying activity rule for all buildings within Activity Area 6, with those buildings associated with a gondola also being excluded from the non-complying activity status. MCSL identified at the hearing that it supports the recommendations of the planners report.

5.20.5 The Ministry of Education submitted that, unless sports facilities are provided for separately, 2.5ha would be required for a future primary school or pre-school. The planners report identified that the education precinct incorporates an area of open space located within Activity Area 6 and as such adequate open space is available for the purposes of education facilities.

### ***Consideration***

5.20.6 The planners recommendations recognise the importance of retaining Activity Area 6 as an open space and recreation resource, while also recognising the need to provide facilities and buildings for access, education and recreation and provision of services within the Zone. The recommendations are therefore appropriate.

### ***Recommendation***

That the submissions of **Mount Cardrona Station Limited** [18/23/2], [18/23/20] and [18/23/20] are allowed in part.

That the submission of **Alyson Schuler** [18/29/7] requesting provision for a recycling station within the Special Zone is allowed.

And that the following changes are made to the Plan provisions as notified:

Amend the description of Activity Area 6 as follows:

*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 potential sports fields located within the Indicative Education Precinct.*

Insert the following additional Discretionary Activity Rule for buildings within Activity Area 6:

*(vii) Buildings and structures within Activity Area 6 that are for the following purposes:*

*(a) Recycling Station*

*(b) Gas storage facilities*

*(c) Buildings located within 25 metres of the southern boundary of Activity Area 3b, and that are less than 50m<sup>2</sup> in size.*

Amend Non-complying Activity Rule 12.22.3.4(i) as follows:

***i. Buildings in Activity Areas 6 and 7***

*Except:*

- *Buildings in Activity Area 6a*
- *Historic equipment*
- *Bus shelters within Activity Area 6 (permitted pursuant to Site Standard 12.22.5.1(viii))*
- *One recycling station within Activity Area 6 approved pursuant to Rule 12.22.3.3(vii)(a)*
- *One gas storage facility within Activity Area 6 approved pursuant to Rule 12.22.3.3(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 12.22.3.3(v).*

Amend Prohibited Activity Rule 12.22.3.5(i) as follows:

- i. **Except** as part of a Permitted or Controlled Activity, or for a recycling station approved pursuant to Rule 12.22.3.3(vii), 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.*

Insert the following assessment matters for Rule 12.22.3.3(vii) as follows:

- xi. Discretionary activity- buildings within Activity Area 6*

*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 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.

That the submission of the **Ministry of Education** [18/22/1] is allowed in part, and the further submission of **Mount Cardrona Station Limited** (18/22/1/1) is allowed, and no changes are made to the provisions for the Indicative Education Precinct.

## **5.21 Access to mains power**

### ***Introduction***

5.21.1 The Servicing Report provided for the Plan Change (Appendix 2.9 of the Section 32 Report) recognised the need for access to mains power for a development of this size and obtained confirmation from both Delta Services Limited and Aurora in this regard.

### ***Submissions***

5.21.2 Cardrona Ski Resort Limited submitted that the existing power supply is already near capacity and further demand will require a substantial upgrade to the supply,

and that Cardrona Ski Resort will require more power for its activities in the future including snow making and buildings.

### ***Consideration***

5.21.3 It is acknowledged that an upgrade to the power supply facilities will be required in order to ensure adequate power can be supplied to all activities within the Cardrona Valley, including the development within the Special Zone and the requirements of the Cardrona Ski Field. It is understood that communication with Aurora Energy has been undertaken to ensure that adequate forward planning is being undertaken.

### ***Recommendation***

That the submission of **Cardrona Ski Resort Limited** [18/6/7] and the further submission of **Mount Cardrona Station Limited** (18/6/7/1) are allowed; in that it is acknowledged that there is a need to provide adequate power supply to all existing and future activities within the Cardrona Valley

## **5.22 Residential Flats**

### ***Introduction***

5.22.1 During the preparation of the Plan Change a decision was made to provide for ‘secondary units’ within the Special Zone, rather than ‘residential flats’. This is because the definition of ‘residential flats’ which applies District wide is problematic when being applied to the Special Zone.

Given that provision is made specifically for secondary units as an alternative to residential flats, residential flats are in no circumstances anticipated within the Special Zone.

### ***Submissions***

5.22.2 MCSL submitted that the current non-complying activity status of residential flats will create difficulties with implementing the secondary unit provisions and therefore submitted that residential flats should be listed as a prohibited activity. The planners report recommended that this submission be accepted. MCSL presented evidence at the hearing supporting the recommendation of the planners report and also requesting an amendment to the definition of secondary units in order to provide greater clarification and certainty.

***Consideration***

5.22.3 The submitter identifies correctly that given the provisions for secondary units within the Special Zone residential flats are not anticipated and therefore prohibited activity status is appropriate.

5.22.4 There is jurisdiction to amend the definition of Secondary Unit as requested by MCSL and this amendment provides greater clarity, assisting in the interpretation of the provisions.

***Recommendation***

That the submission of **Mount Cardrona Station Limited** [18/23/5] is allowed, and the following amendments are made:

Remove residential flats from rule **12.22.3.4 Non-Complying Activities**:

~~(viii) Residential Flats~~

~~There shall be no residential flats constructed within the Mount Cardrona Station Special Zone.~~

Insert the following additional Rule under **12.22.3.5 Prohibited Activities** as follows:

(vi) Residential Flats

There shall be no residential flats constructed within the Mount Cardrona Station Special Zone.

Amend the definition of Secondary Units to read:

**Secondary Unit:** *A residential activity that:*

- *Consists of no more than one unit in the same ownership as the residential unit; and*
- *Has a gross floor area of between 35m<sup>2</sup> and 60m<sup>2</sup> (excluding accessory buildings); and*
- *Contains no more than one kitchen and one laundry; and*
- *Is within the same certificate of title as the residential unit.*

### **5.23 Setbacks from roads**

#### ***Introduction***

5.23.1 The Plan Change as notified included a minimum and maximum setback from road boundaries, with an exclusion from the maximum setback for those buildings located along Through- Route B, recognising that in this situation a control on the maximum setback was not needed and may not be practical.

#### ***Submissions***

5.23.2 MCSL submitted that the exclusion to the minimum and maximum rule should be clarified. The planners report recognised that the provisions as notified could be clarified, and also suggested a minimum setback be required between buildings located within Activity Area 1a and Through-Route B. MCSL presented evidence at the hearing confirming it agrees with the recommendations contained in the planners report.

#### ***Consideration***

5.23.3 Inserting a minimum setback for buildings located within Activity Area 1a alongside Through Route B avoids the risk of buildings locating right up to the road boundary. The amendments recommended in the planners report provide clarification of the application of the setback rules for Activity Areas 1b and 2a.

***Recommendation***

That the submission of **Mount Cardrona Station Limited** [18/23/6] is allowed in part, and the following amendment is made to Rule 12.22.5.1(ii) Setbacks from Roads:

***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 depicted on the Mount Cardrona Station Special Zone Structure Plan A).*

~~(a)~~(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.*

~~(b)~~(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.*

~~(c)~~(d) *Within Activity Area 4 the minimum setback from road boundaries of any building shall be 4.5m.*

~~(d)~~(e) *Within Activity Areas 2, 3 and 4 all garages and carports must be setback at least 1 metre from the front façade of the residential unit (i.e. the façade that faces the road).*

~~(e)~~(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.*

## **5.24 Allotments and Activity Areas**

### ***Introduction***

5.24.1 The Plan Change as notified proposed the insertion of the following within Rule 15.2.6.3(i) (Zone Standard 15.2.6.3(i)(a) Lot Sizes):

- (h) *Mount Cardrona Station Special Zone*
- (i) *The Certificate of title for each allotment within the Mount Cardrona Station Special Zone shall be subject to a consent notice requiring that prior to the approval of any subdivision consent or building consent, the written approval of the Design Review Board for the subdivision or building shall be obtained.*
- (ii) *No allotments shall be created that transect the boundary between Activity Areas 1, 2, 3, 4 or 5 and the adjacent Activity Area 6 or 7.*

5.24.2 This requires that any lot created within the Special Zone would be subject to a consent notice on the title requiring approval by the DRB, and stipulated that no lots would transect the boundaries of the different activity areas.

### ***Submissions***

5.24.3 MCSL submitted that the provisions should be amended so that lots created for the purposes of roads; access lots, including driveways and walkways; reserves; or utilities are exempt from clauses (i) and (ii). The planners report identified that in order to avoid the risk of inappropriate activities or buildings being located within lots created for access or walkway purposes these activities should only be excluded from clause (ii). MCSL identified at the hearing that it concurs with the recommendations of the planners report.

***Consideration***

5.24.4 The submitter has identified correctly that lots created for the purposes listed should be able to transect activity area boundaries and therefore excluding these activities from clause (ii) is appropriate.

***Recommendation***

That the submission of **Mount Cardrona Station Limited** [18/23/11] is allowed in part, and that Rule 15.2.6.3(i)(h)(ii) is amended as follows:

(h) *Mount Cardrona Station Special Zone*

(ii) *No allotments shall be created that transect the boundary between Activity Areas 1, 2, 3, 4 or 5 and the adjacent Activity Area 6 or 7, except those allotments created for the purposes of roads; access lots, including driveways and walkways; reserves; and or utilities.*

**5.25 Assessment Matters- Sewage Treatment and Disposal**

***Introduction***

5.25.1 One of the objectives for the Plan Change is to achieve the principles of the New Zealand Sustainability Handbook (SNZ HB 44: 2001), and to this end the provisions as notified included objectives, policies and assessment matters

guiding future assessment of subdivision and land use in order to achieve a sustainable development.

### ***Submissions***

5.25.2 MCSL submitted that that the notified Plan provisions contained no reference to specific design requirements for wastewater disposal within the Special Zone and that Assessment Matters 15.2.13.2(iii) and (iv) of the Plan should be amended as follows:

*In considering whether or not to grant consent or impose conditions in respect to sewage treatment and disposal, the Council shall have regard to, but not be limited by, the following:*

(iii) *Where a Council reticulated system is not available, or a connection is impractical, the adequacy of proposals and solutions for treating and disposing of sewage. In the case of the Mount Cardrona Station Special Zone, the need to adopt sustainable solutions to sewage treatment and disposal.*

(iv) *The provisions of the Council's Code of Practice in respect to the construction and installation of the sewage treatment and disposal system; with the exception of the Mount Cardrona Station Special Zone where alternative methods based on sustainable design solutions can be considered.*

5.25.3 The planners report recommended that these amendments be adopted in part, so that sustainable design solutions would be considered in addition to the Council's Code of Practice. MCSL said at the hearing that it agrees with the recommendations of the planners report.

### ***Consideration***

5.25.4 While the suggested amendments are consistent with the sustainability objectives for the Plan Change, as suggested they would exclude the Special Zone from the assessment matter relating to the Council's Code of Practice. This is not appropriate and the existing assessment matters should be retained with the addition of a further assessment matter relating specifically to the Special Zone.

### ***Recommendation***

That the submission of **Mount Cardrona Station Limited** [18/23/13] is allowed in part, and the following additional Assessment Matter for Sewage Treatment and Disposal is inserted within Assessment Matters 15.2.13.2:

(viii) *In the case of the Mount Cardrona Station Special Zone:*

- *The need to adopt sustainable solutions to sewage treatment and disposal.*
- *Whether alternative methods based on sustainable design solutions have been considered.*

## **5.26 Definitions**

### ***Introduction***

5.26.1 As notified the Plan Change proposed a number of definitions specific to the Special Zone to assist with the interpretation and implementation of the provisions.

### ***Submissions***

5.26.2 MCSL and Alyson Schuler submitted that the definitions should be amended to refer specifically to the Special Zone. The planners report recommended that the submissions be allowed, and recommended that each of the definitions be amended.

### ***Consideration***

5.26.3 The submitters have correctly identified an error in the drafting of the Plan Change provisions and this should be amended. It is noted that the definitions as currently worded are slightly inconsistent in that some include the word ‘means’ whereas others do not. The definitions found in the Plan use the word ‘means’, and therefore it is appropriate that all of the definitions for the Special Zone are amended accordingly.

***Recommendation***

That the submissions of **Mount Cardrona Station Limited** [18/23/14] and **Alyson Schuler** [18/29/8] and the further submission of **Mount Cardrona Station Limited** (18/29/8/1) are allowed and the definitions are amended as follows:

***Boundary Fencing:*** *In the Mount Cardrona Station Special Zone* means any fence that is located on or near the site boundary, and which demarcates the boundary of the private allotment from surrounding sites and public spaces.

***Bus shelters:*** *In the Mount Cardrona Station Special Zone* means buildings providing shelter for passengers using bus services.

***Farm Yard car park:*** *In the Mount Cardrona Station Special Zone* means an area providing parking for adjacent residential units and secondary units and includes all parking spaces and manoeuvre areas.

***Historic equipment:*** *In the Mount Cardrona Station Special Zone* means items of an historic nature that reflect the past gold mining and pastoral activities undertaken within the Cardrona Valley.

***Secondary rear access lane:*** *In the Mount Cardrona Station Special Zone* means any road, access lane or access lot established at the time of subdivision for the purpose of providing side or rear access for vehicular traffic to any site or sites.

**Secondary Unit:** In the Mount Cardrona Special Zone means a residential activity that:

- *Consists of no more than one unit in the same ownership as the residential unit; and*
- *Has a gross floor area of between 35m<sup>2</sup> and 60m<sup>2</sup> (excluding accessory buildings); and*
- *Contains no more than one kitchen and one laundry; and*
- *Is within the same certificate of title as the residential unit.*

## **5.27 Structure Plan references**

### ***Introduction***

5.27.1 As notified the Plan Change proposed the inclusion of a number of structure plans within the District Plan. It is important that the references within the Plan provisions are consistent with those provided on the structure plans.

### ***Submissions***

5.27.2 MCSL submitted that there is an inconsistency between references to the Living Areas (A through E) set out in the description of the Activity Areas on page 8 of the draft Plan provisions and the Legend on Structure Plan A and requested that this inconsistency is amended. The planners report recommended accepting the submission of MCSL.

### ***Consideration***

5.27.3 The amendments suggested by the submitter and accepted by the planners report correct a drafting error and ensure that the provisions match the text provided in the Legend to the Structure Plan.

### ***Recommendation***

That the submission of **Mount Cardrona Station Limited** [18/23/17] is allowed and the following amendments are made to the description of the Activity Areas:

***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 a 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) (...)*

*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 ~~are~~ is restricted, and buildings must be set back from the edge of the Zone.*

*(...)*

***Activity Area 4 - Living Area C-E***

*Activity Area 4 (Living Area E) (...)*

**5.28 Air Quality**

***Introduction***

5.28.1 The Plan Change as notified proposed a rule prohibiting the use of coal burners.

This would work in conjunction with the provisions of the Regional Plan: Air to

avoid, remedy or mitigate the potential adverse effects on air quality that could result from the burning of coal or wood for domestic heating.

### ***Submissions***

5.28.2 Mario Kiesow and Hil Stapper submitted that there needs to be a ban on wood and coal burners so that the situation now experienced in Arrowtown and Alexandra can be avoided. MCSL submitted in support of the prohibition of coal burners but submitted that the use of some log burners, consistent with the Otago Regional Plan: Air, may be appropriate. The Otago Regional Council noted the controls in place within the Regional Plan: Air and supported the Plan Change prohibiting coal burners, but submitted that the prohibition should be on their installation rather than their use.

5.28.3 The planners report recommended that the prohibited activity rule for coal burners is amended as requested by Otago Regional Council. MCSL identified at the hearing that they supported this approach.

### ***Consideration***

5.28.4 Coal is a non-renewable resource that emits inappropriate levels of emissions and in no circumstances is the installation or use of coal burners appropriate. We therefore accept the recommendations of the planners report in this regard.

5.28.5 Subject to meeting air quality standards contained within the Regional Plan: Air wood burners are an important source of heat and use a renewable resource. For these reasons additional controls on wood burners within the District Plan are not necessary or appropriate.

### ***Recommendation***

That the submission of **Mario Kiesow and Hil Stapper** [18/15/2] is allowed in part and the further submission of **Mount Cardrona Station Limited** (18/15/2/1) is allowed.

That the submission of the **Otago Regional Council** [18/26/1] and the further submission of *Mount Cardrona Station Limited* (18/26/1/1) are allowed, and Rule 12.22.3.5(v) Prohibited Activities is amended as follows:

v. ~~The use of any coal burner~~ *The installation of any domestic heating appliance that is designed to have the ability to burn coal.*

## **5.29 Stormwater Quality and Quantity**

### ***Introduction***

5.29.1 The Plan Change aims to be stormwater neutral by providing green fingers through the development areas into which stormwater will drain and providing the ability to attenuate stormwater before it exits the site. It also proposes policies and assessment matters relating to stormwater management.

### ***Submissions***

5.29.2 The Otago Regional Council submitted that stormwater quality and quantity is of extreme importance in a greenfields situation and identified that proposed Policy 7.9 and assessment matter 15.2.12.3 are currently inconsistent. The Otago Regional Council suggested an amendment to these provisions in order to give better effect to Policy 6.5.5 of the Regional Policy Statement and Policy 5.4.2 of the Regional Plan: Water.

5.29.3 The planners report recommended that the Otago Regional Council's submission is accepted, and this was agreed to by MCSL which had originally lodged a submission opposing the suggested amendment.

### ***Consideration***

5.29.4 The amendments give better effect to the relevant policies of the Regional Policy Statement and the Regional Plan: Water, in addition to providing consistency between the policies and assessment matters.

### ***Recommendation***

That the submissions of the **Otago Regional Council** [18/26/2] and 18/26/3] are allowed and the further submissions of **Mount Cardrona Station Limited** (18/26/2/1) and (18/26/3/1) are disallowed and the following amendments are made to the provisions as notified:

Amend Policy 7.9 as follows:

7.9 *To incorporate stormwater and sediment management options that ensure that:*

- ~~*protect water quality;*~~
  - ~~*ensure that the rate of discharge remains equal to or less than that of run off throughout the development cycle is similar to the pre-development levels;*~~
  - ~~*integrates stormwater management runoff with the maintenance and enhancement of natural waterways, heritage values, provision of recreational opportunities and pedestrian and cycle access.*~~
- (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.*

Amend Assessment Matter 15.2.12.3(xii) as follows:

- (xii) *Within the Mount Cardrona Station Special Zone, the extent to which:*
- *Natural flow paths have been used in the design of stormwater management systems.*
  - *Techniques have been adopted to ensure that ~~stormwater flows exiting the site are no greater than the flows that existed predevelopment.~~*

- (i) The rate of stormwater discharge remains equal to or less than that of pre-development; and
- (ii) The quality of water in that discharge remains equal to or better than that of pre-development.

### **5.30 Minor and consequential amendments**

5.30.1 A number of submissions were received requesting minor amendments to the provisions as notified and/or consequential amendments. These amendments provide clarification or amend minor errors and are therefore appropriate. They were recommended by the planners report and no evidence was heard opposing them.

#### ***Recommendation***

That the submissions of **Alyson Schuler** [18/29/2], [18/29/3], [18/29/5], [18/29/6], [18/29/7], and [18/29/9] and the further submissions of **Mount Cardrona Station Limited** (18/29/2/1), (18/29/3/1), (18/29/5/1), (18/29/6/1), (18/29/7/1), (18/29/9/1) are allowed and the following amendments are made to the Plan Change provisions as notified:

Insert the following directly under the heading ‘Non-complying activities’ Rule 12.22.3.4:

*The following shall be non-complying activities provided that they are not listed as a prohibited activity.*

Amend Prohibited Activity Rule 12.22.3.5(i) to read:

~~*Except as part of a Permitted or Controlled Activity: 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.*

Amend Zone Standard 12.22.5.2(iv)(a)(ii) as follows:

*(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 ~~the~~ Structure Plan B) shall have a maximum height of 5m.*

Amend the provisions so that all references to distance use a common terminology that is consistent with the rest of the District Plan.

Amend the numbering of the Plan Change to appropriately reflect the position of the Plan Change in Part 12 of the Plan.

Amend Part 14 so that Table 1B sits directly beneath Table 1A, and amend the clarification statements to read:

*Clarification of Tables 1, 1A and 1B*

## **LIST OF APPENDICES:**

Appendix A: List of submitters

Appendix B: Amended provisions and Structure Plans A-D

Appendix C: Mt Cardrona Station Design Guides

Appendix D: Report to Commissioners by the reporting planner dated 11 July 2008