

Before Queenstown Lakes District Council

In the matter of the Resource Management Act 1991

And the Queenstown Lakes District proposed District Plan Topic
11 Ski Area Subzones mapping

STATEMENT OF EVIDENCE OF CHRISTOPHER FERGUSON FOR

Soho Ski Area Limited and Blackmans Creek No. 1 LP (#610)

Treble Cone Investments Limited (#613)

Dated 28 March 2017

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1. INTRODUCTION

- 1.1 My name is Christopher Bruce Ferguson. I hold the position of Principal with the environmental consultancy firm Boffa Miskell Limited. I am based in Queenstown and have been employed by Boffa Miskell since April 2015. I hold the qualification of a Bachelor of Resource and Environmental Planning (Hons) from Massey University and have 20 years' experience as a resource management practitioner.
- 1.2 The full details of my experience and qualifications are set out in my Evidence in Chief, dated 29 February 2016.
- 1.3 In preparing this evidence I have reviewed:
- (a) The reports and statements of evidence of other experts giving evidence relevant to my area of expertise, including:
 - (i) The Landscape Planning evidence of Ms Pfluger;
 - (ii) The evidence by Mr McCrostie; and
 - (iii) The evidence of Mr Darby.
 - (b) The decisions made by the Otago Regional Council on the proposed Otago Regional Policy Statement (notified on 1 October 2016);
 - (c) The s.42A report prepared by Ms Banks (10 March 2017) and associated expert evidence prepared for the Council by Dr Read and Mr Davis; and
 - (d) The submissions made on both the provisions for and mapping of the Ski Area Sub Zones.
- 1.4 In accordance with the directions of the Hearing Panel Chair, this evidence has been prepared and presented in the same manner as expert evidence presented to the Environment Court. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note. This evidence has been prepared in accordance with it and I agree to comply with it. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
- 1.5 I confirm that I have visited both the Treble Cone and Soho Ski areas.

2. SCOPE OF EVIDENCE

- 2.1 I have been asked to prepare evidence on the extent of the Ski Area Sub-Zones ('SASZ') identified on the planning maps of the Proposed District Plan ('PDP') by Soho Ski Area Ltd ('Soho') and Treble Cone. For each of these clients I was involved in the initial assessment of the notified provisions, the preparation of submissions and further submissions.

3. EXECUTIVE SUMMARY

- 3.1 This evidence has been prepared to address extensions proposed to the boundaries of the SASZs for Soho and Treble Cone.
- 3.2 The PDP recognises and provides for the SASZs within the rural zone provisions, including setting out a key objective for the future growth, development and consolidation of Ski Area Activities within the identified SASZs. There is a tension within this objective relating to the consolidation of the SASZs with the desire for enabling ski areas to connect with surrounding roads and transportation networks within the District. This tension has been created where the notified extent of the Soho and Treble Cone SASZs, as provided for on the planning maps, is surrounded by the rural zone that does not explicitly provide for ski area activities or transport connections to them. In this way, the overall structure of the PDP does not easily provide for the growth and consolidation of new ski areas that do not already have established access through the rural zone. The submissions by Soho and Treble Cone zone seek to resolve this tension and the disconnect within the plan provisions through an extension to the extent of the Cardrona and Treble Cone SASZs.
- 3.3 The hearing on the SASZ planning maps follows several prior hearings on the PDP, including in relation to the strategic directions chapters (Stream 01B), the rural zone (Stream 02) and subdivision (Stream 04). The approach through the hearing on the SASZ rules, within the rural zone hearing, focussed on the provisions that would relate to land within the notified areas of the SASZs and on the introduction of a new policy and rules relating to the functional dependency of ski areas on the district's transportation networks. The Council has advanced partial relief to this issue through amendments to the rules relating to Passenger Lift

Systems located outside of the SASZs. This is one option available to address the concerns of Soho and Treble Cone, but one that would express this dependency in a negative way – being an exemption to a rule restricting Ski Area Activities located outside of a SASZ.

- 3.4 The option of extending the SASZs to provide for this objective would in my view be more effective and efficient, because it would:
- (a) Express in more positive terms the policy expectation of enabling vehicle or Passenger Lift Access to ski areas as being an important component of achieving the goal of enabling growth, development and consolidation of ski areas;
 - (b) It means that the provision of vehicle access, passenger lifts or related buildings are integrated with the overall planning framework that applies to ski areas and not the subject of unrelated provisions;
 - (c) It provides for the ability of ski areas to utilise the extended area land for further summer based recreation activity; and
 - (d) In the case of Treble Cone and Soho, there is the ability to further refine how this land is developed to support ski area activities based on prior investigations and consents.
- 3.5 The fact that an outcome can be secured through a resource consent does not in my view invalidate changes to the planning maps and related provisions relating to ski areas. The most appropriate framework to structure this evaluation is through s.32 of the Act that requires the Panel to consider the most appropriate way for the changes to achieve the objectives, having regard to their effectiveness and efficiency, their costs, benefits and any alternatives. Alternatives need to be carefully weighed and may include a resource consent under the *status quo*. In my opinion, the Council has not properly evaluated the costs and benefits of the proposed extension to the Soho and Treble Cone ski areas, including the environmental, transaction and administration costs of on-going development of ski areas through resource consents for key elements of infrastructure needed to connect to these areas in a manner that is more *ad hoc* and less integrated with the clear objective relating to ski areas.

- 3.6 I appreciate that the Panel is faced with quite different views on the effects of the proposed SASZ extensions for Soho and Treble Cone. The main reason for this appears to be the suite of policies and rules that are being relied on to underpin that assessment. My approach to the formulation of this evidence has been to rely on a complementary structure of rules, including previous changes and refinements that I have recommended be made during the course of prior hearings.
- 3.7 This hearing on the proposed SASZ extensions (planning maps) is the final hearing in a series of previous PDP hearings dealing with aspects of the SASZs, as detailed above. It follows that the proposed extensions to the Soho and Treble Cone SASZs are seeking to integrate with the full package of issues and provisions addressed during these hearings. The particular issues that have undergone refinement and change, from the notified provisions, include subdivision, visitor accommodation, the clearance of indigenous vegetation, establishing passenger lift systems and access to these ski areas. The mapping of where these provisions apply is the final opportunity to review the consolidated package and to consider whether further refinement is necessary based on specific issues raised in respect of the extension areas. My evidence provides an overview of the SASZ provisions and based on an assessment of the impact of the provisions to the new areas of SASZ seeks to make a small number of further changes to the relevant SASZ rules to provide the most appropriate package to implement the objectives of the plan.

4. RELIEF SOUGHT

- 4.1 The submissions from Soho and Treble Cone both sought to increase their respective SASZs, as shown on the plans contained within **Appendix 1**.
- 4.2 For Treble Cone the proposed changes to the SASZ boundary extend the SASZ below the base building along a corridor spanning either side of the access road and then expanding near the bottom of the road to follow cadastral boundaries of the land parcel out to the Mount Aspiring Road.
- 4.3 For Soho, the proposed changes to the SASZ boundary extend its area downslope within the vicinity of the Blackmans Creek land to take in the valley either side of Callaghan's Creek and the southern side of Little

Meg. Within this extended area is an established access track leading from the Cardrona Valley Road to the Soho ski area.

- 4.4 The purpose for requesting these changes to the SASZ boundaries was primarily to enable both ski areas to establish passenger lift systems or vehicle based access from the District's roading network to on-mountain facilities. Presently the notified (and operative District Plan) SASZs occupy skiable areas of mountainous terrain within and surrounding by rural zoning. The changes also provide for an expanded area of SASZ beyond any skiable terrain, which when combined with an access infrastructure would enable possibilities for the development of summer based recreation activities to complement these recreational areas.
- 4.5 Associated with this proposed change to the boundary of the SASZs for Soho and TC, is the addition of a new policy 21.2.6.5, as follows:

To recognise and provide for the functional dependency of ski area activities to transportation infrastructure, such as vehicle access and passenger lift based or other systems, linking on-mountain facilities to the District's road and transportation network.

- 4.6 A range of further changes were sought in relation to ski area activities, including the addition of a new definition of Passenger Lift System, changes to the definitions of Building and Ski Area Activity and the introduction of new rules to enable Visitor Accommodation. Some of these changes are relevant to understanding the impact of the proposed changes to the boundaries of each SASZ and are addressed further below.

Amended Relief

- 4.7 As a result of my evaluation of the impacts of the proposed SASZ extensions for Treble Cone and Soho ski areas, my evidence sets out a number of further changes which are designed to minimise adverse effects while providing necessary recognition of the dependency of each ski area on access to the District's road and transportation network, as well as for the growth, development and consolidation of ski area activities within SASZs. My evidence details changes to the planning maps and consequential amendments to the SASZ provisions, as follows:

- (a) To identify a new Ski Area Facilities Overlay within the extended Treble Cone and Cardrona¹ SASZs;
 - (b) To identify a new Passenger Lift Corridor overlay within the extended Treble Cone and Cardrona SASZs;
 - (c) To amend Rule 21.5.27 (Buildings) to provide for any building associated within a Ski Area Activity within the Ski Area Facilities Overlay as a controlled activity; and as a restricted discretionary activity outside of the Ski Area Facilities Overlay; and below 1,100 masl as a restricted discretionary activity. Matters of discretion are proposed to be the same as that proposed under Rule 21.4.19 for Ski Area Activities not located within a SASZ.
 - (d) To amend Rule 21.5.28 (Passenger Lift Systems) to provide for any Passenger Lift System within the Passenger Lift Corridor overlay as a controlled activity; and outside of the Passenger Lift Corridor; and below 1,100 masl as a restricted discretionary activity. Matters of discretion are proposed to be the same as that proposed under Rule 21.4.19 for Ski Area Activities not located within a SASZ.
 - (e) To create a new Rule 21.5.36 within Table 7 providing for the formation of any new sections of ski access road below 1,100 masl as a restricted discretionary activity. These leaves open the possibility of maintaining or upgrading any existing vehicle access as a permitted activity for the earthworks, subject to compliance with the standards relating to indigenous vegetation clearance.
- 4.8 Plans showing the extent of the proposed SASZ and the identification of the proposed Ski Area Facilities Overlay and Passenger Corridor Overlay are contained within **Appendix 1**.

5. BACKGROUND

Existing Resource Consents

Treble Cone

¹ The Soho ski area is located within the Cardrona SASZ

- 5.1 Treble Cone holds a land use consent granted in December 2008 to construct and operate a Gondola from a base station on the Motatapu Valley to the Treble Cone ski area. A copy of the resource consent decision RM060587 and related plans are contained within **Appendix 7**.
- 5.2 This land use consent provides for the construction and operation of a gondola rising 945m over a total length of approximately 3.5km and the construction of a base building complex located at the base of the mountain about 320m from the Wanaka – Mount Aspiring Road. The base buildings comprise the main gondola terminus, a further cabin storage and maintenance building, operations storage, toilets and a ticketing and customer service area.
- 5.3 The overall complex involves a tight cluster of four buildings with an overall footprint of 853 m² and a maximum building height of 6.37m. Alongside the base buildings is a car park accessed from the existing ski field access road, providing 81 sealed parks and a 480 space grassed area.
- 5.4 Associated with the development of the car parking and base building complex are consented earthworks to create a suitable platform and gradient for building and access, earth mounding to act as a screen, landscape planting and low level lighting.

Soho Ski Area

- 5.5 Within the Soho Ski area the only facilities existing in the area of the proposed new SASZ are an all-weather access track providing for a single lane four wheel drive vehicle access from Cardrona Valley Road to the ski area. A copy of land use consent RM150040 granting consent to the establishment of this access track is contained within **Appendix 8²**.

The Operative Regime

- 5.6 The boundaries of the SASZs have been rolled over from the Operative District Plan (ODP) into the PDP without modification. Likewise, in the notified version of the PDP, the land surrounding the SASZs is zoned rural. The purpose of the SASZs is described within the ODP as being to

² Paragraph 19 of the evidence of Mr McCrostie provides for a more detailed overview of the range of other activities and consents occurring within the wider Soho Ski Area

enable the continued development of skifield activities within the identified boundaries, where the effects of those activities are anticipated to be cumulatively minor³.

- 5.7 The ODP further states that *“For the avoidance of doubt, Ski-Area Sub-Zones are excluded from the landscape classifications used in the Plan (ie: Outstanding Natural Landscapes (Wakatipu Basin), Outstanding Natural Landscapes (District Wide) or Visual Amenity Landscapes.”*⁴
- 5.8 Ski area activities located outside of a SASZ are listed as a discretionary activity, implying they may or may not be appropriate on any given site. The provisions of the rural general zone also enable outdoor recreation activities and a limited scale of commercial recreation activities.

Chapter 22 Earthworks (Plan Change 49)

- 5.9 Through Plan Change 49, the Council has inserted a new District Wide Chapter 22 into the ODP providing a framework for earthworks, clean fill and related standards.
- 5.10 Through Rule 22.3.2.1(c) earthworks in the SASZs are exempt from the rules within Chapter 22. This exemption is supported by Objective 5 to *“enable the development and operation of ski-fields within Ski Area Sub-Zones”* and the associated Policy 5.1 to *“provide for earthworks that enable the growth, development and consolidation of ski-fields”*.
- 5.11 As part of the Council’s decision on PC 49 the earthworks rules contained within each of the relevant zones, including the rural zone, were deleted and consolidated into the one chapter. It is clear from this approach that the ODP is seeking to take a holistic and consistent approach to managing earthworks. There are negative consequences from this approach, which separate these rules from the other standards applicable within the rural zone, including the clearance of indigenous vegetation (refer below). Accepting these consequences, the Commissioners in hearing PC49 determined that the ski areas are an important part of the District’s tourism base and economy; and that substantial earthworks are associated with on-going ski area

³ Page 5-9, Rural Zone, Operative Queenstown Lakes District Plan

⁴ *Ibid*

development. They found it appropriate to amend PC49 to provide for the exemptions for earthworks in the SASZs to remain⁵.

- 5.12 The Commissioner in deciding on PC 49 also detached earthworks in the SASZs from the remainder of the rural areas under Objective 4 and created the new Objective 5. In doing so, a conscious decision was made to ensure earthworks within the SASZ were not subject to the protection of landscape and amenity values under Objective 2.

Indigenous Vegetation Clearance

- 5.13 The clearance of indigenous vegetation within SASZs is subject to two separate rules within the rural zone.
- (a) Rule 5.3.5.1 x Indigenous Vegetation provides for the clearance of indigenous vegetation subject to the compliance with standards relating to total area of clearance, that the vegetation is less than 1,070 metres above sea level, is more than 20m from a water body and is not listed as a threatened species; and
 - (b) Rule 5.3.5.1 xii Alpine Environments requires resource consent for clearance of indigenous vegetation on any land with an altitude higher than 1,070m above sea level.
- 5.14 1,070m above sea level is at or about the skiable snow line during winter and for that part of the Soho Ski area extending onto the Blackmans Creek freehold land also signals the point at which vegetation changes from being predominantly indigenous snow grass and tussock species above 1,070m to exotic pasture grasses below.

Chapter 2 Strategic Directions and Chapter 6 Landscapes (Stream 01B)

- 5.15 Within my evidence to the strategic directions chapters (Stream 01B), I supported many of the notified objectives and policies relating to the SASZs, including:
- (a) 6.3.8 Objective - Recognise the dependence of tourism on the District's landscapes. (notified version)
 - (b) Policy 6.3.8.1 Acknowledge the contribution tourism infrastructure makes to the economic and recreational values of the District. (notified version)

⁵ Page 41, Report and Recommendations of Independent Commissioner, 29 May 2015

- (c) Policy 6.3.8.2 Recognise that commercial recreation and tourism related activities locating within the rural zones may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values. (notified version)
 - (d) Policy 6.3.8.3 Exclude identified Ski Area Sub Zones from the landscape categories and full assessment of the landscape provisions while controlling the impact of the ski field structures and activities on the wider environment. (notified version)
- 5.16 The Council's position on the application of the landscape categories to the SASZs through the hearing on Stream 01B is unclear. Within the Council's right of reply to Chapter 6, it seeks to retain Policy 6.8.7.3 providing clear direction to exclude the SASZs from the landscape categories and full assessment of the landscape provisions. However, the proposed changes to Implementation Method 6.4.1.3 seeks to only exempt the SASZs from the landscape assessment matters, not the identified landscape categories and therefore the relevant objectives and policies. My evidence on stream 01B supports the notified version of this rule that excludes the SASZs from both the landscape categories and the assessment matters and which would be consistent with the unaltered position by the Council on Policy 6.8.7.3.
- 5.17 The umbrella submission from Darby Planning LP, proposed to replace a key objectives form the Strategic Directions chapter, as follows:

Objective 3.2.1.4 The natural and physical resources of the rural areas are valued for their potential to:

i) enable tourism, employment, rural living, visitor accommodation and recreation based activities; and

ii) accommodate a diverse range of rural based activities and industries, including farming and agriculture, which have a functional need to locate in rural areas (as amended through the submission of Darby Planning LP)

Chapter 21 Rural Zone (Stream 02)

- 5.18 I presented evidence for Soho and Treble Cone on the hearing for Chapter 21 Rural, on 21 April 2016. As part of this evidence I proposed amendments to Objective 21.2.6⁶, setting out the broad direction in relation to the growth, development and consolidation within SASZs, as follows:

~~Encourage~~ ~~the future~~ ~~g~~ Growth, development and consolidation of existing Ski Areas Activities within identified Ski Area Sub Zones, while avoiding, remedying or mitigating adverse effects on the environment.

- 5.19 A key component of that evidence concerned how the Plan recognises and provides for transportation connections between ski areas and the District's transportation network. To address this, I recommended the addition of a new Policy 21.2.6.5, as follows:

To recognise and provide for the functional dependency of ski area activities to transportation infrastructure, such as vehicle access and passenger lift based or other systems, linking on-mountain facilities to the District's road and transportation network

- 5.20 In order to address the limitations with the definition of Passenger Lift System and the status of these outside of the SASZ, I proposed changes to Rule 21.5.28 to capture Passenger Lift Systems or other transportation systems located outside of a SASZ that are used to convey passengers to and from a SASZ. As part of this evidence, I proposed to modify Rule 21.4.19 (Ski area Activities located outside of a SASZ) to provide for Passenger Lift Systems or other transportation and land based vehicle access associated with Ski Area Activities. The proposed change to Rules 21.4.19 and 21.5.28 are contained within **Appendix 3**.

- 5.21 The combination of the above changes made at the Rural Zone hearing (Stream 02) to include a new definition of "Passenger Lift System", and amendments to Rules 21.5.28 (Ski Tows) and 21.4.19 (Ski Area Activities not located within a SASZ) together with the addition of the proposed new Policy 21.2.6.5, would, if accepted, address the issue identified through the submissions of Soho and Treble Cone relating to the disconnect between the Ski Area Activities occurring within the SASZs and providing a means of transporting people to these areas.

⁶ Amended text 13 April 2016

- 5.22 I acknowledged however that as part of the proposed expansion to the SASZs areas (planning Maps), the suggested changes to these rules may need to be revisited as an expanded SASZ could address the disconnect to the transportation network but also provide for any non-access based infrastructure closer to the valley floor and the accommodation of summer based recreation activities.
- 5.23 Further issues that arose in the rural zone hearing of particular relevance to the effects of an expansion to the SASZ boundaries, includes the provision for visitor accommodation and the rules relating to indigenous vegetation clearance.

Visitor Accommodation

- 5.24 I outlined a proposal within my original statement of evidence and supplementary evidence, arising out of questions from the Panel, for a rule framework relating to visitor accommodation within the SASZs, as follows:
- (a) Visitor accommodation associated with Ski Area Activities and located within a SASZ be a restricted discretionary activity
 - (b) Discretion is limited to scale and intensity of the activity; location; landscape and ecological values; parking; and servicing infrastructure.
 - (c) Visitor accommodation associated with any Ski Area Activity shall not result in a duration of stay for any guest, workers, staff for on-site manager greater than 6 months. The purpose of this standard is to recognise the particular requirements for the duration of stay related to ski areas, which is likely to exceed 3 months under the definition of Visitor Accommodation, and therefore provide for the accommodation of workers and staff.
 - (d) Visitor accommodation associated with any Ski Area Activity and located in a SASZ is required to be located above an altitude of 1,100m above sea level. The purpose of this standard is to ensure that visitor accommodation within any expanded SASZ does not spread downslope in a manner that would fail to consolidate ski area activity and adversely impact on landscape values.
- 5.25 My supplementary evidence prepared in response to questions from the Panel at the hearing on Stream 02, also provided a separate definition of

Ski Area Accommodation, which could also be applied within the SASZ as an alternative to the modified visitor accommodation rule set out above. This has not been addressed within the s.42A Report as it relates to this hearing.

Indigenous Vegetation Clearance

- 5.26 The Panel also questioned how the use of management plans prepared under other statutes could be provided for within the PDP. This question followed from the proposed exemptions sought by Soho and Treble Cone in relation to indigenous vegetation clearance rules within Chapter 33 that proposed to rely on alternative processes under the Conservation Act and the Land Act. Within my supplementary evidence prepared in relation to the hearing on Stream 02, I proposed an exemption to the indigenous vegetation clearance rules, through the addition of a new Rule 33.3.4.4, as follows:

Indigenous vegetation clearance undertaken on land managed under the Conservation Act in accordance with a Conservation Management Strategy or Concession.

- 5.27 The exemption would apply to all of the Treble Cone Ski Area. For the Soho Ski area land, which is Crown land not administered under the Conservation Act, this would be the subject of a proposed framework, which advances the use of a management plan to undertake indigenous vegetation clearance on land not managed under the Conservation Act.
- 5.28 The final position reached in terms of the suggested changes to the rules contained within Chapter 33 Indigenous Vegetation Clearance through the hearing on Stream 02 is contained within **Appendix 3**.

Other Rules

- 5.29 The use of the land for other Ski Area Activities is enabled through rules that permit Ski Area Activities, subject to compliance with standards relating to building form, earthworks, indigenous vegetation clearance (as outlined above) and other district wide rules.
- 5.30 There are however, some elements of Ski Area Activities that trigger the requirement for resource consent, including:

- (a) All Buildings within the SASZ as a controlled activity⁷;
- (b) Vehicle Access, Passenger Lift Systems and other transportation systems, including those located outside of a SASZ that are used to convey passengers to and from a SASZ that are a controlled activity⁸;
- (c) Night lighting that is a controlled activity⁹; and
- (d) Retail Activities ancillary to any Ski Area Activities that are a controlled activity¹⁰.

Chapter 27 Subdivision (Stream 04)

- 5.31 I also presented evidence at the hearing on Chapter 27 Subdivision for Soho and Treble Cone that sought to promote subdivision as a controlled activity within the SASZ. That position evolved throughout that hearing, including in response to questions from the Panel relating to the integration between the land use provisions (Chapter 21 Rural) and subdivision and/or whether and how a structure plan approach might be used to achieve integration. My Statement of Supplementary Evidence dated 15 August 2016 prepared in response to the leave provided by the Panel, sets out a proposal to use the spatial planning tool proposed in relation to visitor accommodation activities, for subdivision.
- 5.32 This supplementary evidence proposed to enable subdivision as a controlled activity in circumstances where it is related to a Ski Area Activity. This is proposed to occur through two rules: under a new controlled activity Rule 27.5.7 for all Ski Area Activities and through an amendment to Rule 27.7.1 for subdivision of land undertaken in accordance with a structure plan, spatial layout plan or landscape and ecological management plan required by the visitor accommodation activity Rule 21.5.32 (Chapter 21).
- 5.33 For all other subdivision, not associated with a landscape and ecological management plan, the proposal is to create a new controlled activity

⁷ Rule 21.5.27, Page 21-19, Chapter 21 (Rural), QLDC Revised Proposal dated 7 April 2016.

⁸ Rule 21.5.28, as amended by Statement of Evidence of Chris Ferguson 21 April 2016 (Page 25)

⁹ Rule 21.5.29, Page 21-20, Chapter 21 (Rural), QLDC Revised Proposal dated 7 April 2016

¹⁰ Rule 21.5.31, Ibid

rule, as set out above, where subdivision within a SASZ is associated with a Ski Area Activity. Subdivision for any other purpose within the SASZ, including residential activities, would continue to be captured by Rule 27.5.8 (revised proposal) whereby all subdivision activities in the rural zones are listed as a discretionary activity (unrestricted).

- 5.34 The final recommended position reached following the hearing on Stream 04 (subdivision) with respect to the rules relating to subdivision and visitor accommodation within the SASZs is contained within **Appendix 3**.

6. STATUTORY CONSIDERATIONS

Otago Regional Policy Statement 2016 (Decision Version)

- 6.1 In changing the district plan, the Council is required to “have regard to” any proposed regional policy statement¹¹.
- 6.2 The Otago Regional Council has released decisions on submissions to the Regional Policy Statement on 1 October 2016 (**RPS(DV)**), with many of the provisions, including those relating to the identification and management of Outstanding Natural Landscapes, under appeal. The extent of these appeals and the relative weight which can be afforded to the decisions version of the RPS is addressed in more detail within legal submissions.
- 6.3 My former briefs of evidence relating to the provisions of the SASZs have not had the opportunity to consider the provisions of the RPS(DV). Those provisions of most relevance to the SASZs relate to the identification and management of landscape values and rural activities. The relevant provisions from the RPS(DV) are contained within **Appendix 4**.
- 6.4 In relation to landscapes, the relevant objective is that Otago’s significant and highly-valued natural resources are identified, and protected or enhanced¹². The structure of the landscape policies is to identify outstanding landscapes and features, and “highly valued” landscapes (being the equivalent to the s.7 Rural Landscapes) under the PDP. The RPS(DV) does not identify areas of outstanding or highly

¹¹ s.74(2), Resource Management Act 1991

¹² Objective 3.2, Otago Regional Policy Statement (Decision Version), 1 October 2016

valued landscapes and expects this to be the responsibility of the District Councils.

- 6.5 For outstanding natural landscapes, the RPS(DV) has a layered policy that seeks to protect, enhance and restore outstanding natural landscapes and features by avoiding adverse effects on those values which contribute to the significance of the landscape; avoiding, remedying or mitigating other adverse effects; recognising and providing for the positive contributions of existing introduced species to those values; controlling the adverse effects of pest species; and encouraging enhancement of those areas and values which contribute to the significance of the natural landscape¹³. The policy for managing highly valued landscapes adopts a similar structure and content but differs in terms of its focus being to protect or enhance highly valued landscapes by avoiding significant adverse effects on those values which contribute to the high value of that landscape¹⁴.
- 6.6 Objective 5.3 seeks to ensure “*sufficient land is managed and protected for economic production*”, with supporting policies relating to rural activities. In relation to rural activities the provisions seek to manage activities in rural areas to support the region’s economy and communities by enabling primary production; minimising the loss of significant soils; restricting activities that lead to reverse sensitivity effects; minimising subdivision of productive land; and provide for other activities that have a functional need to locate in rural areas, including tourism and recreational activities that are of a nature and scale compatible with rural activities¹⁵.
- 6.7 The ski areas are recreation activities having a functional need to locate in the rural areas of the district. The ability for such activities to be compatible with the nature and scale of other rural activities is discussed in further detail below in relation to buildings and other passenger lift systems anticipated within the area of expanded SASZ.

Strategic Directions Policies, Proposed Queenstown Lakes District Plan

¹³ Policy 3.2.4, Ibid

¹⁴ Policy 3.2.6, Ibid

¹⁵ Policy 5.3.1, Ibid

- 6.8 The provisions within the SASZs are to be assessed as to whether they give effect to relevant objectives of the plan¹⁶. The strategy chapters contained within Part 2 of the PDP and considered as part of the hearings on Streams 01A and 01B, establish a range of objectives of relevance to this area, most of which were addressed within my evidence at the hearing on Stream 01B, as set out above in paragraphs 5.15 and 5.17.
- 6.9 The provisions that have relevance to Ski Area Activities undertaken within the SASZs include:
- (a) The Council has proposed the insertion of a new Objective 3.2.1.4, to recognise and provide for the significant socioeconomic benefits of tourism activities across the district. This objective positively supports the expansion of the SASZs as that would provide for the socioeconomic benefits of tourism, as compared to the alternative of relying on the rural zone rules that are less specific.
 - (b) The submission by Darby Planning LP sought to replace Objective 3.2.1.4 (now renumbered as 3.2.1.5) so that the natural and physical resources of the rural areas are valued for their potential to enable tourism, employment, visitor accommodation and recreation based activities. It has a similar but broader intent to the Councils proposed new Objective 3.2.1.4, as discussed above, and would likewise support the proposed expansion to the SASZs.
 - (c) Objective 3.2.1.6 (revised proposal), relates to the diversification of land use in rural areas providing adverse effects on rural amenity, landscape character, healthy ecosystems, and Ngai Tahu values, rights and interests are avoided, remedied or mitigated. The provision of ski area activities either within the existing or expanded SASZs is a diversification of land use in the rural areas and the evaluation provided below examines in further detail the impact of that on landscape character and rural amenity.
 - (d) Objective 3.2.4.1 seeks to ensure development activities maintain indigenous biodiversity and sustain or enhance the life-supporting capacity of air, water, soil and ecosystems. This objective has been recognised and provided for within the proposed rules within

¹⁶ s.32(1), Resource Management Act 1991

Chapter 33 (detailed above), requiring indigenous vegetation clearance undertaken in association with a Ski Area Activity located within any SASZ to gain resource consent as a controlled activity. The proposed rule framework (**Appendix 3**), which would apply to land not held in the conservation estate, requires the submission of an Ecological Management Plan associated within any indigenous vegetation clearance. For indigenous vegetation clearance undertaken on land managed under the Conservation Act in accordance with a Conservation Management Strategy or Concession, my evidence proposes changes to Rule 33.3.4.4 to exempt such activities from the rules in Chapter 33. As detailed above, this is an appropriate outcome, which would provide for an equivalent or higher level of protection for biodiversity than available through the District Plan.

- (e) Objective 4.2.4.3 seeks to maintain or enhance the survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities. In my view this provision would be positively implemented through the provisions within Chapter 33 and, in particular, the changes outlined above for the clearance of indigenous vegetation associated with Ski Area Activities within the SASZs.
- (f) Objective 3.2.5.1 relates to the protection of Outstanding Natural Features and Landscapes from inappropriate subdivision, use and development. This wording parallels s.6(b) and is relevant to the expanded areas of the Treble Cone and Soho SASZs, which are both located within ONLs. The appropriateness of use and development of the extended SASZ areas within these ONLs is considered in further detail within the evidence of Ms Pfluger.

Chapter 6 Landscape

- 6.10 The objectives from Chapter 6 Landscape as notified recognise and provide for the management of landscape values as a significant resource for the District. To align with the provisions of s.6(b) and s.7 of the Act, and also of the higher order regional policy documents, the PDP seeks to identify Outstanding Natural Landscapes and Features as well as Rural Landscapes. The framework of landscape provisions under Chapter 6 provides for the identification of these categories of landscape

under Objective 6.3.1, to achieve the goal that landscapes are managed and protected from the adverse effects of subdivision, use and development.

- 6.11 The notified version of Chapter 6 incorporated a series of Rules (Implementation Methods) providing further clarification on the operation of the objectives and policies from this chapter, including the application of the landscape assessment matters for the rural zone. The notified version includes Rule 6.4.1.3:

The landscape categories do not apply to the following within the Rural Zones:

- a. *Ski Area Activities within the Ski Area Sub Zones.*

- 6.12 Rule 6.4.1.3 of the revised proposal contained within the Council's right of reply on the Stream 01B hearing, modifies this position to instead exempt the ski area activities within the SASZs from the landscape assessment matters only, enabling a wider assessment to be undertaken of landscape values through the identified categories and related objectives and policies.
- 6.13 I note that the council's planner has also recommended retention of Policy 6.3.7.3 (revised proposal) directing that the SASZ be excluded from the landscape categories and full assessment of the landscape provisions. I support this policy and note that this position cannot be easily reconciled with the changes proposed to provision 6.4.1.3.
- 6.14 The decision version of the Chapter 6 provisions (which is as yet unknown) will need to be taken into account in the consideration of the nature and scale of development proposed within the expanded SASZs.
- 6.15 In the event the Panel determines that the landscape categories and thus the objectives and policies relating to the outstanding natural landscape in Chapter 6 are relevant, I have considered these below. A consolidated summary of the relevant objectives and policies from Chapter 6 is included within **Appendix 2**.
- 6.16 The evidence of Ms Pfluger has considered the impact of the proposed extensions to the SASZs by Soho and Treble Cone¹⁷. I support and agree with her analysis of the implications of the ski areas on the

¹⁷ Paragraphs 73 – 74, Evidence of Yvonne Pfluger, 28 March 2017

landscape of Queenstown, Cardrona and Wanaka as distinctive nodes of appropriate intensive development. The proposed extensions to the SASZs will be visually related to these existing nodes and are appropriate locations having regard to the visual association with existing ski area activity and the obvious need for access. I support her findings that the SASZ extensions represent a logical extension to the existing ski areas, which can occur under the proposed rule framework, without compromising the landscape values and coherence of the wider ONLs.

7. EVALUATION

7.1 As a consequence of extending the SASZ over the identified areas of the Treble Cone and Soho ski areas, the landowner would be able to undertake the following activities under either a fully permitted activity status or under a simpler consent framework than that which was notified, as follows:

- (a) All Buildings related to a Ski Area Activities would become a controlled activity;
- (b) The construction and operation of passenger lift systems would be a controlled activity;
- (c) Earthworks undertaken for Ski Area Activities would be exempt from the current provisions within Chapter 22. I note that through the notification of the second stage of the District Plan Review, this may change; and
- (d) The use of land for commercial recreation activities would be unlimited as to scale and size of group.

7.2 The underlying premise and benefits of an extension to the SASZ are expanded on within the evidence of Mr McCrostie who provides more detail on the intended outcomes within the Soho and Treble Cone ski areas. In summary, I understand these benefits to be enabling access linking on-mountain facilities with the road network on the valley floor; and to allow an expanded range of recreation activities to be undertaken, including during summer, to enhance the viability of these areas as an attractive year-round visitor destination.

- 7.3 Before I examine further the consequences from a planning perspective of these changes, I will briefly address the practical constraints that exist in relation to implementation of any SASZ rule framework. In both cases the SASZ extension sought by Treble Cone and Soho extends beyond the average winter snow line and these extension areas are not thus designed to accommodate winter based recreation activity, including related development of ski trails, reservoirs or other ski field infrastructure. This would inherently limit the use of these extended areas.
- 7.4 In addition to these practical considerations, I wish to also identify the degree to which the environment is affected by the notified area and extent of the Cardrona and Treble Cone Ski Areas, addressed also detail within the evidence of Ms Pfluger. The notified Cardrona SASZ, based on the ODP, extends diagonally down the east facing slopes of the Mount Cardrona range from approximately 1,400 m at the ridge to about 875 masl near the Little Meg. It's shape places about half of the eastern hillslopes, including the broad spur located between the Callaghan's Creek and Little Meg, within the SASZ. The lowest part of the notified area of the Treble Cone SASZ is situated a small distance below the existing car park and traverses across the slope from about 1,250m at the western end to 1,110 m at the eastern end. It occupies approximately half of the visible area of the front range that extends in this location from ridgeline to valley floor.
- 7.5 The focus of my evaluation below is on the planning implications of enabling building, earthworks and passenger lift systems, including the associated effects of each, within the proposed additional SASZ areas.

Buildings

- 7.6 Informed by the evidence of Mr McCrostie on the likely benefits to Treble Cone and Soho from the proposed SASZ extensions, both ski areas would potentially result in the ability to construct buildings further downslope than currently possible under the notified SASZ. The construction, relocation, addition or alteration of a building associated with any Ski Area Activity located within a SASZ is listed as a controlled activity within Rule 21.5.27. Councils control is reserved to:
- Location, external appearance and size, colour, visual dominance.
 - Associated earthworks, access and landscaping.

- Provision of water supply, sewage treatment and disposal, electricity and communication services (where necessary).
- Lighting.

7.7 Inherent to this rule is the qualifier that any building must be associated with a Ski Area Activity, which I have suggested should be amended¹⁸, as follows:

Means the use of natural and physical resources for the purposes of ~~providing for~~ establishing, operating and maintaining the following activities and structures:

- (a) *recreational activities either commercial or non-commercial*
- (b) *chairlifts, t-bars, ~~and~~ rope tows or any passenger lift or other systems to facilitate commercial recreational activities.*
- (c) *use of snowgroomers, snowmobiles and 4WD vehicles for support or operational activities.*
- (d) *activities ancillary to commercial recreational activities.*
- (e) *in the Waiorau Snow Farm Ski Area Sub Zone vehicle and product testing activities, being activities designed to test the safety, efficiency and durability of vehicles, their parts and accessories.*
- (f) *Visitor ~~and residential~~ accommodation associated with ski area activities.*
- (g) *Commercial activities associated with ski area activities or recreation activities*
- (h) *Guest facilities including ticketing, offices, restaurants, cafes, **ski hire rental equipment** and retailing associated with any commercial recreation activity*
- (i) *Ski area operations, including avalanche **safety control** and ski patrol*
- (j) *Installation and operation of snow making infrastructure, including reservoirs, pumps, snow makers and associated elements.*
- (k) *The formation of trails and other terrain modification necessary to operate the ski area.*
- (l) *The provision of vehicle **access, parking, and passenger lift or other transportation system to convey passengers.**
~~access and parking~~*
- (m) *The provisions of servicing infrastructure, including water supply, wastewater disposal, telecommunications and electricity*

¹⁸ Statement of evidence of Chris Ferguson (Stream 02), 21 April 2016.

- 7.8 In terms of buildings, the potential would exist to construct new buildings associated with any summer based commercial or recreation activity and any guest facilities including ticketing, offices or a café located around any passenger lift base complex. I have excluded the possibility of building in the extended SASZ area associated with any winter ski operations for the practical reasons expressed above and visitor accommodation that is the subject of a standard to require this to be sited above 1,100 masl. While the Council has discretion over location, appearance, size, colour and visual dominance, the overall status of this activity determines that the building must be approved. This may not be the most effective and efficient method to manage the effects of building on landscape and amenity values, as expressed through objectives 3.2.5.1, 6.3.1 and 6.3.3.
- 7.9 The approved resource consent for the Treble Cone Gondola is an illustration of the nature and scale of building that could be anticipated for a base complex, if associated with a passenger lift system for a ski area. Careful thought has gone into formulating an appropriate location for this base area, including revisions to the proposal made at the request of the Commissioners. The final and approved base building represents a well resolved outcome providing for the functional needs of the ski area, including geotechnical constraints, and appropriately managing effects on landscape and amenity values.
- 7.10 Soho is not in a position where it can rely on an approved resource consent to determine the appropriate location for a similar base facility, but it does have a very different site (compared to Treble Cone) within which there is an obvious and very good location for this to occur. Soho has undertaken a range of technical investigations to test appropriateness, including landscape, ecology, transport and infrastructure. The outcome of this work investigating landscape effects has been incorporated into the evidence of Ms Pfluger.
- 7.11 Based on this work and the existing resource consents there is the potential to put in place an appropriate planning framework into the planning maps for each of the extended SASZs to provide greater certainty in respect to the location of further buildings and to appropriately manage the impact of buildings on landscape values as compared to the current set of rules. As part of the package of amended relief (detailed above), Soho and Treble Cone now propose to identify a

'Ski Area Facilities Overlay' to define the area and extent of buildings on the lower slopes of the ski area and to generally aggregate any additional structures into areas of the landscape with greatest potential to absorb change.

- 7.12 The proposed changes to the planning maps to identify the Ski Area Facilities Overlay would require consequential changes to the rules, as follows:
- (a) Amend Rule 21.5.27 (Buildings) to provide for any building associated within a Ski Area Activity as a controlled activity within the Ski Area Facilities Overlay; and
 - (b) Introduce a new standard through Rule 21.5.27.1, whereby any building associated within a Ski Area Activity below 1,100masl and outside of the Ski Area Facilities Overlay is a restricted discretionary activity.
- 7.13 Tracked changes to Rule 21.5.27 providing for these outcomes are detailed within **Appendix 5**.
- 7.14 The rationale for using 1,100masl as the trigger for consent is that has formed the basis for the visitor accommodation rule proposed as part of the rural zone hearing (Stream 02), and which represents the average winter snow line. It is also at about the level of where the vegetation on the Blackmans Creek side of the Soho Ski Area changes from being predominantly indigenous above this contour and predominant exotic pasture grass below¹⁹. This has implications particularly in respect to earthworks, which I discuss further below.
- 7.15 Based on the changes outlined above, the application of an overlay to the planning maps can provide a much higher degree of certainty of where development of ski area activity will occur so as to provide for appropriate development within the ONL²⁰ and the provision for appropriate control over the visual impacts of buildings associated with Ski Area Activities²¹.

¹⁹ Refer also to the evidence of Ms Pfulger (paragraph 39)

²⁰ Objective 6.3.3, as amended through QLDC Right of Reply 7/4/16

²¹ Policy 21.2.6.2, Proposed Queenstown Lakes District Plan (as notified)

Passenger Lift Systems

7.16 As a result of the proposed extension to the Treble Cone and Soho ski areas, Passenger Lift Systems would become a controlled activity through Rule 21.5.28. The Council's control is reserved to:

- The extent to which the passenger lift system breaks the line and form of the landscape with special regard to skylines, ridges, hills and prominent slopes.
- Whether the materials and colour to be used are consistent with the rural landscape of which the passenger lift system will form a part.
- Balancing environmental considerations with operational characteristics

7.17 Again, the resource consent provided to Treble Cone for the construction of a new gondola provides an example of the outcomes possible through an extension to the SASZ and which have been subject to careful analysis through a consent process. The situation within the Soho ski area is different where the existing SASZ extends a considerable distance downslope towards the area of the proposed Ski Area Facilities Overlay and the logical connection point onto the road network. Because of the logical location of the base complex in this location and the relatively short distance to the existing SASZ boundary the extent of any effect from the establishment of a passenger lift system on landscape and amenity values over and above what can be established under the *status quo*, is relatively contained.

7.18 Building on the framework proposed above for buildings, it is possible to establish greater certainty over a possible alignment of a passenger lift system within the area of the proposed SASZ extension at Soho and Treble Cone. In the case of Treble Cone, this can be formulated around the consented gondola alignment and for Soho as a connection to the ski area from the proposed Ski Area Facilities Overlay. I propose to define a Passenger Lift Corridor for both ski areas as a basis for future lift systems to be located through the extended SASZs. The amended planning maps illustrating the location of the Passenger Lift Corridors, integrating with the Ski Area Facilities Overlay, are contained within the evidence of Mr McCrostie.

- 7.19 To provide for passenger lift systems within the proposed Passenger Lift Corridor, and for an appropriate level of protection for the land outside of the corridor, I propose changes to Rule 21.5.28 as detailed below.
- (a) Add new Rule 21.5.28.1, providing that Passenger Lift Systems located within any Passenger Lift Corridor are a controlled activity, and where the Council has control over the following matters:
 - (i) Measures to minimise the landscape and ecological impacts of temporary construction activity, including through the adoption of a Construction Management Plan
 - (ii) Avoiding internal cabin and tower lighting outside of the top and bottom station buildings
 - (b) Add a new Rule 21.5.28.2, providing that within any SASZ containing a Passenger Lift Corridor, any Passenger Lift System below 1,100msl located outside of the Passenger Lift Corridor shall be a restricted Discretionary Activity, where the matters of discretion shall be as contained within Rule 21.4.19 (Revised Proposal) relating to Ski Area Activities not located within a SASZ.
- 7.20 Tracked changes to Rule 21.5.27 providing for these outcomes are detailed within **Appendix 5**.
- 7.21 Through these changes to the planning maps and the related rules relating to Passenger Lift Systems, the effects of the proposed SASZ extensions below 1,100masl can be confined to those parts of the landscape with greatest potential to absorb changes while also providing certainty of passenger access to the ski areas. In particular, this will assist to implement the new Policy 21.2.6.5 sought by Soho and Treble Cone to recognise and provide for the functional dependency of ski area activities to transportation infrastructure, such as vehicle access and passenger lift based or other systems, linking on-mountain facilities to the District's road and transportation network.

Earthworks

- 7.22 A key difference between the SASZ and rural general zone provisions under the ODP is the status of earthworks. As outlined above, earthworks within the SASZs are exempt from the recent reviewed earthworks rules created through PC 49 to the ODP. The situation under the PDP for earthworks has been made unclear through the s.42A

Report prepared for the SASZ mapping hearing, indicating that the Council has resolved to notify an earthworks chapter in Stage 2 of the District Plan Review, intending to apply to those zones included within the District Plan Review.

- 7.23 Inclusion of an earthworks chapter within the District Plan Review is obviously a recent change of position by the Council, as at the time of the hearing on Stream 02 (Rural Zone) the Council indicated that the earthworks Chapter 22 of the ODP was not included in the District Plan Review and any changes to the ODP earthworks provisions are not within scope.²²
- 7.24 Until the Council has resolved its direction on the new earthworks chapter for inclusion into the Review, I have assumed for the purposes of this evaluation that the most permissive regime, whereby earthworks are a permitted activity within any part of the SASZs, would continue to apply. If that were the case and assuming the Panel accepts the changes outlined above in relating to the creation of the Ski Area Facilities Overlay and Passenger Lift Corridor, the main effects likely to arise from earthworks activities are likely to include the following:
- (a) The construction of any new Passenger Lift System within the Passenger Lift Corridor;
 - (b) The construction of any new base complex within the Ski Area Facilities Overlay;
 - (c) Construction of any trails relating to any outdoor recreation activities; and
 - (d) The creation of any new sections of vehicle access or the upgrade of any existing vehicle access to any ski area.
- 7.25 Within the SASZs there is a strong relationship between earthworks and the clearance of indigenous vegetation. For the most part, earthworks within the SASZs cannot happen without also triggering the requirement for resource consent to clear indigenous vegetation, including species such the snow tussock grasslands, spaniard, cushionfields and an array of mosses. However, as mentioned above, the lower altitudes of the Soho ski area (below 1,100m) already are dominated by exotic

²² Page 63, Section 42A Report prepared by Craig Barr Rural Zone Chapter 21,

grasslands and earthworks may not necessarily trigger consent for indigenous vegetation clearance. Within the conservation land below Treble Cone, any earthworks within this area would require a concession. Based on this and the nature of the Soho SASZ extension relating mostly to land at lower altitudes, the focus of my evaluation below is mostly made in respect to the effects of earthworks from the proposed extension to the Cardrona SASZ.

- 7.26 An important component of the construction of any passenger lift system is the management of temporary construction effects, including from the creation of temporary construction access and their rehabilitation to ensure there are no lasting effects from this activity. Definition of the Passenger Lift Corridors will assist in containing those effects, but it is possible further tracks outside of the corridors would be required. These would most obviously occur as extensions from the existing Treble Cone access road and the access at Soho. While it would not be possible to define construction access through the District Plan, I do consider it important for such effects to be recognised and appropriately managed to avoid creating long term and adverse effects on the landscapes values of each area. The changes proposed to the Passenger Lift Systems rule above contain an additional matter of control over the measures to minimise the landscape and ecological impacts of temporary construction activity, including through the adoption of a Construction Management Plan.
- 7.27 Through the identification of the Ski Area Facilities Overlay and the related matters of control over building under the modified Rule 21.5.27, the potential effects of earthworks related to the construction of any building activity can be appropriately assessed and contained to those areas of the landscape with greatest potential to absorb change.
- 7.28 The construction of cycle or pedestrian trails is unlikely to involve significant quantities of earthworks and I consider this to be an appropriate outcome for both extended ski areas.
- 7.29 Treble Cone has established vehicle access from the Wanaka – Mount Aspiring Road to the base lodge. The Soho ski area has a four-wheel drive access track catering for staff and ongoing property maintenance. It is likely that if an all use vehicle access was needed for the Soho Ski area, this would require the formation of new sections of road to achieve

an appropriate gradient and standards of safety. Given the long term effects and the particular care required to manage effects on landscape values from the formation of new section of access and the likely absence of any further triggers for consent around indigenous vegetation clearance, I would feel more comfortable if the PDP had some controls in place over earthworks related to the formation of any sections of new ski area road access. In referring to road access, I do not mean the creation of legal road in the conventional understanding of that term as it would be unlikely that Council would want to take over the maintenance of an access road to a private ski area in any event. For Treble Cone the access road to this ski area is located on Conservation land and the subject to a concession. For these reasons, I do not consider the creation of a legal road and any consequential exclusion from any district plan zoning as a likely outcome for either the Soho or Treble Cone ski area. In any event, all legal road is designated by the Council and would be the subject to the outline plan process under s.176A of the Act should that become necessary.

7.30 If SASZs were not exempt from the earthworks rules within Chapter 22 of the ODP, any exceedance to the standards in place for earthworks within the rural zone would trigger the requirement for resource consent as a restricted discretionary activity²³, where the Council reserves discretion to the following matters:

- (i) The nature and scale of the earthworks
- (ii) Environmental protection measures
- (iii) Remedial works and revegetation
- (iv) The effects on landscape and visual amenity values
- (iv) The effects on land stability and flooding
- (v) The effects on water bodies
- (vi) The effects on cultural and archaeological sites
- (viii) Noise

7.31 Adopting this framework for the creation of any new sections of vehicle access within the SASZs would be in my view an appropriate starting

²³ Rule 22.3.2.3(b), Chapter 22, ODP

point to manage the effects from this activity. I set out within **Appendix 5** the proposed wording for a new Rule 21.5.36 (Table 7), relating to the establishment of new vehicle access associated with a Ski Area Activity and located within a SASZ.

Commercial Recreation Activities

7.32 Rule 21.5.21²⁴ places limitations the scale of commercial recreation activities, which are required to be undertaken on land, outdoors and involving not more than 12 persons in any one group²⁵. One of the benefits of extending the SASZs at Soho and Treble Cone will be to enable any scale of commercial recreation activity to be undertaken. Mountain biking is one such activity that could occur within the SASZ, as a summer based activity and potentially also integrate with any passenger lifts. This would be appropriate to the nature of the SASZs and would not need to be limited in terms of the number of people undertaking such an activity.

8. SECTION 32AA EVALUATION

8.1 I have prepared a summary evaluation under section 32AA of the Act to supplement the proposed amendments to the SASZ provisions and planning maps discussed above. This assessment has been structured to follow the issues discussed within this evidence and where further changes are proposed.

8.2 S.32AA requires that a further evaluation under sections 32(1) to (4) is necessary for any changes that have been made to the proposal since the evaluation report for the proposal was completed.

8.3 In accordance with s.32AA(1)(c) this evaluation has been undertaken at a level of detail which corresponds to the scale and significance of the changes.

Identification of other reasonably practicable options for achieving the objectives s.32(1)(b)(i)

²⁴ Chapter 21 (Rural), QLDC Revised Proposal dated 7 April 2016

²⁵ *Ibid*

8.4 The reasonably practicable options available to provide for the use and development of the land outside of the current SASZs proposed within the submissions by Soho and Treble Cone, under the PDP include:

- (a) Retention of the status quo, whereby any proposals relating to:
- (i) The transportation of users to SASZ's from surrounding rural land; and
 - (ii) Commercial recreation activities

are managed through the use of resource consent applications where each are assessed on their merit in an *ad hoc* manner against the general rural zone provisions.

- (b) The expansion of the SASZs, together with associated changes to define the areas for passenger lift corridors and any base buildings and for earthworks associated with the construction of any new sections of roads.

Assessment of efficiency and effectiveness of provisions s.32(1)(b)(ii) and s.32(2)(a)

- (c) Effectiveness:

As outlined in the evaluation of the PDP objectives above, extension of the SASZs under the proposed framework is considered effective in that it will achieve the objectives of the PDP for the growth, development and consolidation of the SASZs as well as to recognise the functional dependency of ski areas on access to the District's transportation network.

- (d) Efficiency

Benefits	Costs
<p><i>Environmental</i></p> <p>The environmental benefits of the proposed SASZ extensions relate to the ability for the Soho and Treble Cone ski areas to integrate planning for the growth, development and consolidation under the framework of the SASZ provisions. Under this framework, areas indicated for future development will be more transparent to the wider community as they are incorporated into the PDP.</p>	<p><i>Environmental</i></p> <p>Explicitly providing for transportation infrastructure and Passenger Lift Systems may lead to further development of such facilities with associated visibility of this infrastructure.</p>

<p>Economic</p> <p>The proposed extensions to the Cardona and Treble Cone SASZs will provide direct economic and employment benefits for the community during both the construction and operation of any passenger infrastructure.</p> <p>Incorporating the key access corridors and base areas into the SASZs will also mean development within the SASZ can progress through a more targeted consent framework which would have less transaction and administrative costs for both the developer and the Council.</p> <p>Social and cultural</p> <p>The proposed SASZ extensions will support the ongoing use of the SASZs for ski area activities and will provide for the social and cultural wellbeing of those using these areas.</p>	
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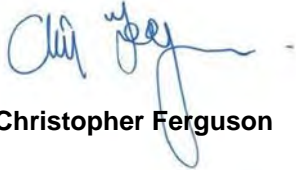
- 8.5 I consider that the proposed extensions to the SASZs, based on the addition of further overlays to the planning maps to define the alignments of any future passenger lift corridors and related base facilities, to be efficient as the benefits will outweigh costs. In particular, the package of proposed amendments related to the SASZ extensions for Soho and Treble Cone set out in a very clear and transparent way, the future development intentions for these areas to avoid an approach of *ad hoc* planning through resource consents for ski area infrastructure not located within a SASZ.

Summary of reasons for proposed provisions s.32(1)(b)(iii)

- 8.6 The proposed changes provide the most appropriate way of achieving the relevant objective of the PDP because:
- (a) They recognise the fundamental importance of transportation to SASZs to the sustainability of their ongoing operation;
 - (b) They provide greater certainty and clarity over the location of passenger lift and related base areas necessary to gain access to both of these ski areas; and

- (c) They help to resolve a tension between the expressed desire of the plan to promote the consolidation of ski areas with the disconnect in the plan to facilitate access to those areas.

Dated 28th day of March 2017



Christopher Ferguson