

QLDC Proposed District Plan
Jeff Brown – summary statement to primary evidence
Ski Area Sub Zone provisions
10 May 2017

Introduction

1. This is a summary statement to my primary evidence dated 28 March 2017. My evidence is in two parts:

Part A: relates to the wording of a development control for passenger lift systems; and

Part B: relates to including a narrow Ski Area Sub Zone (**SASZ**) corridor of length 400m linking the Mount Cardrona Station Special Zone (**MCSSZ**) to the SASZ at the Cardrona Ski Area.

Part A – Chapter 21 provisions for passenger lift systems

2. In the Stream 2 hearings I recommended that, in Rule 21.5 Table 3 of the Rural Zone, passenger lift systems should (along with farm buildings) be exempted from the standards for buildings. Without that exemption, passenger lift system pylons would need to meet the 8m height standard or require restricted discretionary activity consent to breach this standard. This seems unreasonable, given that the controlled activity criteria for passenger lift systems address effects on landscape values, and the purpose of the controlled activity status would be defeated because some pylons would almost certainly exceed 8m in height.
3. Ms Banks agrees with this in principle (in her rebuttal, paragraph 3.29 – 3.30), and recommends modifying Rule 21.5.17 (the standards for building height) by exempting passenger lift system pylons. I agree with her recommended modification (her paragraph 3.29) along with the further modifications proposed by Mr Goldsmith¹.

Part B – SASZ corridor linking the MCSSZ and the SASZ at Cardrona Ski Area

4. The status of a passenger lift system is:
 - in the MCSSZ: likely to be a controlled activity (as part of Plan Change 52 (**PC52**) which is awaiting a hearing²);

¹ Legal submissions by Warwick Goldsmith dated 5 May 2017, Appendix 4

² The controlled activity status, a proposed change from the operative discretionary status, was not subject to any submissions to PC52

- in the Rural Zone inside the SASZ: likely to be a controlled activity under Rule 21.5.28³;
 - in the Rural Zone outside the SASZ: a restricted discretionary activity under Rule 21.4.19⁴.
5. A passenger lift system connecting the MCSSZ (which enables an urban development of commercial, residential, visitor accommodation and recreational activities) at the base of the mountain with the Cardrona Ski Area facilities near the top would have a total distance of 5.125km⁵. Most of this (4.725km or 92.2%) is within the MCSSZ and the SASZ, and would be a controlled activity. The remaining 7.8% is a 400m gap (zoned Rural) between the MCSSZ and the SASZ and would be a restricted discretionary activity.
6. I consider that a passenger lift system linking the MCSSZ with the Cardrona Ski Area is appropriate because:
- (a) a terminal at the MCSSZ central village precinct is easily walkable from the visitor accommodation, high density residential and other residential in the MCSSZ, and near to the growing cluster of activities around the valley entrance to the Snow Farm access road and the Cardrona Ski Area access road;
 - (b) it integrates activities and creates efficiencies by reducing traffic on the ski area road, reducing traffic safety risk, improving fuel usage, and lowering emissions;
 - (c) from Mr Espie's evidence, in landscape terms this location is the most logical and expected place to experience a gondola because it would be viewed within a particular part of the valley that already accommodates considerable human modification.
7. I disagree with Ms Banks' view that this additional corridor of SASZ is not appropriate. The circumstances of the corridor are very narrow and should not be considered in the same light as the broader question of the status of ski area activities in the Rural Zone outside of the SASZ. Those narrow circumstances include:
- the MCSSZ below the corridor and the SASZ above it;
 - the controlled status of passenger lift systems in the MCSSZ and the SASZ;
 - the short length of the corridor (400m of the total 5.1km length of the passenger lift system);

³ Craig Barr's right of reply version of the Rural Zone provisions, dated 3 June 2016

⁴ *ibid*

⁵ This distance of 5.125km is accurate. The distance of 3.8km in my primary evidence (para 2.13) is therefore incorrect

- no ecological issues; and
 - the landscape evaluations.
8. The controlled status is therefore preferable to the restricted discretionary status, in this instance, because it provides significantly greater certainty by avoiding the situation where the various consents for the same proposal are bundled into a restricted discretionary activity application despite 92.2% of the length otherwise being a controlled activity.
9. In her rebuttal paragraphs 3.23 – 3.27 Ms Banks states that the proposed SASZ corridor (“Area A”) is inappropriate because it would be an overlay or a sub-zone of a sub-zone, would create plan administration inefficiencies, and is *suggestive of a more complex and detailed higher order zone*. I strongly disagree. “Area A” represents two simple rules and a very minor amendment to one map. It is not complex and detailed and will not cause any problems for a processing planner.
10. In her summary statement (paragraph 6) Ms Banks states that she opposes all SASZ rezoning proposals irrespective of location, and provides five reasons for this. In relation to the MCS corridor, I consider that none of the reasons are valid, as follows:
- (a) the MCS corridor does not broaden the purpose of the SASZ because it does not enable a range of other non-ski activities; it is for a passenger lift system only;
 - (b) Dr Read's expert opinion is that the gondola will have no adverse landscape effects (her summary statement, para 3). It is therefore appropriate to enable exclusion from the ONL assessment matters;
 - (c) earthworks within the corridor would be for the purpose of constructing one or two pylons only, and for construction access, and not for broader ski activities such as snowboard terrain parks;
 - (d) the controlled status is appropriate for the 400m corridor for the reasons I have discussed; and
 - (e) avalanche control, safety management and snow grooming are not relevant to the corridor.
11. In her summary paragraph 14 Ms Banks discusses the MCS SASZ extension. She states that bundling the consents for the gondola into the restricted discretionary status is appropriate *for large scale infrastructure extending across wide geographic areas*. I strongly disagree with this because the MCS corridor is a very narrow area (400m x 200m) with a single purpose. In the circumstances the controlled activity status provides the opportunity for conditions to address the

effects of a proposal. Further on her paragraph 14, there are no significant landscape issues (viz. Mr Espie and Dr Read) that necessitate the restricted discretionary status.

12. Finally, in her summary paragraph 15 Ms Banks states that it would be necessary to limit any extension to a passenger lift system only, to avoid possible effects of earthworks and road / car parking construction. The MCS corridor is limited to a passenger lift system only, and the rule enabling passenger lift systems as a controlled activity (Rule 21.5.28 of Table 7⁶) could be modified by adding a matter of control relating to earthworks, if considered necessary⁷. The whole rule would therefore become:

Rule	Table 7 – Ski Area Activities within the Ski Area Sub Zones	Activity
<u>21.5.28</u>	Passenger Lift Systems Control is reserved to all of the following <ul style="list-style-type: none"> • 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 	C
<u>21.5.X</u>	<u>Within Area A on Planning Maps 10 and 24a, passenger lift systems [excluding any terminal and associated base facilities]⁸. Control is reserved over the matters listed in Rule 21.5.28, and:</u> <ul style="list-style-type: none"> • <u>The extent to which earthworks modify the landform, and the effects of siltation, runoff and erosion during construction</u> 	<u>C</u>
<u>21.5.Y</u>	<u>Within Area A on Planning Maps 10 and 24a, activities listed in Table 7 other than passenger lift systems [excluding any terminal and associated base facilities]</u>	<u>NC</u>

13. I therefore maintain my view that the "Area A" SASZ corridor linking the MCSSZ with the SASZ at Cardrona is appropriate and is consistent with:

- Ms Banks' principles for considering the various requests for SASZ extensions⁹;
- the higher order provisions of the Proposed District Plan; and
- Part 2 of the Act.

J A Brown, 10 May 2017

⁶ Craig Barr's right of reply version of the Rural Zone provisions, dated 3 June 2016

⁷ This could be as a short term measure given it is intended to notify the PDP earthworks provisions as part of the Stage 2 release

⁸ the words [excluding any terminal and associated base facilities] are in square brackets because they will not be necessary if the Panel accepts Mr Barr's recommended definition of "Passenger Lift System" because that definition excludes base and terminal buildings

⁹ I addressed these in my primary evidence at paragraphs 5.1 – 5.19