

## **APPENDIX 6**

RM060587 Snowline Holdings Ltd – Treble Cone  
Gondola

# **QUEENSTOWN LAKES DISTRICT COUNCIL**

## **DECISION ON AN APPLICATION FOR RESOURCE CONSENT**

**APPLICANT:** SNOWLINE HOLDINGS LIMITED

**APPLICATION REFERENCE:** RM 060587

**LOCATION:** MOTATAPU VALLEY

**SITE DESCRIPTION:** RUN 812, SECTION 3 BLOCK VI,  
MOTATAPU SURVEY DISTRICT, SECTION 1  
SURVEY OFFICE PLAN 23260 AND PART  
SECTION 1-2 SURVEY OFFICE PLAN 22995,  
CONTAINED IN CERTIFICATE OF TITLE  
OT10C/688 AND PART RUN 333A, AND PART  
RUN 334B CONTAINED IN CERTIFICATE OF  
OT8C/243

**PROPOSAL:** CONSTRUCT AND OPERATE A GONDOLA  
FROM A BASE STATION ON THE MOTATAPU  
VALLEY FLOOR UP TO THE TREBLE CONE SKI  
FIELD

**ZONING:** PART RURAL GENERAL AND PART SKI AREA  
SUBZONE

**STATUS OF PROPOSAL:** DISCRETIONARY ACTIVITY

**DATES OF HEARING:** 27TH – 30TH NOVEMBER 2006 AND  
22ND OCTOBER 2008

**HEARINGS PANEL:** DAVID W COLLINS, GILLIAN MACLEOD

**DECISION:** CONSENT IS GRANTED, WITH CONDITIONS

IN THE MATTER OF an application by  
Snowline Holdings Limited to the Queenstown  
Lakes District Council for consent to establish  
a gondola and other facilities serving the  
Treble Cone Ski Field.

Council File: RM 060587

**DECISION OF A QUEENSTOWN LAKES DISTRICT COUNCIL HEARINGS PANEL  
COMPRISED OF DAVID W COLLINS AND GILLIAN MACLEOD, HEARINGS  
COMMISSIONERS APPOINTED PURSUANT TO SECTION 34A OF THE ACT**

**Background**

1. This application seeks land use consent for the construction and operation of a gondola transport system between the Motatapu Valley and the Treble Cone ski area. The proposal was originally publicly notified on the 3rd August 2006 and attracted 938 submissions (881 in support and 57 in opposition). Full details of the proposal were provided. In essence the development would involve a base station with a cluster of seven buildings providing ski rental facilities, retail activities, a café, toilets, the gondola waiting and loading area, and storage space for gondola cabins. Carparking for 1,550 vehicles was proposed.
2. The application set out two alternative locations for the base station complex: Option 1 on the east side of the Wanaka-Mt Aspiring Road, and Option 2 on the west side of the Wanaka-Mt Aspiring Road. These options were put forward on the basis that consent was sought to allow the applicant company to build either, but it was acknowledged that consent could be granted for one or the other, or both, but only one would be built.
3. The gondola cableway would rise 945 metres over a total length of about 3.5 kilometres (for base station Option 1 on the far side of the Wanaka-Mt Aspiring Road) and would be of either Doppelmayr or POMA design. The Doppelmayr system would be supported by 18 towers between 5 and 24 metres in height with a single lattice tower 40 metres high and would carry up to 2,000 people per hour. The POMA design would require 28 towers of between 8 metres and 25 metres in height, with a lattice tower 34 metres in height, and would carry 1,800 passengers per hour. Both systems would use 8 person cabins and the trip up the mountain would take about 10 minutes.

4. A hearing was held on the 27th – 30th November 2006 and was adjourned at the request of the applicant company's counsel to allow for further information to be provided.
5. Following the hearing we made a further site visit and issued a Memorandum to the Parties on the 14th December 2006. In that Memorandum we indicated that we had come to the conclusion that the full development sought (either Option 1 or Option 2) would not meet the purpose of the Act:

*"We consider that the adverse impact on the landscape (part of an Outstanding Natural Landscape under the District Plan) of a development involving a cluster of large buildings in addition to the gondola itself would outweigh the benefits of the proposal. If the applicant company is committed to the whole development that could be indicated now and we will provide a full decision setting out our reasons for coming to that conclusion."*

*While there can be no doubt that the effect on the landscape is a major consideration (in our assessment the most significant consideration) we accept that there are other relevant factors to be balanced against the inevitable adverse landscape impact. Briefly we acknowledge that a gondola would enable people (section 5 of the Act) to access the skifield and the wider alpine area more conveniently and safely. We accept that although it is impossible to quantify this benefit to gondola users or to calculate the benefits to the greater community, these benefits would be considerable.*

*This conclusion has led us to consider whether there could be a development that would provide most of the benefits of the proposal put forward without such an adverse effect on the landscape."*

6. The Memorandum then went on to discuss the possibility of relocating the base station so as to be further away from the public viewpoint of the road and nearer to the existing "disturbance corridor" created by the conspicuous skifield access road, and the possibility of substantially reducing the visual impact of the base station by reducing it to just those facilities that have to be located at the base of the mountain. The Memorandum also discussed the possibility of reducing the area of formed carparking, while expressing the view that the area of grassed "overflow" parking was of much less visual impact.

7. We were pleased that the applicant company did not respond to our Memorandum by simply asking for a decision refusing consent that could be taken to appeal, but by initiating further detailed investigations into the viability of our suggestions. A substantially revised proposal was submitted in August this year and submitters on the original application were invited to comment on it. Although for the record we will list appearances at the first hearing, this decision will focus on the application as it now stands. We are in no doubt that the revised application is within the scope of the application originally notified because the development is reduced in scale (specifically the base station) and the relocation of the base station and first part of the gondola alignment do not introduce any significant new adverse effects.

Original Hearing 27-30 November 2006

8. Prior to the original hearing reports provided by the Council's then regulatory agent, CivicCorp Limited, were circulated to the parties. These were prepared by Mr Stewart Fletcher – Principal: Resource Consents (Wanaka), Mr Antony Rewcastle – landscape architect, Ms Alice Hill – engineer, and Ms Linda Ferrier – Principal: Environmental Health. These reports were supplemented by reports by Dr Colin Boswell – ecologist, Mr Phil Osborne – economist, and Mr David Gamble – traffic engineer.
9. The applicant company was represented at the first hearing by Mr Warwick Goldsmith who presented a detailed explanation of the proposal and addressed various legal issues, before leading evidence from Mr John Darby – director of the applicant company with particular experience in ski area development, Dr Michael Copeland – economist, Mr Graeme Lester – civil engineer, Mr Royden Thomson – geologist (read by Mr Goldsmith), Mr Richard Hanson – director of the applicant company and project manager, Mr Allen Ingles – civil engineer, Mr Willem Groenen – president of Lake Wanaka Cycling Inc., Mr Allan Rackham – landscape architect, Ms Nicola Rykers – planner and Mr Mike Bayliss and Mr Don Spary – skiers who support the application.
10. Submitters who spoke at the initial hearing were: Mr Richard Hutchison, Mr John Pawson – chairman of the Upper Clutha Tracks Trust, Ms Tina Haslett, Mr John Hare, Mr Julian Haworth – president of the Upper Clutha Environmental Society and Ms Di Lucas – landscape architect, appearing for the Upper Clutha Environmental Society. A statement from submitter Ms Bridget Mackay was also tabled. Mr. Quentin Smith, planner, appeared for the Wanaka paraglider pilots group.
11. Reporting officers Mr Fletcher, Mr Rewcastle and Ms Hill attended the initial hearing and provided further advice following the presentation of the evidence and prior to Mr Goldsmith exercising his right of reply.

Reconvened Hearing, 22nd October 2008

12. The invitation for submitters to comment on the revised proposal attracted 14 further submissions: two in opposition, ten in support and two raising issues but not expressing support or opposition. Three of the submitters in support were from people who were not original submitters so technically they cannot be accepted as parties now.
13. For the reconvened hearing we had the benefit of pre-circulated reports provided by the council's new regulatory agent, Lakes Environmental Limited, prepared by Mr Christian Martin – Planning Team Leader (Wanaka), Ms Kerry Price – engineer, and Mr Antony Rewcastle – landscape architect. Mr Martin and Ms Price attended the hearing and Dr Marian Read – Principal: Landscape Architecture, attended on behalf of Mr Rewcastle who was overseas.
14. The applicant company was represented by Mr Mark Christensen who presented legal submissions before leading evidence from Mr Richard Hanson – project manager and director of Snowline Holdings Limited and Treble Cone Investments Limited, and Ms Yvonne Pfluger – landscape architect.
15. Submitters Ms Tina Haslett and Mr Julian Haworth (President of the Upper Clutha Environmental Society Inc) attended the hearing and discussed their remaining concerns. Some of the main points they made will be discussed below.

The Amended Proposal

16. As noted at the beginning of this decision, the application has now been substantially modified. Ms Haslett and Mr Haworth both commented that the proposal is better than the original proposal and Mr Rewcastle's landscape report expressed the view that "*...the amended application has been more sensitively designed and positioned...*". The most significant alterations are as follows:

Base Station Building

The base station buildings complex is now to be located against the base of the mountain about 320 metres from the Wanaka-Mt Aspiring Road. With the deletion of the café, shop, and ski hire facilities the complex has been reduced from seven buildings to four buildings, grouped in a tight cluster. The total building footprint has been reduced 2,173m<sup>2</sup> to 853m<sup>2</sup> and the maximum building height has been reduced from 10.43 metres to 6.375 metres. The apparent height of the buildings would be

further reduced by the proposed excavation of the buildings into the toe of the slope. The revised proposal does however require a mid-station at the point where the cableway changes direction and heads up the mountain along the alignment originally proposed. This additional building would be quite substantial - 39.5 metres by 8.4 metres and 6.5 metres in height - but like the base station buildings it would be finished in recessive colours.

#### Access and Parking

It is now proposed to provide access to the car park at the base station from the existing skifield access road, rather than from another access point to the Wanaka-Mt Aspiring Road. The number of sealed car parks has been increased from 50 to 81, but more significantly the 1,500 space gravel car park originally proposed has been replaced by a 480 space grassed area.

#### Landscape

A completely different landscape proposal has been put forward, reflecting the reduced scale of the base station and parking and their location against the base of the mountain. Informal shaped planting at the south end of the car park is proposed with native shrubs and trees occurring naturally in the locality, and more formal lines of red beech nearer the buildings. Some of the planting would be on bunds which will provide immediate screening, and Ms Pfluger's landscape evidence for the applicant was that:

*"At maturity red beech will grow to a height of 10-12 metres and will, in combination with the bund, fully screen both the car park and base buildings...when viewed from viewpoints to the south-west along Wanaka-Mt Aspiring Road."*

#### Status of the Application

17. All relevant provisions of the Partially Operative District Plan are operative. Consent is required under quite a number of rules. While the structures within the Ski Area Sub Zone have the status of controlled activities, all buildings within the Rural General Zone are discretionary activities – in both cases subject to meeting standards such as the height limit. The earthworks require consent as a restricted discretionary activity because they exceed various standards.
18. The original proposal required consent as a non-complying activity under several rules: the height of the base station buildings, the setback from road boundaries and signage. These aspects have been deleted in the revised proposal but there remains

a question of whether the height of the support pylons requires consent as a non-complying activity.

19. The base station buildings for the original proposal exceeded the 8 metre height limit, leading to non-complying status for the application as a whole, although part of the reason for the request for an adjournment was to allow the applicant to consider whether those buildings could be re-designed to comply. The revised proposal under consideration now has buildings that easily comply with the 8 metre height limit. Mr Martin's planning report however raises the question of whether the pylons supporting (or forming part of) the gondola system are "buildings" under the District Plan and are therefore non-complying.
20. This is quite significant because if they are buildings and the application as a whole has to be assessed as a non-complying activity, we have jurisdiction to grant consent only if the proposal overall can meet one of the "threshold tests" in section 104D of the Act. Those tests are whether the adverse effects on the environment will be minor, or whether the proposal will be contrary to the objectives and policies of the District Plan.
21. As discussed below, we consider the inevitable adverse effects on the landscape of the gondola and base buildings would be more than minor, and bearing in mind that for the purposes of this "threshold test" positive effects cannot be taken into account, we believe the application fails that test.
22. Whether the proposal also fails the alternative test is more complicated. If we had come to the view that the proposal could meet the test we could effectively avoid the issue of status by considering the application as a non-complying activity. As Mr Martin's report notes, the District Plan contains objectives and policies relating to transportation, economics and the use of existing skifields as well as the more familiar objectives and policies relating to landscape. We accept that the proposed development would promote those objectives and policies. The Queenstown Lakes District Plan has such a strong emphasis in the objectives and policies on the protection of landscape however that we are not at all sure that taking an overall view the direct conflicts with the landscape objectives and policies can be sufficiently countered by support for some other objectives and policies for us to come to the view that overall the proposal is not contrary to the objectives and policies.
23. We have therefore had to consider the question of status carefully because if the application was non-complying and cannot pass either of the "threshold tests" we

would have no jurisdiction to consider it further. We have had the benefit of a legal opinion dated 1st October 2008 from the Council's lawyers, MacTodd, for Mr Martin and counsel for the applicant, Mr Christensen, provided detailed submissions on the point at the hearing.

24. The District Plan includes the following definition:

*"Building: shall have the same meaning as in the Building Act 1991...."*

25. The Building Act 1991 has been replaced by the Building Act 2004 but there is no dispute that the definition in the Plan remains unchanged. Section 3 of the Building Act 1991 defines a "building" as excluding:

*"(c) Cablecars, cableways, ski tows, and other similar stand-alone machinery systems, whether or not incorporated within any other structure; or..."*

26. The MacTodd opinion misquoted this definition by omitting a comma after "ski tows" so assumed that for the pylons to be excluded as buildings they would have to be either "cablecars" or "cableways". Mr Christensen's submission was that the support towers could be included under any one of the exclusions: "cablecars" or "cableways" or "similar stand-alone machinery systems". None of these terms is defined in the District Plan or the Building Act 1991, however "cablecar" is defined in the Building Act 2004. We accept that this definition can be used as a guide. It begins:

*"Cablecar:*

*(a) Means a vehicle: ...."*

The MacTodd opinion, rightly in our view, interprets that as meaning that "cablecars" should be interpreted as including just the gondola cabins and not the supporting structures. Mr Christensen pointed out that later in the definition of "cablecar" it is clarified that parts "... attached to or servicing a building" are included, but that does not seem to be relevant to the pylons as they are remote from buildings.

27. We do however believe that what is proposed fits within the common understanding of a "cableway" so is not a "building" for the purposes of the District Plan. The MacTodd opinion gives three dictionary definitions of "cableway". The Collins dictionary (always the most authoritative) defines "cableway" as:

*"A system for moving people or bulk materials in which suspended cars, buckets, etc run on cables that extend between terminal towers."*

The Oxford dictionary similarly refers to "a transportation system" (emphasis added), while the American Webster dictionary defines "cableway" as:

*"A suspended cable used as a track along which carriers can be pulled."*

28. The MacTodd opinion acknowledges that these definitions mostly focus on the "complete package", but then suggests that a conservative approach should be taken because:

*"It seems inconceivable that a 40 metre tower in a sensitive landscape would escape scrutiny when a much small (sic.) and less prominent "building" would not."*

29. As pointed out by Mr Christensen, that is not actually correct because the proposed gondola system (including pylons) probably falls to be considered as a "ski activity" located outside a Ski Area Sub Zone under Rule 5.3.3.3 (ix) - a discretionary activity. We are not entirely sure of that because this system is proposed to be used outside the ski season, but that was the approach taken by another Council Hearing Panel in the case of the recently consented gondola to serve the Snow Farm skifield above the Cardrona Valley (One Black Merino Limited, consent RM 070610 dated 15th May 2008). Unless there is some reason to believe that Hearing Panel misunderstood something, we consider we should follow that interpretation in the interests of consistency.
30. Mr Christensen also submitted that the gondola pylons could come within the definition of "*other similar stand-alone machinery systems*". Again, the word "*systems*" is important as it suggests we should not separate components of what is clearly a system. After careful consideration of the alternative possible interpretations, we have come to the view that the support pylons can and should be regarded as part of a cableway or other similar stand-alone machinery system (or both) and is therefore not a building in terms of the District Plan and therefore not subject to the 8 metre height limit.
31. As a discretionary activity we have to consider the application under sections 104 and 104B of the Act. Section 104 directs us to have regard to the effects on the environment and relevant objectives and policies in the Partially Operative District Plan. Consideration is "*subject to*" the purpose and principles of the Act set out in Part II (sections 5 – 8) of the Act. Relevant Part II matters in this case are:
- the sustainable management of resources purpose of the Act set out in section 5,
  - section 6(b) "*the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development*", (one of the declared "*matters of national importance*"),
  - section 7(b) "*the efficient use and development of natural and physical resources*", and
  - section 7(c) "*the maintenance and enhancement of amenity values*".

### Precedent

32. Before discussing these matters we should mention the matter of precedent. A number of submissions on the original application, and Ms Haslett in her presentation for the reconvened hearing, expressed concern that what is considered to be a major intrusion into an acknowledged outstanding natural landscape would set a precedent for other developments.
33. We accept that this is an important consideration. While there is no strict doctrine of precedent under the Resource Management Act system, the Courts have made it clear that consistency in decision-making is important: applicants should be able to expect "*equivalent treatment*". For this reason we have had regard to the Council decision in One Black Merino Limited (consent RM 070610), noting some similarities and some differences in the proposals.
34. Ms Haslett's particular concern was that consent in the present case could be seen as a precedent within the area that has particular significance as the gateway to Mt Aspiring National Park. The simple answer to that is that there is no other skifield, existing or proposed, in this area. It is extremely unlikely that something as intrusive as a gondola would have any chance of obtaining consent without the positive benefits associated with a skifield.
35. We do not see approval in this case as establishing any kind of precedent for buildings, because the proposed buildings have been pared down to just those essential for a gondola operation. The original proposal did include buildings for activities we did not consider had this clear linkage and we had a concern that they could provide a basis for an expanding commercial centre around the base station. To that extent we accept that there would have been a precedent issue.

### Positive Effects

36. The purpose of the Act set out in section 5 of the Act is "*the sustainable management of natural and physical resources*". Section 5(2) states:  
*"In this Act, sustainable management means managing the use, development, and protection of natural and physical resources, in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while – (meeting three stated provisos)."*

The original application and the many submissions in support emphasised the social, economic and safety benefits that would flow from the proposed gondola development.

37. The evidence was that development of the Treble Cone Ski Field is constrained by the capacity and difficult nature of the access road and by the space available at the skifield for parking. The gondola would address both of these constraints. There are significant areas within the Treble Cone lease area that could be developed for skiing with further lifts and other facilities, allowing the skifield to cater for double the present peak capacity. The gondola would also facilitate opening of this high altitude area all year round, with activities outside the ski season including walking, mountain biking and simply enjoying the alpine experience and extensive views.
38. It is difficult to quantify the social and economic benefits of this expansion of skiing and other activities. The application included an economic assessment and a peer review of this was provided as part of the reports collated by CivicCorp. Although there is always scope to debate the assumptions and conclusions reached in this sort of economic evaluation because it must be somewhat speculative, (and some submitters in opposition did question it), we are satisfied that this major project would facilitate much greater use of the Treble Cone alpine area with very significant social and economic benefits.
39. The case for the applicant company also emphasised the safety benefits of replacing a tortuous road access with a gondola. The access road would remain, but the application is put on the basis that it would no longer be open to the general public. There have been fatalities and numerous accidents on the access road over the years, but it appears that the nature of the road is such that most people take care. Some submitters in opposition questioned the safety argument at the initial hearing, but it is clear to us that the new mode of access could only improve safety. The only question is the magnitude of that benefit.
40. In the course of the initial part of the hearing the applicant's counsel, Mr Goldsmith, emphasised the benefit of the lower standard of access road that would be possible once it was only required for emergencies and some types of servicing such as the transport of materials too big for the gondola cabins. This was of some interest to us because the access road creates an unfortunately obvious man-made scar across the side of the mountain. Over the years the access road has been improved from a functional perspective by widening, but the consequence has been increased height of the uphill batters, which are generally too steep to sustain vegetation and are therefore visually obvious from the valley floor, and large volumes of cleared material spilled over the downslope edges of the road. There was some discussion at the initial hearing about the prospects of a different management and maintenance regime that could lessen these effects as the road was allowed to narrow through natural slipping,

and the possibility of active re-vegetation in appropriate, mainly downhill, areas. The adjournment Mr Goldsmith sought at the end of that initial part of the hearing was partly to allow time for the applicant's advisors to consider this matter further.

41. We were disappointed at the re-convened hearing that Mr Christensen indicated that the applicant wished to withdraw the offer of narrowing the access road. We gather that since then there has been some discussion between the applicant's advisors and the Lakes Environmental officers resulting in the agreed condition about the access road attached to this consent (condition 29). We would be very surprised if the Department of Conservation require that the road is maintained to the present width, bearing in mind the cost and the environmental effect of this, so we feel able to treat reduction in the scale of the access road as a very likely positive environmental effect of this application. We appreciate that the access road will remain very visible, but if the practice of tipping spoil over the downside edge of the road is stopped, there is a good prospect of some natural re-vegetation with the effect of gradually making the road alignment less obvious.

#### Engineering Issues

42. Before discussing the central issue in this case, the effects on the outstanding natural landscape, we should record that we have considered the evidence and reports about engineering issues which also raise questions about potential adverse effects. We are satisfied that these engineering issues, particularly the matter of protecting the base station facilities from slips and/or flooding raised by the Otago Regional Council, will be properly addressed and the attached conditions are designed to ensure this.

#### Effects on the Landscape

43. As is normally the case with applications in the Rural General Zone of the Queenstown Lakes District effects on landscape have been the central issue in this case. The Queenstown Lakes District Plan has a strong emphasis on protecting the world renowned landscapes of the District, which are arguably the District's most significant resources and certainly provide the foundation for the District's tourism industry and attraction as a place to live.
44. The Motatapu Valley and the enclosing mountains and hills are part of a recognised Outstanding Natural Landscape, as that term is used in the Partially Operative District Plan. The proposed gondola and associated base station and car park would, in our opinion, introduce a major and long term man-made intrusion into this landscape so regardless of the benefits of the proposal, the landscape impact must be mitigated as

far as practicable. Section 5 of the Act – the stated purpose of the Act – specifically requires:

*"avoiding, remedying, or mitigating any adverse activities on the environment."*

45. The adverse effects on the landscape could be avoided by declining consent, but we are satisfied that they could also be sufficiently mitigated, and as discussed above the existing adverse effect of the access road could be somewhat remedied.
46. As stated in our Memorandum, we did not consider the landscape effects of the original proposal would have been adequately mitigated, because of both the scale of the base facilities and because of their location. Both of these aspects have now been modified significantly. We are now satisfied that the range of facilities and associated buildings, and the scale of parking areas (particularly the artificially surfaced parking areas that would be obvious all year round), have been reduced to the minimum reasonably necessary.
47. It is unfortunate that the base station could not be moved north to the general location we suggested in our Memorandum. At the re-convened hearing Mr Haworth, speaking on behalf of the Upper Clutha Environmental Society, indicated that the Society would have been happy with something "*entirely consistent with the Memorandum*" and urged us to insist on that location for the base station with corresponding realignment of the gondola more directly over the access road.
48. The applicant's case was that there are two major difficulties with this: firstly, there are engineering difficulties in relation to the stability of parts of that route for support pylons and secondly, the landowner will not make land further north available for a base station. Engineering difficulties might be resolved at a cost, but we accept Mr Christensen's submission that if the land for the base station is simply not available that is the end of the matter. Such a site becomes simply a hypothetical possibility and should not detract from the applicant's best endeavours to minimise adverse landscape effects within the constraints of the range of actual base station siting possibilities.
49. There is a consensus between the landscape architects that the access road creates what the applicant's landscape architect at the initial hearing, Mr Rackham, referred to as a "*disturbance corridor*", and that the adverse effect of the pylons, cables and moving gondola cars is considerably less within this existing corridor than it would be if the same facilities were placed on a similar mountain side elsewhere. Apart from a suggestion at the re-convened meeting that the concrete bases supporting the pylons

should be painted the same colour as the pylons, (now a condition), there do not appear to be any other ways of further mitigating the inevitable adverse effect of these elements.

50. As Mr Haworth pointed out, the amended site for the base station does lead to an additional length of cableway running along the toe of the mountain side which will be visible from the Wanaka-Mt Aspiring Road. In spite of that, we consider the now proposed site for the base station is preferable to the original Option 2 site which did not require this additional cableway leg but because of its location next to the road would have been much more visible.
51. We have carefully considered the landscape assessments of the proposed buildings in this location provided by Ms Pfluger and Mr Rewcastle, walked all over the base station site and the length of the additional cableway leg, and considered the height poles erected from various view points along the Wanaka-Mt Aspiring Road. We accept that the much revised proposal mitigates the adverse effects on the landscape of the base station and car park as much as is practically possible. It can also be noted that the base station and additional leg of the cableway are within the area already modified by the access road, existing entrance to the skifield and existing lower car park.

#### Relevant Objectives and Policies

52. We have considered the detailed assessments of relevant objectives and policies provided by the applicant and in Mr Fletcher's report, and although these led us to reject the original proposal we are now satisfied that, on balance, and despite continuing conflict with important landscape objectives and policies, the purpose of the Act would best be met by granting consent, subject to some quite stringent conditions set out below.

#### **DECISION**

For the reasons set out above, consent is hereby granted pursuant to sections 104 and 104B of the Act to Snowline Holdings Limited to establish and operate a gondola serving the Treble Cone skifield area in accordance with the revised proposal submitted on the 21st August 2008 subject to the following conditions.



David W Collins  
Gillian MacLeod

Hearings Commissioners  
4th December 2008

**Conditions of Consent**

**General Conditions**

1. That the development be carried out in accordance with the plans (**stamped as approved**) and the revised application as submitted, with the exception of the amendments required by the following conditions of consent. The approved plans are as follows:
  - a. Darby Partners, Location Plan;
  - b. Darby Partners, Alignment Plan;
  - c. Darby Partners, Alignment Plan – Lower Section;
  - d. Darby Partners, Landscape Plan;
  - e. Koia Architects, Ticket Building Design.
  - f. Dopplmayr, Gondola Station Designs;
  - g. Darby Partners, Building Set out;
  - h. Darby Partners, Lighting Plan.
2. That unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement imposed by this consent shall be at the consent holder's own expense.
3. The consent holder shall pay to the Council an initial fee of \$240 for the costs associated with the monitoring of this resource consent in accordance with Section 35 of the Act.
4. The consent shall not lapse until ten years after the date of commencement of this consent.

**Engineering**

5. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being New Zealand Standard 4404:2004 with the amendments to that standard adopted on 5 October 2005, except where specified otherwise.
6. The owner of the land being developed shall provide a letter to the Council advising who their representative is for the design and execution of the engineering works and construction works required in association with this development and shall confirm that these representatives will be responsible for all aspects of the works covered under Sections 1.4 & 1.5 of NZS4404:2004 "Land Development and Subdivision Engineering", in relation to this development.
7. Prior to the commencement of any works on the land being developed the consent holder shall provide to the Queenstown Lakes District Council for review and approval, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (5), to detail the following engineering works required:
  - a) The provision of all parking, access and manoeuvring areas for the base station complex to Council's standards, except where specified otherwise by Condition 3(b).
  - b) A detailed parking plan shall be submitted to Council for approval prior to works commencing on-site. The plan shall be in accordance with the amended application submitted, should clearly show the parking stall layout and include provision for

disabled parking as well as coach and taxi drop-off and parking areas and any necessary loading zones for service vehicles. The parking plan shall indicate:

- i) 480 parks in the Main Parking Area constructed in gravel and reinforced grass; and
  - ii) 81 sealed parks in the northern area of the Main Parking Area constructed to Council's standards.
- c) Copies of all necessary ORC consents for effluent disposal, bore construction, water supply, stormwater discharge (from buildings, access and parking area), defence against water structures and any works within a waterway as proposed for flood mitigation measures shall be forwarded to Council.
- d) The provision of a stormwater disposal system, in accordance with Council's standards, that is to provide stormwater disposal from all impervious areas associated with the Base, Mid and Top Stations. The proposed stormwater system shall be designed by a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 and subject to the review of Council prior to implementation.
- e) The provision of a stormwater disposal system, in accordance with Council's standards, that is to provide stormwater disposal from the access and sealed parking areas (with grassed parks designed so as to avoid ponding). The proposed stormwater system shall be designed by a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 and subject to the review of Council prior to implementation. The disposal system design shall incorporate a hydrocarbon and grit interceptor to ensure these contaminants are not discharged to land or any water courses.
- f) The provision of an effluent disposal system for the Base Station designed by a suitably qualified professional as defined in Section 1.4 of NZS4404:2004, in terms of AS/NZS 1547:2000, that will provide sufficient treatment/renovation to effluent from on-site disposal, prior to discharge to land. To maintain high effluent quality such a system would require the following:
- Specific design by a suitably qualified professional engineer.
  - Regular maintenance in accordance with the recommendations of the system designer and a commitment by the owner of the system to undertake this maintenance.
  - Intermittent effluent quality checks to ensure compliance with the system designer's specification.
  - Disposal areas shall be located such that maximum separation (in all instances greater than 50 metres) is obtained from any watercourse or water supply bore.
  - The design shall take into consideration the potential for freezing of components within the system.
- g) The provision of a potable water supply to the Base Station in terms of Council's standards that complies with the requirements of the Drinking Water Standard for New Zealand 2005. A suitably qualified engineer shall provide an assessment of the water supply demand for the base station complex, in terms of Council's standards, and confirm that the necessary abstraction rates can be achieved from the bore water supply to meet the expected water supply demand. The bore water supply shall be pump tested and the results submitted to Council along with the water supply assessment. In the event that the proposed bore water supply cannot meet the estimated water demand for the base station complex, then an additional potable water supply shall be secured. Details of any additional water supply must be submitted to Council for review and approval. Sufficient potable water storage shall be provided for within suitably sized tanks, to meet the estimated peak demand, in

accordance with Council's standards. Potable water storage shall be in addition to any fire fighting water storage requirements.

- h) The drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2005, by the consent holder, and the results forwarded to the Queenstown Lakes District Council. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the Standard then the consent holder shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand 2005 are met or exceeded.
- i) Fire fighting water storage is to be provided for the Top and Bottom Stations in accordance with the requirements of NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 and the New Zealand Fire Service. The water storage volume and fire safety system design must be approved in writing by the NZ Fire Service, Dunedin Office.
- j) A suitably qualified and experienced engineer shall monitor and confirm groundwater levels prior to any earthworks commencing on-site. In the event that these groundwater investigations indicate that the proposed earthworks may intercept the groundwater table, then all works shall cease until any necessary ORC consents have been obtained.
- k) A quantitative hydrological and geomorphological analysis shall be completed for Catchment A, with a quantitative assessment of debris, flood and alluvial fan hazard derived from this catchment.
- l) Details of the proposed bunding and/or other mitigation, including flow and depth calculations that have been used to dictate bund height/design. The designs for proposed mitigation measures for the original section of the gondola alignment shall be in accordance with the recommendations of the URS Report, dated 31 March 2006 and the Royden Thomson Report, dated February 2006, submitted with the original consent application. The designs for proposed mitigation measures for the revised section of the gondola alignment shall be in accordance with the recommendations of the URS Report, dated 7 July 2008 and the Royden Thomson Report, dated 15 July 2008 submitted with the Additional Information Application. These mitigation designs should consider the possibility of increased sediment supplies in the upper catchments of the alluvial fans that could result in significant proportions of sediment being supplied to the lower fan areas in the form of debris flow. The designs details shall be peer reviewed by a suitable qualified engineer to ensure the proposed mitigation provides an appropriate level of protection and meets the minimum requirements of Council's development standard, NZS4404:2004 and adopted amendments to that standard, and any Building Code requirements. Mitigation measures shall provide protection for up to a 1 in 10 year ARI event for the car park area and a 1 in 100 year event for the Base Station buildings and meet the Council's development standard, NZS4404:2004 and adopted amendments to that standard.
- m) Details of the final locations of the gondola towers, base buildings and associated floor levels confirmed by a suitably qualified engineer, following a robust quantitative hazard assessment. A suitably qualified geological expert shall be engaged during the site selection process to ensure each tower location has been optimally selected. The final design of the tower foundations shall consider the risks associated with future fault ruptures in Central Otago and the Alpine Fault, as per the recommendations of Royden Thompson, with deference given to those towers founded on the valley floor.
- n) An assessment of the integrity and detail of the design of all existing localised stream bunding and any other existing mitigation measures to be used in protecting the

gondola development from natural hazards by a suitably qualified and experienced engineer. In the event that these existing mitigation measures are found to provide inadequate or unreliable protection to the gondola development, then a suitably qualified and experienced engineer shall submit to the Council new designs for the necessary mitigation works prior to any works commencing on-site.

- o) An ongoing and robust monitoring and maintenance regime for the proposed mitigation measures must be submitted to Council for review and approval. This monitoring and maintenance regime shall then be implemented to ensure that the level of protection provided by the recommended mitigation measures does not reduce over time as a result of flooding, avulsion, debris flow, stream aggradation, channel erosion or generation of new channels. Active stream channels should be constrained in existing positions and flowpaths in the area must be monitored to ensure that channels do not migrate over time as a result of accumulated sediments and gravels to positions that may endanger the protective bunding, pylons and base buildings.
  - p) Warning systems and evacuation strategies shall be prepared for the gondola facilities. A plan shall be prepared for the evacuation of the gondola in the event of its failure or for emergencies as a result of extreme events such as storms or earthquakes. This plan shall be developed in consultation with the Police and other emergency services.
8. Prior to the occupation of the buildings, the consent holder shall complete the following:
- a) The submission of 'as-built' plans in accordance with Council's 'as-built' standards, and information required to detail all engineering works completed in relation to or in association with this development.
  - b) The completion of all works detailed in Condition (7) above.
  - c) The consent holder shall provide a suitable and usable power supply and telecommunications connection to the development. These connections shall be underground from any existing reticulation and in accordance with any requirements/standards of Aurora Energy/Delta and Telecom.
9. Prior to commencing works on site, the consent holder shall submit a Traffic Management Plan to Council for approval. This Traffic Management Plan shall ensure that during the construction period there is ongoing access for ski field users and access to neighbouring properties and shall ensure minimum disruption to traffic along Wanaka-Mt Aspiring Road. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor (certification gained by attending the STMS course and getting registration). All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan.
10. Prior to commencing works, the consent holder shall submit to Council for review and approval a site management plan for the works.
11. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur according to the proposed site management plan submitted under Condition (10). These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project. In addition to those identified in the site management plan submitted under Condition (10), site management measures required to be implemented **PRIOR to any earthworks on site** are:

- The consent holder shall submit a staging plan for the earthworks which specifies the maximum area of earthworks exposed at any one time. The maximum area of earthworks to be exposed at any one time will depend on the available earthworks mitigation measures and the consent holder's ability to provide sufficient mitigation for the exposed areas. Each stage of earthworks shall be reinstated, revegetated and/or otherwise permanently stabilised prior to exposing subsequent areas.
- Earthworks and construction works shall be completed in a progressive manner, where practically possible, to minimise adverse earthworks effects. Each tower area shall be reinstated and revegetated, or otherwise permanently stabilised, at the completion of each tower's construction to minimise exposed areas of earth.

#### *Dust Control*

- Sprinklers and/or water carts shall be utilized on all materials to prevent dust nuisance in the instance of ANY conditions whereby dust may be generated.

#### *Stormwater Silt and Sediment Control*

- Silt traps (in the form of fabric filter dams or straw bales) shall be in place prior to the commencement of works on site to trap stormwater sediments before stormwater is funnelled into any watercourses.
- Site drainage paths shall be constructed and utilized to keep any silt laden materials on site and to direct the flows to the silt traps.
- Silt traps shall be replaced or maintained as necessary to assure that they are effective in their purpose.
- The principle contractor shall take proactive measures in stopping all sediment laden stormwater from entering any watercourses. The principle contractor shall recognize that this may be above and beyond conditions delineated in this consent.

#### *Roading Maintenance*

- The consent holder shall ensure tyres remain free of mud and debris by utilising wheel washing equipment, constructing a gravel hardstand area of sufficient depth, or other similar measures.

#### *Traffic Management*

- Suitable site warning signage shall be in place on the road in both directions from the site entrance.
- Safety 'dayglo' vests or similar shall be worn by any staff working on the road.
- Safe sight distances and passing provisions shall be maintained.

The measures delineated in this consent are minimum required measures only. The principle contractor shall take proactive measures in all aspects of the site's management to assure that virtually no effects are realized with respect to effects on the environment, local communities, or traffic. **The principal contractor shall recognise that this may be above and beyond conditions delineated in this consent.**

12. The nature and extent of earthworks associated with the gondola development shall be submitted to Council for review and approval prior to any works commencing on-site, including depth of cut and fill and the proposed finished shape of the land. Any temporary or permanent retaining walls and batter slopes shall be designed by a suitably qualified and experienced engineer and shall be submitted to Council for approval prior to installation.
13. The earthworks shall be undertaken in a timely manner. Any excavation shall not remain open long enough to enable any instability (caused by over exposure to the elements) to occur.
14. The consent holder shall provide Council with the name of a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 who is to supervise the excavation and construction procedure. This engineer shall continually assess the condition of the excavations and implement any design changes / additions if and when necessary.
15. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at their expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
16. Prior to construction of any buildings on the site a Chartered Engineer experienced in soils investigations shall provide certification, in accordance with NZS 4431 for all areas of fill within the site on which buildings are to be founded (if any).
17. Within four weeks of completing the earthworks the consent holder shall submit to Council an as built plan of the fill. This plan shall be in terms of New Zealand Map grid and shall show the contours indicating the depth of fill. Any fill that has not been certified by a suitably qualified and experienced engineer in accordance with NZS 4431 shall be recorded on the as built plan as "uncertified fill".
18. At the completion of each stage of earthworks, the earth-worked areas shall be top-soiled and grassed or otherwise permanently stabilised in a progressive manner, as soon as practicable. All earthworked areas must be reinstated within a maximum 12 weeks from completion of all earthworks.
19. No earthworks, temporary or permanent, are to breach the boundaries of the site.
20. Upon completion of the earthworks, the consent holder shall complete the following:
  - a) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
  - b) An engineer's design certificate/producer statement shall be submitted with regards to any permanent retaining walls on site (if any).

#### Lighting

21. No lighting shall be permitted at any time in or on the gondola cars or towers. (emergency lighting is permitted)

#### Parking

22. The consent holder shall obtain Council's approval prior to upgrading any parks required to be constructed in reinforced grass as referenced in condition 7(b). The

# **QUEENSTOWN LAKES DISTRICT COUNCIL**

## **DECISION ON AN APPLICATION FOR RESOURCE CONSENT**

**APPLICANT:** SNOWLINE HOLDINGS LIMITED

**APPLICATION REFERENCE:** RM 060587

**LOCATION:** MOTATAPU VALLEY

**SITE DESCRIPTION:** RUN 812, SECTION 3 BLOCK VI,  
MOTATAPU SURVEY DISTRICT, SECTION 1  
SURVEY OFFICE PLAN 23260 AND PART  
SECTION 1-2 SURVEY OFFICE PLAN 22995,  
CONTAINED IN CERTIFICATE OF TITLE  
OT10C/688 AND PART RUN 333A, AND PART  
RUN 334B CONTAINED IN CERTIFICATE OF  
OT8C/243

**PROPOSAL:** CONSTRUCT AND OPERATE A GONDOLA  
FROM A BASE STATION ON THE MOTATAPU  
VALLEY FLOOR UP TO THE TREBLE CONE SKI  
FIELD

**ZONING:** PART RURAL GENERAL AND PART SKI AREA  
SUBZONE

**STATUS OF PROPOSAL:** DISCRETIONARY ACTIVITY

**DATES OF HEARING:** 27TH – 30TH NOVEMBER 2006 AND  
22ND OCTOBER 2008

**HEARINGS PANEL:** DAVID W COLLINS, GILLIAN MACLEOD

**DECISION:** CONSENT IS GRANTED, WITH CONDITIONS

IN THE MATTER OF an application by  
Snowline Holdings Limited to the Queenstown  
Lakes District Council for consent to establish  
a gondola and other facilities serving the  
Treble Cone Ski Field.

Council File: RM 060587

**DECISION OF A QUEENSTOWN LAKES DISTRICT COUNCIL HEARINGS PANEL  
COMPRISED OF DAVID W COLLINS AND GILLIAN MACLEOD, HEARINGS  
COMMISSIONERS APPOINTED PURSUANT TO SECTION 34A OF THE ACT**

**Background**

1. This application seeks land use consent for the construction and operation of a gondola transport system between the Motatapu Valley and the Treble Cone ski area. The proposal was originally publicly notified on the 3rd August 2006 and attracted 938 submissions (881 in support and 57 in opposition). Full details of the proposal were provided. In essence the development would involve a base station with a cluster of seven buildings providing ski rental facilities, retail activities, a café, toilets, the gondola waiting and loading area, and storage space for gondola cabins. Carparking for 1,550 vehicles was proposed.
2. The application set out two alternative locations for the base station complex: Option 1 on the east side of the Wanaka-Mt Aspiring Road, and Option 2 on the west side of the Wanaka-Mt Aspiring Road. These options were put forward on the basis that consent was sought to allow the applicant company to build either, but it was acknowledged that consent could be granted for one or the other, or both, but only one would be built.
3. The gondola cableway would rise 945 metres over a total length of about 3.5 kilometres (for base station Option 1 on the far side of the Wanaka-Mt Aspiring Road) and would be of either Doppelmayr or POMA design. The Doppelmayr system would be supported by 18 towers between 5 and 24 metres in height with a single lattice tower 40 metres high and would carry up to 2,000 people per hour. The POMA design would require 28 towers of between 8 metres and 25 metres in height, with a lattice tower 34 metres in height, and would carry 1,800 passengers per hour. Both systems would use 8 person cabins and the trip up the mountain would take about 10 minutes.

4. A hearing was held on the 27th – 30th November 2006 and was adjourned at the request of the applicant company's counsel to allow for further information to be provided.
5. Following the hearing we made a further site visit and issued a Memorandum to the Parties on the 14th December 2006. In that Memorandum we indicated that we had come to the conclusion that the full development sought (either Option 1 or Option 2) would not meet the purpose of the Act:

*"We consider that the adverse impact on the landscape (part of an Outstanding Natural Landscape under the District Plan) of a development involving a cluster of large buildings in addition to the gondola itself would outweigh the benefits of the proposal. If the applicant company is committed to the whole development that could be indicated now and we will provide a full decision setting out our reasons for coming to that conclusion.*

*While there can be no doubt that the effect on the landscape is a major consideration (in our assessment the most significant consideration) we accept that there are other relevant factors to be balanced against the inevitable adverse landscape impact. Briefly we acknowledge that a gondola would enable people (section 5 of the Act) to access the skifield and the wider alpine area more conveniently and safely. We accept that although it is impossible to quantify this benefit to gondola users or to calculate the benefits to the greater community, these benefits would be considerable.*

*This conclusion has led us to consider whether there could be a development that would provide most of the benefits of the proposal put forward without such an adverse effect on the landscape."*

6. The Memorandum then went on to discuss the possibility of relocating the base station so as to be further away from the public viewpoint of the road and nearer to the existing "disturbance corridor" created by the conspicuous skifield access road, and the possibility of substantially reducing the visual impact of the base station by reducing it to just those facilities that have to be located at the base of the mountain. The Memorandum also discussed the possibility of reducing the area of formed carparking, while expressing the view that the area of grassed "overflow" parking was of much less visual impact.

further reduced by the proposed excavation of the buildings into the toe of the slope. The revised proposal does however require a mid-station at the point where the cableway changes direction and heads up the mountain along the alignment originally proposed. This additional building would be quite substantial - 39.5 metres by 8.4 metres and 6.5 metres in height - but like the base station buildings it would be finished in recessive colours.

#### Access and Parking

It is now proposed to provide access to the car park at the base station from the existing skifield access road, rather than from another access point to the Wanaka-Mt Aspiring Road. The number of sealed car parks has been increased from 50 to 81, but more significantly the 1,500 space gravel car park originally proposed has been replaced by a 480 space grassed area.

#### Landscape

A completely different landscape proposal has been put forward, reflecting the reduced scale of the base station and parking and their location against the base of the mountain. Informal shaped planting at the south end of the car park is proposed with native shrubs and trees occurring naturally in the locality, and more formal lines of red beech nearer the buildings. Some of the planting would be on bunds which will provide immediate screening, and Ms Pfluger's landscape evidence for the applicant was that:

*"At maturity red beech will grow to a height of 10-12 metres and will, in combination with the bund, fully screen both the car park and base buildings...when viewed from viewpoints to the south-west along Wanaka-Mt Aspiring Road."*

#### Status of the Application

17. All relevant provisions of the Partially Operative District Plan are operative. Consent is required under quite a number of rules. While the structures within the Ski Area Sub Zone have the status of controlled activities, all buildings within the Rural General Zone are discretionary activities – in both cases subject to meeting standards such as the height limit. The earthworks require consent as a restricted discretionary activity because they exceed various standards.
18. The original proposal required consent as a non-complying activity under several rules: the height of the base station buildings, the setback from road boundaries and signage. These aspects have been deleted in the revised proposal but there remains

a question of whether the height of the support pylons requires consent as a non-complying activity.

19. The base station buildings for the original proposal exceeded the 8 metre height limit, leading to non-complying status for the application as a whole, although part of the reason for the request for an adjournment was to allow the applicant to consider whether those buildings could be re-designed to comply. The revised proposal under consideration now has buildings that easily comply with the 8 metre height limit. Mr Martin's planning report however raises the question of whether the pylons supporting (or forming part of) the gondola system are "buildings" under the District Plan and are therefore non-complying.
20. This is quite significant because if they are buildings and the application as a whole has to be assessed as a non-complying activity, we have jurisdiction to grant consent only if the proposal overall can meet one of the "threshold tests" in section 104D of the Act. Those tests are whether the adverse effects on the environment will be minor, or whether the proposal will be contrary to the objectives and policies of the District Plan.
21. As discussed below, we consider the inevitable adverse effects on the landscape of the gondola and base buildings would be more than minor, and bearing in mind that for the purposes of this "threshold test" positive effects cannot be taken into account, we believe the application fails that test.
22. Whether the proposal also fails the alternative test is more complicated. If we had come to the view that the proposal could meet the test we could effectively avoid the issue of status by considering the application as a non-complying activity. As Mr Martin's report notes, the District Plan contains objectives and policies relating to transportation, economics and the use of existing skifields as well as the more familiar objectives and policies relating to landscape. We accept that the proposed development would promote those objectives and policies. The Queenstown Lakes District Plan has such a strong emphasis in the objectives and policies on the protection of landscape however that we are not at all sure that taking an overall view the direct conflicts with the landscape objectives and policies can be sufficiently countered by support for some other objectives and policies for us to come to the view that overall the proposal is not contrary to the objectives and policies.
23. We have therefore had to consider the question of status carefully because if the application was non-complying and cannot pass either of the "threshold tests" we

would have no jurisdiction to consider it further. We have had the benefit of a legal opinion dated 1st October 2008 from the Council's lawyers, MacTodd, for Mr Martin and counsel for the applicant, Mr Christensen, provided detailed submissions on the point at the hearing.

24. The District Plan includes the following definition:

*"Building: shall have the same meaning as in the Building Act 1991...."*

25. The Building Act 1991 has been replaced by the Building Act 2004 but there is no dispute that the definition in the Plan remains unchanged. Section 3 of the Building Act 1991 defines a "building" as excluding:

*"(c) Cablecars, cableways, ski tows, and other similar stand-alone machinery systems, whether or not incorporated within any other structure; or..."*

26. The MacTodd opinion misquoted this definition by omitting a comma after "ski tows" so assumed that for the pylons to be excluded as buildings they would have to be either "cablecars" or "cableways". Mr Christensen's submission was that the support towers could be included under any one of the exclusions: "cablecars" or "cableways" or "similar stand-alone machinery systems". None of these terms is defined in the District Plan or the Building Act 1991, however "cablecar" is defined in the Building Act 2004. We accept that this definition can be used as a guide. It begins:

*"Cablecar:*

*(a) Means a vehicle: ...."*

The MacTodd opinion, rightly in our view, interprets that as meaning that "cablecars" should be interpreted as including just the gondola cabins and not the supporting structures. Mr Christensen pointed out that later in the definition of "cablecar" it is clarified that parts "... attached to or servicing a building" are included, but that does not seem to be relevant to the pylons as they are remote from buildings.

27. We do however believe that what is proposed fits within the common understanding of a "cableway" so is not a "building" for the purposes of the District Plan. The MacTodd opinion gives three dictionary definitions of "cableway". The Collins dictionary (always the most authoritative) defines "cableway" as:

*"A system for moving people or bulk materials in which suspended cars, buckets, etc run on cables that extend between terminal towers."*

The Oxford dictionary similarly refers to "a transportation system" (emphasis added), while the American Webster dictionary defines "cableway" as:

*"A suspended cable used as a track along which carriers can be pulled."*

37. The evidence was that development of the Treble Cone Ski Field is constrained by the capacity and difficult nature of the access road and by the space available at the skifield for parking. The gondola would address both of these constraints. There are significant areas within the Treble Cone lease area that could be developed for skiing with further lifts and other facilities, allowing the skifield to cater for double the present peak capacity. The gondola would also facilitate opening of this high altitude area all year round, with activities outside the ski season including walking, mountain biking and simply enjoying the alpine experience and extensive views.
38. It is difficult to quantify the social and economic benefits of this expansion of skiing and other activities. The application included an economic assessment and a peer review of this was provided as part of the reports collated by CivicCorp. Although there is always scope to debate the assumptions and conclusions reached in this sort of economic evaluation because it must be somewhat speculative, (and some submitters in opposition did question it), we are satisfied that this major project would facilitate much greater use of the Treble Cone alpine area with very significant social and economic benefits.
39. The case for the applicant company also emphasised the safety benefits of replacing a tortuous road access with a gondola. The access road would remain, but the application is put on the basis that it would no longer be open to the general public. There have been fatalities and numerous accidents on the access road over the years, but it appears that the nature of the road is such that most people take care. Some submitters in opposition questioned the safety argument at the initial hearing, but it is clear to us that the new mode of access could only improve safety. The only question is the magnitude of that benefit.
40. In the course of the initial part of the hearing the applicant's counsel, Mr Goldsmith, emphasised the benefit of the lower standard of access road that would be possible once it was only required for emergencies and some types of servicing such as the transport of materials too big for the gondola cabins. This was of some interest to us because the access road creates an unfortunately obvious man-made scar across the side of the mountain. Over the years the access road has been improved from a functional perspective by widening, but the consequence has been increased height of the uphill batters, which are generally too steep to sustain vegetation and are therefore visually obvious from the valley floor, and large volumes of cleared material spilled over the downslope edges of the road. There was some discussion at the initial hearing about the prospects of a different management and maintenance regime that could lessen these effects as the road was allowed to narrow through natural slipping,

and the possibility of active re-vegetation in appropriate, mainly downhill, areas. The adjournment Mr Goldsmith sought at the end of that initial part of the hearing was partly to allow time for the applicant's advisors to consider this matter further.

41. We were disappointed at the re-convened hearing that Mr Christensen indicated that the applicant wished to withdraw the offer of narrowing the access road. We gather that since then there has been some discussion between the applicant's advisors and the Lakes Environmental officers resulting in the agreed condition about the access road attached to this consent (condition 29). We would be very surprised if the Department of Conservation require that the road is maintained to the present width, bearing in mind the cost and the environmental effect of this, so we feel able to treat reduction in the scale of the access road as a very likely positive environmental effect of this application. We appreciate that the access road will remain very visible, but if the practice of tipping spoil over the downside edge of the road is stopped, there is a good prospect of some natural re-vegetation with the effect of gradually making the road alignment less obvious.

#### Engineering Issues

42. Before discussing the central issue in this case, the effects on the outstanding natural landscape, we should record that we have considered the evidence and reports about engineering issues which also raise questions about potential adverse effects. We are satisfied that these engineering issues, particularly the matter of protecting the base station facilities from slips and/or flooding raised by the Otago Regional Council, will be properly addressed and the attached conditions are designed to ensure this.

#### Effects on the Landscape

43. As is normally the case with applications in the Rural General Zone of the Queenstown Lakes District effects on landscape have been the central issue in this case. The Queenstown Lakes District Plan has a strong emphasis on protecting the world renowned landscapes of the District, which are arguably the District's most significant resources and certainly provide the foundation for the District's tourism industry and attraction as a place to live.
44. The Motatapu Valley and the enclosing mountains and hills are part of a recognised Outstanding Natural Landscape, as that term is used in the Partially Operative District Plan. The proposed gondola and associated base station and car park would, in our opinion, introduce a major and long term man-made intrusion into this landscape so regardless of the benefits of the proposal, the landscape impact must be mitigated as

far as practicable. Section 5 of the Act – the stated purpose of the Act – specifically requires:

*"avoiding, remedying, or mitigating any adverse activities on the environment."*

45. The adverse effects on the landscape could be avoided by declining consent, but we are satisfied that they could also be sufficiently mitigated, and as discussed above the existing adverse effect of the access road could be somewhat remedied.
46. As stated in our Memorandum, we did not consider the landscape effects of the original proposal would have been adequately mitigated, because of both the scale of the base facilities and because of their location. Both of these aspects have now been modified significantly. We are now satisfied that the range of facilities and associated buildings, and the scale of parking areas (particularly the artificially surfaced parking areas that would be obvious all year round), have been reduced to the minimum reasonably necessary.
47. It is unfortunate that the base station could not be moved north to the general location we suggested in our Memorandum. At the re-convened hearing Mr Haworth, speaking on behalf of the Upper Clutha Environmental Society, indicated that the Society would have been happy with something "*entirely consistent with the Memorandum*" and urged us to insist on that location for the base station with corresponding realignment of the gondola more directly over the access road.
48. The applicant's case was that there are two major difficulties with this: firstly, there are engineering difficulties in relation to the stability of parts of that route for support pylons and secondly, the landowner will not make land further north available for a base station. Engineering difficulties might be resolved at a cost, but we accept Mr Christensen's submission that if the land for the base station is simply not available that is the end of the matter. Such a site becomes simply a hypothetical possibility and should not detract from the applicant's best endeavours to minimise adverse landscape effects within the constraints of the range of actual base station siting possibilities.
49. There is a consensus between the landscape architects that the access road creates what the applicant's landscape architect at the initial hearing, Mr Rackham, referred to as a "*disturbance corridor*", and that the adverse effect of the pylons, cables and moving gondola cars is considerably less within this existing corridor than it would be if the same facilities were placed on a similar mountain side elsewhere. Apart from a suggestion at the re-convened meeting that the concrete bases supporting the pylons

disabled parking as well as coach and taxi drop-off and parking areas and any necessary loading zones for service vehicles. The parking plan shall indicate:

- i) 480 parks in the Main Parking Area constructed in gravel and reinforced grass; and
  - ii) 81 sealed parks in the northern area of the Main Parking Area constructed to Council's standards.
- c) Copies of all necessary ORC consents for effluent disposal, bore construction, water supply, stormwater discharge (from buildings, access and parking area), defence against water structures and any works within a waterway as proposed for flood mitigation measures shall be forwarded to Council.
- d) The provision of a stormwater disposal system, in accordance with Council's standards, that is to provide stormwater disposal from all impervious areas associated with the Base, Mid and Top Stations. The proposed stormwater system shall be designed by a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 and subject to the review of Council prior to implementation.
- e) The provision of a stormwater disposal system, in accordance with Council's standards, that is to provide stormwater disposal from the access and sealed parking areas (with grassed parks designed so as to avoid ponding). The proposed stormwater system shall be designed by a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 and subject to the review of Council prior to implementation. The disposal system design shall incorporate a hydrocarbon and grit interceptor to ensure these contaminants are not discharged to land or any water courses.
- f) The provision of an effluent disposal system for the Base Station designed by a suitably qualified professional as defined in Section 1.4 of NZS4404:2004, in terms of AS/NZS 1547:2000, that will provide sufficient treatment/renovation to effluent from on-site disposal, prior to discharge to land. To maintain high effluent quality such a system would require the following:
- Specific design by a suitably qualified professional engineer.
  - Regular maintenance in accordance with the recommendations of the system designer and a commitment by the owner of the system to undertake this maintenance.
  - Intermittent effluent quality checks to ensure compliance with the system designer's specification.
  - Disposal areas shall be located such that maximum separation (in all instances greater than 50 metres) is obtained from any watercourse or water supply bore.
  - The design shall take into consideration the potential for freezing of components within the system.
- g) The provision of a potable water supply to the Base Station in terms of Council's standards that complies with the requirements of the Drinking Water Standard for New Zealand 2005. A suitably qualified engineer shall provide an assessment of the water supply demand for the base station complex, in terms of Council's standards, and confirm that the necessary abstraction rates can be achieved from the bore water supply to meet the expected water supply demand. The bore water supply shall be pump tested and the results submitted to Council along with the water supply assessment. In the event that the proposed bore water supply cannot meet the estimated water demand for the base station complex, then an additional potable water supply shall be secured. Details of any additional water supply must be submitted to Council for review and approval. Sufficient potable water storage shall be provided for within suitably sized tanks, to meet the estimated peak demand, in

accordance with Council's standards. Potable water storage shall be in addition to any fire fighting water storage requirements.

- h) The drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2005, by the consent holder, and the results forwarded to the Queenstown Lakes District Council. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the Standard then the consent holder shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand 2005 are met or exceeded.
- i) Fire fighting water storage is to be provided for the Top and Bottom Stations in accordance with the requirements of NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 and the New Zealand Fire Service. The water storage volume and fire safety system design must be approved in writing by the NZ Fire Service, Dunedin Office.
- j) A suitably qualified and experienced engineer shall monitor and confirm groundwater levels prior to any earthworks commencing on-site. In the event that these groundwater investigations indicate that the proposed earthworks may intercept the groundwater table, then all works shall cease until any necessary ORC consents have been obtained.
- k) A quantitative hydrological and geomorphological analysis shall be completed for Catchment A, with a quantitative assessment of debris, flood and alluvial fan hazard derived from this catchment.
- l) Details of the proposed bunding and/or other mitigation, including flow and depth calculations that have been used to dictate bund height/design. The designs for proposed mitigation measures for the original section of the gondola alignment shall be in accordance with the recommendations of the URS Report, dated 31 March 2006 and the Royden Thomson Report, dated February 2006, submitted with the original consent application. The designs for proposed mitigation measures for the revised section of the gondola alignment shall be in accordance with the recommendations of the URS Report, dated 7 July 2008 and the Royden Thomson Report, dated 15 July 2008 submitted with the Additional Information Application. These mitigation designs should consider the possibility of increased sediment supplies in the upper catchments of the alluvial fans that could result in significant proportions of sediment being supplied to the lower fan areas in the form of debris flow. The designs details shall be peer reviewed by a suitable qualified engineer to ensure the proposed mitigation provides an appropriate level of protection and meets the minimum requirements of Council's development standard, NZS4404:2004 and adopted amendments to that standard, and any Building Code requirements. Mitigation measures shall provide protection for up to a 1 in 10 year ARI event for the car park area and a 1 in 100 year event for the Base Station buildings and meet the Council's development standard, NZS4404:2004 and adopted amendments to that standard.
- m) Details of the final locations of the gondola towers, base buildings and associated floor levels confirmed by a suitably qualified engineer, following a robust quantitative hazard assessment. A suitably qualified geological expert shall be engaged during the site selection process to ensure each tower location has been optimally selected. The final design of the tower foundations shall consider the risks associated with future fault ruptures in Central Otago and the Alpine Fault, as per the recommendations of Royden Thompson, with deference given to those towers founded on the valley floor.
- n) An assessment of the integrity and detail of the design of all existing localised stream bunding and any other existing mitigation measures to be used in protecting the

gondola development from natural hazards by a suitably qualified and experienced engineer. In the event that these existing mitigation measures are found to provide inadequate or unreliable protection to the gondola development, then a suitably qualified and experienced engineer shall submit to the Council new designs for the necessary mitigation works prior to any works commencing on-site.

- o) An ongoing and robust monitoring and maintenance regime for the proposed mitigation measures must be submitted to Council for review and approval. This monitoring and maintenance regime shall then be implemented to ensure that the level of protection provided by the recommended mitigation measures does not reduce over time as a result of flooding, avulsion, debris flow, stream aggradation, channel erosion or generation of new channels. Active stream channels should be constrained in existing positions and flowpaths in the area must be monitored to ensure that channels do not migrate over time as a result of accumulated sediments and gravels to positions that may endanger the protective bunding, pylons and base buildings.
  - p) Warning systems and evacuation strategies shall be prepared for the gondola facilities. A plan shall be prepared for the evacuation of the gondola in the event of its failure or for emergencies as a result of extreme events such as storms or earthquakes. This plan shall be developed in consultation with the Police and other emergency services.
8. Prior to the occupation of the buildings, the consent holder shall complete the following:
- a) The submission of 'as-built' plans in accordance with Council's 'as-built' standards, and information required to detail all engineering works completed in relation to or in association with this development.
  - b) The completion of all works detailed in Condition (7) above.
  - c) The consent holder shall provide a suitable and usable power supply and telecommunications connection to the development. These connections shall be underground from any existing reticulation and in accordance with any requirements/standards of Aurora Energy/Delta and Telecom.
9. Prior to commencing works on site, the consent holder shall submit a Traffic Management Plan to Council for approval. This Traffic Management Plan shall ensure that during the construction period there is ongoing access for ski field users and access to neighbouring properties and shall ensure minimum disruption to traffic along Wanaka-Mt Aspiring Road. The Traffic Management Plan shall be prepared by a Site Traffic Management Supervisor (certification gained by attending the STMS course and getting registration). All contractors obligated to implement temporary traffic management plans shall employ a qualified STMS on site. The STMS shall implement the Traffic Management Plan.
10. Prior to commencing works, the consent holder shall submit to Council for review and approval a site management plan for the works.
11. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur according to the proposed site management plan submitted under Condition (10). These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project. In addition to those identified in the site management plan submitted under Condition (10), site management measures required to be implemented **PRIOR to any earthworks on site** are:

12. The nature and extent of earthworks associated with the gondola development shall be submitted to Council for review and approval prior to any works commencing on-site, including depth of cut and fill and the proposed finished shape of the land. Any temporary or permanent retaining walls and batter slopes shall be designed by a suitably qualified and experienced engineer and shall be submitted to Council for approval prior to installation.
13. The earthworks shall be undertaken in a timely manner. Any excavation shall not remain open long enough to enable any instability (caused by over exposure to the elements) to occur.
14. The consent holder shall provide Council with the name of a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 who is to supervise the excavation and construction procedure. This engineer shall continually assess the condition of the excavations and implement any design changes / additions if and when necessary.
15. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at their expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
16. Prior to construction of any buildings on the site a Chartered Engineer experienced in soils investigations shall provide certification, in accordance with NZS 4431 for all areas of fill within the site on which buildings are to be founded (if any).
17. Within four weeks of completing the earthworks the consent holder shall submit to Council an as built plan of the fill. This plan shall be in terms of New Zealand Map grid and shall show the contours indicating the depth of fill. Any fill that has not been certified by a suitably qualified and experienced engineer in accordance with NZS 4431 shall be recorded on the as built plan as "uncertified fill".
18. At the completion of each stage of earthworks, the earth-worked areas shall be top-soiled and grassed or otherwise permanently stabilised in a progressive manner, as soon as practicable. All earthworked areas must be reinstated within a maximum 12 weeks from completion of all earthworks.
19. No earthworks, temporary or permanent, are to breach the boundaries of the site.
20. Upon completion of the earthworks, the consent holder shall complete the following:
  - a) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
  - b) An engineer's design certificate/producer statement shall be submitted with regards to any permanent retaining walls on site (if any).

#### Lighting

21. No lighting shall be permitted at any time in or on the gondola cars or towers. (emergency lighting is permitted)

#### Parking

22. The consent holder shall obtain Council's approval prior to upgrading any parks required to be constructed in reinforced grass as referenced in condition 7(b). The

consent holder shall provide a report prepared by a suitably qualified and experienced traffic engineer indicating that additional parking is required.

### Ecological

23. The mechanical clearing process for the construction of the towers shall be restricted to the immediate vicinity of the towers and where applicable access to the towers.
24. Indigenous plants are stockpiled and replanted or replaced following the construction of the pylons in accordance with the application and in accordance with the Department of Conservation best practice guidelines.
25. Access tracks formed to facilitate construction of the towers shall be removed and revegetated in accordance with the application. Tracks shall not be visible from the Wanaka-Mt Aspiring Road five years after construction commences and shall be retained in that condition thereafter. The nature and scale of any further work necessary to satisfy this condition shall be determined by the Council in conjunction with the consent holder.
26. The consent holder shall formalise weed management practices in accordance with the application.

### Landscaping

27. The approved landscaping plan shall be implemented within the first planting season following the construction of the base facilities, and shall thereafter be maintained and irrigated in accordance with that plan. If any plant or tree should die or become diseased it shall be replaced.
28. The main exterior colours for buildings 1, 2 and 4 shall be selected from Grey Friars, Ironsand and Karaka only. Detailing, not including roofs, may include Permanent Green or Mist Green. Alternative detailing colours may be submitted to Council for approval prior to construction.
29. The existing access road to the Treble Cone base facilities shall be maintained only to the standard necessary to allow passage by maintenance and emergency vehicles, except where superseded by a standard required by the Department of Conservation. In the course of any maintenance to the road, the consent holder shall ensure that no gravel gets tipped over the down mountain side of the road, so as to encourage natural revegetation.
30. Where concrete tower footings protrude 0.5 metres or more above ground level they shall be coloured the same colour as the tower they support.

### Constructions and Operation

31. The gondola will be built and operated according to the provisions of the Approved Code of Practice for Passenger Ropeways in New Zealand.

### Review

32. Within ten working days of each anniversary of the date of this decision the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of his resource consent for any of the following purposes:

- a. To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.
- b. To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
- c. To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.

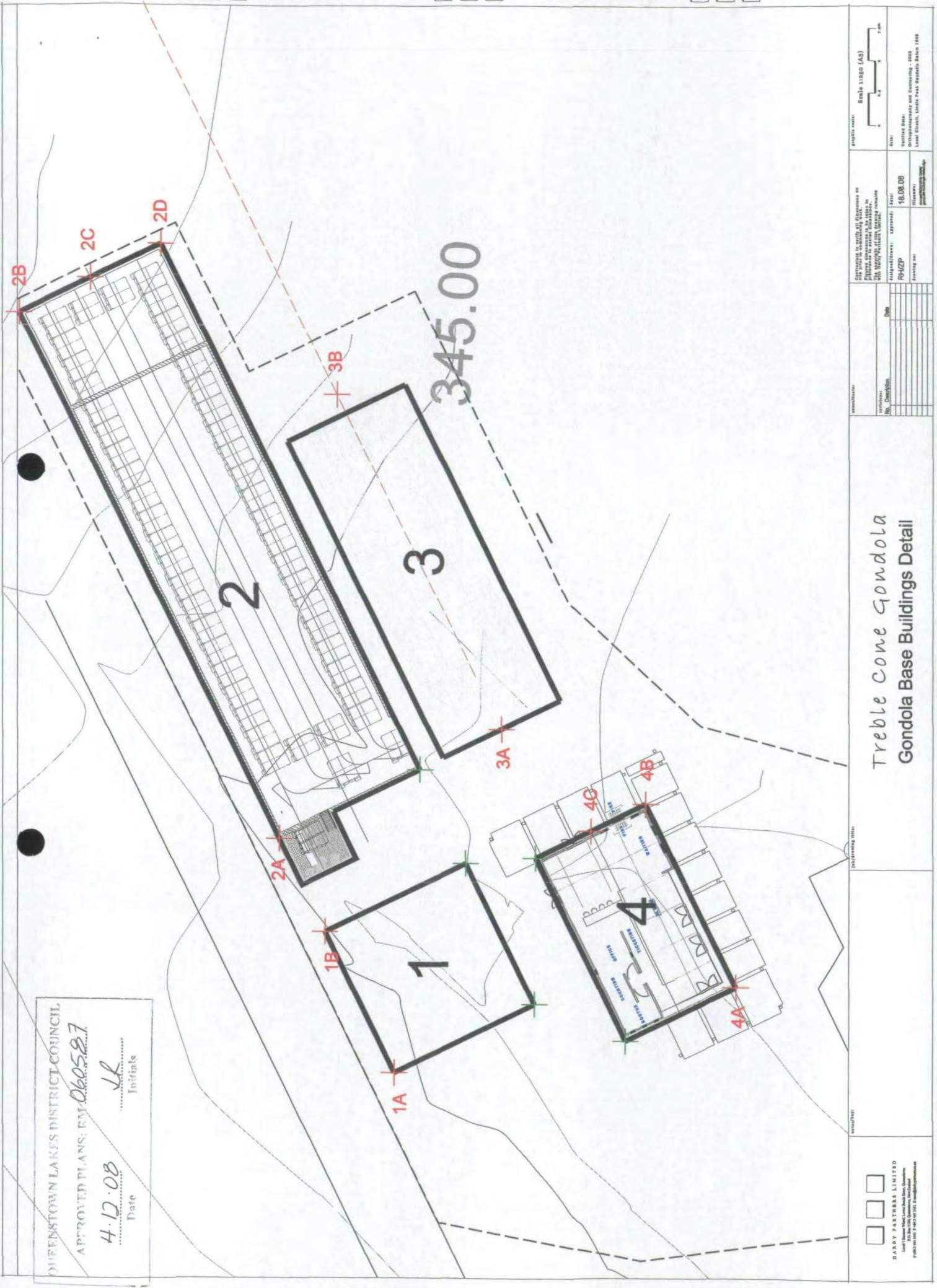
#### Advice Notes

- i. Development contributions will be required as part of this resource consent. A 'Development Contribution Notice', detailing how contributions were calculated, will be forwarded under separate cover.
- ii. The Council may elect to exercise its functions and duties through the employment of independent consultants.

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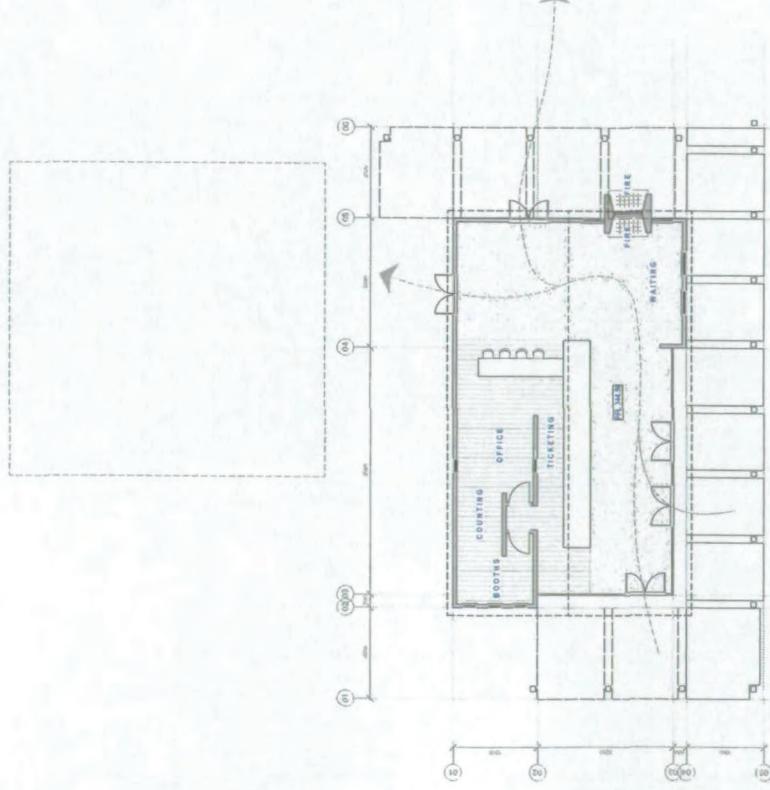


OPENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLANS: BM 060587

JL Initials  
4-12-08 Date

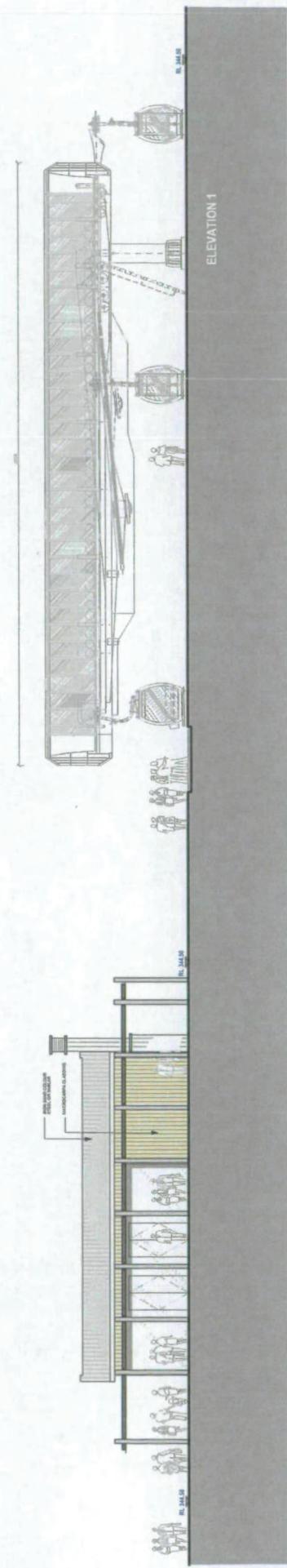
This architectural floor plan illustrates a building's layout. The main structure features a rectangular footprint with a central vertical element. On the left side, there are two rows of rectangular rooms, each row containing four units. A central corridor runs vertically through the middle of the building. To the right of the central corridor is a large, multi-story tower. The tower has a dark, textured facade on its left and right sides, while the central section is lighter and shows internal structural details. At the very top of the tower is a small, triangular roof structure. The entire building is enclosed by a thick, hatched boundary line.



QUEENSTOWN LAKES DISTRICT COUNCIL

APPROVED PLANS: RM 060587

Initials LL Date 4.12.08



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