

Before Queenstown Lakes District Council

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In the matter of                    The Resource Management Act 1991

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

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**STATEMENT OF SUPPLEMENTARY EVIDENCE WITH REVISED APPENDIX OF  
CHRISTOPHER BRUCE FERGUSON FOR**

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

Treble Cone Investments Limited (#613)

Dated 05 May 2017

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**Solicitors**

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**anderson  
lloyd.**

## INTRODUCTION

- 1 My name is Christopher Bruce Ferguson. I hold the position of Principal with the environmental consultancy firm Boffa Miskell Limited. I hold the qualification of a Batchelor of Resource and Environmental Planning (Hons) from Massey University, have 20 years' experience as a planning practitioner and am based in Queenstown.
- 2 A full description of my qualifications and experience is included in my Statement of Evidence, dated 29 February 2016.
- 3 This statement of Supplementary Evidence has been prepared to provide the Commissioners with updates to the changes sought to the planning maps for the Ski Area Sub Zones ('**SASZs**') at Cardrona and Treble Cone and the related provisions within Chapter 21 Rural Zone and Chapter 27 Subdivision. These suggested changes respond to the position advanced by the experts for the Council in their Rebuttal Evidence, dated 20 April 2017.
- 4 In light of the Council's Rebuttal Evidence Soho and Treble Cone have considered further the mapping of these SASZs. The main objective for Treble Cone and Soho with respect to the mapping of the SASZs has been to secure through an appropriate rule framework the provision of land based vehicle access and/or passenger lift access to both ski areas. This objective stems from the clear direction provided within the Proposed District Plan ('**PDP**') to encourage the growth, development and consolidation of ski area activities and the disconnect in planning terms with the provision of the necessary access to such areas through the rural zone.
- 5 Soho and Treble Cone acknowledge the range of alternatives available through the PDP to achieve this outcome, including through the integrated solution involving the extension of the SASZ as articulated within my primary statement of evidence dated 28 March 2017. The alternative approach presented within this Supplementary Evidence presents a package of relief involving minimal changes to the extent of the SASZ maps and further changes to the Rural zone and SASZ rules that better enable the provision of vehicle access and passenger lift access to both ski areas from outside of the SASZ.
- 6 The alternative proposed change to the Cardrona SASZ boundary is shown within **Appendix 1**, with an outline of the overall suite of provisions and changes to rules relevant to the SASZs (subject to the boundary change) being contained within **Appendix 2**.

## EVALUATION

### Planning Maps

- 7 The revised proposal is to extend the area of the Cardrona SASZ into the upper reaches of Callaghan's Creek and Blackmans Creek Basin, to provide opportunity for skiing. In all other respects the boundary of the Cardrona SASZ remains as notified within the PDP. The landscape effects of this change to the boundary of the SASZ have been addressed in the statement of evidence prepared by Ms Pfluger dated 28 March 2017. This evidence finds the part of the proposed extension to be appropriate on landscape grounds.
- 8 For the Treble Cone SASZ, the revised proposal is to retain the notified area without any further changes.

### SASZ Rules

- 9 The approach outlined within my initial statement of evidence dated 28 March 2017, sets out the rationale for the extension to the SASZs principally to enable the development of passenger lift access and vehicle access from respective public roads, and to a lesser degree summer based recreation activities. This approach relies on an extension to the boundaries of the SASZ along with amendment of the SASZ rules to provide an appropriate framework to manage effects on landscape values. This comprehensive package included measures to ensure the potential effects of extending the SASZ were managed and balanced out, by say for example implementing a cut-off of 1100masl below which the SASZ visitor accommodation rules did not apply, and balancing out the effects development over a broader area with more rigorous requirements for landscape and planting benefits.
- 10 In the event the Panel find that the approach outlined in this Supplementary Evidence to the management of access to the SASZs is the most appropriate method to achieve the objectives of the plan relating to the growth development and consolidation of the Treble Cone and Soho ski areas, the revised relief contained within **Appendix 2** sets out the basis under which this could be achieved with a smaller change to the boundary of the Cardrona SASZ. I expand on these changes below.
- 11 To assist the Panel with an understanding of the wider framework of provisions relating to the SASZs and which not all members may have reviewed as part of the earlier hearing streams, I have also included within Appendix 2 the following provisions;
  - (a) Objective 21.2.6 and attendant policies relating to the SASZs;

- (b) The rules from the Subdivision Chapter that would apply within the rural areas and the SASZ, as proposed by Soho and Treble Cone;
- (c) The rules relating to indigenous vegetation and biodiversity as amended through the evidence to the hearing on Stream 02; and
- (d) The definitions of “Building”, “Ski Area Activity” and “Passenger Lift System”, each of which have also proposed to be introduced or amended through the evidence presented at the hearing on Stream 02 Rural Zone and which are important to an understanding of the operation of the SASZ rules.

Rule 21.4.19 Ski Area Activities not located within a SASZ

- 12 The changes to this rule build on the approach proposed in the Council's Right of Reply to the hearing on Stream 02 Rural Chapter, to include an exemption to this rule for development of Passenger Lift Systems as a restricted discretionary activity. I acknowledge there are limitations in this approach, which is to enable development of passenger lift systems through an exemption to a rule that is restricting Ski Area Activities outside of a SASZ. This is not an ideal basis for the construction of a rule, but I accept it is capable of being understood and sets out an appropriate framework for the assessment of the likely range of effects relating to these structures.
- 13 As detailed within my evidence to the Panel at Stream 02 (Rural Chapter), I consider it important this rule recognise and provide for other forms of transportation systems, including land based vehicle access to be considered within the scope of the restricted discretionary activity framework. I note for completeness that should land based vehicle access be proposed and trigger consent under this rule, it would be also captured by the current earthworks rules within the Operative District Plan<sup>1</sup> for that portion of the access outside of the SASZ, as a restricted discretionary activity, and potentially for the clearance of indigenous vegetation under the rules within Chapter 33 of the PDP as a discretionary activity (unrestricted).
- 14 Revised Rule 21.4.19 incorporates a number of changes to the matters of discretion to provide appropriate consideration of the effects of vehicle access. I also propose to amend the second to last bullet to delete the wording “balancing environmental considerations” as I consider that the balance is effectively achieved through the prescription of the other matters of discretion and this wording is both unclear and unnecessary. I suggest also to add reference to

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<sup>1</sup> Noting that the Council are now looking at including earthworks within future stage of the District Plan Review

economic viability which on the recommendation of Mr Darby and Mr McCrostie, could be important to ensure it is able to be considered by Council as a matter of discretion. The wording of Rule 21.5.28 contains similar wording, which I proposed to modify as above.

- 15 The other key change to this rule is to lower the overall status of non-compliance with the rule from being a non-complying to discretionary activity. In the event passenger lift access or vehicle based access is developed to either Treble Cone or Soho ski areas, the level of investment associated with the development of such infrastructure is likely to be associated with some base facilities providing administration support, ticketing, equipment hire and associated retailing. I consider discretionary activity status appropriate to manage the likely effects of these associated activities and do not see the need or the policy support for an approach that actively discourages or prevent the occurrence of this through non-complying activity status.
- 16 I note that within the rural zone rules of the PDP the Council's right of reply recommends the construction of a building outside of a building platform is provided for as a discretionary activity<sup>2</sup>, and commercial activities ancillary to and located on the same site as a commercial recreation or recreation activity are also listed as a discretionary activity<sup>3</sup>. Discretionary activity status will in my view provide the appropriate balance between managing effects of such activities and facilitating access to the SASZs that would not be otherwise possible without an extension to the SASZ boundaries. There is no logical or effects based reason why buildings or commercial activities associated with the ski areas should be non-complying, when the default position for buildings and commercial activities in the rural zone is recommended to be discretionary.

#### Table 3 Structures and Buildings within the Rural zone

- 17 The Council's rebuttal evidence identifies and addresses the problems identified in applying the standards for structures and buildings within the rural zone relating to Passenger Lift Systems and in particular the towers and pylons likely to exceed height standards. I generally support and agree with the suggested relief to exempt Passenger Lift systems from Rule 21.5.17 Building Height. However, I suggest that the exemption might be better placed within the heading of Table 3 instead, where it could more clearly apply to any rules relating to structures and building within the rural zone, including height.

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<sup>2</sup> Rule 21.4.10, Chapter 21 Rural Chapter, Right of Reply Version dated 3/6/16

<sup>3</sup> Rule 21.4.15, *Ibid*

- 18 Given the support of the Council for the insertion of the new definition of Passenger Lift system and the various components of those systems, I suggest that the exemption be modified to include the towers and their attached mechanical components to include the cross arms, pulleys and wires that are attached to towers and that would likely also extend above the height limit.

#### Visitor Accommodation

- 19 The Council and Soho/Treble Cone all support the addition of new rules within the SASZs providing for Visitor Accommodation through a new restricted discretionary activity rule. The rules proposed by Soho and Treble Cone, through my evidence to the rural zone hearing (Stream 02), were based on the assumption that the SASZ boundaries would be extended as sought within their submissions. I proposed the addition of standards to ensure visitor accommodation did not extend down slope and was associated with on-mountain ski area activity through a standard restricting this activity below 1,100 masl. In addition, the Visitor Accommodation rules proposed by Soho and Treble Cone promoted the use of an Ecological Management Plan ("EMP") to realise conservation and ecological benefits associated with this activity as a positive benefit, and a standard relating to the duration of stay. The Council preferred a simpler approach that relied on a restricted discretionary activity rule with a list of matters of discretion without the requirement to include an EMP.
- 20 Under the revised option to the development of the SASZs within the largely notified area shown on the planning maps, Soho and Treble Cone support the more straight forward approach advanced by the Council without the requirement to prepare an EMP, while retaining the standard proposed in relation to the duration of visitor accommodation. Without an expansion to the SASZ boundary down to the road and lower elevations there is also less need to introduce an altitude standard of 1,100 masl.
- 21 The revised approach results in changes to proposed Policy 21.2.6.4 and proposed new Rule 21.5.X along with the deletion of proposed Rules 21.5.34 and Rule 21.5.35 (**Appendix 2**). I have tracked a minor change to rule 21.5.X to make the matter of discretion in respect of "location" even simpler, on review.

#### Subdivision

- 22 As a consequence of the alternative approach largely retaining the SASZ boundary as notified, subdivision of the land below Treble Cone and Soho ski areas would remain governed by the rural zone framework, whereby all subdivision is a discretionary activity (unrestricted).
- 23 Within the SASZ and following from the changes proposed to the Rule 21.5.X Visitor Accommodation removing the previously suggested requirement to

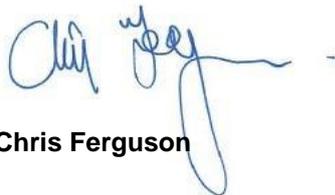
formulate an EMP, the revised proposal would retain the requested new Rule 27.5.7 (Revised Proposal) but not the suggested amendments to Rule 27.7.1 Subdivision undertaken in accordance with a structure plan, etc.

- 24 For visitor accommodation, I note that under the subdivision rules of the PDP unit title subdivision of any approved visitor accommodation development is provided for as a controlled activity through Rule 27.5.5<sup>4</sup>. The resulting changes to the rules within Chapter 27 are set out in more detail within **Appendix 2**.

## **SUMMARY**

- 25 My primary statement of evidence for this hearing dated 28 March 2017 sets out an integrated approach to the provision of vehicle access, passenger lift access and provision of outdoor recreation by expanding the boundary of the SASZ. Based on the points made in the Council's rebuttal evidence Soho and Treble Cone can now support the position promoted by Council as an alternative option to the extension, with minor amendments.
- 26 The common thread and key driver for both is to enable the development of lift and vehicle access to these ski areas. Soho and Treble Cone are not seeking to replace the relief sought within my earlier evidence, but to present an alternative option which is more closely aligned with Council and which it accepts could suit its needs.
- 27 From a planning perspective, I believe the option based largely in support of Council's position is capable of implementing the relevant objectives and policies of the PDP.

**DATED this 5<sup>th</sup> day of May 2017**

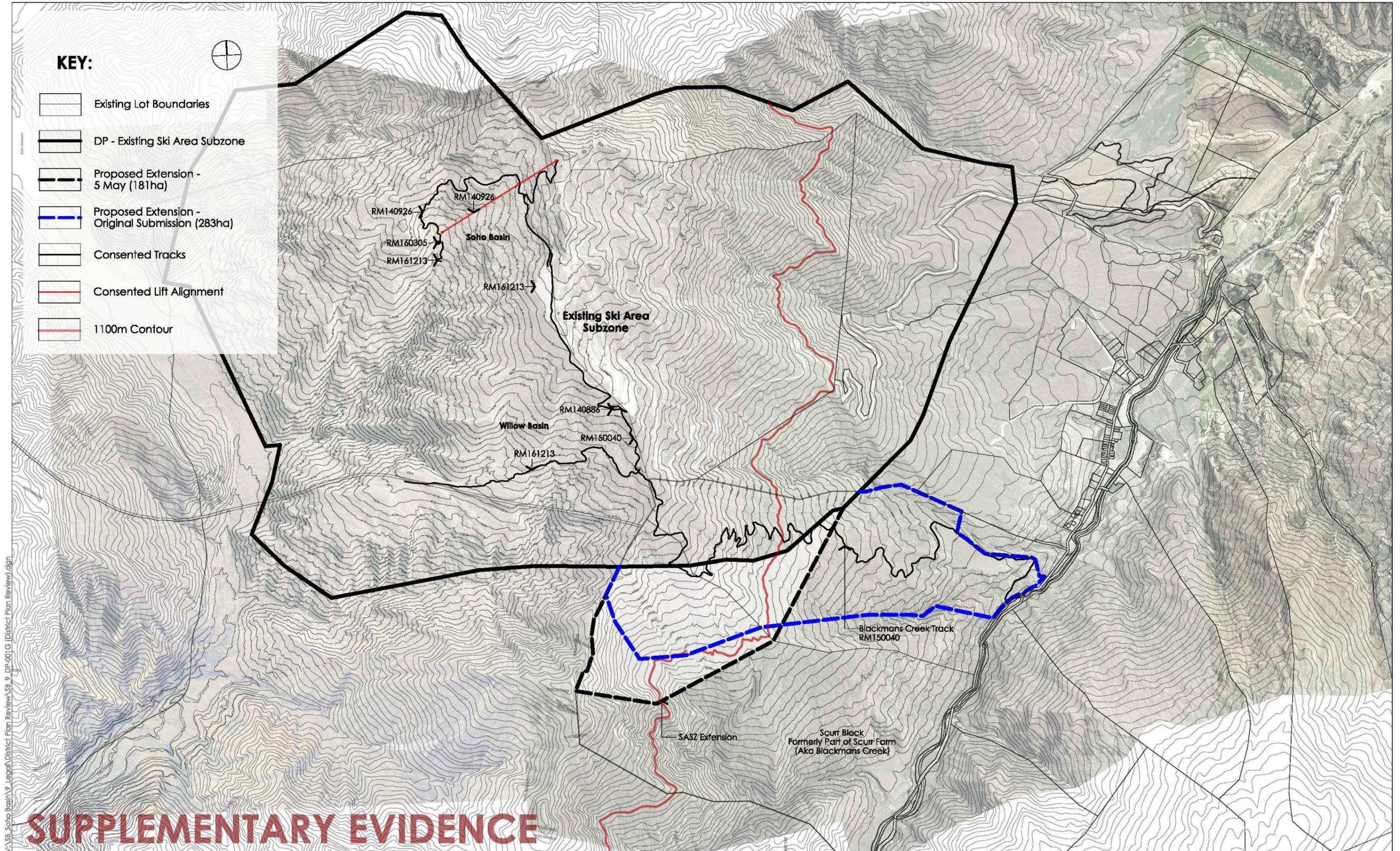


**Chris Ferguson**

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<sup>4</sup> Revised proposal, right of reply version dated 26 August 2016

APPENDIX 1 - Plans of proposed changes to the Cardrona SASZ boundary by Soho Ski Area Ltd



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SCALE: 1:15,000 (A1); 1:30,000 (A3)  
  
 CONSULTANTS:

NOTES:  
 Datum: NZGD: Undie Peak Circuit 1949

REVISION:

NO	DESCRIPTION	DATE	DRAWN	REVIEWED	APPROVED
-	For Information Only	21.10.15	ZC	-	-
A	For District Plan Review Submission	22.10.15	ZC	RT	-
B	For Information Only	03.03.17	WT	-	-
C	For Information Only	14.03.17	WT	ZC	HM
D	For Information Only	21.03.17	WT	ZC	HM
E	For District Plan Review Submission	28.03.17	WT	HM	HM
F	For District Plan Review Submission	04.05.17	WT	HM	HM
G	Request For Information	10.05.17	WT	ZC	HM

**DISTRICT PLAN REVIEW**  
**MAP 10: CARDRONA SKI AREA SUBZONE**

PLAN STATUS: **RFI**      JOB CODE: **SB\_9**      DRAWING NO: **DP-001**      REV: **G**

**APPENDIX 2 - Relevant SASZ Provisions and Proposed Changes**

Changes to the PDP text as notified taken from the Councils Right of Reply to the Stream 02 Hearing (Rural Zone), dated 03/06/2016 that I agree with and adopt, shown as unhighlighted tracked changes with deletions as ~~strikethrough~~ and additions as underline.

Changes to the PDP text as notified proposed through my statement of evidence to the Stream 02 hearing (Rural Zone) dated 21 April 2016, shown as tracked changes and highlighted in **Green**

Changes to the PDP text as notified proposed through my statement of evidence to the Stream 04 hearing (Subdivision) dated 15 August 2016, shown as tracked changes and highlighted in **Yellow**

Changes proposed through this statement of Supplementary Evidence on Stream 11 (SASZ Mapping) shown as tracked changes and highlighted in **Blue**

## Chapter 21 - Rural

- (a) Amend Objective 21.2.6 and attendant policies relating to the SASZs, as follows:

**21.2.6 Objective** ~~—Encourage t~~The future growth, development and consolidation of existing Ski Area Activities is encouraged within identified Ski Area Sub Zones, while avoiding, remedying or mitigating adverse effects on the environment.

**Policy 21.2.6.1** ~~Identify Ski Field Area Sub Zones and encourage Ski Area Activities to locate and consolidate within the sub zones~~

**Policy 21.2.6.2** ~~Control the visual impact of roads, buildings and infrastructure associated with Ski Area Activities.~~

**New Policy 21.2.6.4** Enable commercial and visitor accommodation activities within Ski Area Sub Zones and associated with a Ski Area Activity, which are complementary to outdoor recreation activities, can realise landscape and conservation benefits and that avoid, remedy or mitigate adverse effects on the environment.

**New Policy 21.2.6.5** To recognise and provide for the functional dependency of ski area activities to transportation infrastructure, such as vehicle access and passenger lift based or other systems, by enabling the linking of Ski Area Sub Zones to the District's road and transportation network.

- (b) Amend Rule 21.4.19, as follows:

21.4.18	<b>Ski Area Activities within the a Ski Area Sub Zone, except any visitor accommodation associated with any Ski Area Activity which is subject to Rule 21.5.32</b>	<b>P</b>
21.4.19	Ski Area Activities not located within a Ski Area Sub Zone, with the exception of <u>the following</u> : <del>passenger lift systems, heli-skiing and non-commercial skiing.</del> <u>a. Commercial heli skiing not located within a Ski Area Sub Zone is a commercial recreation activity Rule 21.4.16 applies.</u> <u>b. Passenger Lift Systems or other transportation system or land based vehicle access used to</u>	<b>ACD</b>

	<p><u>convey passengers to and from a Ski Area Sub Zone shall be a restricted discretionary activity.</u></p> <p>Discretion is reserved to all of the following:</p> <ul style="list-style-type: none"> <li>• <u>The route of the passenger lift system and the extent to which the passenger lift system breaks the line and form of the landscapes with special regard to skylines, ridges, hills and prominent slopes.</u></li> <li>• <u>Impacts on landscape values from the alignment, surface treatment and design of any vehicle access, including measures that can mitigate effects on visual quality and amenity values of the landscape.</u></li> <li>• <u>Whether the materials and colours to be used are consistent with the rural landscape of which the passenger lift system will form a part.</u></li> <li>• <u>Whether the geotechnical conditions are suitable for the passenger lift system or vehicle access and the extent to which they are relevant to the route.</u></li> <li>• <u>Lighting.</u></li> <li>• <u>The ecological values of the land affected by vehicle access, structures and activities and any proposed ecological mitigation works.</u></li> <li>• <u>Balancing environmental considerations with Operational requirements and economic viability of Ski Area Activities.</u></li> <li>• <u>The positive effects arising from directly linking settlements the District's transportation network with ski area sub zones and providing alternative non-vehicular access.</u></li> </ul>	<b>RD</b>
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(c) Amend Table 3 Standards for Structures and Buildings, as follows:

	<p><b>Table 3 – Standards for Structures and Buildings</b></p> <p>The following standards apply to structures and buildings, except Farm Buildings and Passenger Lift System towers and their attached mechanical components provided for within Rule 21.4.19</p>	<b>Non-Compliance</b>
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(d) Amend Rule 21.5.28, as follows:

	<p><b>Table 7 – Standards for Ski Area Activities within the Ski Area Sub Zones</b></p>	<b>Activity</b>
21.5.28	<p><del>Ski tows and lifts</del> <b>Vehicle Access, Passenger Lift Systems and other transportation systems</b></p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> <li>• The extent to which the ski tow or lift or building vehicle access, Passenger Lift System or other transportation system breaks the line and form of</li> </ul>	C

	<p>the landscape with special regard to skylines, ridges, hills and prominent slopes.</p> <ul style="list-style-type: none"> <li>• Whether the materials and colour to be used are consistent with the rural landscape of which the <del>low or lift or building</del> <u>vehicle access, Passenger Lift System or other transportation system</u> will form a part.</li> <li>• <del>Balancing environmental considerations with Operational requirements</del> <u>characteristics.</u></li> <li>• <u>Earthworks associated with the formation of any vehicle access</u></li> </ul>	
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(e) Insert new Rules 21.5.X (Revised Proposal compared to Council's chapter 21 Right of Reply), as follows:

<p><b>21.5.32</b></p>	<p><b><u>Visitor Accommodation</u></b></p> <p><u>Of a duration of stay from 0 to 6 months and includes worker accommodation</u></p> <p>Discretion is restricted to <u>all of</u> the following:</p> <ul style="list-style-type: none"> <li>• <u>Scale and intensity and whether these would have adverse effects on amenity, including loss of remoteness or isolation.</u></li> <li>• <u>Location, including whether that because of the scale and intensity the visitor accommodation should be located near the base building area (if any)</u></li> <li>• <u>Parking.</u></li> <li>• <u>Provision of water supply, sewage treatment and disposal.</u></li> <li>• <u>Cumulative effects.</u></li> <li>• <u>Natural Hazards</u></li> </ul>	<p>RD</p>
<p><b><u>Rule 21.5.33</u></b></p>	<p><u>Visitor accommodation associated with Ski Area Activities and located in a Ski Area Sub-Zone shall not result in a duration of stay for any guests, workers, staff or on-site manager greater than 6 months in any 12 month period.</u></p>	<p><u>D</u></p>
<p><b><u>Rule 21.5.34</u></b></p>	<p><u>Visitor accommodation associated with Ski Area Activities and located in a Ski Area Sub-Zone shall not be located below an altitude of 1,100 m above sea level.</u></p>	<p><u>D</u></p>
<p><b><u>Rule 21.5.35</u></b></p>	<p><u>The subdivision, use or development of land within any Ski Area Sub-Zone for Visitor Accommodation purposes in the absence of resource consent granted under Rule 21.5.32</u></p>	<p><u>D</u></p>

**Chapter 27 Subdivision**

- (a) No change to the relief sought from the hearing on Stream 04 (Subdivision), requesting the addition of new Rule 27.5.7 (revised proposal) for the following controlled activity rule:

<b>27.5.7</b>	<p><b>Subdivision within any Ski Area Sub Zone for any Ski Area Activity and associated building</b></p> <p><u>Council's control is restricted to:</u></p> <p>a. <u>The matters of control within Rule 27.5.5;</u></p> <p>b. <u>The relationship between the subdivision layout and ski area activities</u></p> <p>c. <u>Effects on landscape values</u></p> <p>d. <u>Effects on ecological values</u></p> <p>e. <u>Measures to secure positive benefits for landscape and ecological values, including:</u></p> <p>i. <u>The identification and protection of prominent rock outcrops, ridgelines and areas of particular landscape sensitivity;</u></p> <p>ii. <u>Opportunities to remedy visually adverse landscape effects related to past ski area areas;</u></p> <p>iii. <u>The identification of streams, wetland, bogs and any habitats of any significant flora and fauna</u></p> <p>iv. <u>Measures to enhance degraded habitats and protect any other significant ecological habitats</u></p>	<b>C</b>
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- (b) Relief sought at the hearing on stream 04 (Subdivision) and no longer being pursued if the Commissioners adopt the reduced expansion to the SASZ, is as follows:

- (i) Requested amendment to Rule 27.7.1 not proposed as part of the reduced expansion option:

<b>27.7.1</b>	<p><b>Subdivision undertaken in accordance with a structure plan, spatial layout plan, a <u>Landscape and Ecological Management Plan</u> in respect of any <u>Ski Area Sub zone</u> or concept development plan that is identified in the District Plan.</b></p> <p><u>Council's cControlis restrictedlimited toall of the following:</u></p> <p><u>The matters of discretion listed within Rule 27.5.5;</u></p> <ul style="list-style-type: none"> <li>• <u>The extent to which the subdivision is consistent with the relevant location specific objectives and policies in part 27.3;</u></li> <li>• <u>Lot sizes, averages and dimensions;</u></li> <li>• <u>Subdivision design, lot configuration, roading patterns (including footpaths and walkways) in</u></li> </ul>	<b>C</b>
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	<p><del>accordance</del> <u>Compliance</u> with the applicable structure plan or spatial layout plan;</p> <ul style="list-style-type: none"> <li><del>• The extent to which the subdivision design achieves the subdivision and urban design outcomes set out in QLDC Subdivision Design Guidelines;</del></li> <li>• Property access;</li> <li>• Landscaping and vegetation;</li> <li>• Heritage, where applicable;</li> <li>• Esplanade provision;</li> <li>• Natural and other hazards;</li> <li>• Fire fighting water supply;</li> <li>• Water supply;</li> <li>• Stormwater design and disposal;</li> <li>• Sewage treatment and disposal;</li> <li>• Energy supply and telecommunications;</li> <li>• Open space and reserves;</li> <li>• Easements;</li> <li>• Opportunities for enhancement of ecological and natural values;</li> <li>• Provision for internal walkways, cycle ways and pedestrian linkages;</li> <li>• The nature, scale and adequacy of environmental protection measures associated with earthworks.</li> </ul> <p><u>In respect to subdivision within Ski Area Sub Zones:</u></p> <ul style="list-style-type: none"> <li>• <u>Measures to secure protection of prominent rock outcrops, ridgelines and areas of particular landscape sensitivity;</u></li> <li>• <u>Measures to protect areas of open space;</u></li> <li>• <u>The relationship between the subdivision layout and the ski area activities</u></li> </ul>	
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### Chapter 33 – Indigenous Vegetation and Biodiversity

- (a) No change to relief sought as part of hearing to Stream 02, seeking to insert a new exception through the addition of a new Rule 33.3.4.4, as follows:

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

A new matter of clarification 33.3.2.9, as follows:

Indigenous vegetation clearance undertaken in association with a Ski Area Activity located within a Ski Area Sub-Zone which does not comply with the standards within Tables 2, 3 or 4, is a controlled activity if it complies with Rule 33.4.4.

If Rule 33.4.4 is not met then the activity status is determined by the relevant Rules 33.4.1, 33.4.2 or 33.4.3.

- (b) No change to relief sought as part of hearing to Stream 02, seeking to insert a new Rule 33.4.4 within Chapter 33 Indigenous Vegetation and Biodiversity, listing Ski Area Activities located within a SASZ as a controlled activity, as follows:

Table 1	Any activity involving the clearance of indigenous vegetation shall be subject to the following rules:	Non-compliance Status
33.4.4	<p>Indigenous vegetation clearance undertaken in association with a Ski Area Activity located within a Ski Area Sub-Zone</p> <p><b>Information Requirements</b></p> <p>Any application for resource consent under this rule shall include an Ecological Management Plan (EMP) in respect of the particular ski area (noting this may not relate to the whole of the SASZ). The EMP shall outline:</p> <p>(a) The areas of vegetation proposed to be disturbed in association with any ski area activities, including any associated with trail development, terrain modification, buildings and passenger lift systems;</p> <p>(b) A programme with expected timeframes and the duration of any works within the SASZ resulting in indigenous vegetation clearance;</p> <p>(c) The formulation of a Construction Methodology Statement outlining:</p> <p>(i) Erosion and Sediment Controls</p> <p>(ii) Details on how the ecologically sensitive areas will be fenced and kept free from disturbance during construction activities.</p> <p>(iii) Details on how the hydrological regime of any cushion and rushland bog environments will be maintained.</p> <p>(iv) A plan showing the location of restoration planting and the designated areas for the storage of tussocks prior to re-planting.</p> <p>(v) Methods to manage the relocation of tussock plants to ensure a high level of survival.</p> <p>(vi) Methods shall include removal of plants to maintain their full root structure, avoidance of stockpiling to avoid crushing and die off, watering during storage and re planting as quickly as possible after removal.</p> <p>(vii) Methods to manage and avoid spillage of</p>	C

	<p>cement or diesel and any other noxious substances.</p> <p>(viii) Methods to avoid the spread of invasive weed spread.</p> <p>(d) Consistency with any management plans relevant to indigenous vegetation prepared under any other legislation that applies to the land;</p> <p>(e) An on-going monitoring regime to report on the ecological effects of construction works and the performance of restoration works;</p> <p>(f) The process for reviewing and updating the EMP on the basis of further information, greater knowledge of the environment and outcomes from monitoring; and</p> <p>(g) Detailed design plans showing the final locations of any buildings, structures and passenger lift systems, following construction.</p> <p>With Councils control limited to:</p> <ul style="list-style-type: none"> <li>• Effects on nature conservation values</li> </ul>	
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## Definitions

### Building:

From Council right of reply to the hearing on Stream 10 Definitions, 27 March 2017 and my Statement of Evidence to the hearing on Stream 02 Rural Zone, dated 21 April 2016.

*Shall have the same meaning as the Building Act 2004, with the following exemptions in addition to those set out in the Building Act 2004:*

- fences and walls not exceeding 2m in height.
- retaining walls that support no more than 2 vertical metres of earthworks.
- structures less than 5m<sup>2</sup> in area and in addition less than 2m in height above ground level.
- radio and television aerials (excluding dish antennae for receiving satellite television which are greater than 1.2m in diameter), less than 2m in height above ground level.
- uncovered terraces or decks that are no greater than 1m above ground level.
- the upgrading and extension to the Arrow Irrigation Race provided that this exception only applies to upgrading and extension works than involve underground piping of the Arrow Irrigation Race.
- flagpoles not exceeding 7m in height.
- building profile poles, required as part of the notification of Resource Consent applications.
- public outdoor art installations sited on Council-owned land.
- pergolas less than 2.5 metres in height either attached or detached to a building.
- **All components associated with passenger lift or other systems, including lift towers, cross arms, pulleys, cables, chairs, cabins, and top or bottom**

**stations.** [Evidence of Chris Ferguson, hearing on Stream 02 Rural Zone, 21 April 2016]

- shipping containers temporarily located on a site for a period less than 2 months.

Notwithstanding the definition set out in the Building Act 2004, and the above exemptions a building shall include:

- any vehicle, trailer, tent, marquee, shipping container, caravan or boat, whether fixed or moveable, used on a site for a residential accommodation unit for a period exceeding 2 months.

### Passenger Lift System

Means any mechanical system used to convey or transport passengers within or to a Ski Area Sub-Zone, including **but not limited to**, chairlifts, gondolas, T-bars and rope tows, and including all moving, fixed and ancillary components of such systems such as towers, pylons, cross arms, pulleys, cables, chairs, cabins, and structures to enable the embarking and disembarking of passengers. Excludes base and terminal buildings.

### Ski Area Activity

As amended through my Statement of Evidence to the hearing on Stream 02 Rural Zone, dated 21 April 2016 and my statement of Supplementary Evidence filed on 27 May 2016 in response to a Memorandum issued by the Panel.

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

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