

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act  
1991

**AND**

**IN THE MATTER** of the Proposed District Plan  
Review, Stream 4 Hearing: Chapter  
27 Subdivision

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**STATEMENT OF SUPPLEMENTARY EVIDENCE OF CHRISTOPHER BRUCE  
FERGUSON**

Soho Ski Area Ltd (#610)  
Treble Cone Investments Ltd (#613)

**15 August 2016**

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## INTRODUCTION

- 1 My name is Christopher Bruce Ferguson. I hold the position of Principal with the environmental consultancy firm Boffa Miskell Limited. I am based in Queenstown and have been employed by Boffa Miskell since April 2015.
- 2 My qualifications and experience are detailed within my Statement of Evidence dated 15 July 2016.
- 3 This statement of supplementary evidence has been prepared in response to the request of the Panel following the hearing on Stream 4: Subdivision on 2 August 2016. At this hearing, the Panel provided leave for Soho Ski Area Limited (**Soho**) and Treble Cone Investments Ltd (**TC**) to report back on how the land use provisions proposed within the Ski Area Sub Zones (**SASZs**) in the rural chapter 21 could integrate with the subdivision chapter 27; and/or whether and how a structure plan approach might work to achieve that. An approach to subdivision as a controlled activity with no relationship to the SASZ land use rules, or a Structure Plan was not looked on favourably.
- 4 Good integration between the subdivision and the land use provisions applying to the SASZs is possible through, and within scope of, the relief sought in the original submissions made by Soho and TC in respect to the Ski Area Activities located within the SASZs and Subdivision. For the SASZ provisions in chapter 21 the Soho and TC submissions' relief sought the introduction of a spatial planning tool in relation to visitor accommodation activities, including a consideration of the layout of built development and subdivision. However, this approach was refined through the Stream 2 hearing on the rural chapter through a new visitor accommodation rule suggested by the s.42A report that did not specifically require the use of a Landscape and Ecological Management Plan, but instead that left it open as an option.
- 5 This evidence sets out a proposal to use the spatial planning tool, proposed for visitor accommodation, within the revised Rule 27.7.1 relating to subdivision undertaken in accordance with a spatial layout plan or concept development plan otherwise identified in the District Plan and to make provision for subdivision within any SASZ related to any Ski Area Activity (which is not visitor accommodation) as a controlled activity together with the addition of a range of new matters of control. To achieve this integrated

approach, some further amendments are required to the land use provisions relating to visitor accommodation within the SASZ.

- 6 The structure of this Supplementary Evidence is, as follows:
  - (a) The original submissions of Soho and TC;
  - (b) Summary of the position reached at the Stream 2: Rural Hearing with respect to visitor accommodation activities;
  - (c) The Amended Relief, incorporating changes to Chapter 21 Rural and Chapter 27 Subdivision to achieve better integration between with subdivision rules;
  - (d) A summary evaluation under S.32AA

### **Original Submission of Soho and TC**

- 7 The submissions by Soho and TC sought changes to provisions of Chapter 21 (Rural) to make provision for visitor accommodation and residential activities. An extract of the pages from the Soho and TC submissions relating to Chapter 21 (Rural) is contained within **Appendix 1**.
- 8 The relief contained within the Soho and TC submissions was subject to the additional requirement for these activities to realise conservation and landscape benefits through the addition of a new policy 21.2.6.4 and a new Residential and Visitor Accommodation Activity rule requiring submission of a Landscape and Ecological Management Plan. This rule made provision for the subdivision layout within the matters of discretion, as well as for the identification and protection of areas of landscape sensitivity and ecological significance.
- 9 In terms of subdivision, the submissions sought simply to enable subdivision as a controlled activity within the SASZs, subject to standard matters of control, reflective of the operative District Plan regime.

### **Summary of position from Stream 2: Rural Hearing**

- 10 The s.42A report prepared for Chapter 21 (Rural) preferred a more conventional approach to managing visitor accommodation within the SASZ and suggested the addition of a new restricted discretionary activity Rule 21.5.X. My Evidence in Chief dated 21 April 2016 sought to build on that approach through the addition of further matters of discretion, to retain consistency with the original vision set out in the submission and new Policy

21.2.6.4 seeking to realise conservation and landscape benefits associated with visitor accommodation within SASZs.

- 11 The further refinements I suggested to this rule and described within my Evidence in Chief<sup>1</sup> included amendments to ensure Visitor Accommodation was related to Ski Area Activities undertaken within a SASZ and the addition of new matters of discretion to achieve further positive benefits for landscape and ecological values, as promoted through the submission.
- 12 Two further and related rules were also introduced to address the provision of accommodation for guests, workers, staff and on-site managers that might stay for a period of longer than 3 months, but no greater than 6 months; and to also prevent the spread of accommodation below the snowline into the valley floor through the addition of a rule limiting visitor accommodation to areas of the SASZ above 1,100m asl. The revised Visitor Accommodation rules presented in my Evidence in Chief<sup>2</sup> are below.

	<b>Table 7 – Standards for Ski Area Activities within the Ski Area Sub Zones</b>	<b>Activity</b>
<i>Rule 21.5.32</i>	<p><i>Visitor Accommodation <b><u>associated with Ski Area Activities and located in a Ski Area Sub-Zone</u></b></i></p> <p><i>Discretion is restricted to all of the following:</i></p> <p>(a) <i><b><u>Scale and intensity of activity and whether these would have adverse effects on amenity, including loss of remoteness or isolation.</u></b></i></p> <p>(b) <i><b><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></b></i></p> <p>(c) <i><b><u>Positive benefits for landscape and ecological values, including:</u></b></i></p> <p><i><b><u>i. The identification and protection of prominent rock outcrops, ridgelines and areas of particular landscape sensitivity;</u></b></i></p> <p><i><b><u>ii. Opportunities to remedy visually adverse landscape effects related to past ski area areas;</u></b></i></p>	<i>RD</i>

<sup>1</sup> Page 32, Statement of Evidence of Chris Ferguson (Stream 2: Rural), 21 April 2016

<sup>2</sup> Ibid

	<p><b><u>iii. The identification of streams, wetland, bogs and any habitats of any significant flora and fauna</u></b></p> <p><b><u>iv. Measures to enhance degraded habitats and protect any other significant ecological habitats</u></b></p> <p>(d) <u>Parking.</u></p> <p>(e) <u>Provision of water supply, sewage treatment and disposal.</u></p>	
<b><u>Rule 21.5.33</u></b>	<b><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></b>	<b><u>D</u></b>
<b><u>Rule 21.5.34</u></b>	<b><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></b>	<b><u>D</u></b>

- 13 Through this revised framework, the initial vision for the establishment of the Landscape and Ecological Management Plan as a mandatory spatial planning tool related to Visitor Accommodation activities was amended to where it was instead an option.
- 14 The use of the land for other Ski Area Activities is enabled through rules that permit Ski Area Activities, subject to compliance with standards relating to building form, earthworks, indigenous vegetation clearance and other district wide rules. Some elements of Ski Area Activities trigger the requirement for resource consent, including:
- (a) All Buildings within the SASZ as a controlled activity<sup>3</sup>;
  - (b) Vehicle Access, Passenger Lift Systems and other transportation systems, including those located outline of a SASZ that are used to convey passengers to and from a SASZ that are a controlled activity<sup>4</sup>;
  - (c) Night lighting that is a controlled activity<sup>5</sup>; and

<sup>3</sup> Rule 21.5.27, Page 21-19, Chapter 21 (Rural), QLDC Revised Proposal dated 7 April 2016.

<sup>4</sup> Rule 21.5.28, as amended by Statement of Evidence of Chris Ferguson 21 April 2016 (Page 25)

<sup>5</sup> Rule 21.5.29, Page 21-20, Chapter 21 (Rural), QLDC Revised Proposal dated 7 April 2016

- (d) Retail Activities ancillary to any Ski Area Activities that are a controlled activity<sup>6</sup>.

### **Proposed Relief**

- 15 The amended relief detailed below proposes to build on the relief sought in the original submissions of Soho and TC to create a second tier spatial planning tool to guide, in particular, how development and consolidation within the SASZ<sup>7</sup> can occur on an integrated basis. This approach requires some changes to the rules relating to visitor accommodation within the rural zone as well as amendments and a new rule to manage subdivision within the SASZs. The changes proposed to the provisions contained within Chapter 21 and 27 are detailed below and are within scope of the original submissions.
- 16 The intent of the relief below is to ensure subdivision is related to the Ski Area Activities enabled or consented through the SASZs rules within the Rural Zone (Chapter 21). The proposal is to enable subdivision as a controlled activity in circumstances where it is related to a Ski Area Activity. This is proposed to occur through two rules: under a new controlled activity Rule 27.5.7 for all Ski Area Activities and through an amendment to Rule 27.7.1 for subdivision of land undertaken in accordance with a structure plan, spatial layout plan or landscape and ecological management plan required by the visitor accommodation activity Rule 21.5.32 (Chapter 21).
- 17 For subdivision undertaken in accordance with a landscape and ecological management plan, this will enable integration with any Visitor Accommodation activity consented within a SASZ. In addition to requiring the formulation of a landscape and ecological management plan, the framework of the restricted discretionary activity rules relating to Visitor Accommodation within the SASZs includes a standard limiting its application to on-mountain areas above 1,100 metres above sea level, matters of discretion to consider effects on landscape and amenity values from the placement of buildings and integration with any potential subdivision. The amendments made to this rule through my evidence of 21 April 2016 (Stream 2), sought to make provision for guest, staff and workers accommodation through the addition of a standard enabling a duration of stay up to six months. In terms of subdivision proposed under Rule 27.7.1,

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<sup>6</sup> Rule 21.5.31, Ibid

<sup>7</sup> Objective 21.2.6, Ibid

the suggested amendments to this rule to include the landscape and ecological management plans will therefore ensure a strong connection between the land use and subdivision provisions arising from any visitor accommodation located within the SASZs and any restrictions imposed on the location of visitor accommodation and associated buildings, along with mitigation of landscape and ecology effects, will subsequently apply to any associated subdivision.

- 18 For all other subdivision, not associated with a landscape and ecological management plan, the proposal is to create a new controlled activity rule to enable subdivision within the SASZs where it is associated with a Ski Area Activity. Subdivision for any other purpose within the SASZ, including residential activities, would continue to be captured by Rule 27.5.8 (revised proposal) whereby all subdivision activities in the rural zones are listed as a discretionary activity (unrestricted). To provide for the integration between subdivision within the SASZ and the land use provisions (Chapter 21) it is proposed that the new Rule 27.5.7 include the matters of control under the “default” subdivision rule as well as the relationship between the subdivision layout and ski area activities, effects on landscape values, effects on ecological values and measures to secure positive benefits for landscape and ecological values.
- 19 Subdivision relating to all Ski Area Activities within the SASZs is proposed as a controlled activity in reliance on this integrated framework, which includes the matters of control contained within the default subdivision rule. In the event the Panel decide the default status of all subdivision should be a restricted discretionary activity, it may also be appropriate also for the proposed new Rule 27.5.8 to also become a restricted discretionary activity with the suggested matters of control becoming instead matters of discretionary.
- 20 By managing subdivision within the SASZs through these two rules, I consider there are good safeguards to ensure subdivision will be carefully managed to address potential effects on landscape and ecological values, subdivision is tied directly to Ski Area Activities and does not enable subdivision for wider purposes and achieves a high level of integration with the land use provisions.

Changes to Chapter 21 (Rural)

21 Insert new Rules 21.5.32, 21.5.33, 21.5.34 and 21.5.35 (Revised Proposal), as follows:

<b><u>21.5.32</u></b>	<p><b><u>Visitor Accommodation Activities associated with Ski Area Activities in a Ski Area Sub-Zones</u></b></p> <p><i>Information Requirements:</i></p> <p><i>Any applications for resource consent under this rule shall include a Landscape and Ecological Management Plan in respect of the particular ski area (noting this may not relate to the whole of the Ski Area Sub-Zone).</i></p> <p><i>Matters of Discretion:</i></p> <p><i>The Council's discretion is restricted to:</i></p> <ul style="list-style-type: none"> <li>i. <i>The identification and protection of prominent rock outcrops, ridgelines and areas of particular landscape sensitivity;</i></li> <li>ii. <i>Opportunities to remedy visually adverse landscape effects related to past ski area activities;</i></li> <li>iii. <i>The identification of streams, wetland, bogs and any habitats of any significant flora and fauna</i></li> <li>iv. <i>Measures to enhance degraded habitats and protect any other significant ecological habitats</i></li> <li>v. <i>Effects on landscape and amenity values through the location of sites for all building development</i></li> <li>vi. <i>Subdivision layout (if relevant)</i></li> <li>vii. <i>The protection of areas of open space</i></li> <li>viii. <i>In respect to visitor accommodation activities, the matters listed above as well as:</i> <ul style="list-style-type: none"> <li>a) <i>Traffic generation, vehicle access and car parking</i></li> <li>b) <i>Scale of the activity</i></li> <li>c) <i>Noise</i></li> <li>d) <i>Hours of operation</i></li> <li>e) <i>Infrastructure services</i></li> </ul> </li> </ul>	<b><u>RD</u></b>
<b><u>Rule 21.5.33</u></b>	<p><b><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></b></p>	<b><u>D</u></b>



<b><u>Rule 21.5.34</u></b>	<b><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></b>	<b><u>D</u></b>
<b><u>Rule 21.5.35</u></b>	<b><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></b>	<b><u>D</u></b>

Changes to Chapter 27 Subdivision

- 22 Insert a new Rule 27.5.7 (revised proposal) with the following controlled activity rule, noting also subsequent rules will need renumbering. In the event the Panel decides on restricted discretion activity status as the default positions for subdivision, this rule format could equally be used for a restricted discretionary rule.

<b><u>27.5.7</u></b>	<p><b><u>Subdivision within any Ski Area Sub Zone for any Ski Area Activity and associated building</u></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><u>C</u></b>
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- 23 Amend Rule 27.7.1 (Revised proposal), as follows:

Changes suggested through my Evidence in Chief are shown as ~~strikethrough~~ and underline with further changes arising from this statement of Supplementary Evidence highlighted (yellow).

27.7.1	<p><b>Subdivision undertaken in accordance with a structure plan, spatial layout plan, a <u>Landscape and Ecological Management Plan in respect of any Ski Area Sub zone</u> or concept development plan that is identified in the District Plan.</b></p> <p><del>Council's c</del>Controls <del>restricted</del><u>limited</u> <del>to all of the</del> following:</p> <p><u>The matters of discretion listed within Rule 27.5.5;</u></p> <ul style="list-style-type: none"> <li>• <del>The extent to which the subdivision is consistent with the relevant location specific objectives and policies in part 27.3;</del></li> <li>• <del>Lot sizes, averages and dimensions;</del></li> <li>• <del>Subdivision design, lot configuration, roading patterns (including footpaths and walkways) in accordance</del><u>Compliance</u> with the applicable structure plan or spatial layout plan;</li> <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>• <del>Property access;</del></li> <li>• <del>Landscaping and vegetation;</del></li> <li>• <del>Heritage, where applicable;</del></li> <li>• <del>Esplanade provision;</del></li> <li>• <del>Natural and other hazards;</del></li> <li>• <del>Fire fighting water supply;</del></li> <li>• <del>Water supply;</del></li> <li>• <del>Stormwater design and disposal;</del></li> <li>• <del>Sewage treatment and disposal;</del></li> <li>• <del>Energy supply and telecommunications;</del></li> <li>• <del>Open space and reserves;</del></li> <li>• <del>Easements;</del></li> <li>• <del>Opportunities for enhancement of ecological and natural values;</del></li> <li>• <del>Provision for internal walkways, cycle ways and pedestrian linkages;</del></li> <li>• <del>The nature, scale and adequacy of environmental protection measures associated with earthworks.</del></li> </ul> <p><u>In respect to subdivision within Ski Area Sub Zones:</u></p>	C
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	<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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## SECTION 32AA ANALYSIS

### Options

- 24 Enabling subdivision within the SASZ could be undertaken in several ways to implement the higher order objectives of the PDP, including the formulation of a structure plan, as raised by the Panel at the hearing on 2 August 2016. While this approach would provide a much high level of certainty with respect to the location and layout of subdivision and development within the SASZs, it would also require wider changes to the plan that have not been sought through any submission.
- 25 Excluding this option on the basis of scope, the other options available to manage the effects of subdivision within the SASZ, include:
- (a) The approach outlined within my Evidence in Chief whereby all subdivision is a controlled activity and subject only to the “normal” matters of control;
  - (b) The notified position, with no recognition of subdivision within the SASZs status and whereby all subdivision is a fully discretionary activity; or
  - (c) An integrating approach to subdivision within the SASZs based on the spatial planning tools proposed for visitor accommodation and addition controls that seek to manage effects on landscape and ecological values for all Ski Area Activities.
- 26 The Panel has expressed a view that option a) is inadequate with option b) I consider inadequate to achieve the key Objectives of enabling the growth, development and consolidation of Ski Area Activities location with the SASZs as well as having the greatest administrative and transactivation costs through likely public notification. I consider Option c) the only option that integrates subdivision with land use activities, and provides a degree of certainty that subdivision can appropriately manage effects on landscape and ecological values through addition matters of control and the use of the Landscape and Ecological Management Plan as a spatial planning tool.
- 27 The proposal as described above is based on the following evaluation. Note that this evaluation is against the Objectives of the Rural Zone amended through my evidence to Hearing 2: Rural dated 21 April 2016 and the Subdivision Chapter revised by the Council and attached as Appendix 1 to the s.42A Report s (Chapter) dated 29 June 2016.

### Evaluation of Effectiveness of the subdivision rules within SASZs

	Effectiveness of proposal against Objectives of the PDP	Benefits	Costs
<p><b>Option a) - Controlled activity with “normal” matters of control</b></p>	<p>Controlled activity status is appropriate in achieving:</p> <p>(a) Objective 21.2.6 encouraging the growth and development within the SASZs of the Rural chapter (meeting the community's needs for economic development.</p> <p>(b) Objective 3.2.1.4 by recognising and providing for the significant socioeconomic benefits of tourism activities, including the use of and development of natural and physical resources for tourism activity.</p> <p>(c) Objective 3.2.1.6 by recognising the potential for rural areas to diversify their land use beyond the strong productive values of farming</p> <p>(d) Objective 6.3.8 by recognising the dependence of tourism on the Districts landscapes.</p> <p>However, subdivision as a controlled activity is less appropriate in achieving:</p> <p>(a) Objective 21.2.6 where subdivision can occur independent of the land use provisions or any</p>	<p>Provides certainty for landowners that subdivision can be approved, subject to meeting Councils standards relating to infrastructure and subdivision design</p> <p>Lower administration and transaction costs.</p> <p>Certainty that third party input through notification or affected parties will not be required.</p> <p>Meets the needs of the community for their social wellbeing</p> <p>Supports the efficient use of the site as a resource</p>	<p>Limited ability to ensure subdivision integrates with expected land uses within SASZ</p> <p>No particular recognition given to landscape values</p> <p>No particular recognition given to areas of significant or high ecological value</p> <p>Unfettered subdivision within the SASZ may result in an expectation to undertake uses unrelated to Ski Area Activities.</p>

	<p>Ski Area purpose, failing to consolidate Ski Area activities within identified SASZs. Controlled activity subdivision may also have less ability to manage the effects of subdivision on landscape and ecological values.</p> <p>(b) Objective 3.2.4.1 to ensure development and activities maintain indigenous diversity and sustain or enhance the life supporting capacity of air, water and ecosystems</p>		
<p><b>Option b) - Full discretionary activity status</b></p>	<p>A full discretionary regime, is less appropriate in achieving:</p> <p>(a) Objective 21.2.6 by failing to encourage the growth and development within the SASZs of the Rural chapter, including through lack of certainty that development opportunities can be realised.</p> <p>(b) Objective 3.2.1.4 by failing to recognise and providing for the significant socioeconomic benefits of tourism activities, including the use of and development of natural and physical resources for tourism activity.</p> <p>(c) Objective 3.2.1.6 by failing to recognise the potential for rural areas to diversify their land use beyond the strong productive values of farming</p>	<p>Provides a high level of protection for landscape and ecological values.</p> <p>Will enable integration between subdivision and land use activities, although that is not through explicit policy direction.</p>	<p>Increased transaction costs – through a likely notified resource consent process and council hearing.</p> <p>Increase uncertainty that subdivision can be undertaken to facilitate investment and growth within the SASZs</p> <p>Increased reliance on ad-hoc planning processes to incrementally develop land within the SASZs.</p> <p>Limited ability to attract outside investment, including limitations of leases for periods of less than 35 years.</p>

	<p>(d) Objective 6.3.8 by failing to adequately recognise the dependence of tourism on the Districts landscapes</p> <p>Retaining subdivision as a discretionary activity will however enhance the ability to manage the effects of future development within SASZs on landscape and ecological values (Objective 21.2.6) and provide for the protection of the District Outstanding Natural Landscapes (Objective 6.3.4).</p>		<p>Limits on the range and scale of activities permitted increases compliance costs.</p> <p>Commercial development of the whole site may result in greater effects than are anticipated by the local community.</p> <p>Constraints on the ability to create separate tenure may restrict the range and scale of activities resulting in SASZs remaining undeveloped.</p> <p>The inefficient use of the land resource.</p> <p>Lower quality outcomes for ski area infrastructure and built development.</p>
<p><b>Option c) - Integrated approach, controlled activity status base on Landscape and Ecological</b></p>	<p>The integrated approach to subdivision, building on the use of the Landscape and Ecological Management Plan and the addition of further matters of control is considered appropriate in being able to achieve:</p> <p>(a) Objective 21.2.6 encouraging the growth and development within the SASZs of the Rural chapter (meeting the community's needs for economic development. Under this option, there is also a much greater emphasis on managing the effects of future development on the</p>	<p>All of the benefits included within Option a) above.</p> <p>Increased certainty that subdivision will integrate with the land use outcomes relating to visitor accommodation, under the altering meaning of that team, which extends to include worker and staff accommodation under to 6 months.</p>	<p>This framework for subdivision will result in a more structured and integrated approached to subdivision related to Visitor Accommodation, where a Landscape and Ecological Management Plan has been established than subdivision within SASZs for all other Ski Area Activities.</p>

<p><b>Management Plan</b></p>	<p>environment, including landscape and ecological values.</p> <p>(b) Objective 3.2.1.4 by recognising and providing for the significant socioeconomic benefits of tourism activities, including the use of and development of natural and physical resources for tourism activity.</p> <p>(c) Objective 3.2.1.6 by recognising the potential for rural areas to diversify their land use beyond the strong productive values of farming</p> <p>(d) Objective 6.3.8 by recognising the dependence of tourism on the Districts landscapes.</p>	<p>Increased ability to manage the effects of subdivision on landscape and ecological values within SASZs for all other Ski Area Activities</p> <p>Increased certainty that subdivision anticipated within the SASZs occur only in relation to a Ski Area purpose and retaining the full discretionary activity regime for all other subdivision.</p>	
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**APPENDIX 1**

**Extract from submission of Soho Ski Area Limited**

Specific Provision	Submission	Decisions Sought [New text shown <u><b><i>underlined bold italics</i></b></u> and deleted text shown as <del><i>italic strike-through</i></del> ]
	<p>are located on land outside of public conservation land or the crown estate. Within the ski area sub zones it is considered informal airports should be given particular recognition because of the regular use of these areas for safety purposes e.g. transportation of the injured, as well as the amenity expectations for these areas where aircraft (mostly helicopters) are an expected and regular occurrence.</p>	<p><i>Informal Airports that comply with the following standards shall be permitted activities:</i></p> <p><i>21.5.26.1 Informal airports on any site that do not exceed a frequency of use of 3 flights* per week, <u>except within any Ski Area Sub-Zone;</u></i></p> <p><i><u>21.5.26.2 Informal airports within a Ski Area Sub Zone are associated with Ski Area Activities;</u></i></p> <p><i>21.5.26.<del>23</del> Informal airports for emergency landings, rescues, fire-fighting and activities ancillary to farming activities;</i></p> <p><i>21.5.26.<del>34</del> In relation to point (21.5.26.1), the informal airport shall be located a minimum distance of 500 metres from any formed legal road or the notional boundary of any residential unit of building platform not located on the same site.</i></p> <p><i>* note for the purposes of this Rule a flight includes two aircraft movements i.e. an arrival and departure.</i></p>
<p>New Rules 21.5.32 and 21.5.33</p>	<p>Changes to the definition of Ski Area Activity are proposed to enable visitor and residential accommodation to be developed as part of the on-mountain facilities associated ski area activities. A new standard is proposed to realise wider conservation and landscape benefits that can further support these activities. The standard is designed to ensure any residential or visitor accommodation activity (not building) provides for the submission of a landscape and ecological management plan outlining areas where ecological and conservation protection and enhancement</p>	<p>Insert a new Rule 21.5.32 (Table 7), as follows:</p> <p><b><u>Residential and Visitor Accommodation Activities (all excluding buildings) in the Ski Area Sub-Zones</u></b></p> <p><u><i>Information Requirements:</i></u></p> <p><u><i>Any applications for resource consent under this rule shall include a Landscape and Ecological Management Plan in respect of the particular ski area (noting this may not relate to the whole of the Ski Area Sub-Zone).</i></u></p> <p><u><i>Matters of Discretion:</i></u></p>

Specific Provision	Submission	Decisions Sought [New text shown <u><i>underlined bold italics</i></u> and deleted text shown as <del><i>italic strike-through</i></del> ]
	can be achieved and landscape qualities protected and enhanced.	<p><u><i>The Council's discretion is restricted to:</i></u></p> <ul style="list-style-type: none"> <li>i. <u><i>The identification and protection of prominent rock outcrops, ridgelines and areas of particular landscape sensitivity;</i></u></li> <li>ii. <u><i>Opportunities to remedy visually adverse landscape effects related to past ski area activities;</i></u></li> <li>iii. <u><i>The identification of streams, wetland, bogs and any habitats of any significant flora and fauna</i></u></li> <li>iv. <u><i>Measure to enhance degraded habitats and protect any other significant ecological habitats</i></u></li> <li>v. <u><i>Effects on landscape and amenity values through the location of sites for all building development</i></u></li> <li>vi. <u><i>Subdivision layout (if relevant)</i></u></li> <li>vii. <u><i>The protection of areas of open space</i></u></li> <li>viii. <u><i>In respect to visitor accommodation activities, the matters listed above as well as:</i></u> <ul style="list-style-type: none"> <li>a) <u><i>Traffic generation, vehicle access and car parking</i></u></li> <li>b) <u><i>Scale of the activity</i></u></li> <li>c) <u><i>Noise</i></u></li> <li>d) <u><i>Hours of operation</i></u></li> <li>e) <u><i>Infrastructure services</i></u></li> </ul> </li> </ul>

Specific Provision	Submission	Decisions Sought [New text shown <u><b><i>underlined bold italics</i></b></u> and deleted text shown as <del><i>italic strike-through</i></del> ]
		<p>Where the status of the activities subject to this rule are restricted discretionary.</p> <p>Insert a new Rule 21.5.33 (Table 7), as follows:</p> <p><b><u><i>The use or development of land within any Ski Area Sub Zone for Visitor or Residential Accommodation purposes in the absence of resource consent granted under Rule 21.5.32</i></u></b></p> <p>Where the status of non-compliance with this rule is Discretionary.</p>
Rule 21.5.15 Buildings	<p><b>Oppose</b></p> <p>This rule seeks to impose restriction over the light reflectance values (colours) of external building materials within all parts of the rural zone. Soho submits this rule is unnecessary for building within the SASZ's because external appearance and colour and visual dominance are factors taken into account through Rule 21.5.27 for all building (including additions or alterations).</p> <p>Soho submits this rule would not add to this assessment and is therefore an inefficient method to achieve the objectives of the plan. On this basis Soho seeks to have building within the SASZ's, exempt from this rule.</p>	<p>Amend Rule 21.5.15 Buildings, as follows:</p> <p><i>Any building, including any structure larger than 5m<sup>2</sup>, that is new, relocated, altered, reclad or repainted, including containers intended to, or that remain on site for more than six months, and the alteration to any lawfully established building are subject to the following:</i></p> <p><i>All exterior surfaces shall be coloured in the range of browns, greens or greys (except soffits), including;</i></p> <p><i>21.5.15.1 Pre-painted steel and all roofs shall have a reflectance value not greater than 20%; and,</i></p> <p><i>21.5.15.2 All other surface finishes shall have a reflectance value of not greater than 30%.</i></p> <p><i>21.5.15.3 In the case of alterations to an existing building not located within a building platform, it does not increase the ground floor area by more than 30% in any ten year period.</i></p> <p><u><i>Except that building within the Ski Area Sub Zones, shall be exempt from these rules.</i></u></p>