

Kim Banks for QLDC – Summary of Evidence, 3 May 2017
Ski Area Sub Zones – Hearing Stream 11

1. I have provided three statements of planning evidence on behalf of Queenstown Lakes District Council (**QLDC**) regarding proposed extensions to the Ski Area Sub Zones (**SASZ**) in the Proposed District Plan (**PDP**); a strategic overview, an analysis of submissions, and rebuttal evidence.
2. My strategic evidence considers in detail, the relevant higher order documents and also relevant objectives and policies located within the PDP. It also discusses common themes raised by submitters in seeking to extend the SASZ, and therefore is of direct relevance to my recommendations on submissions.
3. A key theme central to my evidence and recommendations is that the SASZ is confined spatially, and located in alpine environments where skiing and ancillary activities will be the primary commercial recreation offering, and landscape effects may be better mitigated through elevation. The SASZ purpose in Chapter 21 (reply) reflects this:

The purpose of the Ski Area sub zones is to enable the continued development of Ski Area Activities as year round destinations for ski area, tourism and recreational activities within the identified sub zones where the effects of the development ~~would be~~ are cumulatively minor.

4. The extension of this sub zone down to lower hillslopes and across wide geographic areas where skiing does not occur, conflicts with this purpose. As a result, and as evident in the evidence of submitters, this results in the need for a more complex regulatory framework to manage potential effects. I do not consider such extensions would ensure "*the effects of development are cumulatively minor*".
5. In summary, I oppose all SASZ rezoning proposals. I note that since filing of my rebuttal evidence an error in Council's GIS maps has been identified (refer **Attachment A**). This has resulted in my partial support for NZSki's extension at the Remarkables (referred to as 'Area 1') becoming irrelevant, as this area is in fact located within the Central Otago District Council (**CODC**) territorial boundary. This error is discussed in Counsel's opening legal submissions, and I return to this later.

General issues

6. I oppose all rezoning proposals with regard to a number of general themes or issues that are consistent across each, irrespective of location:
- (a) without refinement to the SASZ framework, the proposals which extend below the snow line have the effect of broadening the purpose of the sub zone to potentially enable a range of other 'non-ski' activities (such as mountain biking). The framework of the SASZ is not adequate to cater for this level of complexity and broader tourism offering;
 - (b) it is inappropriate to enable possible exclusion from landscape assessment matters for activities undertaken across wide geographic areas within the ONL. This position is supported by Dr Read's expert evidence, particularly as she notes (and I agree) that existing SASZs are in relatively inconspicuous locations that are able to mitigate landscape effects due to elevation and aspect;
 - (c) the possibility of earthworks being exempt in these locations introduces considerable uncertainty for a broad scale of possible activities and effects. Exemptions provided under the Operative District Plan (**ODP**) did not consider extensions to existing sub zones nor a more enabling set of provisions under the PDP for activities such as passenger lift systems and visitor accommodation;
 - (d) the Council has specifically provided for passenger lift systems outside of a SASZ as a restricted discretionary activity, through Rule 21.4.19; and
 - (e) rezoning is not necessary to support avalanche control, safety management and snow grooming as these activities do not trigger consent (subject to my recommended amendments to Rule 21.4.19).
7. In addition to these general issues, I now turn to each rezoning.

Extensions of the SASZ at Coronet Peak

8. In relation to Coronet Peak, NZSki sought two extensions to the SASZ at Dirty Four Creek and into the Back Bowls. NZSki has chosen not to file any evidence on these two submissions and to accept the Panel's findings based on the Council's evidence, which is to decline the requested extensions.

Extensions of the SASZ at The Remarkables

9. Following the evidence filed by NZSki in support of the rezoning of 'Area 1' (located at the upper eastern margin of the Remarkables Ski Field above Curvy

Basin and Lake Alta), in my rebuttal evidence I recommended accepting the rezoning provided the proposed 'no build' area is entirely excluded and remains zoned Rural.

10. In preparing for the hearing however, it has come to the Council's attention that NZSki has based its submission on GIS boundaries, rather than the planning map boundaries. The GIS boundary of the District is incorrect, and as a result the component of the 'Area 1' rezoning submission that I recommended be accepted, is in fact located within the Central Otago District, and is therefore not within the jurisdiction of QLDC nor this hearing. Relevant images demonstrating this issue are included in **Attachment A**.
11. However, I maintain that the recreational, ecological and landscape values attributed to the 'no build' Wye Creek basin warrant its retention in Rural zoning, and therefore this part of the submission remains opposed.
12. In response to NZSki's evidence I have recommended a minor change to Rule 21.5.17 to provide an exemption for pylons of passenger lift systems from the 8m building height.
13. With regard to NZSki's proposed 'Ski Area Sub Zone B' at the base of the Remarkables Ski Field access road (also referred to as 'Area 2' in my evidence), this proposal lacks information with regard to servicing and traffic effects, and the provisions presented by Mr Dent lack a degree of definition and clarity. Mr Glasner opposes the rezoning, noting that Council has no current plans to service this location, nor any desire to take over private infrastructure installed by developers. I also rely on the evidence of Dr Read who is of the view that the range of activities enabled by the proposed provisions may result in a 'node' of ski related activities that would appear incongruous with the surrounding landscape.

Extensions of the SASZ at Cardrona

14. With regard to the extension sought by Mount Cardrona Station Limited (**MCSL**) at Cardrona, I have considered the effect of 'bundling' of activity status for Passenger Lift Systems (**PLS**) crossing the Rural zone, as raised by Mr Dent. In my view this is entirely appropriate for large scale linear infrastructure extending across wide geographic areas and within the ONL to be assessed as a restricted discretionary activity, as opposed to a controlled activity. A controlled activity status limits the Council's ability to decline or adequately condition the alignment of such infrastructure where there are significant landscape issues. While

accepting that a possible route for a PLS may exist through the MCSL land, I am not presented with compelling evidence to suggest which of the three rezonings proposed is more appropriate or feasible, such that a controlled activity status should be enabled for this activity under the SASZ.

15. However, if the Panel was of a mind to support a proposal, in my view it would be necessary to limit any extension to PLS only, to avoid possible effects of earthworks and road/car parking construction (which would be exempt from landscape assessment matters).

Extensions to the SASZ at Cardrona by Cardrona Alpine Resort Limited (CARL)

16. The rezoning sought by CARL is opposed on the basis of the general issues discussed above. The zone extension seeks to enable a broader tourism offering which I consider to be at odds with the zone purpose. No expert evidence has been filed in support of CARL's submission

Extensions to the SASZ at Cardrona by Anderson Branch Creek Limited

17. The rezoning sought by Anderson Branch Creek Limited is opposed as it extends into the QEII Open Space Covenant Area, and is not promoted or supported by any ski operators, nor by any expert evidence.

Extensions of the SASZ at Cardrona and Treble Cone by Treble Cone Investments Limited (Treble Cone) and Soho Ski Area Limited and Blackmans Creek No. 1 LP (Soho)

18. I oppose the requests by Treble Cone and Soho for an extension of the Cardrona and Treble Cone SASZs on the basis of the general issues identified above. Additionally, I consider the proposed PLS 'corridor' and overlay framework presented for both locations are inconsistent with the rezoning principles I have outlined in my Strategic s42A. Also, the PLS corridor provides for a single activity only, and at Treble Cone remains subject to a live consent which could be implemented, and under which a number of amendments were made to the location of built form through the assessment process to manage landscape and ecological effects.
19. I understand from the evidence filed that the primary purpose of the zone extensions is to enable transportation connections to ski areas. I maintain that the Rural zone provides a more appropriate framework for the assessment of such activities, recognising the possible exclusion from landscape assessment matters that would result from any extension to the SASZ.

Attachment A – Extracts from Council's ODP, PDP, and GIS Maps

Figure 1 – ODP Planning Map 13

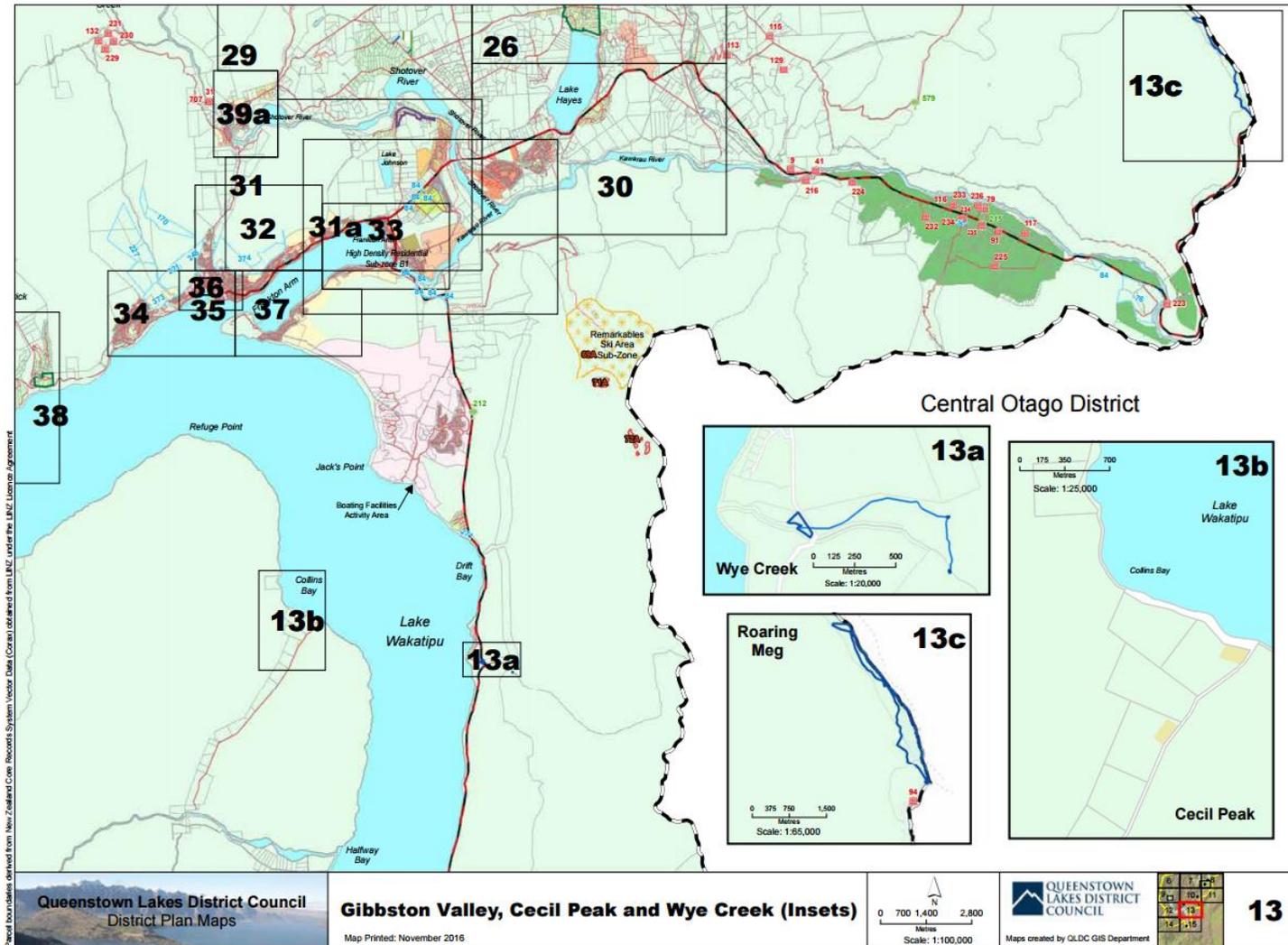


Figure 2 - PDP Planning Map 13

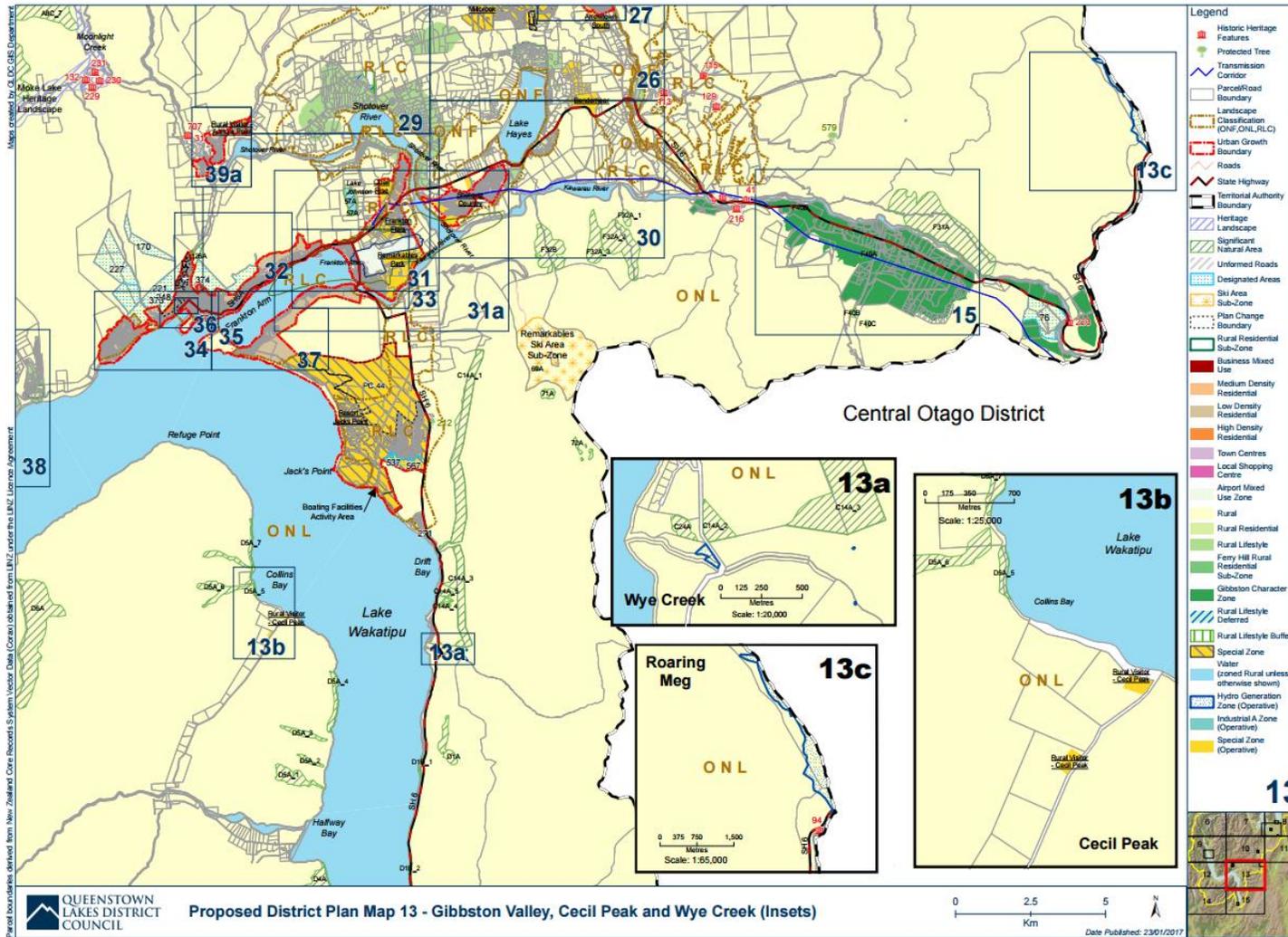


Figure 3 – QLDC WebMaps (accessed 3 May 2017)

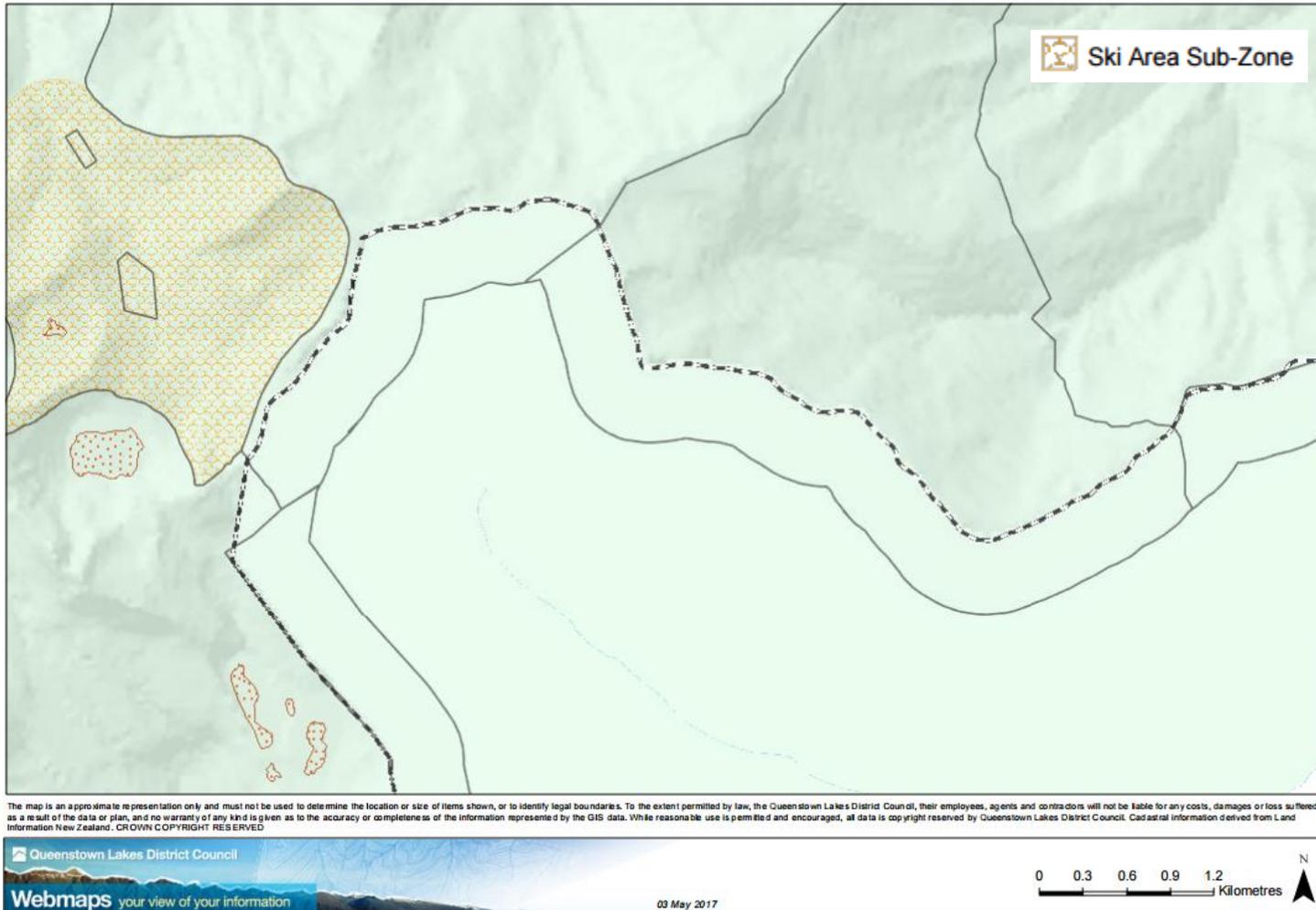


Figure 4 – Aerial image indicating location of SASZ boundary and Stats NZ TA Boundary (2017)

