

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of Porter Ski Area Limited
Private Plan Change 25 to
the Selwyn District Plan

SECTION 42A REPORT OF BEN RHODES

My name is Ben Rhodes and I am providing planning evidence with regard to the above application for a private plan change. I have been employed at the Selwyn District Council for a period of 3.5 years, and currently hold the position of Resource Management Planner. My qualifications include a Bachelor of Resource Management from Lincoln University.

INTRODUCTION

I have prepared this report on Proposed Private Plan Change 25 (PC 25) in accordance with Section 42A of the Resource Management Act 1991 (RMA). The purpose of my report is to draw to the Commissioner's attention matters pertinent to their consideration, including evaluating and making recommendations on the submissions received. My evaluation is based on the information presented in the Plan Change application and the submissions. Additional information is likely to be presented by other parties at the hearing. The recommendations are the opinion of the reporting officer. The Hearings Commissioners will decide on each submission after hearing and considering all relevant matters.

In addition to this report, Appendices 3 - 5 are additional reports which also form part of the Section 42A report from:

Andrew Craig addressing Landscape and design issues

Clive Anderson addressing Geo hazard issues

Sarah Flynn addressing Ecological issues

My report is structured as follows:

Overview of proposed plan change - within this section I provide an overview of PC25, including what is proposed, its status and the process followed.

Statutory context - within this section I summarise the RMA requirements that affect the determination of PC25.

Assessment of submissions - within this section I consider the points raised in submissions.

Final statutory assessment - within this section I evaluate PC25 against the overriding RMA requirements.

Overall conclusion and recommendation - within this section I set out my overriding conclusion and recommendation.

In addition, within the appendices of my report are:

Appendix 1: Plans

Appendix 2: Recommendations on individual submission points

Appendix 3: Landscape Evidence from Andrew Craig

Appendix 4: Geo-technical Evidence from Clive Andersen

Appendix 5: Ecology Evidence from Sarah Flynn.

Appendix 6: Economic Assessment review from Property Economics

Appendix 7: Photomontages

Appendix 8: Applicant changes since notification

Appendix 9: Council recommended changes

OVERVIEW OF PROPOSED PLAN CHANGE

Status

Plan Change 25 (PC25) is a private plan change (PC) to the Operative District Plan (Rural Section).

Process

By resolution, the SDC accepted PC25 on 11 August 2010. PC25 was originally notified on the 21 August 2010. The Plan Change was re-notified a week later on the 28 August 2010, extending the submission period by a week also, as there were errors in the original public notice advertised in The Press. The submissions closed on the 24 September 2010. 2307 submissions were received. The summary of submissions was notified on the 30 October 2010 with 3 further submissions being received. Council accepted one late submission and further submission from Castle Hill Ltd bringing the total submissions to 2308 and further submissions to 4.

Through the submission process it came to the Selwyn District Councils (SDC) attention that Castle Hill Ltd had interest in an adjoining parcel of land which was not directly notified. SDC had no information with regard to a ratings contact for this parcel of land, which indicated that it was Crown land. Accordingly both the Department of Conservation (DoC) and Land Information New Zealand (LINZ) were directly notified. Castle Hill Ltd hold a Crown Pastoral Lease over the land so should have been directly notified. As they were not the time frame to submit on PC25 was waived for Castle Hill Ltd under s37 RMA. This allowed them to make a formal submission, which Council summarised and called for further submission on the 11 December 2010 (outside the original further submission process). The further submission period for this submission closed on the 14 January 2011 without delaying the timeframes for the hearing.

Overview

PC25 relates to approximately 616 ha of Rural High Country land located in and around the existing Porters Ski Field Area in the Craigieburn Mountain Range, with access via an access road from State Highway 73 (SH73). It is proposed to introduce a new Ski Area Sub-Zone, which specifically recognises and provides for Ski Area activities and infrastructure. The area of land to be rezoned is

expanded from the existing Porters Ski Area to include the adjoining Crystal Basin. In addition to the Ski Areas, the Sub-Zone recognises an area of approximately 21ha for a mountain village.

The 616ha relating to PC25 is comprised of:

Village Base Area – 21.2ha

Porters Ski Area – 328.6ha

Crystal Basin Ski Area – 232ha

Wastewater and Treatment Disposal Area – 34.3ha

The location and boundaries relating to PC 25 are shown in Appendix 1 of this report

Currently the site has a Rural High Country zoning and is located within an Outstanding Natural Landscape (ONL). The High Country Zone provides for an average allotment size (residential density) of 120ha and requires that any building have a maximum reflectance value of 37% (except for unpainted corrugated iron). The ONL requires, as a permitted baseline, that any building shall not exceed 40m², 4m in height and also a maximum reflectance value of 37%.

The key attributes of the development which the PC request is seeking to enable are:

A new ski basin (Crystal Valley).

Gondolas from the village to the ski fields and on mountain café/day lodge areas.

New ski lifts/tows.

Earthworks involving new tracks, ski runs and snowmaking reservoirs.

A village centre consisting of 18 buildings (restaurants, shops, tourist activities etc).

8 hotel and visitor accommodation buildings. One of these will be a single large hotel.

45 individual chalets.

10 visitor's accommodation units to the area known as 'Slope side'.

Roading access will be from State Highway 77 via the existing road leading to Porters Ski field.

A roading network through the village area.

A water, sewer and storm water systems.

In order to achieve the above, PC25 seeks to change the zoning of the land to "Ski Area Sub-Zone" and remove the ONL classification over the site. This is a new zone within the District Plan so accordingly the request seeks to amend the District Plan by:

Adding reference to the new zone in a number of locations within the issue, objective, policy and method statements.

Adding a new outline development plan

Adding development framework guidelines (movement and green/blue network layer plans)

Amend various subdivision and development rules

Amend the planning maps.

Finally, in order to achieve any development of this land, a number of resource consents are necessary from the Canterbury Regional Council. These include:

CRC103857	To discharge contaminants in stormwater and in sediment-laden runoff generated during construction into surface water bodies or onto or into land where they may enter surface water bodies
CRC110321	To install pipes to convey domestic wastewater across waterways.
CRC110322	To discharge domestic wastewater onto or into land, odour to air and sediment laden runoff into water and application
CRC110401:	To disturb the beds and to install a bridge, culverts and a drop structure in the beds of the Porter River and the Porter Stream.
CRC110402:	To discharge sediments into the Porter River and the Porter Stream in relation to the installation of culverts.
CRC110403:	To dam up to 90,000 cubic metres of water per year for the purposes of snowmaking.
CRC110404:	To take up to 942 cubic metres of water per day with an annual volume not exceeding 203,695 cubic metres at a maximum rate of 30 litres per second from the Porter Stream for domestic water supply.
CRC110406:	To take up to 3,456 cubic metres of water per day with an annual volume not exceeding 270,000 cubic metres at a maximum rate of 40 litres per second from the Porter Stream for snowmaking purposes.
CRC110407:	To install one gallery for domestic water supply and snowmaking purposes in the Porter Stream.
CRC110408:	To install water supply pipes in the bed of the Porter Stream.
CRC110411	To discharge water containing 'Snomax' to land as artificial snow in circumstances where it will enter surface water by way of snow melt.

These consents, along with this Plan change application are the subject of this joint hearing.

STATUTORY CONTEXT

The statutory considerations for determining a plan change are well established. In this circumstance these are largely found in sections 31, 32, 74, 75, 76 of the Act. As with all processes under the

Resource Management Act Part II is the paramount consideration. In this circumstance, the key statutory considerations are:

(A) General requirements

- 1 A district plan (change) should be designed to accord with and assist the territorial authority to carry out its functions so as to achieve the purpose of the Act.
- 3 When preparing its district plan (change) the territorial authority shall:
 - (a) have regard to any proposed regional policy statement;
 - (b) give effect to any operative regional policy statement.
- 3 In relation to regional plans:
 - (a) the district plan (change) must not be inconsistent with an operative regional plan for any matter specified in section 30(1) and
 - (b) must have regard to any proposed regional plan on any matter of national significance etc.
- 4 When preparing its district plan (change) the territorial authority must also:
 - (a) have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historical Places Register and to various fisheries regulations; and to consistency with plans and proposed plans of adjacent territorial authorities;
 - (b) take into account any relevant planning document recognized by an iwi authority; and
 - (c) not have regard to trade competition.
- 5 The formal requirement that a district plan (change) must also state its objectives, policies and the rules (if any) and may state other matters.

(B) Policies and methods (including rules) (the s 32 test for policies and rules)

6. The policies are to implement the objectives and the rules (if any) are to implement the policies.
7. Each proposed policy or method (including each rule) is to be examined having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the district plan taking into account:
 - (a) the benefits and costs of the proposed policies and methods (including rules); and
 - (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods."

(C) Rules

8. In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment."

All these considerations must occur within the context of section 5 of the Act, which in turn is informed by sections 6, 7 and 8. The purpose of the Resource Management Act is to promote the sustainable management of natural and physical resources.

When considering a plan change there are a number of accepted principles that must be applied, largely developed in the context of section 32 of the Act. These include that:

there is no presumption in favour of any one zone, rule, policy or objective; and

the solution to be sought is the optimum solution that can be achieved within the scope of the proceedings.

In the sections below, I set out the key provisions of the relevant statutory documents: the Selwyn District Plan, Operative Canterbury Regional Policy Statement (1998), Proposed Canterbury Regional Policy Statement (2011), and the Canterbury Regional Plan Transport Strategy 2008-2018. I have also addressed the relevant aspects of the Waimakariri River Catchment Plan (WRRP) provisions. The provisions of this plan and the, Canterbury Natural Resources Regional Plan are best assessed through the Regional Council consents that are being considered concurrently with PC25.

Submissions also discussed the appropriateness of the PC in relation to the Conservation Management Strategy (CMS) and Biodiversity Strategy for the Canterbury region. These are both non-statutory documents. The CMS implements policies and establishes objectives for management of natural and historic resources by the Department of Conservation (DoC). The Canterbury CMS outlines the Department's role in the management of natural and historic resources within the Canterbury Conservancy. The Department of Conservation has approved in principle a land exchange to enable the land subject to this Plan Change to be developed with a parcel of land on Banks Peninsula to be preserved and enhanced. This outcome, in my opinion, is significant having regard to the perceived effects on the Conservation Management Strategy. I consider that DoC considered this strategy when allowing the land exchange.

The Canterbury Biodiversity Strategy (CBS), which SDC supported, advocates a target of "No further loss of significant habitats and ecosystems from 2010", and identifies "Change in the area (ha) of land under formal protection" and "Area (ha) of significant habitat lost" as performance indicators. In Ms Flynn's (Councils ecological expert) opinion, these performance indicators should be included among criteria for evaluation of the biodiversity offset proposed to mitigate residual adverse effects of the development, in order to ensure an outcome of "no net biodiversity loss". As discussed further in this report there may be offsets required for aspects of development in Crystal Basin, which can be considered at resource consent stage with regard being had to the CBS.

Selwyn District Plan

The Selwyn District Plan was made operative in part on 10 June 2008. This includes all the provisions relevant to PC25. In this circumstance, it is the Rural Volume which is directly relevant. PC25 indicates what existing objectives and policies will be amended or added, and although many are not affected at all additional wording has been added to the explanation and reasons under many policies as well as changes to Issues, Methods and Anticipated Environmental Results. As the District Plan currently stands the existing most relevant objectives and policies are as follows:

Objective B1.2.1, B1.2.3, and Policy B1.2.2, B1.2.5 and B1.2.6 (Vegetation & Ecosystems)

The above objectives and policies seek to protect and enhance indigenous vegetation along riparian margins and wetlands and protect significant ecological sites. Through the implementation of the PC, if approved, some indigenous vegetation will be removed but other areas will be retained and improved with improvement to the river margins and the planting of Beech trees around the site. The site is not identified as a significant ecological site but there are two streams and a wetland area in the area subject to PC25 and the area overall is considered regionally significant. As discussed further in this report the PC is considered appropriate, with recommended changes, to ensure the ecological impacts can be sufficiently mitigated or offset to protect the overall Ecological District (ED).

Objective B1.4.1, Policy B1.4.22- 24 & 29 (Outstanding Natural Features & Landscapes)

Large scale buildings and commercial activities are generally inappropriate in ONL areas. However the policies do recognise exceptional circumstances where large scale buildings and commercial activities, among other uses, may be necessary or appropriate in ONL areas. Such large scale development may be appropriate in conjunction with ski field activities provided the effects can be shown to be minor. Whether the proposed village can be justified as being necessary for the skiing operation is debatable. The anticipated environmental results relevant to the PC25 application expect developments to have minor visual effects, ONL's should be free of intrusive structures, buildings and earthworks and the landscape should remain pastoral with natural land forms dominating with few building clusters. As discussed further on in the report, although the development is not overly visible from key vantage points, one of the main issues with PC25 is its effect on the ONL in so far that the landscape is perceived or known to have little development within it. The proposed developments anticipated by the PC would struggle to be consistent with the existing objectives and policies relating to the ONL but may not necessarily be contrary to them.

Objectives B3.1.1, B3.1.2 and Policy B3.1.6, B3.1.7 (Hazards)

The development proposed in PC25 is located in a dynamic landscape subject to landslips, water runoff / flooding, avalanches and earthquakes. These events only become hazards when they effect people and their property. The objectives and policies seek to avoid natural hazards by not allowing people or property in areas subject the above natural events unless the risk of damage can be mitigated to an acceptable level. PC25 would allow for more people to visit this area and for more buildings to be erected, which increases the risk of natural hazards causing damage or resulting in loss of life. However as discussed further in this report the applicant and Councils geotechnical assessments both conclude that with appropriate site selection, engineering design, risk assessment and systems in place the level of risk can be reduced to an acceptable level and the area could be appropriate for development. Although not in strict accordance with the objectives and policies, as it will result in more development in the hazard area, the effects can be minimised, which is considered acceptable.

Objective B3.4.1, B3.4.2 and Policies B3.4.1, B3.4.2, B3.4.3, B3.4.5, B3.4.6, B3.4.9 (Quality of Environment)

Although the site is located in an ONL and in the High Country, the PC25 site is part of the overall rural environment of the Selwyn District. The rural environment is recognised as an area where a variety of activities occur while maintaining the rural character and amenity values. Such values can mean different things to different people but the objectives and policies seek to maintain a low building density and building height to ensure the openness of the rural environment remains. PC25 would result in a higher building and residential density than otherwise would be expected. However as discussed further below the village site and its buildings will be set well back of SH73 and will not be overly visible from key vantage points. The proposal will not be consistent with the objectives and policies particularly within the immediate vicinity of the village but as discussed below the effects can

be mitigated through design to maintain character and amenity of the rural environment of the surrounding area.

Objective B4.1.1 and Policy B4.1.1 (Residential development in rural area)

As with the quality of the environment objectives and policies the District Plan also requires a low residential density in the rural environment to ensure its character and amenity are retained. PC 25 would result in a higher residential density than that currently permitted by the High Country zone. However the policies do not seek to avoid densities higher than that anticipated but rather discourage them. Provided the effects can be avoided, mitigated or remedied then the effects of a higher residential development could be acceptable. The residential density promoted in PC25 is a significant departure from what is expected. However the existing residential density is very low and given the scale of the landscape around the PC25 area and screening of the buildings from key vantage points the increase residential density may not have a significant effect. The residential buildings would be concentrated in one area in an environment that would remain open and rural with the low likelihood that any other residential development would occur in the same area (Craigieburn range). Again PC25 would struggle to be consistent with the relevant density policies but its effects on the character and amenity are considered acceptable (as discussed further on in this report).

Overall the existing Policies would not have envisaged such a large scale development in the proposed location, which is supported by the rules for building size in the ONL. However ski fields and recreation activities are anticipated to occur in the high country / ONL areas provided the outstanding landscape and ecological values are not significantly impacted on. In any event plan changes do not require checking off against each objective and policy as they are not assessed or evaluated for a measure of conformity with the existing policy framework. PC 25 is seeking to alter the existing framework to recognise the ski area and consideration must be given towards the proposed changes ability to better meet the purpose of the Act. The assessment of the PC (the proposed zone, objectives and policies) concentrates more on whether it appropriately allows for best use of the land and best give effect to the purpose and principles of the RMA

Most of the existing objectives and policies require little direct change as a result of PC25. The identification of the Ski Area Subzone as a new zone to be added to the District Plan, Policies and reasons for policies being expanded are the most prominent changes. It is proposed to include one new objective, four new policies, specifically relating to the Ski Area Sub zone, and amend two existing policies to reference the ski area.

These new and amended objectives and policies are:

New Objective

Objective B4.1.4 - A village with a concentration of accommodation and commercial activity at the base of the Porters Ski Area ,which is respectful of, and responsive to, the landscape and ecological values of the locality.

New Policies

Policy B1.4.25 - Provide for a mountain village to be established in the Porters Ski Area which enables accommodation, commercial activities and services that complement and support the viability of the ski field whilst ensuring that the layout, design and development of the Village complements the landscape values of the locality.

Policy B2.3.8 -Recognise the Porters Ski Area with a Ski Area Sub-Zone (Porters) that provides for the on-going operation and development of the Ski Area to ensure its viability and to require future management of the Sub-Zone to be responsive to the landscape, ecological and cultural values of the locality.

Policy B3.4.7 -Provide for a concentration of built development in the Ski Area Sub-Zone (Porters).

Policy B4.1.8 - To provide for the subdivision and development of residential, commercial and visitor accommodation buildings in the Ski Area Sub-Zone at Porters Ski Area, where effects on the ecological and landscape values of the environment are managed in accordance with the following:

- (a) The size, shape and layout of allotments is optimised in response to the topography, ecological and landscape values having regard to the nature of the proposed activity.
- (b) Integrated management of subdivision, development and activities is achieved by requiring compliance with an Outline Development Plan and a set of complementary rules which result in a comprehensive and efficient layout.
- (c) Limiting the range, scale and location of development in the Porters Ski Area Village to ensure the Village remains at a scale and density that is related to the capacity of the Porters and Crystal Basin Ski Areas and can be serviced for water supply and wastewater disposal in a manner that does not adversely affect ecological or landscape values.
- (d) Limiting the infrastructure, structures and buildings within the Porters and Crystal Basin Ski Areas to those required for snow and mountain based recreation activities.
- (e) Requiring earthworks, buildings and structures to be assessed on a project or individual basis to ensure that works and structures are responsive to the ecological and landscape values, sensitivities and features of the site and potential adverse effects on ground stability and natural hazards are avoided, remedied or mitigated.
- (f) Protecting areas of ecological significance through the use of covenants, esplanade strips and management plans which avoid or minimise ground and vegetation disturbance.
- (g) Maintaining and enhancing indigenous vegetation cover through the use of management plans and rules to avoid or minimise areas of disturbance, require the restoration of vegetation and the planting of locally indigenous species.
- (h) Recognising that whilst avoidance, remedying or mitigation of effects is the primary objective that where this cannot be achieved it may be appropriate to offset adverse effects through environmental compensation.

Amended Policies

Policy B1.4.30 be amended by inserting a new sub-clause (c) -

“(c) Require built development within the Ski Area Sub-Zone (Porters) to be clustered within a Village Base Area and ensure that the layout, density, form, height, bulk and finish of all buildings is designed and managed to complement landscape values and avoid, remedy or mitigate effects on ecological values.

Policy B4.1.4 be amended to –

Recognise Existing Development Areas, Ski Areas and Tourist Resort Areas within the Rural Zone...

Policy B4.1.5 be amended to add new sub clause (d)

(d) Dwellings within the Ski Area Sub-Zone (Porters).

The new objectives and policies and the amendments overall seek to recognise the Ski Area Sub zone and the activities that may occur within it. I consider that proposed Policy B4.1.8 ensures the plan changes desired outcomes for the protection of the environment are achieved. Essentially this policy lists all of the methods employed to achieve, among other things, responsiveness and respect of the landscape in which the development is located. To achieve the above objectives and policies, and any existing that are relevant, the Applicant has proposed a rules package identified as 'Appendix 25'. There have been some recommended changes to these but overall it is accepted that the rules package provides the scope and discretion to ensure the objectives and policies are achieved. Given the assessment through the rest of this report it is my view that the changes to the objectives and policies to provide for a Ski Area zone combined with the positive effects, mitigation measures and rule package are acceptable and better achieve the purposes and principles of the RMA.

Canterbury Regional Policy Statement

Any consideration of the Canterbury Regional Policy Statement is to the document as a whole. The District Plan gives effect to the RPS and so the above assessment in turn relates to the RPS provisions. Given the below submission assessment I believe that the proposed objective and policy amendments and additions are appropriate and thus give effect to the RPS. I have addressed the relevant chapters for both the operative and proposed RPS. Proposed Change 1 (Chapter 12A) has not been assessed as the location site is outside the Greater Christchurch Urban Development Strategy (UDS) area. The relevant sections of the operative RPS that PC25 relates to are as follows:

Operative RPS

Chapter 8 – Landscape, Ecology and Heritage

Objectives 2 and 3, Policies 3 and 4

As the area is an identified ONL, the above objectives and policies seek to protect natural features and landscapes and indigenous vegetation and habitats. PC25 identifies key areas and shows an understanding of the important values of the area. The ecological and landscape assessments undertaken by both the Council and the applicant identify these issues and conclude that the proposal could proceed with changes that seek to maintain the values identified in the area. There will be some significant impacts to the ONL, particularly in regard to the village development, but as the visual effects are well screened from key vantage points these impacts are more on the perceived values of the area and so may only adversely affect those that know the development is there. There is also an obvious loss of some flora and fauna but none are lost entirely with the PC area and the biodiversity of the ecological district will remain.

Chapter 9 - Water

Policy 11

Water take consents have been applied for from the Regional Council (Ecan) for potable water and snowmaking purposes. Technical assessments undertaken by the applicant indicate that there is sufficient water available. Discharge consents have also been applied for from Ecan whom will also assess the issue of the impact of these discharges on water quality.

Chapter 10 – Beds of Rivers and Lakes and their Margins

Policy 3

With regard to the protection of rivers and streams PC25 has in place setback requirements, which will ensure the riparian margins of the Porters and Crystal streams are protected. The PC also has in place mechanisms that include the ability to impose protective covenants and the ability of Council to require an Environmental Management Plan for the Ski Area that would include management of riparian margins. As discussed further on in this report the limited setbacks to the Porters Stream are not considered appropriate to retain its naturalness and it has been recommended that the setbacks be increased to 15m to reduce effects and be more consistent with the above policy.

Chapter 12 – Settlement and the Built Environment.

Objective 1, 4 and 5, Policies 2, 6 and 7

The proposed village is not an urban settlement; it is more a tourist resort / accommodation venture with some free hold lots, which are unlikely to be resided in full time. Most of the effects can be mitigated, remedied or avoided. Water take and discharge consents have been applied for from Ecan which will assess the effects on water flows, contamination etc.

Objective 4, Policy 6

There has been an identified risk from natural hazards and the applicant and the Council have undertaken geotechnical reports. The hazard risk is mostly known and accepted by those venturing in the subject landscape. Both geo tech reports highlight the risks but these can be mitigated by specific design and management plans to an appropriate level.

Objective 5, Policy 7

Although such a settlement in the subject area was perhaps not envisaged, the PC is presented as a development directly related to the specific use of the natural and physical resources of the area, particularly the recreation resource. The proposed village provides choice and opportunity for residents in an alpine setting, while further enhancing tourism and economic benefits that contribute to the well being of the community.

Chapter 16 – Natural Hazards

Objective 1, Policy 1

As mentioned the natural hazards have been identified and it is accepted that these can be managed. There is an element of risk to people, property and environment. However given the geo tech reports and processes in place it is considered that the risk can be minimised to an acceptable level.

Summary

Given the overall assessment I believe that the objectives and policies proposed give effect and are not inconsistent with those in the operative RPS. The rules package proposed, with recommended changes will ensure that the effects to the landscape and ecology of the area can be mitigated or effectively offset.

Proposed RPS

The proposed RPS was notified on the 18 June 2011 and as such is now a document that must be considered in resource consent and plan change processes. The weight that is to be afforded the proposed RPS compared to the operative RPS documents is minor at this stage given it has only just

been notified and submissions being called for. However I have discussed relevant objectives and policies briefly.

Chapter 5 - Landuse and infrastructure

Objective 5.2.1

Policy 5.3.1 growth , Policy 5.3.2 development ONL, Policy 5.3.3 management, Policy 5.3.5 servicing, Policy 5.3.6 servicing, Policy 5.3.7 Transport strategic road, Policy 5.3.8 transport, Policy 5.3.9 infrastructure, Policy 5.3.12 growth enabling tourism etc, Policy 5.3.13 wilding pine spread.

The above recognise that development can offer significant social, economic and cultural benefits for the people residing and working in Canterbury. However it also recognises that development may result in environmental change that is a threat to valued natural and physical resources. The Plan Change proposal does provide for more social and economic benefits but at the same time is located in an ONL and is a threat to valued natural resources. However it is considered that although there are some significant effects to some natural resources the Plan Change (with changes) can respond to these effects via robust rules and discretion matters to ensure the valued resources are maintained. Service infrastructure can be developed in the environment, however whether or not it is appropriate to take water and discharge to land is matter for the Regional Council consents to consider.

Chapter 7 – Freshwater

Objective 7.2.1. 7.2.2 and 7.2.3

Policies 7.3.1 adverse effects character, 7.3.3 enhancing, 7.3.4 quantity, 7.3.5 quantity and landuse effects, 7.3.6 quality 7.3.7 , 7.3.8 quantity and landuse, 7.3.8 efficient allocation, 7.3.9 integrated management to 7.3.10 – harvesting and storing water. 7.3.12, precautionary approach, 7.3.13 consultation.

Water take consents have been applied for from the Regional Council and assessment of on the effects to freshwater systems of the Plan Change are best undertaken through these.

Chapter 9 – Ecosystems and indigenous bio-diversity

Objective 9.2.1 , Objective 9.2.2, Objective 9.2.3

Policy 9.3.1 protecting significant areas, 9.3.3 integrated management, Policy 9.3.5, Policy 9.3.4, Policy 9.3.5 wetland and Policy 9.3.6 offsets

There will be some loss of flora and fauna in the area in what is a significant natural area. However as mentioned in Ms Flynn's evidence this will not result in the loss of flora and fauna in their entirety from the Plan Change area. The area will still retain its ONL status ensuring the significance of the landscape is not overlooked. Offsets for loss of biodiversity are a valid option as mentioned in Policy 9.3.6. As discussed further on it is considered that the Plan Change provisions, with changes, are appropriate to ensure the end effects can be mitigated or at least offset to a satisfactory degree.

Chapter 10 – Beds of rivers and lakes and their riparian margins

Objective 10.2.1, Objective 10.2.4

Policy 10.3.1 activities in river bed, Policy 10.3.2 protection of river riparian margins, Policy 10.3.5 access

The issues here are similar to the Operative RPS. PC25 has in place setback requirements, which will ensure the riparian margins of the Porters and Crystal streams are protected. The PC also has in place mechanisms that include the ability to impose protective covenants and the ability of Council to require an Environmental Management Plan for the Ski Area that would include management of riparian margins. As discussed further on in this report the limited setbacks to the Porters Stream are not considered appropriate to retain its naturalness and it has been recommended that the setbacks be increased to 15m to reduce effects and be more consistent with the above policy.

Chapter 11 – Natural Hazards

Objective 11.2.1 – Avoid and mitigate natural hazards.

Policies 11.3.1 –protection and avoidance of development, 11.3.3 earthquakes, 11.3.5 general risk assessment (could b avalanches)

Natural hazards have been identified and it is accepted that these can be managed. The Plan Change, with changes, appropriately considers the natural hazards of the area and through appropriate engineering design, risk assessments, avalanche control the risk level could be reduced to an acceptable level.

Chapter 12 - Landscape

Objective 12.2.1 – protection of ONL

Policy 12.3.1, Policy 12.3.2,

The ONL is recognised as having science, legibility, aesthetic, shared and recognised, transient, heritage and tangata whenua values. Given the relative low visibility of the PC25 development from key vantage points it is these shared values that will be impacted on the greatest in terms of the landscape effect to the ONL. It is important to note that the objectives and policies do not seek to be prohibitive with respect to all land-use change. As part of sustainable management, land-use, and thereby landscape change, may occur. The focus should be on what is appropriate development in relation to the values that make a landscape outstanding. Different landscapes generate different values and as discussed further on, and in Mr Craig's evidence, it is these values (low built form, openness etc) in relation to the ONL in and around the subject area that are impacted on significantly. However it is also considered that many people in terms of there values of the area will expect this area, given development along the SH73 corridor and around Porters Ski field, to be the most likely area for development to occur in the High Country ONL. Although there are impacts on the perceived value of the landscape the village design and overall development is considered appropriate given the provisions proposed and recommended changes to the Plan Change.

Summary

Given the overall assessment I believe that the objectives and policies proposed give effect and are not inconsistent with those in the proposed RPS. The rules package proposed, with recommended changes will ensure that the effects to the landscape and ecology of the area can be mitigated or effectively offset.

Canterbury Regional Plan Transport Strategy 2008-2018

Relevant policies –

Policy 4.2: Design and programme developments and related infrastructure to support sustainable transport choices, improve interchange between modes and to reduce the need to travel, especially by private motor vehicle.

Policy 4.4: Ensure a high level of accessibility to key business destinations, including ports and airports (strategic infrastructure), city and town centres, agricultural, tourist and industrial areas.

It would seem the Plan Change sits quite comfortably in line with the documents policies. Although private car would likely be the preferred option to travel to the site bus services, shuttles etc could easily be utilised by those travelling to the ski area and in the case of overseas travellers this may be the most likely transport option. The on mountain village would also negate the need for most visitors to travel back and forth to the ski field from Christchurch or nearby towns. The NZTA have raised some issues with regard to the connection of the access road to SH73 in relation to seal widening and a turn off lane. The proposed amendments requested by the NZTA are reasonable and practical and have been accepted. I do not believe there is any great inconsistency with PC25 and the regional transport strategy.

Natural Resources Regional Plan and the Waimakariri River Regional Plan

The objectives and policies of this plan are relevant however the proposal will be assessed against these through the Ecan consents for discharge and water takes. Although relevant to PC25 I will leave assessment against them to the relevant Regional Council consents

As discussed previously, in order to achieve the policy outcomes sought by the WRRP, it is necessary to increase the setback for Porters Stream from the proposed 5m to my recommended 15 metres.

ASSESSMENT OF SUBMISSIONS

A total of 2308 original submissions and three further submissions were received to the Plan Change. I have grouped the submissions by topic area and address each topic in my report. Recommendations to individual submissions are set out fully in Appendix 2 of this report.

The applicant undertook an almost petition like submission gathering process by providing pro forma type forms where submitters just had to state their name and could select reasons for their approval or select a box stating 'all of the above'. These pro forma submissions make up the majority of the submissions received. Some submissions on these forms have included their own general comments in support but where in line with the overall points raised in the pro forma submission forms. Of the

2308 submissions received 2264 were in support and provided on the pro forma submission form and all saying more or less the same thing. The vast majority of these raised almost identical submission points, which included:

Existing Porters Ski Area needs to be upgraded

This would be great to ensure Porters remains viable

It would be great if NZ had the type of on mountain facility you can get overseas

It would be great if we did not have to use our maintain access road.

This will bring thousands of tourists to the mountain and the Canterbury region

This would be a great experience for New Zealander's and overseas skiers.

This allows lots more people to get the enjoyment from accessing Crystal

This will bring jobs into the Region

The replanting of beech trees is great for environment

It will provide major public recreation, social and economic benefits to the local community and wider region.

For ease of administration I intend to assess these bulk submissions in support under one assessment and make one recommendation on them as a whole.

The remaining 44 submissions were in opposition, part opposition or part support to the PC. The points raised in these submissions are more specific but also similar in topic to those in support with just differing opinions and detail on each point being offered. I have made individual decision on each of the points raised in these 44 submissions plus an additional 5 submissions in support that had further submissions on them in appendix 2

For the purposes of assessment all the submission points raised are organised into the following groups and themes:

Change to / Development in Outstanding natural/ High Country landscape.

Removal of Outstanding Natural Landscape

Ecology

Development Viability

Roading

Discharge to ground/water takes/servicing

Geo Hazards

Inconsistent with objective and policies of relevant documents

Inadequate information

Land ownership

Assessment of submission points

Change to / Development in ONL/ High Country landscape.

Submissions raised concerned regarding the visual impacts of the proposal particularly in relation to the village and that the PC was inappropriate for the area given its Outstanding Natural Landscape (ONL) status.

The main issues raised in relation to the development in the area were:

Assessment

In response to the applicant's evidence relating to the visual impacts of the proposal and its impacts on the ONL the Council engaged Andrew Craig to assess the application and provide an assessment on the impacts of the proposal in relation to the landscape values of the subject area.

If developed to its full potential PC25 will result in a significant departure from what is currently permitted within the subject area/landscape in terms of built form, hence the need for a Plan Change. The site is located in and will be recognised by the public to be located in the Craigieburn Basin. Currently people associate this area with its low built form, prevailing landuse types (including recreational pursuits) and mountain topography. Mr Craig's report as well as the applicant's AEE describes the values of the Craigieburn Basin and the wider Waimakariri Basin in more detail. Any development has the potential to diminish these values and the District Plan has acknowledged this by having tight restrictions on what built form is permitted within those areas recognised as ONL's.

Visibility

In terms of visibility effects Mr Craig considers the main public view points for the site are located from, the access road, the West Coast Road (SH73), adjacent DoC conservation areas and more distant elevated viewpoints, such as mountain peaks located on public land. Most people will experience views of the Castle Hill Basin and Craigieburn Mountain Range while travelling along SH73. However significant land forms readily screen most of the subject site area from key vantage points along SH73 and in any case, views to the site will be fleeting given the permitted speed limit. Also given the distance from SH73 to the site any view would not be overly noticeable unless there was prior knowledge of the basin area. The photo-simulations prepared by the applicant (included in appendix 7) give an indication of how visible the proposal, including access roads high up the basin will appear from SH73. From these photo-simulations it would appear the most visible portion of the village will be the dwellings to the 'slope side' area and the return trail / service road between the Porters and Crystal basins. Mr Craig believes that the proposed rules package will achieve desirable design outcomes. Based on these photo-simulations Mr Craig is satisfied that the proposed buildings will not especially dominate their setting and so the presence of the village will not appear to visually threaten the landscape integrity of the Craigieburn Basin as a whole. From a character and amenity point of view he has no great concern over the proposed design and layout of the village, apart from the proximity of buildings to the water courses. As discussed further in this report he has recommended that buildings be 15m from the Porters Stream rather than the proposed 5m. In regard to the earthworks these too will for the most part have a low visibility impact from key vantage points, although the upper service access traversing the slopes between Porters and Crystal Basins will be visible as is evident in the photo-simulations. However the visible length of this road is relatively short and as such will not register as a particularly salient or prominent feature. Mr Craig is satisfied the visual effects of earthworks can be addressed through the proposed rules package, which will include the need to control cuts and side spill on access tracks.

With regard to night time effects from lighting the applicant has provided changes to proposed lighting rules (refer appendix 8). Mr Craig is satisfied that these will adequately ameliorate the effects of lighting on the landscape so that it appears muted.

Naturalness / ONL

The biggest issue facing the proposal and this is Mr Craig's main concern; is the question of landscape effects on the ONL and whether these are inappropriate in accordance with what is sought in s6(b) of the Resource Management Act. With regard to the village the landscape concern is not one that centres on the village design but rather the context of the landscape in which the village will sit, particularly with regard to its location and scale within an ONL. RMA s6 (b) does not rule out subdivision, development and use within ONLs, provided it is appropriate. The District Plan also provides for development in an ONL where such development is necessary to the functioning of an activity that can only be located within an ONL. At present the overall development in the Craigieburn range is low key and as Mr Craig puts it 'the Basin as a whole conveys a more or less homogenous character in terms of its use and development which suggests that it expresses uniformly shared values'. Although the overall visibility of the proposed development is not high the proposal will result in significant adverse change to the natural environment or how people perceive this environment / landscape. The nature of the submissions also suggests that the shared values are widely recognised. The Plan Change will therefore represent a significant departure from these shared values, particularly in relation to the built form of the village. Mr Craig does not believe that this should rule out the proposed development provided effects arising from the proposal can be sufficiently avoided or mitigated. In this regard the immediate and wider context of the subject site is a critical factor. As mentioned, visually the village will be confined and not threaten the integrity of the Craigieburn Basin as a whole. Given this low visual impact from key vantage points the appreciation of effects to the landscape will depend on prior knowledge, which will really be the preserve of Canterbury residents. As such regular users of the Basin (and residents) will be more affected in this regard when compared to outside visitors.

However Mr Craig considers that, in landscape terms, the effects have to be considered within the context of the immediate setting and also of the Craigieburn Range and its high country setting as a whole. In this regard it is important to take into some account the character of the range in relation to other similar landscapes in Canterbury. In comparison to other ranges the Craigieburn Range supports a relatively high concentration of modification. In considering landscape effects, it is better to contain the effects of such activity in areas that are in the wider context already modified, leaving the other ranges relatively untouched. As the development it is not overly visible from key vantage points its effects on the landscape are more perceived or require a prior knowledge of the development. Also Mr Craig believes that with the higher modification of the Craigieburn range the perception would also be that if a proposal, such as PC25, was to occur it would more likely occur in this range rather than others given its ease of accessibility and more developed / modified state.

In general Mr Craig believes the proposed rules will achieve desirable design outcomes that will ensure that the development will at least sit comfortably within its landscape setting. That is not to say that the impact will be insignificant, but rather that given the character of the area there is little more that can be reasonably done via the rules package to help minimise effects while delivering the aspirations of the applicant. Although Mr Craig believes the impacts of the development, particularly the village, will be significant in relation to the landscape, its overall context and visibility have to be considered as well as the economic and social benefits and other aspects of the Plan Change. It is important to recognise these positive effects when considering the impacts on the ONL and the Plan Change as a whole. The ONL is of national importance but the perceived or known effects on the

landscape are not as widespread with the effects more likely being perceived at a regional level (in particular those that frequent the area). It is at this level also where the positive effects (economy and community benefits) will be more strongly recognised as well and the Plan Change has to be weighed in relation to the positive and negative outcomes. If on balance the Plan Change is approved Mr Craig believes that the application site is one of the better ones in terms of landscape effects when considered against alternatives within the District's high country.

Earthworks

With regard to the earthworks those in Crystal Basin will result in the greatest departure from a natural state given its pristine condition while the village site by comparison is somewhat more modified. Although of a pristine nature the basin is not unique along the range. Mr Craig lists a number of mitigation factors in relation to works in the Crystal basin area with the main factor being that all but the upper reaches of the basin are not readily visible. The main built form in the area will be the chair lifts and day lodge, which Mr Craig is confident, will not be overly visible from key publically accessed vantage points. As mentioned however, from a landscape perspective Mr Craig believes, the earthworks effects can be generally addressed through the proposed rules package. This is further enhanced by the recommendations made in relation to the ecology impacts on Crystal Basin, where it is recommended that earthworks in this area be restricted discretionary. The impacts of the earthworks as well can potentially be offset through compensation or vegetation planting via resource consent if this is considered necessary.

Buildings

In relation to the impacts on the naturalness of the Porters Stream, Mr Craig believes that as notified the Plan Change will not ensure that the naturalness of the Porters Stream will be maintained or meet the outcomes sought by the WRRP. In this regard he has recommended that all buildings (excluding bridges) be set back 15 metres from the stream rather than the proposed 5m.

A submission from the applicant also requested that the Crystal Chalets in Village Base Area 5 be reduced to 8m as a controlled activity and 13m as restricted discretionary activity. Given the overall assessment and visibility of these buildings from key vantage points the reduction in height would only further reduce the buildings impacts. A height over 13m will still remain non-complying but for heights between 8 and 13m a higher status of restricted discretionary is considered appropriate to ensure impacts of these buildings are appropriately mitigated.

Cumulative effects

From a cumulative visual effect perspective I do not believe there is a great effect as the proposed development is not overly visible and could not easily be seen in conjunction with other ski fields or tourism / recreation sites /activities.

Summary

Overall the landscape character and amenity of the area is the main issue in relation to there being potential adverse effects of the village on the naturalness of the ONL. Mr Craig feels that it is possible to accommodate the proposal in a way that would be appropriate within the context of its immediate and wider setting, and in relation to the Plan Change, he has recommended some minor changes to building setbacks to achieve this. Although the scale of the village does not sit comfortably with him in terms of landscape change, he accepts that it is one of the better locations for such a proposal within the District's high country environment most of which is subject to the ONL overlay. The overall decision on the Plan Change must also be weighed against other aspects, positive outcomes and how, on balance, this achieves (or not) the desired outcomes of the RMA.

Recommendation

Given Mr Craig's assessment on the landscape issues and the rules package proposed, and along with the recommended changes, I am confident they will appropriately allow for development of the village and ski area. The effects on the landscape have to be considered on balance with other aspects of the proposal and in this respect I feel that the proposed changes, including the ability to consider offsets / environmental compensation through resource consents, will appropriately achieve the overall principles and purpose of the RMA given the positive outcomes and aspects of the proposal.

Submissions relating to Development in High Country / Outstanding Natural Landscape varied from submitters seeking the whole development being declined to just the village portion of the Plan change being removed. There is a significant effect to the ONL; however this will be more a perceived effect rather than an overly visible effect. As discussed further on in this report I consider that on balance the Plan Change should be approved as a more effective way in giving effect to the principles of the RMA. For these reasons I believe submissions relating to Development in High Country / Outstanding Natural Landscape should be rejected in part.

Submissions relating to this issue are: 67, 265, 276, 322, 337, 503, 504, 534, 665, 751, 752, 909, 910, 911, 1613, 1614, 1692, 1705, 1708, 1713, 1714, 1716, 1720, 1722, 1723, 1851, 1902, 1902 & 2292

Removal of Outstanding Natural Landscape Status

A number of submission raised concern with regard to the proposed removal of the ONL status of the land.

Assessment

The applicant has proposed to remove the ONL status over the Ski Area Sub zone. The ONL status exists because the landscape has been recognised as a naturally outstanding one. The ONL in this area has also been recognised by the 'Canterbury Regional Landscape Study Review 2010'; however this is not a statutory document.

Development within ONL's is not prohibited under the District Plan and can occur provided it is not inappropriate as stated in Part II s6(b) of the Act, which entertains possible subdivisions and development. As such the development could occur with the ONL provided the ONL character prevails. As discussed above and in Mr Craig's landscape assessment this is achievable in relation to the proposed development and in the context of its setting.

The application site with its prevailing elements, patterns and processes are common to the entire Craigieburn Range and so in this regard there is no change in the overall value of the landscape and so there is no reason landscape wise to make an exception in this case. It is considered that overall there is no justification to remove the ONL status particularly as development can occur within an ONL provided it is in keeping / considerate to the natural character. The rules package proposed with the recommend changes will provide sufficient scope to ensure that any adverse effects can be mitigated or compensated for to an acceptable degree to enable development while maintaining the character and naturalness of the Craigieburn Mountain Range and the overall Castel Hill Basin. As such I believe the retention of the ONL status will best ensure the zone will meet the purposes of the RMA in that it will allow for greater scrutiny of any development but at the same time allow for the applicant and the ski field operation to effectively utilise the natural resources / landscape and provide for the ongoing viability of the ski field and the economic and social wellbeing of the region.

Recommendation

The recommendation is that the submissions points relating to the retention of the ONL status should be accepted.

Those references to the ONL exemption for the Ski Area Sub zone should be removed from PC25 and the ONL layer added over the Ski Area sub zone on the planning maps. References to the ONL removal are made in:

Amendment 7, 11, 33, 34, 35, 36, 37, 38 and 45. Appendix 9 shows these recommended changes along with the revised planning map.

Submissions relating to this issue are: 503, 910, 914, 1705, 1714 & 1720

Impacts on the Ecology of the area

Submission point's opposition to the Plan Change in relation to the ecology of the area relate to impacts on the waterways, the bio diversity of the area (flora / fauna) and wetlands.

Submissions in support of PC25 support the Plan Change's intention to reinstate the beech forest over time as part of the ski village development.

Assessment

In response to the applicant's evidence relating to the ecology impacts of the proposal, Council engaged Sarah Flynn to assess the application and provide an assessment on the impacts of the proposal in relation to the ecology of the subject area and the wider ecological district (ED). Ms Flynn's report, attached at Appendix 5, provides a summary of the ecological areas subject to the application, as well as their significance. These are summarised from the applicant's assessment and Ms Flynn agrees with the order in which these are ranked. However she considers that ecological significance should be considered as an integrated unit and as such no part of the area can be wholly discounted as not ecologically significant. Based on the criteria listed in sub chapter 20.4(1) of the Canterbury Regional Policy Statement (1998) Ms Flynn believes, in her opinion, that the area subject to PC25 should be regarded as regionally significant. Therefore it is relevant to consider the provisions of the Canterbury RPS (1998).

It is important to note that as a result of discussions between Ms Flynn and the applicant that the applicant has intended to change, or indicated that they will change some of the wording and status in relation to the ecology related portions of the Plan Change. Of note is that it is intended to remove the proposed 'Snow Play Area' to reduce the impacts on the wetland in this area. Earthworks affecting this wetland are now proposed to be a non-complying activity. These changes can be seen in appendix 8 of this report.

Ms Flynn has also listed (table 4.1 of her report) the measures proposed that will in her opinion wholly or partly avoid, remedy or mitigate the adverse effects listed in her report. There are some differences between Ms Flynn's assessments of what actions will address which effects compared to the applicants; however these are minor, with an example listed in paragraph 4.3 of her report. Ms Flynn considers that planning controls need to be sufficiently robust to ensure that works do not proceed until adverse ecological effects are clearly identified and appropriately addressed. The Plan Change will require consents for buildings and earthworks as controlled activities. Ms Flynn considers that the measures proposed to address the identified adverse ecological effects are appropriate. A number of the measures are dependent on management plans / actions, protocols and standards that

are yet to be devised; however Council will have discretion over these matters under the Plan Change and can therefore ensure any measures for protection are appropriate.

Ms Flynn does list some residual effects that are not wholly addressed by the measures proposed, which are in part due to the development not being sufficiently refined to enable its scale and impacts to be quantified. These specifics will be detailed through the development and resource consent stage, if the Plan Change is approved. However Ms Flynn is satisfied that 'viable and desirable' mitigation measures exist on site or in the Plan Change area to further reduce the residual effects, except for the effects from the removal / degradation of vegetation/ habitats, including fragmentation and interruption of community sequences in Crystal Basin. Such mitigation measures are outlined in the applicant's assessment and include ongoing refinement of the detailed development design, implementing predator control and restoration of Porter River valley floor and access road. Having regard to these Ms Flynn believes that the controlled activity status is an appropriate level of planning control in the proposed Plan Change area, except for Crystal Basin. Ms Flynn also considers a controlled status is not appropriate for those areas identified as having a high significant value in table 2.1 of Ms Flynn's assessment, which is discussed more further on.

With regard to development in the Crystal Basin area, the applicant states, and Ms Flynn agrees, that the site does not offer an opportunity to mitigate the significant adverse ecology effects of large scale earthworks and vegetation clearance in Crystal Basin. The applicant's report instead proposes "environmental compensation" to address the adverse ecological effects in Crystal Basin. The report does not provide details on what this compensation might entail other than a direct like for like offset, which does not appear to exist. Ms Flynn did not factor in the Steephead Gully land exchange on Banks Peninsular as environmental compensation as this was an agreement between the applicant and the Department of Conservation to enable access to the basin and not to address the adverse effects of the proposal.

In terms of how these adverse effects can be mitigated via offsets the RPS 1998 provides little guidance however Policy 9.3.6 of the Proposed Canterbury RPS (2011) includes a review of limitations on the use of biodiversity offsets, which Ms Flynn has discussed in her assessment. In her opinion two of the four criteria can be met, however criteria 3 and 4 cannot be evaluated in the absence of specific offset details. However Ms Flynn notes that these could be met in principle as there may be significant natural areas that could be protected in the region or the ecological district that would result in a net biodiversity gain. It is also recognised that the extent of any offset would depend on the detailed project designs. The detailed assessment of the final design is best undertaken in the resource consent stage where offsets could be considered further. The matters of control are broad enough to allow Council to consider these options. The main concern of Ms Flynn relates to this level of control and the great uncertainty around what both the applicant and the Council may perceive as appropriate in terms of a bio-diversity offset to address the residual effects of the proposal particularly in Crystal Basin and also those areas as identified as having a high ecological significance (identified table 2.1 of Ms Flynn's assessment). These areas include Crystal Basin, Crystal Stream valley (including stream), Porters Stream Valley (including Stream). The proposed controlled activity status gives the applicant more certainty in relation to development however it provides less certainty that the residual effects can be satisfactorily mitigated as a controlled activity cannot be declined or conditions imposed that may frustrate the proposal. In the event that the Council assessment of an appropriate offset is beyond what the applicant considers reasonable then the controlled activity status may constrain Councils ability to ensure the adverse effects are mitigated or offset. In this respect it is the recommendation of the Council that the Plan Change text be altered to require earthworks in Crystal Basin, Crystal Stream valley (including stream), Porters Stream Valley (including Stream) be a restricted discretionary activity. The matters for discretion should remain the same except that the effectiveness of any proposed mitigation or offset be a consideration. As vegetation

planting is stated as being the most likely form of mitigation for the stormwater management area and that the actual effectiveness of this is uncertain it is also recommended that earthworks in the stormwater management area should also be included under the restricted discretionary status. It is important to ensure that proposed vegetation planting will actually 'take' and have its desired effect. As a result, it is strongly recommended that the applicant, should the Plan Change be granted; undertake planting trials prior to lodgement of any resource consent to ensure that the any vegetation mitigation measures are in fact viable.

It should be noted that the use of offsets or environmental compensations for those aspects of the proposal that cannot be mitigated on site are valid considerations and the District Plan as it exists contains a policy B4.1.14 for such a scenario. If works cannot be mitigated then an offset or environmental compensation can be considered if it protects a landscape or natural values to the same or greater value of that being lost or adversely effected. The recommended change to restricted discretionary status for those works in significant value areas allows Council to ensure more readily that proposed offsets or environmental compensation are acceptable. I realise this recommended change to a restricted discretionary status removes some certainty for the applicant. However I believe, given the ONL status of the land and that it is acknowledged not all effects can be mitigated on site and that vegetation planting will be the most likely mitigation measure in other cases, that the restricted discretionary status is more appropriate and gives better effect to the purpose of the RMA (by providing better protection) than that proposed.

Overall the ecology effects for the most part can be avoided, remedied or mitigated appropriately except for earthworks and vegetation removal in Crystal Basin. The main concern is with the controlled status of works in Crystal Basin and other high value areas and the offsets that may be offered to mitigate effects in these areas. There is no certainty to the level of effects development may cause as specific design has not been determined and so there is no certainty in what offset may be required. To ensure Council has the ability to require a reasonable biodiversity / landscape offset and proposed mitigation is actually effective at resource consent stage a restricted discretionary status is recommended for those areas identified as having a high ecological significance as well as the stormwater management area. The proposed provisions package, along with those amendments made by the applicant in Appendix 8 in relation to the ecology of the PC25 area and the recommendations by the Council in Appendix 9 are considered to be appropriate. In light of the economic and social benefits I believe the Plan Change will give better effect to the purposes of the Act.

Recommendation

The recommendation is that in relation to those submission points opposing the Plan Change on ecology grounds be rejected in part in that changes have been recommended to ensure the Plan Change is acceptable.

Submission points in opposition relating to ecology issues are: 503, 504, 910, 911, 1708, 1709, 1714, 1720, 1902, 2118 & 2292

The submissions points regarding the positive effects of the proposed beech forest are accepted in part in that this is desirable however at this time there is a level of uncertainty in the ability of the beech trees establishing effectively.

Development Viability

Submissions have raised concern that the proposal is not economically viable and will result in an unfinished development scarring the landscaping. Some submission have suggested that if PC25 is

approved that a bond be paid by the applicant to ensure that any unfinished buildings can be removed. Points raised in relation to opposition to PC 25 include:

- Lack of snow (climate change)
- Castle Hill as an alternative option
- PC25 at expense of other ski fields
- Profits not retained in New Zealand

Submissions supporting PC25 considered that the proposal would result in positive effects such as:

- Increased employment
- Increase in tourism / visitors to the region.
- And overall benefits to the local and regional economy.

Assessment

The applicant has provided an Economic Impact Assessment (EIA), which has made estimates on the net impacts of the PC25 proposal. The net impacts have taken into account the negative impacts on other businesses in the region from which the PC25 proposal may have attracted business away. The proportion of business which comes from other businesses has been estimated by Tourism Resource Consultants (TRC), as shown in appendix 15 of the PC25 application. Council has had this assessment peer reviewed by Property Economics which is attached at Appendix 6. This states that there are always inherent difficulties in the assessment and estimation of the economic impacts with a development that has yet to occur. However the review found that the methods, processes and interpretations of the results within the applicants report are appropriate and provide clear guidance as to the economic impacts that each area will experience. The applicant's assessment indicates that the overall proposed development (at full capacity) is estimated to contribute a net increase to both the local and national economies. Even considering the potential redistribution from current activities at a regional and national level the impacts are expected to be positive and substantial.

Expense of other ski fields

The applicant's market demand assessment does suggest that a significant proportion of domestic and international skier-days will be drawn from skiers who would otherwise have visited the Southern Lakes Region. How this will actually affect the Southern Lakes ski fields is difficult to determine. The Porters ski field will have the advantage of having on mountain facilities and would be located close to an international airport. However the Southern Lakes Region has a destination aspect to it with a number of activities available that can attract those looking for more than just a skiing experience. There is also a view that the Southern Lake area, particular Queenstown is also more of a 'party town' that may attract younger skiers over families. Although the PC 25 proposal may initial take skiers away from other regional and national ski fields it could also have the potential to entice 'stay home' Australian skiers to come across to New Zealand, given the on mountain resort experience proposed. This could result in distribution of skiers back to other ski field to accommodate the increase demand. As mentioned above, even considering the potential redistribution from current activities at a regional and national level, the impacts are expected to be positive and substantial. In any event the concern that the PC25 proposal will affect other ski fields by absorbing more skier numbers is a trade completion effect and not an RMA consideration. If there is a market for such a PC25 proposal and it is effective then it is up to other ski fields to compete rather than resting on their existing performances and attractions.

Climate Change

Other issues raised in submissions relating to the viability of PC25 was climate change, particularly relating to the reduction in snow levels. It is assumed that with an increase in the global temperature snow lines will reduce the quality of snow and skiable areas. This in turn would affect the number of skiers heading to the ski fields and affect the economics of the PC25 proposal. As most will be aware the issue of climate change is debated passionately by many and it would be difficult to provide / obtain clear and undisputed evidence to support either side with regard to the snowlines at Porters and in particular Crystal Basin . Regardless of this, the economic viability assessment, based off existing information on skier numbers, snow fall etc outlines that the proposal could be viable. Technology can also play a part in artificially providing snow or providing a substitute that could make up for any reduction in natural snow levels. The applicant has also undertaken extensive work on assessing the viability of this proposal over a number of years and they consider their proposal to be viable.

Castle Hill village

Keeping the status quo and using Castle Hill Village as an accommodation base rather than the proposed on mountain village has also been raised in the submission points. This would have the effect of reducing the impacts of the PC25 proposal by reducing the impacts on the natural state of the proposal. However it is my opinion that the proposed changes to the District Plan, including the village, will also achieve the purpose of the RMA. The Plan Change will allow for benefits to the local, regional and national economy and the job market. Although the Plan Change will modify the existing environment I believe the rules package and matters for discretion will allow for effects to be appropriately assessed and conditions included on future resource consents to ensure effects on the environment are appropriately mitigated or compensated. Given this and the potential positive outcomes of PC25 I consider that the effects to the environment can be appropriately managed. As such the proposed zoning and District Plan changes will better enable the community to provide for its wellbeing and subject to recommended changes, is a better option to achieve the purpose of the Act compared to the status quo.

Profits not retained in New Zealand

Another issue raised in relation to the economics of PC25 was that the developer is mostly Australian owned and that the profits would head overseas. This not an issue that should have any weight in determining the viability of the proposal. The proposal would have a net positive gain in relation to its economics as it would create additional work and bring more visitors to the region benefitting the local economy. The effects of this and their positives will have to be weighed up against the environmental effects, when looking at the proposal as a whole. However the issue of where profits, directly gained by the developer, go is irrelevant in my opinion in assessing PC25.

Recommendation

The recommendation is that submission points opposed and in support on the basis of the developments viability, which included relevant points discussed above, be rejected in part and accepted in part respectively in that evidence suggests the development is viable but subject to demand, market and environmental changes.

Those submissions in opposition on viability grounds are: 67, 503, 504, 527, 534, 911, 1713, 1716 & 1720

Roading

Submissions in relation to roading are mainly in support or part support. The majority state that reducing the use of the ski access road is a positive. Although on submission (1713) opposed the Plan Change with one point being that there would be limited benefit of not using the existing access road. The NZTA submitted requesting changes be made to ensure the road connection to SH73 is designed appropriately.

Assessment

The proposal intends to access on to State Highway 73 (SH73) via a private access road and a Council Road, which is not maintained by Council. The New Zealand Transport Authority (NZTA) has submitted (submission 1708) seeking amendments to the connection to SH73. Council Roding Engineers have not raised any issue with the connection and have left any concerns to be dealt with by the NZTA.

With regard to the local un-maintained Council Road, Council officers have stated strongly that Council will not maintain this section of road used to access the Porters Ski field. The Council road does not follow the formed road in sections and it would be inefficient for both Council and the applicant to rely on Council works maintaining and clearing, if necessary, the road. Council seeks an agreement that it will not be responsible for the continued maintenance and future upgrading of the road. This has been discussed further under other matters.

The proposal would reduce the need to use the winding access to the existing Porters carpark. These types of access roads are considered by many to be dangerous and have resulted in accidents and even deaths. According to the applicant the access roads are one of the reasons international skiers do not return to New Zealand for skiing holidays. The proposed gondola to the ski fields will negate the need for public to have to use the access road up the slope of the mountain and increase traffic safety for the public.

Recommendation

Given this and that the NZTA are the authority responsible for on impacts to SH73 I am inclined to recommend that the NZTA submission be accepted. I consider that the use of gondolas etc to access the slopes that than the existing access road is more appropriate, in attracting overseas visitors and removes a perceived risk for many. As I reject in part submission 1713.

Discharge to ground/water takes/servicing

A number of submission raised concerns with regard to water take, discharges, potable water supply and sewage systems.

Assessment

The issue of effects from discharges to ground and water takes fall within the jurisdiction of the Regional Council. Effects in relation to discharges and water takes and whether or not these are appropriate or sustainable will be determined through Regional Council consents being heard concurrently with PC25. As such I cannot comment on whether concerns relating to these issues are valid or not.

Council officers have not raised any concern with regard to the servicing infrastructure. It is accepted that services can be provided and function in an alpine environment and these will have to be designed to a standard capable of functioning in the harsh alpine environment. Council at this stage

has no intention of taking over these services but this has not been ruled out. For Council to take over a service network its design and functioning ability would have to be sound. Through any future land use or subdivision proposal the services can be subject to scrutiny and the applicant is recommended to consult closely with Council engineers on design and function of these services.

Recommendation

A recommendation cannot be made at this stage without knowing the result of the Regional Council consents. However if the regional consents are approved then these submission points should be rejected. Should the related Regional consents be declined then this would indicate that the development could not be serviced without there being an adverse effect on the environment. In this event the submission points should be accepted and the Plan Change declined.

Submissions opposition specifically (others sought a joint hearing) relating to this issue are: 910 & 1724

Geotechnical Hazards

A few submissions raised concern in relation to the natural hazards in the environment and the potential threat these may have to the increased visitor numbers to the Porters Ski field. Particular concern was raised in relation to avalanche risk.

Assessment

The Porters Ski Area is located within an area of recognised geotechnical hazards, including snow avalanche, flooding, slope instability, fault-induced ground rupture and dam break. The Council engaged Clive Anderson of Golder Associates to undertake a review of the applicant's geotechnical report. Mr Anderson's evidence is attached at Appendix 4. Within this he summarises his views on the risk associated with each of the above hazards with respect to the PC25.

Mr Anderson is of the view that through stringent engineering design, which will be detailed through the resource and building consent stages, the level of risk associated with natural hazards can be reduced to an appropriate level. With regard to avalanche and rock fall Mr Anderson believes that systems and engineering measures and snow flow / trajectory analysis can reduce risks associated with these events to an acceptable level. Given the uncertainty around what measures will be taken to reduce the risk associated with these natural hazards I recommend that prior to development occurring in the Village and within Crystal Basin that a Risk Assessment be undertaken, including an avalanche control programme and proposed measures to reduce rock fall be submitted to Council for approval. This requirement will be included as a standard for controlled building and subdivision activities. If this standard (Risk Assessment) is not met then the application will be a non-complying activity.

Mr Anderson does raise a concern in relation to the seismic hazard and ground rupture. The applicant's report seems to contradict itself in relation to the recurrence level of the Cheeseman and Torlesse Faults. He believes that at the lower return period mentioned in the report the Ministry of Environment guidelines may impact the village design. It is recommended that this issue be addressed by the applicant. In relation to building design this will be detailed through any building consents, in which specific engineering design will be required.

These events only become hazards when they affect people and their property. It is acknowledged that there is an inherent danger in building in this environment and that the Plan Change will result in an increase in visitor numbers to the area resulting in an increased risk of a natural hazard. However people wanting to utilise ski fields or other areas in mountainous terrain accept that there is a risk. The goal is to reduce this risk to an acceptable level and in the case of PC25 it is considered that through appropriate engineering design, risk assessments, avalanche control these risks could be reduced to an acceptable level. The return periods of the fault lines may not necessarily increase the risk of a natural hazard in relation to an earthquake to an inappropriate level but may just result in a change in design to the Village, which is something for the applicant to address at building consent stage.

Recommendation

The recommendation relating to submissions raising concern about the natural hazard risk be accepted in part in so far as it is accepted there is a risk but the level of risk can be reduced to an acceptable level through specific design and management.

It is also recommended that a standard matter be included to building and subdivision standards for controlled activities to ensure that prior to development occurring in the Village Base Area an Engineering Risk Assessment be undertaken and provided to Council for approval, which will be independently reviewed. This shall include an avalanche control programme and proposed measures to reduce rock fall. The recommended change to the Plan change can be seen in Appendix 9.

Related submission: 506 & 1714

Inconsistent with objective and policies of relevant documents

Submissions raised concern that the Plan Change was inconsistent with relevant planning documents.

Assessment

Plan changes are not assessed against objectives and policies of the District Plan in the same way that resource consents might be. Plan changes alter the District Plan to better give effect to the purpose to the RMA, which results in changes to the existing objective and policies.

Given the evidence provided in the attached appendices and the applicant's proposal, it would seem that most effects can be mitigated to a point to reduce the effects on the environment, including the rivers and natural landscape. Again a final assessment on the effects of rivers can only be made once the Regional Council consents have been considered.

If assessing the application against the relevant objectives and policies it is unlikely to be consistent with them. However with proposed mitigation measures and overall provisions proposed in PC25, subject to the recommended changes, would likely result in the overall development being only inconsistent with existing planning document provisions rather than contrary to them.

Recommendation

I recommend that in relation to those submissions suggesting the application be declined on the basis that it is inconsistent with relevant planning documents be accepted in part, in that I agree the

proposal is inconsistent with existing planning documents but disagree that this should warrant Plan Change 25 being declined.

Related submissions: 1708, 1714, 1720

Inadequate information

Submissions in opposition raised concern that the PC as notified provided insufficient information to assess the impacts of the PC fully as the required detail was not provided.

Assessment

The plan change process ultimately seeks to determine whether changes to a District Plan are appropriate and gives better effect to the purpose and principles of the RMA. I believe that the information provided is sufficient to determine whether or not PC 25 is a more effective option than the status quo or an alternate option.

More specific information including details and effects of particular aspects will be provided and assessed at resource consent stage. PC25 is a broad overview of general effects of the proposal if fully developed and whether these effects are acceptable and can be controlled further via the objective and policies and rules package of the District Plan and matters for discretion if subsequent resource consents are required.

Mr Craig did ask that photo simulations be provided to enable better assessment of the landscape effects. These were provided to Councils website once received and are attached to this report in appendix 7

The Plan Change does rely heavily on approval of Regional Council consents. If these are declined then I consider the Plan Change request may also need to be declined.

Recommendation

I recommend that those submission stating that PC25 be declined based on inadequate information be rejected.

Land ownership.

Submissions in opposition raised concern with regard to conservation being transferred to private ownership, particularly given the ONL status and the lands purchase for the public good. Issues of ease access over this land were also raised if it were in private ownership.

Assessment

A number of submissions have raised the point that the Crystal Basin area was purchased with the use of Nature Heritage Fund to ensure its protection. No one doubts the outstanding naturalness of this area, however the effects on this have been assessed above. The issue of land ownership is irrelevant for the PC25 process, as an applicant can apply for a plan change or resource consent without landowner permission. Whether or not the Plan Change can be implemented is heavily reliant on access to the land and land owner permission for the right to proceed. The Plan Change process is for assessing the potential effects of the proposal if fully implemented (which requires land owner consent). The Department of Conservation (DoC) has not submitted on the application and has allowed the process to go forward for a land exchange to enable the applicant a long term lease and the ability for the applicants to proceed if PC25 is approved.

DoC having agreed to the land exchange and are not a submitter on the Plan Change proposal. Had there been concerns over the Plan Change from DoC a submission in opposition would have been lodged. In any event, DoC retains overall control as landowner on whether the Plan Change if approved can ever be implemented.

A Deed of Encumbrance has also been placed over Crystal Basin to ensure ongoing access for the public to the land. Access to the land will not decrease and in my opinion will increase with improvements to the access road and gondola up to the mountain. This will enable or draw those who would normally not experience the mountain range to do so.

Recommendation

Through a plan change process land ownership is an irrelevant consideration and I recommend that those submissions opposing PC25 of land ownership issues be rejected

Submission points in support

Given the overall assessment above I recommend that in relation to the submission points raised in support that were provided on the pro forma submission forms, that these points be accepted in part, in so far they sought the approval of the Plan Change.

OTHER RELEVANT MATTERS

Land Exchange

To obtain use of the land the applicant entered into a land exchange with the DoC. This land exchange is not factored into any environmental compensation for adverse effects of the proposed development, as this is an agreement between the Applicant and the Department of Conservation to enable access to the site, and does not address RMA considerations.

Precedent

Some submissions did raise the issue that approving the Plan Change could set a precedent for future plan changes. However Plan Changes do not raise a precedent issue as the application seeks to change the planning provisions applying to land and each are considered on their merits in accordance with Schedule 1 of the Resource Management Act.

Council Road

As mentioned the Plan Change, it is proposed to use the existing access road between SH73 and the proposed village area. Council Roading engineers consider that, as the existing Porter Heights Access Road functions as sole access to a single commercial activity, it would fall outside what would be typically in the realm of Council responsibility to provide as a formed public road. In addition the Council would want the Applicant to indemnify (by default perhaps if it accepts responsibility for the road) the Council against any issue or problem arising from its use by the public and others as it may relate to the activity. This is required to ensure that if any problems occur e.g. crashes Council is not deemed responsible either inferred or otherwise from the use of a public road.

As portions of the existing road formed fall outside the current legal road reserve boundaries, Council cannot provide its approval for its use as a continuous public thoroughfare it is responsible for. If the Applicant could or would not take responsibility for the existing road and alignment then the Council would be of the opinion that any formed road should be within legal road reserve boundaries. It would be assumed that the Applicant would also seek the approval of the land owners that the existing road falls upon for its continued use to fulfil its obligations in this regard.

On the issue of maintenance the Applicant states that the existing arrangements with SDC for maintenance will be continued. Council is not aware of any formal arrangements apart from those mutually understood and applied to date. On this point this needs to be formally clarified on the basis of that above. It will be the council position that the full length of the road will be maintained by the Applicant from SH73, so the Applicant can ensure the required Levels of Service to suit its operation can be applied. I cannot see how the Plan Change itself could ensure that the maintenance of a public road falls on the applicant particularly in time there may be individual land holders accessing over this road. I would think a side agreement with Council would be more appropriate to address Council concerns in this matter. To date the issue of road maintenance has not been rectified and I would suggest the applicant address this issue either prior to or at the hearing.

FINAL STATUTORY ASSESSMENT

Overall, given the above assessment on the submissions points and the objective and policy and rule package proposed through PC25, I consider that the Plan Change would give better effect to the purpose of the RMA than the current District Plan provisions. The proposed Ski Area sub Zone specifically recognises and allows for the existing skiing operation, while the existing plan provisions do not. The status quo does not make provision for ongoing development and as such does not encourage efficient use of resources or address social and economic well being associated with the existing ski area. It is considered that through specific safety management plans, engineering details etc that the safety risk from natural hazards can be reduced to an acceptable level. I do not believe the PC and its changes to the District Plan objectives and Policies are inconsistent with an operative regional plan. PC 25, subject to the recommended changes, better responds to visitor, recreation, tourism, economic and environmental considerations, while allowing a considerate development to occur via controls through resource consent. It therefore integrates the social, economic and environmental aspects more appropriately and will better enable the community to provide for its wellbeing. On this basis I consider that the Plan Change will better meet the purpose of the Act.

OVERALL CONCLUSION AND RECOMMENDATION

I consider that PC25 should be approved subject to the recommended changes attached in Appendix 9.

Note: Appendix 8 shows tracked changes made by the applicant after notification. Appendix 9 includes these changes as well as the recommended changes made as a result of the assessment of submissions.

Recommendation by:

Ben Rhodes

Resource Management Planner

APPENDIX 1: Plans

APPENDIX 2: RECOMMENDATION ON INDIVIDUAL SUBMISSION POINTS

APPENDIX 3: Landscape Evidence from Andrew Craig

Appendix 4: Geo-technical Evidence from Clive Andersen

Appendix 5: Ecology Evidence from Sarah Flynn.

Appendix 6: Economic Assessment review from Property Economics

Appendix 7: Photomontages

Appendix 8: Applicant changes since notification

Appendix 9: Council recommended changes