

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of the Operative Selwyn District Plan (Rural Section)
AND	
IN THE MATTER	of a request for a private plan change under clause 21 of the First Schedule to the Act (Plan Change 25)
BY	PORTERS SKI AREA LIMITED

REPORT AND RECOMMENDATIONS OF HEARING COMMISSIONERS

Commissioners

Ms Sharon McGarry (Chair)
Mr Denis Nugent
Dr Greg Ryder

BACKGROUND AND DESCRIPTION

Introduction

1. Porters Ski Area Ltd ("Porters Ski" or "PSAL") requested a change to the Selwyn District Plan ("SDP"). The request was accepted by the Selwyn District Council ("SDC" or "the Council") in August 2010 under clause 25(2) of the First Schedule to the Resource Management Act ("RMA" or "the Act"), and notified as Plan Change 25 ("PC25") on 21 August 2010. PC25 was re-notified a week later on 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 submission period closed on 24 September 2010 and 2,307 submissions were received. The summary of submissions was notified on 30 October 2010 with three further submissions being received. The Council accepted one late submission and one further

submission from Castle Hill Ltd bringing the total submissions to 2308 and further submissions to four.

2. During the submission process it became apparent to the Council that it should have directly notified Castle Hill Ltd, as the holder of an adjoining pastoral lease. The period for lodging a submission was accordingly waived for Castle Hill Ltd and that submission was notified for further submissions from 11 December 2010 to 14 January 2011.

Overview of PC25

3. PC25 relates to approximately 616 hectares (ha) of land currently zoned as Rural High Country under the SDP. This land is located in and around the existing Porters Ski Field Area in the Craigieburn Mountain Range, with an access road from State Highway 73 (SH73). It is proposed to introduce a new zone, the Porters Ski and Recreation Area Zone¹, 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 zone recognises an area of approximately 21 ha for a mountain village.
4. The 616 ha relating to PC25 is comprised of:
 - Village area – 21.2 ha
 - Porters ski area – 328.6 ha
 - Crystal Basin ski area – 232 ha
 - Wastewater and treatment disposal area – 34.3 ha
5. As well as the Rural High Country zoning this land is identified on the Planning Maps as being within an Outstanding 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 40 square metres (m²) in area, four metres (m) in height and also have a maximum reflectance value of 37%.

¹ The applicant originally called the new zone the Porters Ski Area Sub-Zone, and during the hearing amended the title to Ski and Recreation Area Sub-Zone (Porters). Having considered how names are applied to zones in the District Plan, we recommend the new zone be called Porters Ski and Recreation Area and use this term throughout this report.

6. The key attributes of the development which PC25 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).
 - Eight hotel and visitor accommodation buildings. One of these will be a single large hotel.
 - 45 individual chalets.
 - Ten visitor's accommodation units in the area identified as 'Slopeside'.
 - Roothing access from SH73 via the existing road leading to Porters Ski field.
 - A roading network through the village area.
 - Potable water, sewer and storm water reticulated systems.
7. As notified, PC25 sought to change the zoning of the land and remove the ONL classification over the site. It is proposed that the Porters Ski and Recreation Area be a new zone within the District Plan so accordingly the request sought to amend the District Plan Rural Volume by:
- Inserting a new Policy B1.4.25 that recognises the proposed mountain village;
 - Amending Policy B1.4.30 to require appropriate design of the mountain village;
 - Inserting a new Policy B2.3.8 recognising the new zone;
 - Inserting a new Policy B3.4.7 providing for the village development;
 - Inserting a new Objective B4.1.4 seeking to ensure the village respects and responds to the landscape and ecological values of the locality;
 - Amend Policy B4.1.4 to include Ski Areas among the developments recognised in the Rural zone;
 - Amend Policy B4.1.5 to provide for dwellings in the Porters Ski and Recreation Area;

- Insert a new Policy B4.1.8 providing for the development in the zone and setting the general parameters of how the development should be controlled;
 - Various amendments to the Introduction (Part A) and Issues and Explanations and Reasons in Part B to refer to the proposed zone and the type of activities that could establish within it;
 - Amendments to the Introduction to Rules and Rules relating to Earthworks, Tree Planting and Removal of Heritage Trees, Buildings, Roding, Utilities, Outdoor Signs and Noticeboards to exempt activities within the Porters Ski and Recreation Area from compliance with them;
 - Amendments to relevant Activity and Subdivision Rules to exempt activities within the Porters Ski and Recreation Area from compliance with them;
 - Insertion of a new Appendix 25 containing a set of rules controlling activities and subdivision within the Porters Ski and Recreation Area, including an Outline Development Plan;
 - Amend Planning map 25 to show the Porters Ski and Recreation Area.
8. The proposed rules provide for earthworks for the activities contemplated in the Porters Ski and Recreation Area, and all building in the zone, to be controlled activities. The maximum height of buildings within the proposed village would vary from 13 to 26.5m depending upon location. Buildings (excluding bridges) would be set back from Porter Stream by 5m.
9. The subdivision provisions provided for the creation of 45 fee simple freehold residential allotments in two parts of the village area: Porters Chalets (12) and Crystal Chalets (33). In other parts of the village area there would be no limits on the size or number of fee simple, unit title, strata or cross-lease lots created.
10. In order to achieve any development of this land, a number of resource consents are necessary from the Canterbury Regional Council ("CRC" or "Ecan"). These include:
- Discharge Permit CRC103857: To discharge contaminants and stormwater in sediment-laden runoff generated during construction into surface water bodies or onto or into land where they may enter surface water bodies;

- Land Use Consent CRC110321: To install pipes to convey domestic wastewater across waterways;
- Discharge Permit CRC110322: To discharge domestic wastewater onto or into land, odour to air and sediment laden runoff into water and onto land;
- Land Use Consent 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;
- Discharge Permit CRC110402: To discharge sediments into the Porter River and the Porter Stream in relation to the installation of culverts;
- Water Permit CRC110403: To dam up to 90,000 cubic metres (m³) of water per year for the purposes of snowmaking;
- Water Permit CRC110404: To take up to 942m³ of water per day with an annual volume not exceeding 203,695m³ at a maximum rate of 30 litres per second (l/s) from the Porter Stream for domestic water supply;
- Water Permit CRC110406: To take up to 3,456m³ of water per day with an annual volume not exceeding 270,000m³ at a maximum rate of 40 l/s from the Porter Stream for snowmaking purposes;
- Land Use Consent CRC110407: To install one gallery for domestic water supply and snowmaking purposes in the Porter Stream;
- Land Use Consent CRC110408: To install water supply pipes in the bed of the Porter Stream;
- Discharge Permit CRC110411: To discharge water containing 'Snomax' onto land as artificial snow in circumstances where it will enter surface water by way of snow melt.

11. We were appointed by Canterbury Regional Council to hear and decide these applications. We heard those immediately following the hearing of PC25 and have issued decisions on those concurrently with providing this report.

Submissions

12. A total of 2,308 submissions and four further submissions were received. Prior to the hearing four submitters withdrew their submissions and further submission. Of the submissions, 2,263 were in support. A large part these

were on a *pro forma* submission form and listed some or all of a standard list of reasons for support. The grounds of support largely fell within the following:

“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 mountain 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.”

13. PSAL lodged a submission (S1719) seeking amendments to the provisions of PC25. We will discuss these amendments within the context of the overall range of amendments sought by PSAL.
14. Five submitters supported the plan change in part. Four of these only supported the expansion of the ski-field and not the village. The fifth sought amendments to the provisions to achieve a high quality development.
15. The remaining 35 submissions were in opposition, part opposition or part support. The opposition was mainly in relation to:
 - Removal of the site from the Outstanding Natural Landscape (ONL) classification;
 - The introduction of a settlement (the village) into a remote area;
 - The use of land in the conservation estate for private purposes;
 - The adverse effects on ecology and landscape values;
 - Inconsistency of the PC25 provisions with the Regional Policy Statement and other provisions in the District Plan;
 - The effect of natural hazards on the proposal; and
 - The viability of the proposal.

The Hearing

16. We heard the applicant and those submitters who wished to be heard in Christchurch on 11 to 15 and 18 July, and the Council's reporting officer on 20 July 2011. The hearing was adjourned at that point. We undertook site visits on 13 May and 19 July 2011. On 22 July 2011 we issued a minute requesting further clarification of the reports of Dr Flynn and Mr Craig which comprised addenda to the s.42A report on PC25.
17. We reconvened the hearing on 24 August 2011 to receive that further information and the applicant's right of reply.
18. We have listed in Appendix 1 those who appeared at the hearing, including their witnesses.

Description of Land Affected by PC25 and Surrounding Environment

19. PC25 proposes to change the zoning of the existing Porters Skifield (previously known as Porter Heights Skifield) in McNulty Basin, a large part of the Crystal Basin to the immediate north and an area on the north terrace of Crystal Stream("the Northern Terrace"). These two basins face east at the southern end of the Craigieburn Range. The crest of the range reaches between some 1,950 metres above sea level (masl) and some 2,000 masl in this vicinity. Both basins drain into the Porter River which flows along the valley floor: McNulty Basin via Porter Stream and Crystal Basin via Crystal Stream. The Porter River, in the area affected by PC25, flows from southwest to northeast at an elevation of some 950-900masl.
20. PSAL holds a lease from the Crown over most of the land the existing skifield is contained within. We were told this lease is perpetually renewable and exclusive, and that its terms would allow the development of hotel accommodation, retail shops and cafes in connection with the skifield. This lease boundary runs south of the existing skifield along the crest of the Range to Coleridge Pass, thence along the Porter River to a point some 400m downstream of the confluence with Crystal Stream, thence in a straight line to Allison Peak between McNulty and Crystal Basins. The existing lease includes land south of McNulty Basin that is not used as part of the skifield and is outside the area of PC25. Part of Crystal Stream and part of the Northern Terrace are not within the current lease area.

21. We understood from Ms Appleyard that 21 ha of this area, being the land proposed for the village, had recently been freeholded following a land exchange arrangement with the Department of Conservation. Within this freehold area PSAL lease a small area to the Porter Heights Ski Club which contains that club's lodge.
22. The Department of Conservation is the beneficial owner of those portions of the land affected by PC25 that are not within the existing lease, being Crystal Basin and the northern half of the Northern Terrace. We understand that land is in the process of becoming stewardship land under the Conservation Act 1987. PSAL have obtained agreement from the Director-General of Conservation to have this land transferred to PSAL, subject to PC25 being approved. Thus, if PC25 were to be approved PSAL would own the freehold, or the leasehold in perpetuity, of all the land affected by the change, subject to the lease to the ski club. It is thus appropriate to refer to the land as "the site".
23. The total area affected by PC25 is some 616.6 ha comprised of²:
- Existing ski area/McNultys Basin – 329 ha;
 - Porters Village – 21.2 ha;
 - Crystal Basin – 232 ha; and
 - Northern Terrace – 34.8 ha.
24. The slopes of the Craigieburn Range are steep and weathered as a result of glacial and post-glacial erosion. On the site, the land is largely bare rock screes above the 1,200m contour line. Studies undertaken for the project identified 11 vegetation and habitat types.
25. The dominant vegetation type of the village site (southern terrace) and the Northern Terrace is described as *Dracophyllum*-tall tussock shrubland. This vegetation type also extends up parts of the ridges toward the scree slopes. Around Porter Stream tall tussock-*Dracophyllum* dominates in part, and on the ridge above the existing access road is an area dominated by tall tussock and snow totara. Within each basin there are *Celmisia* Herb Fields and a small wetland is associated with an incipient branch of Porter Stream.

² These figures are taken from the Assessment of Landscape Effects provided with the request for the Change. We presume the discrepancy of 4,000m² arises from rounding errors.

26. Present development on the site consists of the club ski lodge mentioned above, a staff accommodation block within the village area close to Porter Stream, and skifield base facilities (day lodge/café, ticket office, ski hire, toilets and storage building) at the 1300m contour along with three T-bar rope tows running up to the peak at the southwest corner of the site. Trails have been formed generally along the path of the tows, around the basin below the crest of the ridge to give access to the north and south faces, and through the centre of McNulty Basin. There is a dam enclosing a storage pond below the lower formed carpark areas at the base station, and an access road cutting up the side of the south face from near the confluence of Porter Stream and the Porter River to the ski base facilities. Another road cuts across the proposed village area to the ski lodge.
27. Access to the site is via a metalled road from SH73. We understand that this road is partly on legal road and partly on Department of Conservation land. The road is maintained by PSAL and locked gates restrict public access along it. Approximately 2 km along the access road from SH73 is an operating quarry which also uses the access road to this point.
28. The Porter River valley widens near the intersection of the access road and SH73, and SH73 runs roughly north-south through the valley. Approximately 4.5 km north of the access road intersection is the Castle Hill Station, with Castle Hill accessed from SH73 a short distance further along. Castle Hill Village is approximately 2 km north of the station. Castle Hill Village is a small partially-developed subdivision of predominantly holiday homes with a number of vacant sites set to the west of SH73 above the Thomas River.
29. Beyond Castle Hill Village is the road access to Mt Cheeseman Skifield. In a straight line, this skifield is some 13 km north of Porters. The Broken River Skifield is further north again.
30. To the west of the Craigieburn Range, in the Ryton River catchment, is the Mt Olympus Skifield. In a straight line this is some 9 km from Porters, although by road is considerably further.
31. South of the access road intersection, SH73 runs past Lake Lyndon and through Porters Pass to Springfield, which in a straight line is some 24 km away.

STATUTORY REQUIREMENTS

First Schedule Requirements

32. The procedure with a private plan change follows that required for a Council-initiated plan change under Schedule 1 of the Act. Relevant to this report are the requirements of Clause 10 which allow for the grouping of submissions in making a decision on the Change, and the requirement for such a decision to contain reasons. Clause 29 provides additionally for the person who made the request to have rights to be heard and to appeal the decision on the Plan Change.
33. The requirements of s.32 of the Act and the other requirements outlined by the Environment Court and referred to as the *Eldamos*³ and *Long Bay* tests⁴, apply to PC25 as they would to any Council-initiated plan change, with modification⁵. We set out below the relevant considerations for our evaluation:

A General Requirements

- 1 A plan change should be designed to assist the territorial authority to carry out its functions so as to achieve the purpose of the Act.
2. A plan change shall give effect to any operative regional policy statement.
3. A plan change must not be inconsistent with an operative regional plan for any matter specified in s.30(1) or a water conservation order.
4. A district plan (change) must state its objectives, policies and the rules (if any) and may state other matters.

B. Objectives (the s.32 test for objectives)

5. Each proposed objective in a plan change is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act.

³ *Gisborne DC v Eldamos Investments Ltd* 26/10/05, Harrison J, HC Gisborne CIV-2005-485-1241

⁴ *Long Bay-Okura Great Park Soc Inc v North Shore CC* A78/08, recently updated in *High Country Rosehip Orchards Ltd v Mackenzie DC* [2011] NZEnvC 387 to reflect the amendments to the Resource Management Act in 2005.

⁵ The Environment Court has previously held that s.74 is not relevant to a privately initiated plan change: *Kennedys Bush Road Neighbourhood Assn v Christchurch CC* W63/97

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

6. The policies are to implement the objectives, and the rules 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:
 - (a) taking into account:
 - (i) the benefits and costs of the proposed policies and methods (including rules); and
 - (ii) 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.

D. Rules

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

Scope to Amend PC25

34. Prior to and during the hearing, PSAL proposed amendments to satisfy some of the concerns of submitters and the Council's advisors. In addition, the Council's reporting officer proposed a number of amendments after considering the evidence presented at the hearing.
35. In accordance with Clause 10 of Schedule 1 of the Act there are five types of permissible amendments:
 - a) Amendments sought in written submissions;
 - b) Amendments that respond to groups of written submissions;
 - c) Amendments that address cases presented at the hearing of submissions;
 - d) Amendments to wording not altering meaning or effect; and
 - e) Consequential amendments arising out of submissions.⁶
36. Amendments sought by both PSAL and by the Council's reporting officer must fall into one of these categories in the same way as any amendment

⁶ *Foodstuffs (Otago Southland) Properties Ltd v Dunedin CC* (1993) 2 NZRMA 497 as to the first 4. The 5th was added by amendment to CI 10.

sought by a submitter. As more than one submitter sought the refusal of the entire Plan Change, any proposed amendment that sought a reduction in effects or more stringent control from that originally proposed is permissible.

37. Prior to the hearing, PSAL advised that it no longer sought to remove the proposed zone from the ONL classification shown on Map 25 of the SDP. That amendment responded to a number of submissions and we have considered the proposal on the basis that the ONL classification applies to the site.
38. After the conclusion of the hearing, PSAL provided a tracked changes version of PC25 incorporating various amendments it proposed to the Change in response to submissions and matters we raised during the hearing. Some of these changes are merely cosmetic, such as changing the name of the Zone to "Ski and Recreation Sub-Zone (Porters)"⁷. Other changes relate to matters in contention and reflect the outcome PSAL desires.
39. This latter category, along with the amendments sought by the Council's reporting officer, will be considered in relation to the issues involved.
40. In considering amendments to the rules proposed in PC25 we have taken account of the operative rules applying to the land. Only in limited circumstances have more stringent provisions been proposed.
41. Our role in preparing this report is to recommend to the Council whether to decline, approve, or approve with modifications, PC25, and give reasons for that recommendation⁸. Additionally, we are required to recommend decisions on submissions, although these may be grouped and need not address each submission individually⁹.
42. Throughout the report we will make recommendations on provisions in PC25. These will assist in the ultimate evaluation and recommendation whether to approve with modification or decline PC25. Recommendations as to amendments made in those parts of the report preceding the evaluation should not be taken as determination that

⁷ Although we have subsequently changed that name – see Footnote 1.
⁸ CI 29(4) of First Schedule to Act.
⁹ CI 10 of First Schedule to Act.

approval is to be recommended. Those amendments reflect our conclusions in respect of individual topics. Our evaluation will consider PC25 as a whole, subject to the amendments we conclude are necessary.

DISCUSSION OF ISSUES

Principal Issues

43. The submissions received and evidence heard fell into six broad topics plus a few areas of detail. We will consider these matters before evaluating the change in terms of the *Long Bay* tests as our conclusions on these will, in some cases, lead to recommendations on amendments to the Plan Change.
44. The broad topics are:
- (a) Environmental compensation: in particular whether arrangements made by PSAL with the Department of Conservation ("DoC") to achieve rights to the land can be considered as mitigation or compensation for adverse environmental effects of the proposal;
 - (b) The proposed on-mountain village: the appropriateness of such a development in this location;
 - (c) Effects on natural values, including landscape, ecology and water quality;
 - (d) Natural hazards: the risks to people and property that would result from the proposal;
 - (e) Public access: including the connectivity to DoC land;
 - (f) Statutory Documents: whether the Change gives effect to the Regional Policy Statement and whether it is consistent with the remainder of the District Plan.
45. This last broad topic is part of the statutory assessment we must undertake so we will leave that to a later section of our report.
46. A final broad issue is consideration of the potential benefits that would arise from applying the zone's provisions. This was a major focus of the applicant's case, but only marginally commented on by submitters.
47. Following the consideration of the broad issues there are three matters of detail we will discuss:
- Submission by NZ Transport Agency;
 - Trigger points for further development; and

- Amendments proposed by PSAL at conclusion of hearing.

48. Several submitters commented on what they considered the inappropriateness of the transfer of DoC land to PSAL to enable the proposed private development. We do not consider that to be something the Council can consider under the Resource Management Act when considering a plan change and therefore discuss the matter no further.

Environmental Compensation

49. PSAL's evidence on ecological effects, provided by Dr Keesing, was that *"around 100 hectares of alpine habitat will be lost through the proposed earthworks and of that around 70 hectares cannot be remedied or sufficiently mitigated on site."*¹⁰

50. It was PSAL's case that an arrangement PSAL had with DoC to exchange land at Steep Head Gully on Banks Peninsula for Crystal Basin could be considered by us as environmental compensation for this habitat destruction¹¹. In contrast, Ms Eugenie Sage submitted that the arrangement PSAL had with DoC was a self-contained transaction from which PSAL derived significant benefits and that to count the land exchange as mitigation would in effect be double-counting¹².

51. It is important that we resolve this issue at the outset as other issues, such as the activity status of earthworks, are reliant on our determination of this pivotal issue.

52. We note that the arrangements between PSAL and DoC result from DoC's beneficial ownership of the site. Ms Appleyard explained that PSAL needed to undertake two transactions with DoC to:

- i. Obtain freehold tenure for the 21 ha to be occupied by the village¹³; and
- ii. Obtain title over the areas in Crystal Basin and on the North Terrace necessary for the expansion of the ski-field¹⁴.

¹⁰ Dr V F Keesing, evidence para 210, p.55
¹¹ Submissions for the applicant, para 59, p.12
¹² E M Sage, submissions, paras 39-45, pp7-8
¹³ Submissions for PSAL, para 51, p.10
¹⁴ Submissions for PSAL, para 53, p.10

53. Ms Appleyard explained that it was possible under the Conservation Act to exchange one piece of stewardship land for other land, but that the test was very high. Section 16A(2) of the Conservation Act provides that the Minister may not authorise an exchange unless he/she is satisfied after consultation with the local Conservation Board that the exchange will enhance the conservation values of land managed by DoC and promote the purposes of the Conservation Act. Section 16A(4) provides for the Minister to authorise payment or receipt by the Crown of money by way of equality of exchange under s16A, but money so received must be used for the acquisition of land under any of the Conservation Act, Reserves Act or National Parks Act.¹⁵
54. Ms Appleyard also explained that in 2009 PSAL had successfully exchanged 15 ha of land at Lords Bush together with a 10 year obligation to ecologically restore that site, in exchange for the freehold title of the 21 ha of land on which the village would be sited.¹⁶ We did not understand PSAL to claim this exchange should be considered by us as environmental compensation. In paragraph 52 of her submissions Ms Appleyard noted that the "*position with Crystal Basin and the Northern Terrace ... is different and matters negotiated with the Department are relevant to the issues that the Commissioners need to weigh up at this hearing.*" The Lords Bush exchange was again distinguished from the Steep Head Gully exchange in paragraph 55.7 of the PSAL submissions, where Ms Appleyard emphasised that the realisation of the conservation gains to DoC were "*intricately connected to the outcome of this proceeding.*"
55. We have carefully considered the Director-General of Conservation's letter¹⁷ agreeing in principle to the exchange for Crystal Basin and North Terrace. It is clear to us from the terms of this letter that the exchange agreed to in the letter was PSAL's means of acquiring the land it needed to proceed with the proposal. In other words, PSAL's payment to the DoC for Crystal Basin (177 ha) and Northern Terrace (18.3 ha) was:
- i. Steep Head Gully (70 ha) and the surrender of part of the Porters Ski Area, being the Upper Porters Valley and Porter River (264 ha) and Crystal Stream (57 ha);¹⁸

¹⁵ Letter from Director-General of Conservation to Blackfish Ltd dated 11 March 2011, paras 18-19 (Appended to PSAL submissions)

¹⁶ Submissions for PSAL, para 51, p.10

¹⁷ Dated 11 March 2011, appended to PSAL submissions.

¹⁸ Letter, para 45(a)

- ii. The Steep Head Gully land including the additional land outlined in DOC Report 11, 10.8;¹⁹
 - iii. Stock fencing of Steep Head Gully by PSAL;²⁰
 - iv. A pest and predator control programme of Steep Head Gully carried out by PSAL based on DoC costings;²¹
 - v. A vegetation programme at Steep Head Gully carried out by PSAL;²²
 - vi. Provision by PSAL of a public access easement to the Minister of Conservation to Steep Head Gully over adjoining farmland, registered in perpetuity;²³
 - vii. Provision by PSAL of public access easements in perpetuity to the Minister of Conservation over the Porters lease area²⁴ and Crystal Basin and Northern Terrace²⁵;
 - viii. Provision by PSAL of a memorandum of encumbrance over Crystal Basin and Northern Terrace to the Minister of Conservation in perpetuity, along with an annual management fee.²⁶
56. Ms Appleyard placed emphasis on the ability of this agreement to be unwound if PC25 was declined.²⁷ We do not consider that places this arrangement in any different situation from a conditional sale and purchase agreement that is dependent upon the grant of resource consents or a change of zoning.
57. We consider the more relevant fact is that without this agreement with DoC, PSAL would have no rights to use Crystal Basin and Northern Terrace in a manner which suited its hopes and aspirations. While the agreement may provide for net conservation benefit to lands managed by DoC, without that conservation benefit PSAL could not undertake any work in either Crystal Basin or Northern Terrace, irrespective of the effects of such work on the environment.
58. We agree with Ms Sage that the terms of PSAL's agreement with DoC to enable the necessary land exchange are not available for consideration

¹⁹ Letter, para 45(d)
²⁰ Letter, para 45(e)
²¹ Letter, para 45(f)
²² Letter, para 45(g)
²³ Letter, paras 45(h) & (i)
²⁴ Letter, para 45(j)
²⁵ Letter, 45(l)
²⁶ Letter, paras 45(l) & (m)
²⁷ PSAL submissions, para 55.7

as environmental compensation for the physical effects of the proposed development and our recommendations are made accordingly. This is consistent with the treatment of the Lords Bush exchange as “payment” for the freeholding of the village land.

59. That is not the end of the matter however. During the hearing we raised with PSAL that an on-going activity such as is proposed should provide some mechanism for on-going compensation. In response to this PSAL offered to provide for programmes to protect the planting at Lords Bush and Steep Head Gully for the life of the ski-field. It was proposed that this could be achieved by the insertion of standards applying to certain controlled activities in Appendix 25.

60. To qualify as environmental compensation, the Council needs to be satisfied that any off-site work or service meets most of the Environment Court’s following desiderata:²⁸

- 1) *It should preferably be of the same kind and scale as work on-site or should remedy effects caused at least in part by activities on-site;*
- 2) *It should be as close as possible to the site (with a principle of benefit diminishing with distance) so that it is in the same area, landscape or environment as the proposed activity;*
- 3) *It must be effective; usually there should be conditions (a condition precedent or a bond) to ensure that it is completed or supplied;*
- 4) *There should have been public consultation or at least the opportunity for public participation in the process by which the environmental compensation is set;*
- 5) *It should be transparent in that it is assessed under a standard methodology, preferably one that is specified under a regional or district plan or other public document.*

61. In terms of the 5th point, Policy 9.3.6 of the Proposed RPS is relevant:

Policy 9.3.6 – Limitations on the use of biodiversity offsets

To ensure that biodiversity offsets are only treated as appropriately mitigating adverse effects on indigenous biodiversity, the following criteria will apply:

²⁸

J F investments Ltd v Queenstown Lakes DC C48/06 at para [42]

- (1) the offset will only compensate for residual adverse effects that cannot otherwise be avoided, remedied or mitigated;*
 - (2) the residual effects on biodiversity are capable of being offset and will be fully compensated by the offset;*
 - (3) the area to be offset is not identified as a national priority for protection under Policy 9.3.2;*
 - (4) there is a strong likelihood that the offsets will be achieved in perpetuity; and*
 - (5) where the offset involves the ongoing protection of a separate site, it will deliver a net benefit for indigenous biodiversity conservation*
- Offsets should re-establish or protect the same type of ecosystem or habitat that is adversely affected, unless an alternative ecosystem or habitat provides a significantly better indigenous biodiversity outcome.*

62. The principal reasons and explanation for this Policy reads:

Biodiversity offsets are the final step in a hierarchical process in which adverse effects on indigenous biodiversity are best avoided, then remedied, and finally mitigated. Only in the latter case should off-site biodiversity offsets be considered to deal with residual unavoidable adverse effects.

There will be cases where the indigenous biodiversity at risk is so significant that it should not be significantly modified or destroyed under any circumstances (other than when necessary for avoiding risks to human health and safety). There are also situations where residual effects cannot be fully compensated because the biodiversity is highly vulnerable or irreplaceable, for example where the vegetation or habitat is so rare or reduced that there are few or no opportunities to deliver an offset. In such cases offsetting cannot be considered as a means of environmental compensation for adverse effects.

It is imperative that offsets are appropriate compensation. An area of new forest or bush planting may not be a suitable offset for the loss of a wetland, for example. There is a preference for the re-establishment or protection of the same type of ecosystem or habitat to avoid the difficulty of assessing relative values of different ecosystems or habitats of different species. Trade-offs involving different species will not always adequately compensate for the loss of the originally threatened species. However, the policy does recognise that where significant indigenous biodiversity benefits can be achieved, the protection of other habitats may be appropriate.

There also needs to be certainty that the proposed offsets will occur. Some offset measures such as indigenous planting will take a long time to establish and become useful in a biodiversity role. There should be an overall improvement in indigenous biodiversity as a result of the project and its biodiversity offsets.

63. The combination of the Court's desiderata and the directions of RPS Policy 9.3.6 suggest any environmental compensation should be nearby and in relation to a similar environment to that being adversely affected.
64. PSAL propose in PC25 that the activities that create the need for environmental compensation, namely earthworks, should be provided for as controlled activities. If earthworks were to remain listed as controlled activities, irrespective of the validity of the other reasons given in Ms Appleyard's submissions²⁹, any standard requiring environmental compensation would need to be certain and achieve a level of compensation appropriate to the level of adverse environmental effects that would result from giving effects to a consent. Dr Flynn raised this concern and it was the basis of her recommendation that earthworks in certain areas be a restricted discretionary activity.
65. We consider Dr Flynn's concerns are valid, but this is only one factor in the consideration of the earthworks rules, so we will deal in detail with those provisions later in this report.
66. We note also at this point that several submitters commented on the appropriateness of the Steep Head Gully land exchange and provided us with copies of DoC internal reports relating to that exchange. The validity or otherwise of that exchange is not a matter the Council can consider in the context of a plan change and we make no recommendations in respect of that issue.

Proposed On-Mountain Village

67. PC25 makes provision for the development of a village containing accommodation and commercial activities such as restaurants, equipment hire, tourist and conference activities among other things. PSAL suggested that this would provide accommodation for 3,800 people. We note that Rule 25.6 limits the number of visitor accommodation beds in Village Base Areas 2, 3 and 4 to 3,200. Staff accommodation can be provided additional to this, as can apartments, although in practice it is likely that apartments would provide visitor accommodation.

²⁹

Para 83, pp16-17

68. Twenty submissions specifically opposed the village development. Half of those submissions were by people who otherwise supported the expansion of the ski-field. Notwithstanding this opposition, this issue was not the main focus of the matters raised at the hearing by those opposing the change.
69. As we understood PSAL's evidence, the village is to provide a combination of private residential accommodation (permanent or temporary), visitor accommodation in hotels, apartments and hostels, and commercial activities that would service the ski-field and persons staying in the village. Although the focus of activities would be during the ski season, it was expected the village would function year round, albeit with a lower level of activity outside the winter months. We understood that the development of summer use of the mountains and attracting conferences would be used to increase off-season use.
70. PSAL were also quite clear that it did not see the village as being entirely developed by it. We understood the sale or lease of land was proposed to provide opportunities to other developers.
71. The Rules propose that 45 residential sites may be created (12 in Village Base Area 1 and 33 in Village Base Area 5)³⁰ and one dwelling may be erected on each of these (no family flats)³¹. In addition to these, buildings may be erected in Village Base Area 2 (10), Village Base Area 3 (18) and Village Base Area 4 (8) without limitation on the number of titles that may be created in those areas³². The rules also propose limitation on the number of sites that may be created, or buildings erected, prior to various on-field ski facilities being provided³³.
72. The combined effect of these provisions mean that no more than six individual dwellings on fee simple sites could be occupied before the bulk of the on-field facilities in Crystal Basin had been created. While the provisions allow half the buildings in Village Base Areas 2, 3 and 4 to be erected and occupied in the same timeframe, we consider it unlikely that much commercial impetus for this will exist until the ski area in Crystal Basin was operating. Thus the risk of a part-developed residential village remaining without the commercial activity it was designed to

³⁰ Rule 25.15.1.5

³¹ Rules 25.3.1.2 and 25.3.1.3

³² See Rule 25.3.1.3 as to limit on number of buildings and Note to Rule 25.15.1.5 as to number of titles.

³³ See Rule 25.3.1.3(b) & (c) and Rule 25.15.1.11.

complement is significantly reduced. In this regard, we consider it unlikely that allowing this Plan Change would lead to another Castle Hill Village.

73. If fully developed, we conclude the village, with its range of facilities, would be an adjunct to the recreational activities undertaken on the mountain, whether skiing, mountain biking, hiking or climbing. The small number of individual residential sites permissible means it is unlikely to become a permanent population focus similar to Springfield. It is more likely to be a resort serviced by residents of nearby townships such as Springfield, Sheffield and Darfield.
74. The limited functionality of the village is apparent when the list of activities permissible under Rule 25.1.1 is considered. While provision is made for "Commercial activities and services" these are limited to being "associated with and complementary to recreation, tourist and conference activities"³⁴. On the face of it this activity is not broad enough to allow a grocery store, a pharmacy, a bank or a post shop. The lack of such facilities reinforces the resort-type nature of the village, but also means that permanent residents and those staying in self-catering apartments will need to travel to nearby towns for food supplies and other day-to-day needs. While that may be an inconvenience to those people it does answer the two submissions (Nos. 322 and 337) that were opposed to shopping malls being established on the site.
75. In response to questions from the Hearing Panel concerning the lack of provision for grocery stores, PSAL proposes an amendment to the wording of the listing of Commercial activities and services by including, in brackets, "including retail activities". The explanation provided by Ms Rykers was that commercial activities and services was not defined in the District Plan and the inclusion of the extra wording would make it clear that activities such as a grocery store could be established.
76. While we accept that retail activities are a subset, we consider that the limitation provided that they must be "associated with and complementary to recreation, tourist and conference activities" severely restricts the scale and nature of retail activities that may occur in the village such that a general grocery store of the type common in rural Canterbury would not be able to establish in the village.

³⁴

Rule 25.1.1(e).

77. When one considers all of these factors, it is unlikely that the establishment of the village would be disruptive to the settlement pattern of Selwyn District. Rather, it could have a positive effect by providing a source of employment and additional economic input for small rural communities.
78. We accept that the village would have effects on the physical environment and we consider those effects in the appropriate parts of the report.

Effects on Natural Values

79. These effects can be considered under the following headings:
- Landscape effects;
 - Ecological effects; and
 - Water quality effects.

Landscape Effects

80. The site is shown in the District Plan as being located within an ONL. As notified PC25 proposed removal of this classification from the area affected by PC25. Seven submissions specifically opposed this removal and the s42A report recommended allowing those submissions. At the hearing PSAL advised that it had taken further advice from its experts and agreed with them that it was not necessary to remove the site from the ONL classification. We accept that submission and recommend that submissions 503, 910, 914, 1705, 1714, 1720 and 1722 be allowed to the extent that they sought to retain the site within the Outstanding Landscape area defined in the SDP. The effect of that is that we will consider the landscape effects of PC25 within the policy framework set out in the District Plan for the High Country Outstanding Landscape.
81. Two landscape architects provided their opinions to us on landscape issues: Mr Don Miskell presented evidence on behalf of the applicant, and Mr Andrew Craig prepared a report and supplementary report on behalf of the Council which formed part of the s42A report. These two experts were largely in agreement that the site was within an Outstanding Natural Landscape that was on a broad scale and while, in large part, the proposal would have localised adverse effects, the significance of these effects would be reduced by the low visibility of the site from the main

public viewing area, SH73. The one area of disagreement was the adequacy of the building setback proposed from Porter Stream.

82. Mr Miskell helpfully divided the site into seven areas that he described as “Landscape Character Areas”. We consider this division useful for understanding landscape effects, as well as other effects. We attach in Appendix 2 a plan showing the seven areas:

- (a) Crystal Basin;
- (b) Crystal Stream;
- (c) Northern Terrace;
- (d) Porters Basin;
- (e) Porters Lower Slopes;
- (f) Porter River; and
- (g) Southern Terrace/Village.

83. We consider that Mr Miskell’s landscape division, with some minor amendments, provides a useful basis for differentiating activity status of activities within the proposed zone and will recommend that a modified version be included as part of PC25. We will return to this in our conclusions on landscape effects.

Crystal Basin

84. Crystal Basin is unmodified and was described by Mr Miskell as having higher biophysical, aesthetic and natural character values than Porters Basin, which is more modified.

85. The proposed activities affecting the landscape in this area are:

- large-scale earthworks to create the ski runs and water reservoir;
- the erection of a day lodge on the floor of the basin, including the terminus of the gondola from the village; and
- construction of three chairlifts, one of which terminates on the skyline at Allison Peak.

86. Mr Miskell described the landscape effects as follows:

Crystal Basin has existing high natural character values and displays higher visual diversity than the Porters basin. There will be some loss of the natural landform and land cover characteristics resulting from the re-shaping and earthworks required for the creation of additional ski trails and lifts. Other modifications, including the northern chairlift, the snow making pond and day lodge, will not be visible from outside the project area. However, the inherent landscape and natural character values of Crystal Basin will be changed by the proposed Ski Area expansion.

Within the immediate context of the Porters site these changes are in themselves significant, however beyond the immediate site there is a district and regional context within which the effects of these changes will be less significant.

*... The scale of the landscape is such that the proposed ski field extension into Crystal Basin should not detract from the outstanding landscape values of the wider area.*³⁵

87. We agree with that assessment, taking into account the controls proposed in PC25 on earthworks, buildings and lighting within Crystal Basin.

Crystal Stream

88. Only the very headwaters of Crystal Stream are located within the proposed zone. The delineation of this area, within the zone, applies to the lower slopes of Crystal Basin and the slopes above the stream on the true right bank up to the top of the ridge that runs down to the south terrace/village area. Most of the Crystal Chalets are located in this area, with a ski return trail cutting back across into the area to reach the chalets.
89. Little evidence was directed to this area by the landscape experts. From our site visit we discerned the area to largely comprise steep rock and scree-covered slopes dropping into a v-shaped stream bed. Two works are proposed to locate in the upper part of this area:
- The access road/return trail; and
 - Crystal Gondola from the village to the Crystal Basin day-lodge.
90. It is proposed that the lower 350-400m of the area adjoining the village would be developed with a no-exit road and some 25 dwellings. As noted

³⁵ Mr D J Miskell, evidence, paras 97-99, p.24.

above, a branch of the lower return trail would cut into this area to end at the cul-de-sac head of the road.

91. Other than the delineation of a line on the Mountain Masterplan³⁶ and on Appendix 25.14(d)³⁷ we were provided with no details of what was entailed in the construction of the Crystal Gondola. In particular we do not know whether it is proposed to have many or few towers to support the cables carrying the gondola, nor the intended height of the towers. We consider that the location and scale of the towers would both impact the landscape qualities of the area due to the earthworks required for construction and the potential visibility of the cableway and cars. We note also that a gondola of the type installed on Bob's Peak, Queenstown, with a line of small cars, may be more visually intrusive than a cableway with one large car travelling in each direction. However, we had no evidence regarding the type proposed nor the comparative visual impact so can draw no conclusions on the potential effects.
92. PSAL propose in Rule 25.2.1.1 that earthworks for this gondola be a controlled activity. Reviewing the definitions in the Operative District Plan, we conclude the gondola would fall under the definition of a utility and the supporting towers would be utility structures. It is proposed under Rule 25.2.4 that these would be a controlled activity with control limited to matters relevant to the colour of the structure.
93. We are not satisfied that we have sufficient information before us about the potential landscape effects of this gondola within the Crystal Stream area to be able to recommend that it, and the earthworks required to construct it, be provided for as a controlled activity. We consider the Council should retain the discretion to decline an inappropriate proposal, and that classifying the structures and earthworks as restricted discretionary activities would be more appropriate given the lack of evidence regarding effects.
94. The access road/ski out trail is proposed to be constructed from Porters Basin around the ridge separating that basin from Crystal Stream, and then along the slopes above the stream to enter Crystal Basin via a bridge across the headwaters of Crystal Stream. The construction of this road is necessary to provide access to Crystal Basin for the equipment needed

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³⁷

Provided to us at the commencement of the hearing, dated 8 July 2010.
Received from applicant 12 September 2011

for the construction programme within the basin. As it is proposed to be a ski-out trail in the ski season, a reasonably constant gradient of 6-10%³⁸ is proposed. Thus the alignment of it is unlikely to deviate to any great extent from that presented to us.

95. The landscape evidence was that the earthworks to create this access road would create a visible cut around the end of the ridge, but that the visibility of this from SH73 would be limited, reducing the impact of it³⁹. We have reviewed the photo-simulations presented by Mr Miskell and concur with that analysis. We also noted on our site visit that farm tracks cut across hillsides and around ridges were not uncommon on the hillsides around SH73.
96. Given the overall low visual impact and the limited opportunity for the location of the road to be moved from the position presented to us, we agree with PSAL that a classification of controlled activity for the earthworks associated with this road/ski out trail within the Crystal Stream area is appropriate.
97. Mr Miskell identified the lower part of this area, where the Crystal Chalets are proposed, to have a high visual absorption capability. While Mr Miskell's photomontages did identify that these chalets would be visible from SH73 where it crosses Porter River, we are satisfied that the combination of design controls on buildings, the requirement for roading to follow the outline plan, and the planting requirements create a level of certainty of outcome that will have a low impact on landscape values. Consequently we accept that the controlled activity status for earthworks in the Crystal Chalet area of the application is appropriate.
98. PSAL proposed that earthworks in the Crystal Stream area for any activities other than Crystal Chalets, the gondola or the access road/return trail would be a restricted discretionary activity. We are of the view that the impacts of the overall ski-field development should be minimised in this area so that as far as possible its existing wild and natural character is retained. We recommend in the Crystal Stream area earthworks for other activities be a full discretionary activity, consistent with the classification that would apply under the operative Rule 1.4.3. We also consider it

³⁸ See Proposed Porters – Crystal Valley Ski Out Trail – Extent of Cut and Fill Area, Eliot Sinclair & Partners Ltd Drawing 298875 E4 Sheet 1

³⁹ Mr A Craig, S42A landscape Report, para 3.41, p.12

would be consistent if earthworks elsewhere in the zone which were not provided for as controlled, restricted discretionary or non-complying were classified as discretionary activities and recommend accordingly.

Northern Terrace

99. This area extends along the true left bank of the Porter River and is located on the shingle fan terrace some 20m above the river. It is physically separated from the rest of the proposed Zone by the cut Crystal Stream makes through the terrace in flowing to the Porter River. The area is approximately 600m by 600m and rises from 900masl to 1,000masl. It is predominantly covered in *Dracophyllum* and tall tussock with a scattering of manuka and kanuka. Mr Miskell described it as having a high level of naturalness⁴⁰, high natural character values, high aesthetic values and high amenity values⁴¹.
100. The works proposed in this area comprise the installation of sub-surface wastewater disposal piping, a wastewater treatment facility, largely below ground but including a small shed, and planting of mountain beech trees. In terms of this work, Mr Miskell judged the Northern Terrace to have a high visual absorption capability⁴², that is, ability to absorb change. Mr Miskell's conclusion was that with the proposed planting, the apparent naturalness of this area would not be disrupted⁴³.
101. There was some suggestion by submitters that kanuka and mountain beech were inappropriate trees for planting in this area. Mr Miskell and Dr Keesing advised that mountain beech was naturally occurring on the true right bank of the Porter River and that kanuka already grew in this area.
102. The planting of tussock and mountain beech in this area is proposed to serve two purposes: landscape enhancement and to assist in nutrient uptake from the wastewater disposal. When questioned by us on whether growth rates would be affected by the extra nutrients, Dr Keesing concluded that the trees would need to be removed after a time and the tussocks mown with the dry matter removed from the area. No assessment of the landscape effects of the removal of this vegetation was provided. As notified PC25 provided in Rule 25.11.4 that removal of

⁴⁰ Mr D Miskell, evidence, para 64, p.13.

⁴¹ Ibid, paras 66.4 – 66.7, p.15

⁴² Ibid, para 94, p.23.

⁴³ Ibid, para 112, p.29

indigenous vegetation exceeding 5m² that was not associated with consented earthworks would be a non-complying activity. We consider that the retention of that rule would act as an interim measure to limit harvesting. While a different classification, such as discretionary along with assessment criteria, could be more appropriate, there are no submissions which provide jurisdiction to change this rule to a less restrictive classification.

103. When the proposed use and development of the Northern Terrace is considered in the round, we conclude that the landscape effects, while initially disruptive, will ultimately lead to an enhancement of the landscape qualities of this area.

Porters Basin

104. This is the area that presently contains the existing ski-field facilities and associated activities. Earthworks have created ski runs across faces below the ridgeline and running down the slopes to the base facilities. Earthworks have also formed terraces for car parking and to provide a basin for water storage. The landscape in this area is already modified and the replacement of the existing tows by a chairlift and gondola would not diminish the landscape values of the basin.
105. We understood that the placement of spoil from the construction of the access road/return trail to Crystal Basin on the existing car park areas and the decommissioning of the snow-making water reservoir would restore a degree of naturalness to the basin.
106. Overall we consider the landscape effects on Porters Basin are likely to be neutral.

Porters Lower Slopes

107. This area is that part of the proposed zone below Porters Basin, south of the ridge separating the Porter Stream catchment from that of Crystal Stream (the northern ridge), to the proposed central village area. This area includes most of the Slopeside Visitors Accommodation and the Porters Chalets, in addition to the existing access road to Porters Basin. Porter Stream runs through the centre of this area and a snow play area is

proposed on the low slopes between the stream and the toe of the northern ridge.

108. The enclosed south facing slopes of this area were described by Mr Miskell as having a high visual absorption capability. The north facing slope contains the existing access road which is clearly visible from SH73.
109. The works proposed in this area are:
- The construction of the access road/return trail from Porters Basin along the south-facing slope of the northern ridge;
 - The re-contouring of the lower area to create a snow play area at the terminus of the ski return trail;
 - The construction of three apartment blocks along the lower portion of the existing access road, including two blocks between the road and the Porter Stream;
 - The decommissioning of part of the existing access road and conversion to a walking track;
 - The construction of 12 dwellings in the Porters Chalets area, along with an inclinor down to the village centre;
 - The construction of a re-aligned lower portion of the access road within the catchment of the Porter River.
110. It is also proposed to plant the lower parts of the northern ridge with a mountain beech/kanuka mix.
111. Much of the landscape effects of the works proposed in this area will be entirely contained within the proposed zone, although we note that Mr Miskell's photomontages do show a distant view of Porters Chalets.
112. The one matter of concern raised by Mr Craig was the potential effect on the natural character of the Porter Stream caused by siting buildings between the existing access road and the stream. As notified PC25 provided, in Rule 25.3.1.7, that "*all buildings (excluding bridges) shall be setback a minimum of 5m from the Porter Stream*". Mr Craig noted that District Plan requires a minimum setback of 10m from any waterbody not listed in Appendix 17 of the Plan, and that the scale of the buildings proposed here required a setback of at least 15m if the natural character and amenity values derived from the stream were to be maintained. We

also noted that Operative Rules 1.6.1 and 1.6.6 require a 20m setback for earthworks from waterbodies, with a limited exception in terms of volume and area between 20 and 5m from a river. Otherwise earthworks in the vicinity of this stream would be a discretionary activity.

113. When we questioned Mr Miskell on this issue, he suggested that the protection of riparian vegetation along the stream was all that was required to retain natural character. PSAL suggested amendments which would limit the application of Rule 25.3.1.7 to the village base area (including the Slopeside Visitor Accommodation) and require a 15m setback of all activities from the stream in other areas. PSAL considered that to achieve the 15m setback from the Slopeside apartment blocks would require greater earthworks cutting into the bank uphill of the existing access road.
114. We spent some time on the site examining the relationship of Porter Stream to the surrounding landforms and considering how the proposed buildings would impact on the natural character and amenity values of the stream. We have concluded that if a 5m setback is to apply on the southern side of the Porter Stream in this area, such a setback should also exclude all earthworks, whether for building construction or other activities such as walkways. We agree with PSAL's proposal of a 15m setback on the north side, although we think it should be made explicit that earthworks (including the removal of vegetation) are also excluded from within the setback. We consider that earthworks should remain a restricted discretionary activity within 5m on the south side and 15m (as proposed by PSAL) on the north side.
115. We note that the Landscape Masterplan shows two pedestrian bridges over the stream in this area, plus walkways either side of the stream. However, PSAL provided no evidence relating to either the bridges or the walkways. We note that PSAL's suggested amendment requiring a 15m setback on the north side of the stream would make the bridges and walkway on the north side a non-complying activity. We placed no weight on the inclusion of the walkways and bridges on the Landscape Masterplan.
116. With the inclusion of the additional setbacks from Porter Stream, we consider that there would be limited effects on the landscape values of this area.

Porter River

117. Almost all of this area is outside of the PC25 zone, except for a small area where the southern corner of the zone reaches close to the river. Mr Miskell dealt with the landscape effects on this area because the access road from SH73 to the zone runs along the river valley. Some realignment of the road is proposed, and a new culvert in the same position as the existing culvert is required. All of these works in this character area would be outside the area re-zoned by PC25.
118. The provisions of PC25 do not provide for any activities to occur in this area. Any effects on its landscape qualities caused by PC25 would only derive from the works provided for on the adjacent land.
119. To assess these potential effects we requested PSAL to provide additional photomontages prepared with a viewpoint located adjacent to the river next to the existing road. While these showed buildings intruding into the skyline along the terrace edge, Mr Craig considered the Council's ability to impose design-related conditions on controlled activity consents for the buildings would be adequate to ensure a harmonious outcome. We accept that advice.
120. To the extent that the upgrading of the access road requires resource consents, we note that any other landscape effects in this area can be considered under that process.

Southern Terrace/Village

121. The Southern Terrace/Village area consists of the relatively flat land bounded on the east and north by the deeply incised terraced beds of the Porter River and Crystal Stream respectively. Porter Stream crosses the terrace near the southern end near the toe of the slope carrying the access road up to the existing ski field. To the west this area merges with the lower flatter slopes of the Porters Lower Slopes area, and in the northwest is bounded by the toe of the ridge separating the Porter and Crystal Streams catchments. It is densely covered in *Dracophyllum*, snow tussock and alpine shrubland vegetation.
122. This area would be intensively developed under PC25 with roading, large buildings and pedestrian plazas. We agree with the landscape architects

that the intensive development in this relatively small and discrete area, tucked away up a narrow valley, would have little landscape impact on the wider landscape values of the Castle Hill basin and the Craigieburn Range.

123. The landscape character of the area itself would be totally changed to an urban form, albeit with alpine planting. We consider that with the proposed controls on scale and design, such a change in character will not necessarily be adverse and will be localised.
124. Mr Craig's concerns regarding the setback from the Porter Stream that we discussed above in relation to the Porters Lower Slopes area, also related to where the stream passed through the Southern Terrace/Village area. We note that Mr Craig did not raise any issue with the two road bridges proposed over the stream in this area, nor the works proposed in the stream involving drops over gabion baskets⁴⁴. We consider the intended urban nature of this environment means that a building (excluding bridges) setback of 5m either side of the stream would be appropriate to ensure retention of its natural character.

Overall Evaluation of Landscape Effects

125. The Zone is proposed within an area identified as an outstanding natural landscape. Section 6(b) of the Act requires, as a matter of national importance, that the Council recognise and provide for the protection of such landscapes from inappropriate subdivision, use and development. We agree with Mr Miskell's view that the criteria to be used in determining whether this proposal is appropriate or inappropriate are the objectives and policies in the District Plan relating to Outstanding Landscapes in Section B1.4. Additionally, given the issue regarding setback from Porter Stream, we consider some of the objectives and policies from Section B1.3 Water to also be relevant.
126. Section B1.4 of the District Plan – Rural Section sets out the issues, objectives and policies relating the outstanding natural features and landscapes in the District. PC25 is proposing a rezoning within the High Country outstanding landscape. The description of this landscape splits the high country into four basic land types and goes on to describe the

⁴⁴ Subject to an application to the Canterbury Regional Council which we heard immediately following the hearing of PC25.

nature of the land and the activities located within the landscape. It states that most areas -

... are landscapes which have been modified by human activities, particularly pastoralism. Outdoor recreational activities are also popular in most of these areas. These areas contain features such as improved pasture, small-scale earthworks associated with tracks and fence lines, and small structures such as stock fences, water supplies, tramping huts and ski tows. ~~These activities and features are part of the Areas of Outstanding Landscape now, and are appropriate uses of these areas.~~ Ski Areas also require modification to the natural environment in the form of creating and maintaining skiable terrain, ski infrastructure and amenities. These modifications are however localised and enhance public access to use and enjoyment of the mountains. This includes access to non-winter activities such as mountain biking or hiking. Porters Ski and Recreation Area includes an on-mountain village which has further enhanced the accessibility of the mountain environment and created a recreation node with consequential tourism benefits.

Uses which are generally inappropriate in the Areas of Outstanding Natural Features and Landscapes in the high country are large structures and buildings, houses (outside existing building nodes), large scale commercial buildings and industrial developments and exotic plantations. Large structures and buildings have the potential to alter the sense of remoteness from people and untouched country, which are features of the Areas of Outstanding Landscape in the high country. ... The policies recognise exceptional circumstances where large structures or buildings, industrial developments or exotic plantations may be necessary or appropriate uses in Areas of Outstanding Natural Features and Landscapes. An exception is made for the Porters Ski and Recreation Area, where there is provision for an on-mountain village providing accommodation and commercial services and is to be excluded from the Outstanding Natural Landscape. The Porters Village enhances public accessibility to and enjoyment of the mountain within a defined location and has been master-planned to complement the values of the mountain landscape, which remains a dominating natural environment. The Village has also enabled wider tourism, social and economic benefits to be realised which are of importance at both district and regional scales.

Large-scale earthworks are not ideal uses of land in the Areas of Outstanding Landscape. ... The Plan policies allow for large-scale earthworks in the Areas of Outstanding Landscape (subject to a

*resource consent) provided the visual effects of these operations can be minimised, and the site is appropriately rehabilitated.*⁴⁵

127. The amendments proposed by PC25 (as notified) are shown with strike through for deletions and underlining for additions. The further amendments proposed by PSAL during the hearing are also shown with double-underlining for additions. The one further deletion was the reference to excluding the Porters Ski Area from the Outstanding Landscape. We show that with strike-through.
128. We will consider PC25 against the provisions of the section overall, before considering the appropriateness of the amendments.
129. The District Plan recognises the role of human activities in Outstanding Landscapes, and that they are appropriate activities. While large buildings and development nodes, such as is proposed in the PC25 village, are considered generally inappropriate, it notes that the policies recognise exceptional circumstances may exist that make such development an appropriate use.
130. Similarly with large-scale earthworks. The Plan suggests these are not “ideal”, but recognises that provision can be made for them subject to appropriate control.
131. Objective B1.4.1 aims to protect recognised Outstanding Landscapes from inappropriate development, while enabling people to provide for their economic and social well-being. The explanation notes that when land is in private ownership it is essential that landowners are able to continue their existing uses and be able to diversify into other activities. This is carried into Policy B1.4.2 which recognises that landscapes will change over time, while retaining core values.
132. In the context of the existing ski fields, this objective and associated policy support the proposition that the ski fields should be able to develop to retain their function and usefulness. The Explanation and Reasons for Objective B1.4.1 notes that it will be achieved through policies that, *inter alia* -

Allow activities that will have complementary or only minor effects on the landscape values of these areas.

⁴⁵

District Plan Rural Section pp B1-037 – B1-038, paragraphs 6 - 8.

133. Policy B1.4.1 provides for the mix of existing structures and activities along with natural elements to continue.
134. The Explanation and Reasons for Policies B1.4.1, B1.4.2 and B1.4.3 notes

Policy B1.4.1 recognises that much of the land in the Areas of Outstanding Natural Features and landscapes has been modified by human occupation or use. Consequently, these areas contain man-made or physical elements, for example modified vegetation cover such as pasture or exotic trees, stock fences, roads and other utilities, dwellings, ~~and~~ accessory buildings and Ski Area and recreation infrastructure. Landscapes do not need to be naturally pristine to be outstanding. However, where a landscape is outstanding and contains man-made or physical elements, such elements may represent appropriate uses in these areas. One such example is the Ski and Recreation Area Sub-Zone. Snow sports are predominantly limited to specific and defined locations within the mountains. Ski Areas enhance public access to and enjoyment of the mountains but require modification and development. As Ski Areas are dependent on a mountain location their infrastructure and facilities are an anticipated feature of the high country and also provide a node or base for other recreation activities such as mountain-biking or hiking.

Policy B1.4.2 recognises that most landscapes change naturally over time. Climate, geomorphic processes and biological processes can change the appearance of a landscape over time. Landscapes can also change temporarily with seasons or time of day. Changes are an integral part of landscapes and protecting Areas of Outstanding Natural Features and Landscapes does not mean freezing them in time. Changes should be allowed, provided that these changes maintain the fundamental values of the landscape and fit with the character of the area.

135. Ignoring for the moment the changes proposed by PC25, the explanation identifies that Ski Areas themselves are recognised as appropriate uses and suggests that changes to any of them that maintain the fundamental values of the landscape and fit with the character of the area can be allowed. Thus the appropriateness of the development allowed by PC25 is to be determined by the nature of the development – it is clearly not precluded by these policies.
136. Turning to the specific policies for the High Country Outstanding Landscape, Policy B1.4.22 continues this theme. It identifies outdoor recreational activities as appropriate in this area. PC25 proposes a

change to the explanation to this policy to make it explicit that ski-field infrastructure is among the existing structures in the area.

137. Policy B1.4.23 is to avoid locating dwellings or other large buildings, structures or utilities in the High Country Outstanding Landscape subject to two provisos:

The building or structure must be located in that area to serve its purpose; or

The building or structure is associated with an activity in the Area of Outstanding Landscape and there is no suitable site outside the Area of Outstanding Landscape.

138. The first proviso would certainly cover ski lifts and associated on-mountain facilities directly related to skiing. By its nature, skiing as a regular winter activity can only occur in the mountains in Canterbury, and modern skiing does require on-mountain facilities.
139. The second proviso creates a test for assessing the appropriateness of the proposed village. Several submitters suggested that the accommodation and other development proposed in the village could be located either at the existing Castle Hill Village or Springfield. PSAL contended that there was a direct relationship between the extended ski field and the accommodation provided in the proposed village and that location at a distant site would not provide the same experience to visitors.
140. We accept that there is such a relationship and even though the scale is different, the provision of accommodation and other related activities in the proposed village is little different from the provision of accommodation in ski club lodges such as that already at Porters. The difference in scale corresponds to the increased capacity of the ski field.
141. Policy B1.4.24 requires that when buildings and structures must be located in an Outstanding Landscape in accordance with Policy B1.4.23, it is designed to blend into the landscape and be as visually unobtrusive as possible. Mr Craig was satisfied that the controls on buildings were such that this policy could be achieved. We agree with his conclusion.

142. PC25 proposes a new policy to follow Policy B1.4.24 and additional explanation and reasons. We will return to the details of this when considering all the proposed amendments to this section of the Plan.
143. The final relevant policy relating to Outstanding Landscapes is Policy B1.2.29. This is aimed at avoiding, remedying or mitigating the adverse effects of earthworks in Outstanding Landscapes by limiting the volume and ensuring recontouring and replanting. As we have discussed above in discussing the effects of earthworks on the landscape, we are generally satisfied that the earthworks proposed will avoid, remedy or mitigate adverse effects on the environment and the Council will retain the capability on resource consent to set appropriate standards to maintain consistency with this policy. In those areas where we expressed concern about potential effects from earthworks we are satisfied that classifying earthworks as restricted or full discretionary activities will enable appropriate control by the Council.
144. We will now consider in detail the amendments proposed by PC25 to this section before considering whether the proposal can be considered appropriate development when considered against the relevant objectives and policies subject to such amendments as we recommend should be confirmed.
145. We are concerned that the amendments proposed to paragraphs 6 and 7⁴⁶ of the description of the High Country Outstanding Landscape are worded as though the development that would be allowed by PC25 were already established and operating. As a zone provision, like a resource consent, allows one or more activities, if the Council were to approve PC25 it would only provide the opportunity for PSAL to apply for resource consents and subsequently commence work. It would not require PSAL to do such things. For this reason we recommend that the amendments proposed to the first paragraph be declined.
146. The second paragraph identifies that exceptions are provided for in the policies. We recommend that the proposed addition to this paragraph be modified to read:

Porters Ski Area is one such exception, where the policies provide for large-scale but concentrated development that will be carefully

⁴⁶ PC25 Amendment 2.

designed to complement the outstanding natural landscape it is located within.

147. Amendment 3 proposed additional words in the Explanation and Reasons for Policy B1.4.1. The first change proposed to include “Ski Area infrastructure” in the list of examples of man-made or physical elements in the landscape. At the conclusion of the hearing PSAL sought to include “and Recreation” between “Area” and “infrastructure”. This would extend the list to include infrastructure for recreational pursuits other than skiing. We agree that ski field infrastructure is an example of man-made or physical elements in the landscape. While there may also be recreation infrastructure, we are not aware of any submission seeking this addition and conclude there is no jurisdiction for the additional words.
148. The second addition proposed to this paragraph in the notified version of PC25 is an additional four sentences explaining that ski fields are dependent on mountain locations and that the zone is an example of activities appropriate within an outstanding landscape. We agree with that statement and consider it a suitable amendment which reinforces the intention of Policy B1.4.1. At the conclusion of the hearing PSAL sought two additional amendments to this statement. The first, which is repeated elsewhere in PC25, is to change the name of the sub-zone to *Ski and Recreation Area Sub-Zone*. We consider that change to not alter meaning or effect and can be made throughout PC25 without further comment, subject to our further amendment to the zone title referred to at the commencement of this report. However, PSAL also sought that the following words be added to the end of the paragraph:

and also provide a node or base for other recreation activities such as mountain-biking or hiking.

149. We feel that this wording widens the meaning of the paragraph and note that no submission sought this or similar wording. Accordingly, we consider there is no jurisdiction for the Council to make this additional amendment.
150. In the Explanation and Reasons for Policy 1.4.22 PC25 seeks to include reference to ski field infrastructure⁴⁷. That is consistent with the amendments in respect of Policy B1.4.1 and we recommend it be accepted.

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151. Amendment 5 of PC25 is to include a new Policy B1.4.25 (with consequential renumbering) which reads:

Provide for a mountain village to be established in the Porters Ski Area which enables accommodation, recreation, 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. (The underlined word was sought to be added by PSAL at the conclusion of the hearing)

152. The following addition is proposed to the Explanation and Reasons for Policies B1.4.22 to B1.4.25 (we have deleted those parts PSAL sought to delete as a result of the hearing):

Policy B1.4.25 provides specific recognition of an on-mountain village at Porters Ski and Recreation Area. This policy is to be achieved through a Ski and Recreation Area Sub-Zone which enables a node of built development to be established within a defined location at the base of the Porters Ski Area. The Ski and Recreation Sub-Zone provides for a concentration of built development for accommodation and commercial purposes which are complementary to ski field activities as well as enhancing its viability and role as a tourist and recreation destination.

The provision of a Sub-Zone acknowledges the relative importance of this concentration of development to the ski industry and the district and region in terms of tourism and wellbeing. It puts in place a special management framework which is site specific and responsive to the values of this particular locality. The management framework has been derived from a comprehensive masterplanning and investigative process and delivers an outcome with a high level of certainty in respect of layout and effects on the values of the site.

153. This new policy and its explanation complement Policy B1.4.23 by providing explicit support for the building and structures proposed in Porters Village. This policy is required to implement Objective B1.4.1⁴⁸. As the objective is the protection of outstanding landscapes from inappropriate development, this policy can only be implementing it if, when the development allowed by PC25 considered in the round, meets the range of appropriateness tests set out in all the relevant policies.

154. Taking account of the evidence we heard on landscape and our assessment of the policies in conjunction with the limitations on

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S.75(1)(b)

development contained within the proposed rules, we conclude it does represent appropriate development. Thus we consider the additional policy assists the implementation of the objective by making specific provision for the development proposed.

155. The final amendment sought by PC25 to the policy provisions applying to the High Country Outstanding Landscape is an addition to the Explanation and Reasons for Policy B1.4.29⁴⁹. The final version proposed at the conclusion of the hearing read:

The establishment and maintenance of ski trails and infrastructure requires earthworks and the movement of scree. The Ski and Recreation Sub-Zone (Porters) is to be exempt from the rules that apply to the Outstanding Natural Landscape. The establishment of the Sub-Zone has already involved the assessment of the appropriateness of Ski Area activities and the proposed rules are focused on how the earthworks are to be managed.

156. We do not consider this is a fair reflection of our conclusions on earthworks to date, or what PC25 does. In part this statement was predicated on our finding that PSAL was providing sufficient environmental compensation to enable earthworks to be considered throughout the proposed zone as a controlled activity. As we noted above, we do not accept that to be the case. In addition, we concluded that insufficient information was provided on earthworks effects in part of the Crystal Stream area for all earthworks there to be considered controlled or restricted discretionary. What PC25 proposes is a separate regime for earthworks in this zone than generally applies in the Outstanding Landscape Area. We consider the wording below better reflects that:

The establishment and maintenance of ski trails and infrastructure requires earthworks and the movement of scree. The Porters Ski and Recreation Area provides a separate set of rules for managing the effects of earthworks in that zone.

157. Amendments 8, 9 and 10 all relate to the High Country General section of the SDP (Policies B1.4.30 to B1.4.32). That section relates to high country areas not within the Outstanding Landscape Area. With our recommendation to allow submissions opposing the removal of the Porters zone from the Outstanding Landscape Area these amendments are redundant and should be declined.

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158. Amendment 11 proposes the inclusion of an additional Anticipated Environmental Result as follows:

The expansion and on-going viability of Porters Ski Area as a recreation and tourist destination.

159. We do not see how this result relates to the Objective for Outstanding Landscapes and recommend it be declined.
160. In summary, when the actual landscape effects are considered on the basis of the amendments we have recommended above in the context of both the operative objectives and policies for the High Country Outstanding Landscape Area and as they would be following amendment by PC25, we consider the proposal as a whole can be considered appropriate use, subdivision and development in this location.
161. To apply our conclusions on the landscape effects on the basis of the delineation of the areas by Mr Miskell, we have adapted his Figure 3 (as included in Appendix 2) by containing all parts of the Village Base within the Village Base Sub-Zone, matching the southern boundary of the Crystal Basin and Crystal Stream Sub-Zones as the catchment boundary of Porter and Crystal Streams, and including the small area of Porter River within the Porters Lower Slopes Sub-Zone⁵⁰. We use these Sub-Zones as a basis for setting rules within different parts of the Zone.

Ecological Effects

162. Our consideration of ecological effects relates to impacts on wetlands and waterways, and the biodiversity of the area (flora and fauna). We heard evidence regarding ecological effects from Dr Vaughn Keesing for PSAL, and Dr Sarah Flynn contributed to the s42A report and provided three addenda (dated July 2011, 10 August 2011, and 11 September 2011) in response to evidence presented and questions raised during the hearing.
163. The ecological features and attributes of the site and its surrounds were accurately described in the Ecology Report⁵¹. In brief, the site lies within the Craigieburn Ecological District (ED) close to the boundary of the adjacent Torlesse ED (with the Porter River forming the boundary between

⁵⁰ See PC25 Appendix 25A as contained in Appendix 5 to this Report.
⁵¹ Boffa Miskell 2010

the two ED). The Craigieburn ED covers 42,000 ha of the mountain ranges including the entire Craigieburn Range, which included numerous alpine cirque basins in-filled by rock scree, moraine and occasional rock glacier deposits. Vegetation generally comprises alpine shrublands, snow tussocklands, scree and fellfield at higher levels, and mountain beech forest at lower levels. Low altitude vegetation has been modified by burning, farming and forestry so that secondary shrubland and grass dominate. Scree and rock formations dominate the higher basins, with only a small amount of vegetation cover. The habitats support specialist native plants and animals adapted to a high stress environments with relatively frequent disturbances (erosion, land instability and extreme climatic conditions). Fauna present include kea, New Zealand (NZ) falcon, NZ pipit, common skink, common gecko, and introduced mammals such as red deer, chamois, feral stock, rabbits, hares and possums. Crystal Stream and Porter Stream combine with the Porter River and form part of the headwaters of the Waimakariri River. Water quality is high and is classified as 'Natural State' under the Waimakariri River Regional Plan (WRRP). Biometric studies indicate the Porter River has excellent habitat and water quality.⁵²

164. There is general agreement that Crystal Basin and the upper Porter River Valley currently have a low degree of modification, intact functioning, and hence a high degree of naturalness. While it has been acknowledged that the remaining parts of the site have been modified (by existing ski activities, historic land uses, removal of forest cover, weeds and pests, and introduced fish), we agree with Dr Flynn that in consideration of the site as "part of an integrated unit" it should be regarded overall as "regionally significant".
165. We understand from the evidence presented that the adverse ecological effects of proposed PC25 are as follows:
 - i. Loss of ecologically significant vegetation and potential fauna habitat/population due to development of part of an unmodified alpine basin (Crystal Basin), associated with earthworks and the construction of tracks, trails, water reservoir, day lodge and chair lift infrastructure;
 - ii. Fragmentation of ecotonal sequences between ecologically significant vegetation communities and habitats;

⁵² Dr V Keesing Statement of Evidence, para 83, pg 24

- iii. Ongoing disturbance/degradation of ecologically significant alpine plant communities, fauna habitats and soils from compaction during snow grooming;
 - iv. Ongoing disturbance due to increased public access and activity in the alpine environment;
 - v. Increased risk of weed and pest infestation;
 - vi. Clearance of approximately 15 ha of indigenous vegetation (*Dracophyllum*-tussock) and associated fauna at the Village site on the southern terrace;
 - vii. Disturbance of indigenous vegetation (*Dracophyllum*-tussock) and increased soil nutrients from the discharge of treated wastewater to the Northern Terrace;
 - viii. Potential contamination of waterways and wetlands from the discharge of treated wastewater and stormwater, and potential spills of hazardous substances during construction; and
 - ix. Adverse effects on aquatic habitats from water abstraction.
166. While this section of our report considers the wider ecological effects of PC25, our consideration in relation to aquatic habitat and communities is addressed in the Water Quality section below. Overall, we accept that the imposition of maximum instantaneous rates of take, minimum flow levels and an alternative water take point on the Porter River will adequately mitigate any potential adverse effects relating to water quantity.
167. The applicant acknowledged that some of the residual effects of the development cannot be avoided, remedied or mitigated. In this regard the applicant's case hinged on the perceived value of the environmental compensation proffered.
168. Dr Keesing outlined that approximately 90-100ha of indigenous vegetation would be removed in total. Some 20ha at the village site and lower Porter Stream valley, 10ha for the ski return trail, 18ha at the wastewater disposal site, 2ha on the new Porters access road, and 40 ha to form ski trails in

Crystal Basin.⁵³ Dr Keesing estimated that Crystal Basin, at around 144ha, represents around 2.7% of the Craigieburn ED's alpine basin habitat.⁵⁴

169. Dr Keesing submitted the application avoided areas of ecological value through design. He noted the significance of the spring flushes in Crystal Basin and the diverse vegetation communities existing on damp shady riparian margins including the threatened alpine herb species *Schizellema pallidum*. He described a wetland (seep) on the Snow Play Area which contains diverse indigenous herbaceous wetland species, and the natural wet depression through the Southern Terrace that need to be protected during construction.
170. Dr Flynn noted in her original assessment of the proposal that a number of residual effects had not been wholly addressed by the applicant. She considered that the development was not sufficiently refined to enable its scale and impact to be quantified. She considered that "*viable and desirable mitigation opportunities exist, on-site or in the immediate vicinity of the of the proposed Plan Change area, to further reduce, remedy or mitigate ecological effects*" such as implementation of predator control operations to enhance the breeding success of indigenous fauna and restoration of the Porter River valley floor and access road. However, she noted a number of challenges to extensive revegetation and the uncertainty of successful restoration.
171. Due to the agreement between the parties that the proposed PC25 site does not offer the opportunity to mitigate the significant adverse ecological effects of large scale earthworks and vegetation clearance within Crystal Basin, or the associated loss of connectivity between vegetation communities and habitats, the focus of the evidence was on the applicant's proffered environmental compensation package. We heard evidence that opportunities for a direct "like-for-like" offset do not exist because there are no similarly large, unmodified alpine cirque basins outside existing protected areas. While we accept this is the case, we consider this emphasises to us the relatively rare and unique nature of such environments.
172. The applicant provided a plan labelled "Protected Sensitive Areas After Construction Completed". It showed protection of approximately 141 ha

⁵³ Dr V Keesing evidence, para183 pg 47
⁵⁴ Ibid para 132 pg 38

(79%) of Crystal Basin from further development or modification under a “Deed of Encumbrance” with DoC, and the extent of impact on the existing identified herbfield, boulderfield and tussock grassland habitats. From this plan, Dr Flynn agreed there would be significant ecological loss in Crystal Basin, but that it would not result in the wholesale loss of the ecological values of Crystal Basin. We note the Deed of Encumbrance would only apply after construction works, and the scale and extent of excavations within Crystal Basin are not detailed.

173. Dr Flynn drew our attention to Objective 3 and Policy 4 of the operative Canterbury Regional Policy Statement (RPS (1998)) regarding the protection and enhancement of regionally significant indigenous biodiversity and habitats. Policy 4 in Section 8.2 reads:

Areas of indigenous vegetation and habitats of indigenous fauna that meet the relevant criteria of sub-chapter 20.4(1) should be protected from adverse effects of the use, development, or protection of natural and physical resources, and their enhancement should be promoted. In particular, indigenous species, communities and habitats that are threatened, unusual in, or characteristic of Canterbury should be identified, and their survival, and the survival of ecosystems on which they depend, safeguarded as far as practicable. The particular sensitivity of these areas of vegetation or habitats to regionally significant adverse effects in terms of sub-chapter 20.4(2) should be reflected in the provisions of district plans in the region.

174. Dr Flynn noted that sub chapter 20.4(2) of the RPS lists the following factors be considered when determining whether an effect is of regional significance:

(2) Regionally significant effects

An effect is of regional significance if it has the potential to materially enhance or detract from any matter in 20.4(1). In determining what is material the following factors will be taken into account:

- (a) Whether there is likely to be substantial modification of identified values, including substantial damage, loss, restoration or enhancement;*
- (b) Whether any effects are likely to be long term;*
- (c) Whether any short term effects are likely to be widespread;*
- (d) Whether ecological resilience is likely to be affected;*

- (e) *Whether, and to what extent, there is likely to be an increase or decrease in scientific or educational value to the regional or national community; (f) Whether any effects are of widespread public concern within the region;*
- (g) *Whether any effects which although minor, short term or infrequent, become material when taken cumulatively, including whether any effects are potentially of high probability, or, if potentially of low probability, have a high potential impact;*
- (h) *Whether any effects are of widespread concern to Tangata Whenua within the region;*
- (i) *Whether any effect is likely to lead to irreversible changes (other than minor changes); and*
- (j) *Whether there are likely to be any effects on the ability of structures and infrastructures to function in a safe and efficient manner.*

175. Dr Flynn concluded that:

The proposed development will result in substantial, and in some cases permanent and irreversible, modification of significant vegetation and habitats including potential reduction in ecological resilience of some vegetation communities and habitats in Crystal Basin.

176. Dr Flynn noted that the operative RPS offered little guidance on how such effects should be mitigated and did not contemplate the use of biodiversity offsets. However, she drew our attention to Policy 9.3.6 of the draft Canterbury RPS (2010) regarding the limitations of using biodiversity offsets and concluded that the scale and extent of offset can only be determined after detailed design and assessment work has been undertaken. Dr Flynn concluded that the activity status for earthworks in Crystal Basin should be a restricted discretionary given the uncertainty associated with undertaking revegetation or restoration planting in an alpine environment and the lack of site specific detail regarding ecological effects.

177. Mrs Shands and Ms Sage raised concern that the scale and extent of excavation in Crystal Basin and the lower Porter Valley (for the snow play area) was unknown and that people were therefore unaware of the scale of the development.

178. While we continued to pose questions to Dr Flynn regarding the relative weight of the proffered environmental compensation package during the hearing, we did so on the basis that we might determine that we could

consider the compensation agreed to with DoC to offset the physical effects of the development. Dr Flynn couched her assessment accordingly and agreed that if the entire package (including Steep Head Gully and Lords Bush) was considered (with more detailed management plans and targets) it could in principle provide sufficient compensation for the development. She emphasised detailed design was required to enable any meaningful assessment of ecological losses and benefits.

179. We have discussed earlier in our report that we consider the matters set out in paragraph 55 (I)-(VII) relate to the loss of the site from the Conservation estate and not to the actual physical effects of the development. Accordingly we are of the view that our consideration of environmental compensation proffered for adverse effects on ecological values is limited to the following measures:

- a) The protection and restoration of 15 ha of remnant indigenous vegetation at Lord's Bush;
- b) Revegetation and restoring indigenous vegetation post construction on the Village site (Southern Terrace) and the wastewater disposal area (Northern Terrace);
- c) Revegetation of Crystal Basin;
- d) Revegetation of the Snow Play Area;
- e) Restoration planting in the red tussock wetland gully within the Village (0.2ha); and
- f) Predator and pest control on the site;

Overall Evaluation of Ecological Effects

180. The key ecological effect is the loss of existing indigenous biodiversity. While we accept most of the vegetation and habitat types on the site are well protected and represented elsewhere in the Craigieburn ED, we consider the relatively pristine environment of Crystal Basin is unique and regional significant. We consider it is critical that the development results in no net loss of these particular ecological values, and the maintenance and enhancement of the natural state of Crystal and Porter Streams.

181. We are satisfied that Crystal Basin/Valley and Porter Stream Valley (Porters Lower Slopes) are significant indigenous vegetation and habitat for indigenous fauna in terms of the District Plan and s6(c) of the Act. We

agree that Crystal Stream is a significant waterway in terms of its naturalness and fauna, and that Porter Stream is also significant in terms of its unusual habitat, community and quality of condition, although as we note when discussing water quality, this significance is not unique.

182. We accept the existing indigenous vegetation at the Village Base Sub-Zone (Southern Terrace) is secondary growth and that its ecological significance is low. We also accept the ecological significance of the wastewater disposal site (Northern Terrace) to be medium. We consider the applicant has demonstrated that the ecological loss in these two areas can be adequately mitigated by restoration of vegetation and the planting of kanuka and mountain beech trees. While relatively slow, we accept that revegetation of the Village Base Sub-Zone and Northern Terrace is possible and consider the likelihood of success depends on appropriate planting, monitoring and on-going maintenance. We are conscious that the optimum functioning of the disposal area is dependent on the successful establishment of vegetation and consider that replanting and landscaping the village area will be achievable. Mrs Shands was concerned that kanuka does not belong at the site, but we agree with Dr Keesing that it is present in the wider surrounds and will not be incongruous with the existing vegetation.
183. We see merit in prohibiting pets and animals and the introduction of exotic plants, and accept the mitigation measures outlined by the applicant of placing covenants on land titles to address such matters.
184. We are satisfied that the proposed setbacks from Porter Stream (5m and 15m), including control of earthworks, will protect existing riparian vegetation. We consider the removal and replacement of the existing weir structure may have a positive effect by enabling indigenous fish passage.
185. Only relatively minor and temporary works are required to Crystal Stream to install the wastewater pipe from the Village Base Sub-Zone to the wastewater disposal field (Northern Terrace) and the applicant confirmed that there will be no machinery or vehicle access across Crystal Stream. We are satisfied that any adverse effects can be avoided or mitigated by the imposition of appropriate consent conditions. We note Dr Keesing referred to enhancement works such as a trout barrier, but record that such measures were not proffered as part of the application.

186. We agree with Dr Flynn that there is not enough design detail to weigh up ecological loss in Crystal Basin with the off-site environmental compensation. Even with further design detail we are of the view that the environmental compensation is not adequate for the assessed loss of regionally significant indigenous vegetation associated with un-quantified earthworks in Crystal Basin required to form ski trails and general terrain. We noted a general lack of detail on trail widths and the scale of excavations required for the snow play area and in Crystal Basin.
187. We accept we have sufficient detail on establishment of the return ski trail, new access road, the water reservoir, and the site of the day lodges. We remain concerned about the scale and extent of the wider earthworks and associated loss of existing vegetation in Crystal Basin and the snow-play area in the Porters Lower Slopes Sub-Zone. We are mindful of the regional significance of *Celmisia* herbfields ('alpine daisy') and areas of slim snow tussock and consider the environmental compensation does not address this ecological loss. We consider that in Crystal Basin there is a definite need for pre-construction flora and fauna surveys, and consideration of avoidance, direct vegetation transfers and trap and transfer programmes. We consider a larger buffer around the spring flush is probably necessary to protect ecological values. More detail is required on the proposed revegetation of Crystal Basin with *Chionocloa macra* and the mitigation this would provide. We note that Crystal Basin is almost totally free of pest plants and this emphasises the importance of preparing and implementing management plans for the construction and post-construction phases.
188. We consider there are opportunities within the wider site to mitigate ecological effects by enhancing affected species in areas not impacted by earthworks. We agree with Mrs Shands that little is known about some of these indigenous species and that this could be addressed. Overall we do not consider the applicant has demonstrated that the wider earthworks for ski trails and terrain parks in Crystal Basin have been adequately mitigated. In particular there is no evidence to indicate that there will be no net ecological loss to populations of indigenous species such as the slim snow tussock, alpine daisy, kea, lizards and weta.
189. We accept the Lord's Bush restoration programme (including predator and pest control in perpetuity) in some way compensates for the loss of approximately 20 ha in the Village Base Sub-Zone. The Lord's Bush

programme aims to recreate 15ha of lost habitat that does not currently exist, for the loss of existing secondary indigenous vegetation. While we have some difficulty attaching a value (current or future) to the yet to be recreated habitat, we are sceptical of the ecological value of such a small, isolated revegetation programme. We accept the evidence of Dr Keesing and Dr Flynn that the protection and restoration of Lord's Bush and the enhancement of the red tussock gully is appropriate for the estimated ecological loss in the Village Base Sub-Zone. We are satisfied that ongoing predator and pest control in perpetuity at Lord's Bush will ensure there is no net ecological loss associated with controlled activity status for earthworks within the Village Base Sub-Zone.

190. We do not accept that the disturbance of the Northern Terrace is compensated by the release of lease land.⁵⁵ As discussed above, we consider this to be part of the agreement with DoC and we have no information as to the ecological value of the release of land.
191. We consider the proposed site weed and pest control programmes and use of management plans to be good environmental practices that the Council would have required in any event and that these provide little compensation for the on-going environmental effects of increased public access.
192. We find that the applicant has not made its case for including earthworks in the Crystal Basin as a controlled activity under proposed Rule 25.2.1.1. We consider it prudent for the Council to retain its ability to refuse consent if there is a net ecological loss to the significant indigenous vegetation and habitats currently present in Crystal Basin. In this regard we agree with Dr Flynn that more direct onsite mitigation opportunities exist to maintain and enhance existing threatened species, such as the kea. We consider that mitigating and avoiding adverse effect on indigenous species such as skinks and geckos are best undertaken on a site-specific basis and the preparation and implementation of appropriate management plans. We consider that any biodiversity offset to mitigate the impact of earthworks in Crystal Basin should commensurate to the loss, and should protect or enhance indigenous species or habitats modified or lost.
193. We are also not satisfied that the earthworks and vegetation removal proposed for the snow-play area has been adequately assessed to

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Dr V Keesing evidence, para 213, p.55

enable us to recommend a rule providing for earthworks in this area as a controlled activity. Consequently we consider that earthworks in the Porters Lower Slopes Sub-Zone should be a restricted discretionary activity.

194. Section B1.2 of the District Plan contains objectives and policies dealing with vegetation and ecosystems. PC25 does not propose any amendments to this section.
195. The relevant objectives, B1.2.1, B1.2.3 and B1.2.4, are to recognise and protect significant areas of indigenous vegetation and habitats of indigenous fauna and indigenous vegetation along riparian margins, and to avoid, remedy or mitigate the potential adverse effects on such areas and on indigenous biodiversity and functioning.
196. Policy B1.2.1 is to identify and protect significant ecological sites in partnership with landholders and other stakeholders using the process in Appendix 12. The applicant has provided such an assessment and proposes the absolute protection of an area at the head of Crystal Stream.
197. Policy B1.2.2 is to avoid irreversible damage to or destruction of significant ecological sites. Dr Keesing identified the Crystal Basin, Crystal Stream and Porters Lower Slopes Sub-Zones as having high ecological significance based on the Appendix 12 criteria. While the explanation of the policy makes it clear that an absolute avoidance is not required, the management of activities and any compensatory enhancement are matters that would be relevant when considering whether the rules in PC25 give effect to this policy. We consider that in these three Sub-Zones classifying earthworks as a restricted discretionary activity is the minimum necessary to give effect to this policy.
198. Policy B1.2.5 is to encourage retention and enhancement of indigenous vegetation on riparian margins. PC25 gives effect to this by the required setback from Porter Stream.
199. Policy B1.2.6 is to avoid adverse effects on indigenous ecosystems, vegetation and habitat where such areas are important for maintaining indigenous biodiversity, ecosystems functions and natural character. Examples are given of, relevantly, wetland areas, indigenous riparian vegetation, red tussock wetlands and alpine areas. This is given effect to

in PC25 via the control on earthworks, setback from Porter Stream, identification and protection of a red tussock gully, and stringent classification of activities affecting wetlands.

200. In the amended version of PC25 provided after the hearing, PSAL suggested further changes to reinforce the use of environmental compensation as a means of meeting these objectives and policies. These included an additional paragraph after proposed Policy B4.1.8 (Amendment 30) and the inclusion of Appendix 25.14(d) in the Outline Development Plan distinguishing between those areas in Crystal Basin and Crystal Stream Sub-Zones where earthworks would be a controlled activity, and the remaining areas in those Sub-Zones where earthworks would be a restricted discretionary activity. Subsequent amendments to Rule 25.2.1 were also proposed.

201. Amendment 30 adds a new Policy B4.1.8 and Explanation and Reasons. Two minor amendments in the first two paragraphs of the Explanation and Reasons correct grammar and are within scope. The major change in this Amendment is the replacement of the final sentence of the Explanation and Reasons. The final sentence originally read:

If circumstances arose where, despite all reasonable efforts have been made to avoid, remedy or mitigate effects this cannot be achieved, policy (h) indicates that there may be circumstances where it is appropriate to consider environmental compensation.

202. This is to be replaced with:

The establishment of the Ski and Recreation Area Sub-Zone has involved the application of environmental compensation for the loss of biodiversity values. This adverse ecological effect has been unable to be avoided, remedied or mitigated through the provisions of the Plan. This compensation has taken the form of restoration of a site of equal high conservation value within the Selwyn District and the protection and restoration of a site of equal high conservation value within the Canterbury Region. The provisions of the Sub-Zone require the securing of the mechanism(s) for protecting the restored values in perpetuity. This mechanism is required to be in place prior to any activities, subdivision or built development occurring.

203. Given our conclusions on the actual extent of environmental compensation offered by PSAL and the potential effects of the activities in Porter Lower Slopes Sub-Zones as well as in Crystal Basin and Crystal

Stream Sub-Zones, we do not consider this replacement paragraph is a fair reflection of the PC25 provisions we are recommending. We consider the original sentence is a better reflection of the rules.

204. PSAL proposed a number of amendments to Rule 25.21 Earthworks⁵⁶. The main change was to distinguish between purposes for which earthworks could be undertaken as controlled activities in the Crystal Basin area as opposed to the Porters ski area and village area.⁵⁷ In addition, PSAL proposed an extension of the matter of control in Rule 25.2.2.6 related to ecological values and included the addition of definitions of "Herbfield", "Boulderfield: and "Spring flush".
205. Related to these changes and the effects of earthworks in Crystal Basin was a proposed addition to Rule 25.3.1.2 that required that building be erected until a legally enforceable mechanism had been confirmed for funding continued protection at Steep Head Gully and Lords Bush.⁵⁸
206. We have already recommended that the earthworks rules be amended to provide for them to be restricted discretionary in the Crystal Basin, Crystal Stream and Porters Lower Slopes Sub-Zones, with the exception of the access road/ski out trail in the Crystal Stream Sub-Zone. In making such a change we agree with Mr Rhodes that an additional matter the Council should restrict its discretion to is
- The effectiveness of any proposed mitigation measures or environmental offset/compensation.
207. We do not consider it appropriate to retain the addition relating to the mechanism for funding continued protection of Steep Head Gully and Lords Bush as it could constrain the options available when considering a restricted discretionary activity application.
208. We do agree with PSAL that the additional wording listed in Rule 25.2.2 relating to terrestrial and aquatic ecological values is appropriate, along with the additional definitions. We propose that the same provisions also be a matter of discretion in considering restricted discretionary activity applications for earthworks.

⁵⁶ These can be seen in Appendix 3 to this Report.

⁵⁷ These areas are combinations of the Sub-Zones we have been referring to.

⁵⁸ See Appendix 3 to this Report for the changes proposed.

209. We also agree with PSAL that better definition of the purposes for which earthworks can be undertaken as controlled (or restricted discretionary) activities is appropriate and we recommend those amendments be accepted as modified by our classification changes.
210. We have included some of the information regarding ski lift and gondola location and the location of the access road/ski out trail from Appendix 25.14(d) in Appendix 25A.

Water Quality Effects

211. The applicant cited a reduction in water quality, primarily as a result of waste water discharges, and loss or reduced aquatic habitat, due to reduced flows (as a result of abstraction for snow making and potable water), as potential adverse effects resulting from PC25.
212. Crystal Stream, Porter Stream and the Porter River are the primary watercourses within the plan change area. These waterways have water quality characteristics typical of alpine waters. Their aquatic ecosystems are also typical of alpine waters set within relatively unmodified environments. The absence of fish in Porter Stream is surprising and is more than likely the result of a man-made barrier (a weir made to enhance the abstraction of water for the existing ski facilities) present in the lower section of the stream, preventing upstream passage.
213. There is nothing particularly unique about the water quality or ecosystems associated with these watercourses, and we think it is fair to conclude that they are generally typical of that found in rivers draining upland catchments of the South Island east coast with low intensity land use. Although Dr Keesing stated that, using criteria within the Selwyn District Plan, Crystal Stream and Porter Stream contain significant habitat for indigenous fauna, apart from the alpine galaxiid (a native fish species) in Crystal Stream, there are no features of the aquatic ecosystem that are special.
214. During the construction phase of the proposal, it is the disturbance and mobilisation of sediments that are most likely to affect water quality via runoff. Mr Potts described how infrastructure associated with the proposed development would be designed to manage sediment and contaminants associated with stormwater runoff during construction, and

following construction from impervious surfaces such as roofs, roads and other hard surfaces. A Construction Management Plan, proposed by the applicant, incorporates an Erosion and Sediment Control Plan (ESCP) that sets out sediment and erosion control measures to be implemented to manage stormwater discharged from each stage of construction. We are satisfied that this approach is in accordance with best practice to avoid and mitigate potential adverse effects on water quality. We further note that the effects during the construction phase are of a short term and temporary nature. Any adverse water quality effects from the on-going operation of the development (primarily associated with the land application of wastewater and the discharge of stormwater from facilities associated with the village) are likely to occur over time and may be dependent on the scale of the staged development.

215. We heard that the developed site as proposed will incorporate a range of stormwater treatment design philosophies to direct and treat stormwater before it reaches surface waters. The bulk of these are based around soil treatment devices that adsorb metals and hydrocarbons prior to discharging to ground. No direct discharges of stormwater to streams are proposed, except in extreme rainfall events which result in secondary flow paths. The applicant has proposed a Stormwater Management Plan that will detail the ongoing operation and maintenance of stormwater infrastructure.
216. We are satisfied that the applicant has demonstrated appropriate mitigation measures for reducing the potential effects on local surface waters from the discharge of stormwater from the finished development. A comprehensive suite of consent conditions related to stormwater has been offered by the applicant which, as indicated in our decision on resource consents, we find generally acceptable and appropriate.
217. Mr Potts provided an overview of the wastewater and contaminant loads associated with the proposed treatment system. Of particular note is that wastewater derived from the village is to go through several stages of treatment, with the final stage being a discharge to land (the area referred to as the Northern Terrace) via a drip irrigation network. Prior to the land application, it is proposed that the effluent will receive UV (ultraviolet) disinfection to reduce pathogen concentration.

218. The discharge of treated wastewater onto land has the potential to adversely affect water quality in the Porter River via groundwater pathways. The land application is sited on a terrace along the true left of Porter River and both the surface and groundwater gradients of the terrace falls towards the river. The risk of contaminated groundwater reaching the river as a result of the treatment system was assessed by Mr Potts. The primary contaminants of concern are nutrients (soluble forms of nitrogen and phosphorus) and faecal pathogens.
219. Overall, we are satisfied that the proposed wastewater treatment system can be managed to ensure that effects on water quality and aquatic biota are no more than minor.
220. We accept that the proposal will not compromise the water quality and aquatic biota of surface waters associated with the proposed development. We acknowledge there may be some effects on water quality and local biota associated with the construction phase of the development, however these will be short term in nature provided the avoidance and mitigation measures, as outlined in the relevant management plans and consent applications, are adhered to.
221. Section B1.3 contains objectives and policies relating to water, including effects of land use activities on water quality. Relevant to PC25 are those related to protecting and enhancing riparian vegetation and protecting wetlands, and avoiding contamination of water bodies.
222. As discussed in relation to landscape and ecological effects, PC25 contains provisions to minimise adverse effects on riparian vegetation and to protect wetlands. We have described above the management tools within PC25 to minimise the potential for contamination of ground or surface water bodies. Overall, we are satisfied that PC25 gives effect to the relevant objectives and policies in section B1.3.

Natural Hazards

223. We heard evidence from Mr Matthew Shore for PSAL on this issue, and Mr Clive Anderson contributed to the s42A report and provided a short comment at the conclusion of the hearing. Both of these experts referred to the geotechnical report included with the plan change application. In addition, Mrs Rosalie Snoyink provided us with a copy of a learned paper

concerning recent earthquakes of the Porters Pass fault⁵⁹ which we have considered.

224. The potential natural hazards to be considered are:

- Earthquake;
- Flooding;
- Ground instability; and
- Snow avalanche.

225. In addition we consider under this heading the potential hazard arising from dam break of the water storage reservoir.

226. We have considered these issues in the context of the objectives and policies in Section B3.1 relating to natural hazards.

Earthquake

227. The proposed site lies in an area known to be susceptible to the effects of earthquakes. The Alpine Fault lies some 60km to the west. To the east is the Porters Pass Fault. Mr Shore considered it appropriate to also consider the possibility of the Torlesse or Cheeseman fault underlying part of the site.

228. In considering the effects of ground shaking resulting from distant faults, such as the Alpine and Porters Pass Faults, both Messrs Shore and Anderson considered the seismic design standard NZS 1170.5 would ensure adequately strong buildings would be constructed, although Mr Shore made the point that in high altitude locations it was generally the wind loading that was the governing load.

229. With respect to the possible fault underlying the site, Mr Shore mapped a "fault avoidance zone" which covered most parts of the Village Base Sub-Zone, with the exceptions of the Porters Chalets and Crystal Chalets areas. Overall, he considered the risk posed would be acceptably low when considered against the Ministry for the Environment (MfE) guidelines⁶⁰. Mr

⁵⁹ Howard, Nicol, Campbell & Pettinga, *Recent Paleoeearthquakes of the Porters Pass Fault and Hazard Posed to Christchurch*, New Zealand, paper present to the 2003 Pacific Conference on Earthquake Engineering.

⁶⁰ *Planning for Development of Land on or Close to Active Faults - A guideline to assist resource management planners in New Zealand*, Ministry for the Environment, 2003

Anderson concurred with Mr Shore's interpretation of the guidelines, but recommended that provision be included in PC25 to require more investigative work to physically locate any active fault within the village area. Mr Anderson also made the point that if the fault is active on a recurrence of 10,000 to 20,000 years (as suggested by Mr Shore⁶¹) and there no evidence on the ground surface of a rupture in the last 12,000 years, then the probability of recurrence is increased to being in the order of 1/3,000 years.

230. We have reviewed the MfE guidelines referred to by both witnesses. Section 10.13 of this report commences:

Building within a fault avoidance zone should be discouraged wherever possible. Even when a fault has a long recurrence interval, the chance exists that the fault may move during the lifetime of a building.

231. The report then goes on to suggest that on a greenfields site, such as presented here, it is much easier to build around a known fault rupture zone. The guidelines also set out the activity status that should be applied to certain types of buildings depending on the level of knowledge of the fault and its recurrence. The types of buildings proposed in the village area within Mr Shores fault avoidance zone are all within Types 2b and 3. His assessment of meeting the guidelines is based on his classification of the recurrence interval of the fault at 10,000 to 20,000 years. The guidelines note⁶², however, that this may not be an accurate predictor of future movement, and give the example of the White Creek Fault which has a recurrence interval of more than 20,000 years and last ruptured in 1929.

232. Mr Anderson's comment on probability being increased is relevant in this respect. The recurrence interval classification used in the guidelines is a proxy for probability of future rupture. He is saying that as time increases from the last known rupture the probability of a future rupture increases. Referring to Table 11.1 of the guidelines, the recurrence interval of the fault only need reduce to 10,000 years for the guidelines to recommend discretionary or non-complying status for many of the buildings proposed in the part of the village in the fault avoidance zone.

⁶¹ M Shore evidence, para 46, p.10.
⁶² MfE guidelines, p.14

233. The SDP contains two policies directly relevant to this issue: Policies B3.1.6 and B3.1.7. Policy B3.1.6 is, as a means of reducing the risk of loss of life and property damage, the avoidance of multi-storey buildings and critical facilities in the high country. Policy B3.1.7 is to ensure the risk of damage from avalanche, earthquakes or slips is minor when locating buildings, structures and recreational facilities at high altitudes. Although these policies were listed in Appendix 2 to Ms Ryker's evidence she did not discuss the relevance of them, nor the amendments proposed to the explanations of these policies by PC25.⁶³ PC25 does provide for a number of multi-storey buildings, many of which would be located within Mr Shore's fault avoidance zone. The amendments proposed to the explanations suggest that sufficient investigations have been undertaken and the results provided enable us to recommend to the Council that it conclude that the risk to life or property was not greater here than elsewhere in the District. On the basis of the evidence we have received from Mr Shore and Mr Anderson we are not able to make such a recommendation.
234. We consider that before the proposed village is commenced attempts should be made to locate this presumed fault using geophysical means and core drilling as recommended by Mr Anderson. PSAL have suggested an amendment to PC25 requiring the completion of a Hazard Risk Assessment under proposed Rule 25.3.1.2(a)(iii). We do not consider this goes far enough in dealing with the potential consequences of an active fault being located under the village site. We recommend that all buildings located within the fault avoidance zone identified by Mr Shore⁶⁴ be classified a restricted discretionary activity with discretion restricted (in addition to the other matters over which control is proposed as a controlled activity) to the effects on people arising from the risk from fault rupture in this area.
235. We consider the restricted discretionary activity classification we have recommended would give effect to Policies B3.1.6 and B3.1.7 by requiring careful consideration of the risks of earthquake hazard. We also consider proposed amendments 17 and 18 should be changed to reflect that conclusion. We recommend that the new wording proposed in Amendment 17 read:

⁶³ Amendments 17 and 18.

⁶⁴ As shown on Figure 2 to Mr Shore's evidence

It is acknowledged that the Porters Ski and Recreation Area Sub-Zone (~~Porters~~) does provide for multi-level buildings, ~~reflecting the detailed site investigation and An~~ assessment ~~that was~~ undertaken for this defined area in establishment of the zoneSub-Zone. ~~This assessment concluded that the major part of the zoneSub-Zone was not subject to a greater risk of loss of life or property relative to other parts of the District and that multi-level buildings were appropriate. However, further detailed work is required within part of the zone to ensure it is appropriate for the location of multi-level buildings.~~

236. We recommend Amendment 18 be deleted.

237. While there are other potential risks from earthquakes, such as isolation due to blocked road access, we consider those matters can be covered in the abovementioned Hazard Risk Assessment.

Flooding

238. Although evidence was provided regarding flooding for the Porter River, Porter Stream and Crystal Stream, only that by Porter Stream would affect the land covered by PC25. Mr Shore defined a flood avoidance zone⁶⁵ for the Porter Stream based on the 1 in 100 year event plus a 0.5m vertical buffer and recommended that no buildings containing accommodation be erected within this area. His evidence was that the proposed building layout avoided this flood avoidance zone. Mr Anderson accepted this approach.

239. While we accept this as appropriate, we note that PC25 contains no provision giving effect to this recommendation. Without any submission seeking definition of the flood-prone land the Council lacks jurisdiction to modify PC25 to give effect to Mr Shore's recommendation.

240. The relevant policies in the SDP are Policies B3.1.2, B3.1.3 and B3.1.4. These refer to exclusion of buildings from between stopbanks and waterbodies and setting minimum floor heights of dwellings and controlling earthworks when within flood areas identified on the Planning Maps. In view of these policies, we consider the setbacks we have concluded are required for protecting the landscape and natural character values of the Porter Stream effectively achieve the aims of these policies.

⁶⁵

See Figure 4 to Mr Shore's evidence.

Ground Instability

241. Both Mr Shore and Mr Anderson considered the risk to people from ground instability was low and could be dealt with via a hazard risk assessment and specific engineering design of roads and structures, or engineering of potential sources of rockfall.
242. PSAL have proposed amendments to Rules 25.3.1.2 and 25.12.1 to require the completion of a Hazard Risk Assessment prior to subdivision and prior to erection of any building or structures. We accept that provision is an appropriate measure.

Snow Avalanche

243. We heard extensive evidence on this topic from Mr Shore and Mr Uli Dinsenhacher for PSAL. Mr Dinsenhacher, the General Manager of Porters Ski Area, provided useful detail of how the risk of avalanches is managed on a ski field and of PSAL's intention to install permanent liquid petroleum gas ("lpg") guns to create controlled avalanches.
244. Mr Shore assessed the risk to life and structures from snow avalanches and concluded that:
- The proposed structures are generally outside of known avalanche paths;
 - Management of the snowpack should minimise the risk from avalanches; and
 - A Hazard Risk Assessment should be prepared prior to erection of any structures.
245. Mr Anderson considered that details of the proposed avalanche control programme and the assessment of avalanche risk should be externally reviewed by a person with appropriate experience. This same point was made in Submission 506 (Mr A Evans).
246. It was clear from the evidence that the risk from snow avalanches is real and careful location of structures as well as management of the snow pack will be required. While PSAL have proposed changes to Rules 25.3.1.2 and 25.12.1 to require the completion of a Hazard Risk Assessment prior to subdivision and prior to erection of any building or structures, the

rule requires no more than the completion of such an assessment. We consider the potential adverse effects if this risk is not managed properly are such that the Council should have some oversight of the Assessment. We consider the respective rule amendments should be changed to read:

*A Hazard Risk Assessment is completed to the Council's satisfaction.
This shall include an avalanche control programme and proposed measures to reduce rock fall.*

Dam Failure

247. Mr Shore described the design parameters of the snowmaking water storage reservoir proposed for Crystal Basin. In summary, a maximum embankment height of 12.5m would be required for the basin containing up to 90,000m³ of water. The conceptual design includes engineering details to address the most common failure modes of earth embankment dams.⁶⁶
248. Notwithstanding those design parameters, Mr Shore considered the consequences of a dam breach. He considered the cause of failure would most likely result from earthquake loading or inundation by a gravitational hazard (such as rockfall, scree movement or snow avalanche). Such a failure could result in a very rapid dam breach, producing a relatively high peak discharge relative to the storage capacity of the reservoir.
249. Within Crystal Basin Mr Shore considered the flow-path of escaping water would avoid the ski base area, although it would cross ski trails. Below Crystal Basin the cross-sections of Crystal Stream and the Porter River would be sufficient to contain such a flow, and the flow would be similar in volume or smaller than typical floods in the Broken or Waimakariri Rivers. He assessed the environmental and economic consequences as "Very Low to Low" and risk to life as "Medium" although transient. Mr Shore also noted that the risk of dam breach only occurs when it contains water and the consequences have their highest impact when the reservoir is full. He considered the reservoir could remain empty outside of the winter season and noted that during the season it would not always be full as the contents would be used for snow making.

⁶⁶

Mr M Shore evidence, para 125, p.23

250. Mr Anderson was of the view that a reservoir could be built on this site to meet dam safety guidelines.
251. We accept the evidence of Messrs Shore and Anderson and consider there is no reason to amend the provisions of PC25 in respect of this issue.

Public Access

252. In this section we deal with the submissions concerned with retaining the recreational values of the Craigieburn Range. The issues raised included the loss of Crystal Basin as an area for back country skiing, and the loss of the link between the Craigieburn and Torlesse Ranges via Crystal Stream.
253. Ms Nicola Snoyink explained her view of the values of the Craigieburn Range derived from the relative lack of development. She also described the recreational use made of the surrounding ranges for a range of outdoor activities as well as skiing.
254. Mr Robert Greenaway presented expert recreation evidence in support of PSAL. He described how a small number of back country skiers currently use the lifts at Porters Ski Field to access Crystal Basin and other parts of the Craigieburn Range. He noted that current "off-piste" users of Crystal Basin would be displaced, and that what are perhaps the better off-piste runs south of Mt Enys, in Crystal Basin, would be removed. He recognised that as an adverse effect and concluded:

While the net loss to ski touring and side-country skiing on a regional basis is not great, it represents a loss of local opportunity and may result in a shift of the use of Porters as a touring base to Mt Olympus and Mt Cheeseman skifields.⁶⁷

255. He went on to conclude that these were minor effects at the regional level, and that there would be "*clear positive outcomes for the region's ski sector arising from the availability of a range of levels of service in the Craigieburn area*"⁶⁸. We agree with Mr Greenaway that the activities enabled by PC25 would add to the recreational opportunities in this part of the District rather than diminish them as Ms Snoyink suggested.

⁶⁷ Mr R Greenaway evidence, para 51, p.12.
⁶⁸ Ibid, para 56, p.13

256. We were also told that PSAL would, as part of its arrangements with DoC, provide for free public pedestrian access over their land (excluding the private areas within the village). The provision for public roads into and within the village would mean the area would be more accessible than it is at present, when gates are locked outside the ski season.
257. As to the submissions that PC25 would inhibit the ability of the public to travel on public land from the Torlesse Range to the Craigieburn Range via Crystal Stream, we think those people have misread the effect of PC25. Crystal Stream is excluded from PC25 and will remain in DoC ownership. At the head of Crystal Stream, Crystal Basin will remain accessible to the public. Where Crystal Stream meets the Porter River, the Torlesse Range will be accessible over the road as it is now.
258. Overall, we consider PC25 would improve the recreational opportunities in the Craigieburn Range.

Positive Effects of PC25

259. The applicant's evidence was that giving effect to PC25 would provide beneficial effects in terms of the improved recreational experience and economically to the District.

Recreation Benefits

260. We heard evidence from three experts on this matter: Messrs Davidson, Bamford and Greenaway. Mr Miles Davidson is the Executive Director of the Ski Areas Association of NZ, New Zealand Snow Sports Council and NZ Snow Industries Federation. He outlined the potential areas for developing ski fields in New Zealand. It was his opinion that the expansion into to Crystal Basin proposed by the applicant to represent "*the only commercially feasible ski terrain expansion in New Zealand.*"⁶⁹ He also considered that the development of Crystal Basin would be sufficient to cater for significant growth in the demand for ski terrain over the next 10-15 years.⁷⁰
261. Mr David Bamford is a tourism and recreation advisor. His evidence described the New Zealand ski market and identified that Australian skiers

⁶⁹ M H B Davidson evidence, p.3.
⁷⁰ Ibid, para 25, p.3

represent a significant portion of skier days in New Zealand, with the Southern Lakes ski fields catering for the great bulk of them.⁷¹ He described the Australian ski industry as both a competitor and potential market for the Porter Ski Area, with on-mountain accommodation being the norm in Australia, but the snow quality and ski season length being generally inferior to New Zealand alternatives. Based on his assessment he provided a conservative forecast of winter market demand at Porters rising from 116,000 skier days in years 1 and 2 to 130,200 ski days in year 10.

262. Mr Bamford also assessed the likely market demand for the summer months. This assessment was largely based on attracting those visitors travelling on SH73 for day or overnight visits as well as a solid percentage of domestic day visitors. He expected the summer activities to be downhill mountain biking, guided alpine walks, trek/bike trails, gondola sightseeing and hot pools.
263. Mr Greenaway's evidence on this matter considered the recreation values of Crystal Basin and the effects of the Porters expansion on existing recreation values. Although his evidence was largely concerned with the potential adverse effects on existing recreational use of the area, he did conclude that *"there are clear positive outcomes for the region's ski sector arising from the availability of a range of levels of service in the Craigieburn area."*⁷²
264. While we heard evidence from submitters, particularly Ms N Snoyink, relating to the loss of Crystal Basin as a location for back-country skiing, those submitters did not comment on the potential benefits to the larger proportion of the skiing population that does not have the ability to undertake back-country skiing, but would utilise the type of slopes proposed by Porters.
265. We accept that PC25 would enable development at Porters that would enhance and improve the recreational opportunities in winter and summer. Those are positive effects which we have taken into account.

⁷¹ D AC Bamford evidence, para 33, p.12.

⁷² R J Greenaway evidence, para 56, p.13.

Economic Benefits

266. An analysis of the economic effects of the development enabled by PC25 was provided in the evidence of Mr Geoff Butcher, an economist in private practice.
267. In undertaking his analysis, Mr Butcher relied on the visitor estimates of Mr Bamford and the estimates of construction costs made by PSAL. During the construction period, Mr Butcher estimated that development of Porters would generate a total output of \$120 million in Selwyn District, and \$1,030 million in Canterbury Region (including Selwyn District), plus a value added component. These impacts would be spread over the total period of development.
268. To estimate the on-going economic impacts, Mr Butcher relied on the range of estimates provided by Mr Bamford as well as assessing the impacts of full capacity. The applicant expected capacity to be reached in 10-15 years.
269. Table 3⁷³ in Mr Butcher's evidence summarised his findings in terms of the economic impacts on Selwyn District. Including multipliers, he estimated that by year 10 the total net impact of the ski field and village would be in the range of \$31 million to \$44 million per year, with an increase in employment of the equivalent of 240 to 340 full-time (FTE) jobs. At capacity the net district output would be \$92 million per year with 730 FTE jobs.
270. At a regional level, he considered the net direct output to be somewhat less because of the greater proportion of activity that is transferred from elsewhere in the region, but still in the order of \$22 to \$31 million per year. At the national level Mr Butcher also considered a net direct benefit would arise, notwithstanding the potential transfer from other ski areas.
271. Although Ms N Snoyink and Ms Sage questioned the viability of the proposal, neither provided any economic assessment to challenge the findings of Mr Butcher.
272. We accept that if the development enabled by PC25 proceeds, there will be positive impacts on the district, regional and national economies of the

⁷³ Mr G V Butcher evidence, Table 3, p.14.

order outlined by Mr Butcher. Those are positive effects that we take account of in our overall assessment of PC25.

NZ Transport Agency Submission

273. The Transportation Assessment undertaken for, and lodged with, the application for PC25 identified the need for upgrading the intersection of SH73 and the existing Ski Access Road. In particular, the need for improved sight-lines and seal widening to provide for a right-turn lane and a left-hand deceleration lane was identified.

274. As notified PC25 contained a requirement that construction or earthwork activities in Crystal Basin or the Village Base area could not commence until works necessary to achieve the NZTA standards for sightlines at the SH73 and Ski Access Road had been completed.⁷⁴ The subdivision rules provided as a matter of control in respect of controlled activity subdivisions are:

*The location and design of the intersection of the Ski Area Access Road with State Highway 73 having regard to safety and efficiency, including the achievement of safe sight distances and provision of turning lanes.*⁷⁵

275. NZTA sought in its submission that Rule 25.4.3 be extended so as to require the seal widening and marking of the left-turn deceleration lane as well. It also sought that the matter of control in Rule 25.12.2.8 be replaced with a standard requiring the same works as Rule 25.4.3 prior to any subdivision consent being granted.

276. At the hearing, Mr Andrew Carr, PSAL's transportation witness, essentially agreed with NZTA except for the matter of timing with respect to the works in relation to subdivision. He considered that prior to the issue of a s224 certificate by the Council would be the appropriate time for the works, rather than prior to the grant of consent.

277. Mr Sean Elvines, a planner, provided evidence in support of NZTA. He considered that the alternative wording proposed by PSAL⁷⁶ setting a subdivision standard to be achieved prior to s.224 certification would be

⁷⁴ Rule 25.4.3

⁷⁵ Rule 25.12.2.8

⁷⁶ In the evidence of Ms N Rykers, Appendix 1, p.28

ineffective and unenforceable. Mr Elvines provided two alternative wording which he considered would be appropriate.

278. At the conclusion of the hearing PSAL accepted Mr Elvines preferred wording, although the amended version of PC25 appears to contain some of the alternative wording also.
279. We accept that if PSAL is prepared to undertake the works at the SH73 intersection prior to commencing earthworks, construction or subdivision activities we should not interfere. However, the wording Mr Elvine proposed would benefit from corrections to the grammar while conveying the meaning intended. We consider the respective rules⁷⁷ would better read:

Rule 25.5.2(a)

Completion of works which achieve the NZTA standard for sight-lines at the intersection of State Highway 73 and the Ski Area Access Road as set out in Table App5B/1 of NZTA's Planning Policy Manual Version 1 (August 2007) and provides at the same intersection seal widening sufficient for a right turn lane and left turn deceleration lane as set out in Figure 3.25a of the NZTA's Manual of Traffic Signs and Markings Part 2 section 3 (March 2011) and the left turn deceleration lane is marked.

Rule 25.12.1.11

The State Highway 73 and Ski Area Access Road intersection is upgraded to the NZTA standards for sight-lines at that intersection as set out in Table App5B/1 of NZTA's Planning Policy Manual Version 1 (August 2007) and seal widening is provided at the same intersection sufficient for a right turn lane and left turn deceleration lane as set out in Figure 3.25a of the NZTA's Manual of Traffic Signs and Markings Part 2 section 3 (March 2011) and the left turn deceleration lane is marked.

Trigger Points for Further Development

280. When PC25 was notified it contained rules limiting the amount of development that could occur in the village area prior to the Crystal Basin ski area being developed. Rule 25.3.1.2 provided that only one-half of the dwellings and buildings allowed in the village base area could be

⁷⁷

Using the numbering in PSAL's revised PC25 dated September 2011.

constructed and occupied “until the following infrastructure is established within the Crystal Basin Ski Area:

- i. Formation of an access track linking the Porters Basin to Crystal basin
- ii. Construction and commissioning of a snowmaking reservoir
- iii. Construction and commissioning of a gondola from the Village Centre to Crystal basin
- iv. Construction and commissioning of a chairlift providing access to the top of the Crystal Basin Ski Area
- v. A Day Lodge
- vi. Ski trails with a daily capacity for up to 1,500 skiers”

281. The subdivision standards contained two trigger points. Rule 25.12.1.6 stated:

Prior to the grant of resource consent for a subdivision creating any new allotments within the Village Base Area a covenant shall be secured on the title of the Crystal Ski Area that protects in perpetuity the area(s) of land identified for protection on the Porters Ski Area Outline Development Plan.

282. This area for protection is the area of seep at the head of the southern fork of Crystal Stream. Rule 25.4.2 also required this covenant be secured prior to recreational activities commencing in Crystal Basin.

283. Rule 25.12.1.7 provided that prior to certification under s224 of the RMA for either the 6th residential allotment within Village Base Area 1 (Porters Chalets) or the 16th residential allotment within Village Base Area 5 (Crystal Chalets), the same infrastructure was to be provided as in Rule 25.3.1.2 as set out above.

284. Ms Sage criticised these rules in her submission, suggesting that allowing 50% of the village development prior to the creation of the Crystal Basin Ski Area was excessive and could lead to a part finished village and no ski field. She referred us to the nearby Castle Hill village which was granted consent as a whole village concept, but only partially given effect.⁷⁸ Ms R Snoyink also referred us to the partial completion of the development plan for the Castle Hill village.

⁷⁸ Ms E Sage evidence, para 24, p.4

285. In response to these criticisms and other matters raised during the hearing, PSAL proposed amendments to the trigger points. We have already discussed the amendments resulting from the NZTA submission and will not deal with those again.
286. First was an amendment to Rule 25.3.1.2(a) to provide that no buildings or structures (including lifts and tows) could be erected until:
- The covenant to protect the area referred to above was in place;
 - An Emergency Management and Response Plan had been prepared;
 - A Hazard Risk Assessment, as discussed above in the section on natural hazards, had been completed; and
 - A legally enforceable mechanism had been confirmed for funding the biodiversity protection at Steep Head Gully and Lords Bush.
287. We have already noted above that this last matter is not appropriate following our conclusions that earthworks in all areas other than Porters Basin, Village Base and Northern Terrace Sub-Zones should be restricted or full discretionary activity.
288. The second amendment to Rule 25.3.1.2(b) was to remove the ability to erect half of the dwellings in Village Base Area 5 (Crystal Chalets) prior to the list of infrastructure set out above. The third amendment to this rule restricted the occupation of any dwellings in Village Base Area 5 (Crystal Chalets) until the existing T-Bar lifts in Porters Basin had been upgraded; the existing access road to Porters Basin had been decommissioned for private use; and at least four buildings have been erected in Village Base Area 3 (Village Centre).
289. Parallel trigger points were provided for subdivision in Rule 25.12.1. These are provided as standards applying to controlled activity subdivision. Rule 25.12.3 provides that any subdivision not meeting these standards is a non-complying activity.
290. One change from the notified version was to alter the number of the allotments within Village Base Area 1 (Porters Chalets) that became the trigger from the 6th to the 7th. This is the result of an error in the notified version. As 12 dwellings and allotments can be developed in that Area, allowing half prior to the trigger point means allowing 6 dwellings to be

constructed and occupied. If the subdivision rule (Rule 25.12.1.6 as notified) is intended to equally allow 50% of lots to be created (which to us appears logical) then the restriction on certification under s.224 of the RMA until certain infrastructure has been completed should apply to the next allotment after the first half, i.e. the 7th. Subject to our overall conclusions on the trigger points, we consider the Council has jurisdiction to allow this amendment. It is a result of a drafting error, and as a result of the parallel removal of the Crystal Chalets from the calculation, the number of residential allotments that can be created prior to the trigger point applying is reduced.

291. In addition to these changes, PSAL proposed that the Standards for Activities be amended by requiring that:

- Construction or earthwork activities in the Crystal Basin Ski Area or the Village Base Area could only commence after the covenant for the protected area had been secured and the funding mechanism for protection had been confirmed; and
- Recreational activities in the Crystal Basin Ski Area could only commence after all the provisions of Rule 25.3.1.2(a) had been met.

292. The cumulative effect of all these trigger point rules is to create a series of stages of development that can occur under the provisions of PC25. The only practical activities that can commence prior to at least the upgrading of the SH73 intersection and the provision of the covenant for the protected area, are activities in Porters Basin and the earthworks for the return trail from Porters Basin into Crystal Basin.

293. The satisfaction of those requirements will allow earthworks to commence in Crystal Basin and the Village Base Area. The erection of buildings cannot be commenced and subdivision consents cannot be granted (as controlled activities) until the Emergency Management and Response Plan and Hazard Risk Assessment have been completed as well.

294. From this point until the provision of the necessary infrastructure in Crystal Basin, subdivision consents (as controlled activities) can be granted for all of the Village Base Sub-Zone, all of the earthworks and subdivision and roading works in that area can be undertaken, and certification under s224 RMA can proceed for all lots created in Village Base Areas 2, 3 and 4, plus for six residential lots in Village Base Area 1. In addition, six dwellings

can be erected and occupied in Village Base Area 1 and five buildings in Village Base Area 2, nine buildings in Village Base Area 3 and four buildings in Village Base Area 4.

295. We did consider whether it was appropriate to allow the subdivision of land in Village Bases Areas 2, 3 and 4 without any constraint, but concluded that without a limit on the number of sites that can be created there is no logical trigger point that can be created. In any event, we consider the limit on the number of buildings that can be constructed is a more practical limit.

Other Amendments Proposed by PSAL

296. As we have mentioned above, at the conclusion of the hearing PSAL provided a revised version of PC25. In providing evidence as PSAL's planner and last witness, Ms Rykers set out changes proposed by PSAL in response to matters raised at the hearing and included a tracked changes version of PC25 setting out those changes. Subsequent to this further matters arose and at the conclusion of the hearing we allowed PSAL 10 working days to provide an updated tracked changes version of PC25 incorporating the additional matters discussed.
297. Before we can assess the Plan Change against the statutory criteria, including its relationship to the remainder of the District Plan and the Regional Policy Statement, we need to determine that all changes in wording from that which was publicly notified are within the scope of the changes that can be made, as we set out earlier. We have examined the version, dated 5 September 2011, which includes those changes proposed in Ms Rykers' evidence. This is attached as Appendix 3.
298. Many of the changes proposed are minor with no change in meaning. The most widespread is the change of the name of the zone to "Ski and Recreation Area Sub-Zone (Porters)". This makes no change to the content of the Plan Change and requires no further discussion. We have already noted that for consistency purposes the zone title needs to be further amended.
299. Other changes give effect to submissions, such as the consequential amendments required as a result of PSAL not pursuing that part of PC25 that sought to remove the area from the Outstanding Landscape. We do

not need to discuss the detail of those changes in this section. Similarly, several of the proposed changes have already been discussed in the course of our report and we will not repeat that discussion. We focus on the changes that we consider change the meaning or application of PC25 but do not respond to submissions or cases made at the hearing.

Amendment 1

300. In Amendment 1 PSAL propose the revision of the final sentence of the proposed amendment from:

This village base enhances accessibility to the mountains in this locality and is a year-round tourist destination.

to:

This village base enhances accessibility to the mountains in this locality, provides for a range of year-round recreational activities and is a tourist destination.

301. We are not aware of any submissions seeking this amendment and consider it does alter the meaning by extending the role of the village. We consider there is no scope to include this amendment.

Amendment 13

302. In Amendment 13(i) PSAL proposed adding to the new bullet point in the first paragraph of B2.3 as shown underlined below.

– *Ski Areas for commercial and club skiing and other forms of complementary recreation.*

303. While there is a certain amount of ambiguity in the wording, if the other recreation forms are complementary to skiing in the sense of complementary winter activities, then this wording does not alter meaning or effect and is within scope. We recommend Amendment 13 is accepted

304. A similar revision is proposed in Amendment 23 where “complementary recreation activities” is to be added to the list of activities anticipated in the village. We consider that to be in scope for the same reasons. We recommend Amendment 23 is also accepted.

Amendment 27

305. Amendment 27 proposes the inclusion of the same term in the Explanation and Reasons for Objective B4.1.4. However, the revision in this instance changes the meaning of the sentence in a way which we consider attempts to widen the scope of the objective. The sentence in question, referring to the concentrated density of development in the village, presently reads:

This reflects the skier capacity of the Ski Area Sub-Zone and the associated demand for on-mountain accommodation and convenient access as part of the recreation experience.

306. By inserting “complementary recreation activities” after “demand for” PSAL are, in our view, widening the scope of the purpose of the village. No submissions sought such an amendment and consequently we consider it is beyond scope.

Amendment 29

307. Amendment 29 proposes the inclusion of the words “and recreation” when referring to the destination values of Porters Ski Area. Given that skiing is a form of recreation, we consider this does not change the meaning of the amendment and is therefore within scope. We recommend Amendment 29 is accepted.

Amendment 43

308. Amendment 43 provides an exemption from the noise rules. As notified the exemption applied to “any part of the ... Sub-Zone ... where, in accordance with the Porters Ski Area Outline Development Plan in Appendix 25.14, a mix of recreation, commercial, accommodation, tourist and living activities may be established in the same locality”. Our reading of this rule is that the exemption applied to the one area within the zone where all those activities came together – the Village Base Area. We note that the noise limits set in Rule 9.16.1 apply to the land upon which the source of the noise is located. Thus, an exemption would only apply to the land on which the source was located – in this case the village. As notified PC25 required compliance with the noise limits within those parts of the zone outside the Village Base Area.

309. PSAL propose to remove all words in the exemption from and including "where". The effect of this would be to exempt all activities in the zone from the noise limits in Rules 9.16.1 and 9.16.2. That change was not sought in any submission and broadens the Plan Change beyond what was notified. It is beyond scope and cannot proceed.

Amendment 44

310. Amendment 44 provides for the restrictions on clearing indigenous vegetation in Rule 9.21.1 to be replaced with separate rules in Appendix 25, other than the Area of Protection applying to the alpine spring flush. Apart from a grammatical correction PSAL propose to add "*also*" to the exemption. The effect of the inclusion of that "*also*" creates an ambiguity about which rules apply. No submissions sought its inclusion and creating such an ambiguity does not address any of the issues raised by submitters. We conclude it is beyond scope and should be deleted.

Amendment 46

311. This Amendment inserts the rules in Appendix 25. It is more practical to refer to the rule numbers when discussing the amendments.

Rule 25.1.1

312. In the list of activities in Rule 25.1.1 four amendments are proposed. The first is to extend "*first aid*" to include "*medical care and facilities*". The second is to extend "*emergency access*" to include "*and emergency facilities*". Both of these instances are under a heading which reads:

Facilities, buildings and activities associated with the management and operation of a Ski Area, including but not limited to:
[our emphasis]

313. As the list is stated as not being exhaustive, the additions are within the range of what is allowed by the rule and clarify meaning. We consider these additions to be within scope and recommend that they be accepted.

314. PSAL propose an additional activity in the list in Rule 25.1.1 –

(n) *Utilities required to service the activities within the Sub-Zone.*

315. Ms Rykers stated that this clarified the position of utilities and related to separate rules for their control within PC25, rather than leaving them to be dealt with just as buildings. We accept that. This amendment is within scope and we recommend it is accepted.

Rule 25.2.4

316. In the final version lodged, PSAL propose additional wording at the commencement of this rule to exempt buildings or structures that are utilities or have a "*functional requirement such as a basement carpark or lift towers*" from all of the matters of control except those relevant to colour. We are not aware of any submission seeking such an exemption and consider it to be beyond scope and should be deleted.

Rule 25.3.1.7

317. Amendments proposed to this rule limit the 5m setback from the Porter Stream to within the Village Base Sub-Zone. These are within scope, although we are recommending further amendments as a result of our conclusions on the application of this setback.

Rule 25.7.1.5

318. PSAL propose a rule prohibiting car parking on the access road between the Village Base Area and SH73. We have two concerns with this. First it is outside the zone inserted by PC25 and so would be of no effect. Our second concern is that we understood the access road would become public road under the Council's jurisdiction. We do not consider there is jurisdiction for this rule.

Rule 25.10.4.5

319. The additional matter of discretion proposed here by PSAL appears to relate to Rule 25.7.1.5 which we concluded the Council had no jurisdiction to include. We consider there is room for a matter of discretion requiring consideration of whether a reduction in parking standards would lead to parking on the access road. While we consider the amendment proposed by PSAL is beyond jurisdiction, we consider the following wording is within scope:

Whether a reduction in car parking within the Ski and Recreation Area Zone would lead to parking demand outside that Zone and the effects such parking would have on the efficient use of roads and traffic safety.

Rule 25.11.4

320. The alteration proposed by PSAL to insert the words “in the Village Base Area” after “vegetation” narrows the application of the non-complying activity status. No party sought such a narrowing. This amendment is beyond the scope of the Plan Change.

Rule 25.11.5

321. PSAL have proposed adding this rule to make earthworks affecting a wetland a non-complying activity. This is a response to concerns raised by Dr Keesing regarding protection of the small wetland (1.0 ha) located in the proposed Snow Play Area. He considered avoidance of any damage or disturbance of the wetland was warranted and can be achieved by fencing during construction. We consider such an amendment is within scope and recommend it is accepted.

Section 25.13 – Reasons for Rules

322. While a number of amendments are proposed to this section, we consider it more efficient to deal with the final wording of this section, if in our final conclusion we recommend PC25 is approved.

Appendix 25.14: Landscape and Building Design Requirements and Principles

323. In the section headed “Design Principles for Buildings” PSAL propose a new introductory paragraph which reads:

In applying these design principles, consideration shall be given to the purpose of the proposed building or structure. Where the building or structure is a Utility [sic] or a basement carpark upon which other structures may be erected, those principles which apply to the form and materials of the structure need not apply. Matters relating to colour and reflectivity should still be considered.

324. This proposed amendment appears to parallel that proposed for Rule 25.2.4 which we found to be beyond scope. We are equally concerned with this wording. In particular we note that we sought a response from Mr Craig on the apparent utilitarian nature of the basement carpark building illustrated in photomontages PSAL had prepared for us. His response, which was provided before PSAL proposed this amendment, was:

... The way the car parking building is designed is not what is anticipated for the village as its design is evidently incongruous with the high design standards anticipated for the setting.

... I have had a look at the proposed 25.2.4 and 25.14 matters concerning building design for the village and am satisfied they are sufficient to ensure a good outcome. Especially relevant are 25.2.4.7 which seeks to avoid visually bland or blank facades. It is also reassuring to see that the 25.14 design matter requires all buildings to be designed by a registered architect.⁷⁹

325. The amendments proposed to this section and Rule 25.2.4 would remove those matters which Mr Craig considered important for his confidence in the design process of PC25. We consider the proposed amendments are not able to remain and recommend they be rejected.

REGIONAL POLICY STATEMENT & PLANS

Operative Regional Policy Statement Provisions

326. Section 75(3) of the Act requires the District Plan to give effect to the Regional Policy Statement ("RPS"). In making this assessment we will start from the presumption that the operative District Plan does give effect to the RPS. Our assessment will therefore be whether the provisions of PC25 alter that status.

327. Ms Rykers listed the provisions of the RPS she considered relevant and provided a detailed opinion as to whether PC25 gives effect to the RPS. In her assessment, Ms Rykers identified two areas where she considered PC25 did not wholly give effect to provisions of the RPS. When considering the provisions of *Chapter 8 – Landscape, Ecology and Heritage*, she concluded:

*"... the proposed plan change is less effective in achievement of those objectives and policies concerned with the protection of indigenous vegetation, and in particular, the ecological values of Crystal Basin."*⁸⁰

328. She considered that deficiency was compensated for by "other ecological benefits" which we took to mean the provisions of the land exchange with the DoC.

329. The second area Ms Rykers identified as less than fully giving effect to the RPS related to the objectives and policies in *Chapter 9 – Water* related to the natural character of waterways. In this respect she stated:

*At the site specific level, Porter Stream may have reduced natural character but this is balanced by enhancement of Crystal Stream and the amenity benefits that may be enjoyed by people who gain proximity to the water from within buildings, decks and terraces.*⁸¹

330. We are unsure what Ms Rykers means by enhancement of Crystal Stream. That stream is outside of the area affected by PC25 (other than a very short section near the source of the stream) and there are no provisions in PC25 requiring enhancement of the stream, if any were required. The reduction in natural character of Porter Stream was identified by Mr Craig

⁸⁰ Ms N Rykers evidence, paragraph 134, p.37
⁸¹ Ibid, paragraph 141, p.38

as a potential issue resulting from the proximity of apartment buildings to the stream in Village Base Area 2. We do not accept that the increased amenity values provided to occupants of those buildings resulting from them being located closer to the stream can be considered a compensatory measure for a loss of natural character.

331. Ms Rykers' assessment was of PC25 as it stood on 14 July 2011 when she commenced her evidence. Since that date PSAL have suggested changes to PC25. In addition, as a result of our consideration of the potential effects on the environment of PC25 we have made changes to the provisions. We will consider that modified version of PC25 against the RPS.
332. Chapter 7 is concerned with soils and land use. Objective 1 and Policy 1 are concerned with protecting the life supporting capacity of the soil. While PC25 does provide for earthworks the rules are structured in such a way that the net effect of PC25 in respect of these provisions is to give effect to the RPS via replanting or additional environmental compensation. PC25 gives effect to Policy 2, which seeks to minimise the risk of erosion, and Policy 3, dealing with vegetative cover, via the controls imposed on earthworks consents.
333. In Chapter 8 – Landscape, Ecology and Heritage Objective 1 and Policy 1 relate to protecting wetlands. PC25 gives effect to this by classifying any earthworks affecting a wetland as a non-complying activity.
334. Objective 2 and Policy 3 are to protect and enhance Canterbury's distinctive landscapes. Our assessment of the potential effects on the landscape has concluded that the development allowed by PC25 can occur in a way that is appropriate within this outstanding landscape. We consider the limitations and controls imposed by PC25 give effect to these.
335. Objective 3 and Policy 4 seek to protect or enhance indigenous biodiversity, ecosystem functioning and vegetation and habitats. While earthworks in Crystal Basin would be disruptive to indigenous ecosystems and habitat, we consider the discretion provided in the rules to consider environmental compensation to offset such disruption gives effect to these provisions in the RPS.

336. The objectives and policies of Chapter 9 – Water seek to maintain the quantities and qualities of the Region’s waterways while enabling the people of the Region to benefit from the use of water. These are really given effect to by the water and discharge permits granted by the Regional Council concurrently with this Report. The implementation of those permits by the land uses enabled by PC25 will give effect to this Chapter.
337. Objective 1 and Policies 1 and 3 of Chapter 10 seek to protect and enhance the natural and amenity values of rivers and lakes through controlling land uses within the beds and margins of rivers and lakes. PC25 gives effect to this by requiring setbacks from Porter Stream and protecting the spring flush at the headwaters of Crystal Stream. Objective 4 and Policy 7 of the same Chapter seek to improve public access to and along waterways. PC25 enables this by requiring setbacks from Porter Stream and providing as a restricted discretionary activity for earthworks to improve public access to and along the stream.
338. Chapter 12 of the RPS sets out the objectives and policies for urban settlement in the Region. These, taken as a whole, are enabling of urban development and expansion of settlements providing adverse effects on the environment are avoided, remedied or mitigated. PC25 is a form of urban development, in part, and the structure of the provisions within PC25 ensure that adverse effects on the environment are avoided, remedied or mitigated. The Change therefore gives effect to the objectives and policies in this Chapter.
339. Policy 1 of Chapter 15 – Transport relates to the protection of the Region’s transport infrastructure. In the case of PC25 this would relate to the effects on SH73. Any potential adverse effects on the use of SH73 have been remedied or mitigated by the requirement in PC25 for works on the intersection of the access road and SH73 prior to development commencing. Policy 3 of the same chapter seeks to promote changes in travel habits so as to reduce the demand for transport. PC25 gives effect to this by enabling accommodation adjacent to the ski-field and effectively reducing the demand for daily commuting to and from the ski-field by users and staff.
340. The objectives and policies in Chapter 16 relate to natural hazards. We are satisfied PC25 gives effect to these objectives and policies as the

masterplanning approach has enabled a design that avoids the potential of damage or loss of life from flooding, and minimises the potential of adverse effects of avalanches on people and buildings. With respect to the effects of earthquakes the requirement that a more detailed assessment of risk from the Cheeseman Fault be undertaken before building within the general area of that fault, along with a general risk management assessment will achieve the RPS provisions.

341. We note that in undertaking this assessment we have had regard to Section 20.4 of the RPS which sets out the matters of regional significance in the Region, and the regionally significant effects.
342. Overall we are satisfied that with the approval of PC25 the District Plan will continue to give effect to the RPS.

Proposed Regional Policy Statement

343. Although the Environment Court has suggested that it is not necessary to apply s.74 to a privately-initiated plan change⁸², we consider it useful to have regard to the proposed RPS as s.73(4) requires the Council to change the District Plan to give effect to the RPS when it is made operative.
344. Chapter 5 dealing with land use and infrastructure contains objectives and policies relevant to this assessment. Objective 5.2.1 seeks to have development located in and around existing urban areas and, relevantly, maintaining and enhancing the overall quality of the natural environment in Canterbury while avoiding adverse effects of significant natural and physical resources. Objective 5.2.2 seeks to achieve co-ordination of development with regionally significant infrastructure.
345. The policies that are to give effect to these objectives, particularly Policies 5.3.1 and 5.3.2, relate more to the type of development that is to accommodate future residential and employment growth. Thus they are directed to consolidating urban form and integrating urban growth with infrastructure. Although the urban development at Porters will achieve some of the matters covered, such as appropriate provision for the disposal of effluent and adequate connection to the roading network, the urban development enabled by PC25 is for a specific purpose rather than

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Kennedys Bush Road Neighbourhood Assn v Christchurch CC W63/97

the more generalised purpose of urban growth. We consider it unlikely that Porters would become a dormitory suburb with residents commuting to Christchurch given the mix of accommodation provided and the lack of facilities for permanent residents.

346. Nonetheless, aspects of the policies, such as avoiding or mitigating natural hazards, protecting sources of water for community supplies, and avoiding or mitigating adverse effects on landscape values and areas of high natural character, have been considered in our assessment of PC25 and are given effect to.
347. Policy 5.3.3 is to ensure high quality development through promoting a diversity of residential, employment and recreational choices, while maintaining amenity values and the quality of the environment. Although the development enabled by PC25 does not provide within itself a wide diversity of those choices, it would increase the diversity when considered in the regional context.
348. Policies 5.3.5 and 5.3.6 require proper servicing of new developments and avoiding constraining future supply, or creating a level of servicing that would encourage development not meeting the locational provisions of the earlier policies. The provisions of PC25 require servicing but the level provided matches the expected demand of the development enabled. It is unlikely to be available for other urban development, nor is it likely to constrain the ability for other urban areas to be adequately serviced.
349. Chapter 7 deals with fresh water. The objectives and policies in this chapter seek to manage the fresh water resource in a sustainable manner. This involves, where appropriate, retaining the natural values of fresh water bodies, where possible enhancing the fresh water environment, and managing the quantity of abstraction. The demand for fresh water created by the development enabled by PC25 and the proposed disposal of stormwater and wastewater is consistent with these objectives and policies.
350. Chapter 9 sets out the objectives and policies in relation to ecosystems and indigenous biodiversity. Objective 9.2.1 is to halt the decline in quality and quantity of Canterbury's ecosystems and indigenous biodiversity. Objective 9.2.2 is to achieve restoration or enhancement of ecosystem functioning and indigenous biodiversity and Objective 9.2.3 is to identify

and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.

351. Policy 9.3.1 sets out the process of assessing significance. Policy 9.3.2 sets out the priorities for protection and Policy 9.3.3 is to adopt an integrated management approach halting the decline in Canterbury's biodiversity. Policy 9.3.4 promotes ecological enhancement and restoration. Policy 9.3.5 specifically relates to wetlands and is aimed at promoting the protection, enhancement and restoration of Canterbury's remaining wetlands, and encouraging the formation of created wetlands that contribute to the restoration of the region's biodiversity. Policy 9.3.6, as we have previously discussed, sets limits on the use of biodiversity offsets.
352. As we have discussed above, the ecological effects of the development enabled by PC25 range from protection of wetlands, through enhancement and restoration of areas of alpine flora, to adverse effects on areas of significant ecological value resulting from earthworks. The rules recognise the potential for environmental compensation to be provided to offset the loss of the areas of ecological value. The implementation of those rules would require regard to be had to the objectives and policies in this chapter, particularly Policy 9.3.6.⁸³
353. Chapter 10 relates to the beds of lakes and rivers and their riparian zones. The objectives and policies enable development and public access while protecting the values of river and lakes beds and their riparian margins. PC25 gives effect to these by requiring setbacks from Porters Stream and enabling the provision of pedestrian access along the stream.
354. Chapter 11 deals with natural hazards. Objective 11.2.1 is to avoid the impacts of natural hazards on people and property, or if avoidance is not possible, to mitigate the impacts. Policies 11.3.1 and 11.3.2, in the context of PC25, relate to the effects of flooding. The layout of infrastructure and buildings has taken account of the potential of inundation and avoided such areas. Policy 11.3.3 is to manage new subdivision, use and development of land on or close to an active earthquake fault trace in order to avoid or mitigate the adverse effects of fault rupture, liquefaction or lateral spreading. We have discussed above the location of the proposed development in relation to the Cheeseman Fault. While there was dispute between the experts as to whether this is active, we are

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Required by s.104(1)(b)(v).

recommending rules to require further detailed assessment of the risk from this fault before village buildings can be erected, and that the location and design of buildings take account of the findings of that assessment.

- 355. Policy 11.3.5 covers other natural hazards and requires a precautionary approach. We heard evidence on avalanche risk and are satisfied that the location and design of structures adequately takes account of that risk.
- 356. The objectives and policies on landscape are in Chapter 12. These seek to identify outstanding natural features and landscapes and to protect their values from inappropriate development. We have discussed in detail the impacts of PC25 on the outstanding natural landscape of the high country.
- 357. The proposed RPS contains a number of other objectives and policies that have a general relevance, such as avoiding soil erosion and promoting the use of renewable energy, and we have had regard to those but they assist little in assessing PC25.
- 358. After having regard to the proposed RPS we are satisfied that PC25 is consistent with the policy framework for the Canterbury Region as encapsulated in that RPS.

Waimakariri River Regional Plan (WRRP)

- 359. This Regional Plan is concerned with the quantity and quality of water in the Waimakariri River and its tributaries. These include Porter River, Porter Stream and Crystal Stream. The policy direction relevant to PC25 is to protect the natural water quality and quantities, including natural variability, and to control activities within the beds of rivers.
- 360. The provisions of PC25, including the stream setback provisions, the protection of the spring flush at the head of Crystal Stream and the provisions protecting wetlands are all consistent with the Regional Plan provisions. We do not consider any provisions are inconsistent with the Plan.

Canterbury Natural Resources Regional Plan (NRRP)

361. The NRRP complements the WRRP so that the water quality and water quantity sections of the WRRP apply in place of provisions covering the same matters in the NRRP. There are two relevant areas covered by the NRRP not covered by the WRRP.
362. In relation to water quality, the NRRP contains objectives and policies related to disposal of sewage and stormwater and associated methods require territorial authorities to provide for appropriate management of those two matters. PC25 provides an integrated and managed approach to the disposal of stormwater, and requires a community sewerage scheme with land-based disposal. That is consistent with the NRRP provisions.
363. The other policy area in the NRRP relevant to PC25 is Chapter 8 on Soil Conservation. The policy approach advocated by the NRRP on land of the type at Porters is to maintain vegetation cover where it would occur naturally, with a preference for indigenous species, and to have effective control of earthworks where they must occur.
364. While PC25 does provide for large-scale earthworks we are satisfied that the requirements in terms of activity classification and revegetation requirements, allied with limitations on vegetation clearance other than in association with earthworks, provides a regulatory framework consistent with the policy position of the NRRP.

Other Regional Plans

365. We do not consider any other regional plans to be relevant to PC25.

Consistency with District Plan

366. When considering a plan change it is important to ensure that the District Plan would remain internally consistent if the plan change were approved and made operative. It was Ms Sage's submission that PC25 was inconsistent with the objectives and policies of the District Plan, referring us

to several from the Rural Section as well those in the Township Section related to urban growth.⁸⁴

367. Ms Rykers suggested that it is only where the proposed change creates an intolerable inconsistency or incoherence within the Plan that it should be rejected.⁸⁵
368. We consider the correct position to be somewhere between those two views. As part of the test required under s.32 it is necessary to check that rules are implementing policies, and those policies in turn are implementing objectives.
369. We have considered the extent to which this zone should implement objectives and policies from the Township Section of the Plan. We consider the integrated development proposal, based on a Masterplan, means that although the Village Base Sub-Zone will have an urban form, the rules to enable its development do not need to be of the same form as is usually required in an urban zone. Thus the urban rules to protect amenity values are not of such importance where the design of the urban form already takes account of future amenity values.
370. The District Plan contains two bundles of objectives: those in the Rural Volume and those in the Township Volume. When dealing with the same topic, objectives in each Volume are similar but not identical. For practical purposes we will limit our consideration to the bundle of objectives in the Rural Volume.
371. Objectives are included in the District Plan on a topic basis. Relevant to this Plan Change are objectives for the following topics:
- (a) Land and Soil – Objectives B1.1.1, B1.1.2 and B1.1.3
 - (b) Vegetation and Ecosystems – Objectives B1.2.1, B1.2.2, B1.2.3 and B1.2.4
 - (c) Water – Objectives B1.3.1, B1.3.2, B1.3.3, B1.3.4, B1.3.5 and B1.3.6
 - (d) Outstanding Natural Features and Landscapes – Objective B1.4.1
 - (e) Transport Networks – Objectives B2.1.1 and B2.1.2
 - (f) Utilities – Objectives B2.2.1 and B2.2.2

⁸⁴ E Sage submissions, paras 52-75 inclusive.
⁸⁵ N Rykers evidence, para 108.

- (g) Community Facilities and Recreation Areas – Objective B2.3.2
- (h) Natural Hazards – Objectives B3.1.1 and B3.1.2
- (i) Quality of the Environment – Objectives B3.4.1 and B3.4.2
- (j) Residential Density and Subdivision in the Rural Area – Objectives B4.1.1, B4.1.2 and B4.1.3, and to be added by PC25 B4.1.4

372. The general thrust of these objectives is aimed at maintaining or enhancing the relevant resource, not exacerbating problems and maintaining the quality and character of the rural area. Our findings above in relation to landscape, ecology, water and natural hazards are that the provisions of PC25 are consistent with the thrust of the objectives.

SECTION 32 ASSESSMENT

Proposed Objective

373. Turning now to the s.32 test for objectives, proposed Objective B4.1.4 reads:

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

374. This proposed objective is consistent with the general thrust of the objectives listed. We consider it the most appropriate way to achieve the purpose of the Act.

375. As the purpose of the Act is to enable people and communities to make provision for their own good, while meeting the other imperatives of s.5(2), the objective of making provision for an on-mountain village at a ski area so as to enhance the recreational experience and to improve, according to the economic and tourism evidence provided, the community's well-being, we consider it is an appropriate way to achieve that purpose.

376. By limiting the objective to a defined location, Porters Ski Area, and by conditioning the nature of the development to fit the locality, the objective avoids creating a broad opportunity for development. Given the particular wording we consider it the most appropriate way of achieving the purpose of the Act.

Proposed Policies

377. PC25 proposes to insert four new policies and amend two existing policies. These policies are required to implement the objectives and each policy 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
- (b) The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies.

378. Proposed Policy B1.4.25 reads:

Provide for a mountain village to be established in the Porters Ski Area which enables accommodation, recreation, 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.

379. Whilst in a general sense this implements Objective B1.4.1 and proposed Objective B4.1.4, we are concerned with the reference to the viability of the ski field within the proposed policy. While we understood part of the case put by PSAL was that without the proposed village, the replacement of the existing lift tows at Porters could not be funded, we do not understand the relevance of the economic viability of a project as a basis for resource management decision-making. Our understanding is that the provision of a zoning such as is provided by PC25 is permissive in the sense that it enables the activities provided for to be established. Our understanding is that the District Plan should be agnostic in respect of the viability of an activity, whether that be economic or otherwise. We note that the objectives in the District Plan do not contain references to the viability of the activities enabled.

380. We consider references to the viability of Porters in the proposed policy, plus other similar references within PC25, should be deleted and recommend accordingly. Our evaluation of the policies under s.32 will be subject to those deletions. Thus proposed Policy B1.4.25 would read

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

381. We are satisfied that the revised policy is appropriate to give effect to Objective B1.4.1 which seeks to protect outstanding natural landscapes from inappropriate use and development by emphasising the need for the village development to complement the landscape values of the locality. We consider the policy is also appropriate to give effect to proposed Objective B4.1.4.

382. The costs of the policy are the adverse effects on the environment of the proposed village that we have discussed above. We have concluded

that with appropriate application of rules and the mitigation proffered that such effects would be at an acceptable level for the environment.

383. The benefits deriving from the policy are the positive effects on the environment we have discussed above. In addition, the location of this policy within the High Country section of Outstanding Natural Features and Landscapes provides for policy consistency which is reinforced by the additions to the explanations and reasons for the policies.

384. Proposed Policy B2.3.8 reads:

Recognise the Porters Ski Area and a Ski and Recreation Sub-Zone (Porters) that provides for the on-going operation and development of the Ski area and to require future management of the Sub-Zone to be responsive to the landscape, ecological and cultural values of the locality.

385. The objective this sits under (Objective B2.3.2) provides for the use of recreation areas while not detracting from the amenity value of the surrounds.

386. It is not apparent to us that this policy is appropriate within the context of the objective and related policies in section B2.3. While it is not discordant, it adds nothing to the implementation of the objective, which when read in context relates more to dealing with the effects of use of public land. We consider that all proposed amendments to B2.3 Community Facilities and Recreational Areas should be deleted. The changes proposed confuse the purpose of this section and add nothing to the value of PC25 itself.

387. Proposed Policy B3.4.7 reads:

Provide for a concentration of built development in the Porters Ski and Recreation Area.

388. The objectives in section 3.4 seek for the rural area to be a pleasant place to live and work, and for a variety of activities to occur while maintaining rural character and avoiding reverse sensitivity effects. The proposed policy, when read in the context of the Explanation and Reasons also to be inserted, implements these objectives in a way which other policies in section B3.4 do not.

389. The costs and benefits of the policy are similar to or the same as those set out for proposed Policy B1.4.25 above. In addition, without the inclusion of this policy there could be a perceived inconsistency between the other policies in section 3.4 and the Porters Ski and Recreation Area. It is an appropriate policy to implement the objectives.
390. PC25 proposes to amend Policy B4.1.4 by including ski areas in the list of areas whose existence is recognised by the Policy. The purpose of this Policy is to provide for existing development that is inconsistent with the general policy direction of the District Plan in respect of residential density and subdivision. Our concern with the proposed alteration is that it makes an exception of all existing ski areas in the District, not just Porters and could potentially encourage unintended residential development. We consider that if the addition wording were "Ski and Recreation Areas " the policy would explicitly only relate to ski areas that had such a zoning included in the Plan by way of plan change. Such an approach is consistent with the additional wording proposed for the Explanation and Reasons for the Policy.
391. PC25 also proposes to amend Policy B4.1.5 by inserting an additional exemption from the residential density ratios set in Policy B4.1.1, namely:
- Dwellings within the Porters Ski and Recreation Area.*
392. With these amendments Policies B4.1.4 and B4.15 continue to implement the existing objectives in section B4.1 as well as the new Objective B4.1.4.
393. Proposed Policy B4.1.8, along with its Explanation and Reasons, sets out the parameters within which development will occur in the village at Porters. It implements Objective B4.1.4 by detailing the manner in which development is to occur, thereby providing the policy basis for the rules in the Sub-Zone. The policy recognises the environmental constraints and sets out how development is to work within those, or compensate for effects. This policy is crucial to implementation of the zone.
394. Overall, the additions to the policies proposed by PC25, subject to the amendments we have set out above, are considered to be efficient and effective. They are focussed on the establishment of a development appropriate to the location and take account of the potential effects on the environment of the proposal.

Rules

395. The first 14 amendments to rules proposed by PC25 amend notes to existing rules to exempt the Porters Ski and Recreation Area Zone from the general provisions. Generally these are replaced with specific provisions in PC25 applying to the Porters Ski and Recreation Area. The exceptions are the amendment to the note to Rule 9.3.1 where the amendment clarifies that specific rules are located in Appendix 25 (as inserted by PC25), and the amendment to Rule 9.16.3 which inserts a new rule exempting the Village Base Sub-Zone from all noise rules in the Plan. No noise rules are proposed in PC25.
396. With the exception of the exemption from the noise rules we are satisfied that rules proposed in PC25 provide a replacement rule and we should focus on assessing the replacement rather than the exemption.
397. We are concerned with the lack of noise standards in PC25. This was not addressed in evidence. Indeed, in discussing the general exemption, Ms Rykers omitted mention of noise.⁸⁶ While we understand that in a mixed use development, noise standards applicable to a residential area may not be appropriate, we do not consider that an area containing permanent and temporary residential accommodation will have a satisfactory level of amenity values if there are no limits on noise levels. We are aware of noise, particularly in the evening, being a concern in the town centre of Queenstown, which is equally a mixture of commercial and residential activities⁸⁷. We are concerned that in time, owners and occupiers of sites, dwellings and apartments within the village centre will seek the Council's intervention to improve the noise environment. We note also that the removal of noise rules would mean that activities in the zone could have uncontrolled noise effects on adjacent properties.
398. It is inefficient to remove noise rules at this time when there is probably a requirement for them to be needed in the future, particularly when we heard no evidence on the matter. If we had heard evidence on the likely nature of the noise environment we may have been minded to insert appropriate provisions into PC25, but without that background we consider the only recourse we have is to recommend that the proposed amendment to Rule 9.16.3 be rejected.

⁸⁶

Ms N Rykers evidence, paras 38 & 39, p.11

⁸⁷

See *Guilty As Ltd v Queenstown Lakes DC* [2010] NZEnvC 191

399. Throughout this report we have recommended amendments to the rules in Appendix 25. It is the set of rules as so amended that we consider in this section. Appendix 4 contains a tracked changes version of PC25 containing the amendments we consider appropriate and revised numbering of the rules, and Appendix 5 contains a clean version.
400. The primary test is whether those rules implement the relevant policies. The main policy to consider is B4.1.8.
401. The limited list of activities in Rule 25.1.1 gives effect to Policy B4.1.8(c). The limited range is focused on snow sports and other recreational activities plus those activities appropriate to an on-mountain village for accommodating those undertaking the snow sports or other recreational activities. The range is insufficient to allow a self-supporting rural community to establish in that it lacks provision for generalised retail or office activities or small scale commercial activities such as one may find in a small rural community. This is consistent with the overall objectives of the District Plan that seek to minimise disruption to the outstanding natural landscapes in the hill country by limiting development potential.
402. Rule 25.2.1 provides for earthworks to be controlled activity within the Porters Basin, Village Base and Northern Terrace Sub-Zones and to a limited extent in the Crystal Stream Sub-Zone, as defined by a map within the Plan Change. In each case the purpose of the earthworks is limited to relevant specific activities in each area. This implements Policy B4.1.8(e). It also implements Policy B1.4.29. As we have explained above, we are satisfied that the likely effects of these earthworks would be such that they could be dealt with by conditions within the terms of Rule 25.2.2. We agree with the applicant that in these circumstances it is more efficient to deal with these earthworks as controlled activities.
403. Rule 25.2.3 provides for most buildings to be a controlled activity. This Rule needs to be considered in conjunction with Rule 25.2.4 which lists the matters the Council's control is limited to, and Rule 25.3 which sets out the standards buildings must comply with. Rule 25.3 identifies that where a building is a utility the appropriate standards are those in rule 25.4. We consider it would be clearer if Rule 25.2.3 identified Rule 25.4 as being the standard utilities should comply with and recommend an appropriate amendment.

404. Rules 25.12.17 to 25.12.20 inclusive provide for utilities that cannot comply with the standards in Rule 25.4 to obtain consent as a restricted discretionary activity.
405. These rules implement Policy B4.1.8(b),(c), (d) and (e) and Policy B1.4.24. The location of the buildings within an outstanding natural landscape means that particular care must be taken with both the siting of buildings and their design and external appearance. We agree with the applicant that generally the controlled activity process is the most efficient way of dealing with buildings. We also agree that it is efficient to provide a restricted discretionary activity process for utilities that cannot meet the standards and to require appropriate assessments of the likely effects.
406. Rule 25.2.5 requires that planting be a controlled activity. This needs to be considered in conjunction with Rule 25.2.6 which sets out the matters Council can control, and Rules 25.10.1 and 25.10.2 which set out the standards for planting. Rules 25.12.23 and 25.12.24 provide for restricted discretionary status for planting that cannot meet the standard in Rule 25.10.2. These rules implement Policy B4.18(g) and Policy B1.4.27. As with the buildings, the location of the development requires care with planting and these rules are designed to ensure appropriate care is given.
407. Rule 25.5 provides additional standards that apply to all activities. These standards require compliance with the Outline Development Plan, require some works to be completed before certain activities can commence, and require setbacks from Porter Stream. In a general sense these implement Policy B4.1.8(b) and (f). Rules 25.5.4 and 25.5.5, which relate to the stream setback, also implement Policies B1.2.5, B1.3.5 and B1.3.6. Rules 25.12.14 and 25.12.15 which provide for situations where the standards cannot be complied with also achieve the same policies. Each of these standards is an effective way to achieve the policies of the Plan.
408. Rule 25.6 sets limits on the scale of visitor accommodation and commercial floorspace in the Village area. This implements Policy B4.1.8(b) and (c). Setting these limits is appropriate to ensure the overall scale of the village does not exceed that which is an appropriate level within the outstanding natural landscape.
409. Rule 25.7 provides standards for outdoor lighting in the Village Base Area that are designed to minimise the potential adverse effect of light spill on

the night sky in the outstanding natural landscape. Rules 25.12.9 and 25.12.10 provide for restricted discretionary activity status for lighting on the recreational areas and non-compliance with the standards in rule 25.7. These give effect to Policy B1.4.24. It is important that the visual effects of the development be as limited in darkness as in daylight. We consider that these rules are an effective way to achieve that.

410. Rule 25.8 requires that roads be generally located in accordance with the Outline Development Plan. This gives effect to Policy B4.1.8(b). As the earthworks required to form roads are a controlled activity, it is important that such roads be located in the general locations shown on the Outline Development Plan as that is the layout assessed in considering the Plan Change.
411. Rule 25.9 sets out the standards for vehicle parking. These standards replace those in Rule 4.6 but seek to implement the same policies. Amendment 36, which amends the Roading Rules, refers to Appendix 13 of the Township Section of the District Plan as containing the appropriate standards for car park dimensions. Rule 25.9 would be improved by containing the same reference and we recommend accordingly. With that modification we consider the rule to be effective. There is every incentive for the owners of properties within the zone to provide adequate car parking or alternative forms of transport as such provision will directly affect the numbers of patrons of the various activities.
412. Rule 25.11 sets limits on aircraft movements in response to submitters' concerns that excessive aircraft movements would reduce the quality of the high country environment. Provision is made in Rules 25.12.21 and 25.12.22 for restricted discretionary consent where these standards cannot be met. The rules implement Policy B3.4.11. We consider it sets an appropriate balance between the desire to retain a quiet environment and the desire of visitors to utilise air transport either for access to and from the site, or for scenic flying. The matters of discretion when considering a restricted discretionary activity consent enable such matters to be considered.
413. Rule 25.12.1 makes building a gondola in the Crystal Stream Sub-Zone a restricted discretionary activity. Similarly, Rules 25.12.14 and 25.12.15 make earthworks for gondola construction a restricted discretionary activity. These implement Policy B1.4.24 by providing the Council with discretion on

the location and visual effects of such structures and associated earthworks in this area. The reasons for this have been detailed in our discussion on landscape effects above.

- 414. Rule 25.12.2 makes all buildings within the area identified at the hearing as an assumed active fault a restricted discretionary activity. This gives effect to Policies B3.1.6, B3.1.7 and B3.1.9. We have discussed the reasons for this rule in our discussion on natural hazards above.
- 415. Rule 25.12.3 provides the Council with discretion to allow the height of buildings in the Crystal Chalets area to exceed the 8m height limit up to 13m. We consider this discretion gives effect to Policy B1.4.24.
- 416. Rules 25.12.5 to 25.12.8 inclusive provide for restricted discretionary approvals of variations from the roading and parking standards. This approach is consistent with that taken generally in the Plan for roading and parking.
- 417. Rules 25.12.12 and 25.12.13 provide that earthworks in Crystal Basin Sub-Zone are a restricted discretionary activity. The Council's discretion is limited to the same matters as control for controlled activities is limited to plus the effectiveness of proposed mitigation measures or environmental/offset compensation. We have explained our reasons for these rules in the sections above on landscape and ecological effects.
- 418. Rule 25.13 provides for earthworks for activities other than those otherwise provided for in the zone as controlled, restricted discretionary or non-complying activities, to be a full discretionary activity. This rule effectively retains the existing operative provision of Rule 1.4.3.
- 419. Rule 25.14 sets out the non-complying activities. Each of 25.14.1 to 25.14.4 inclusive require a non-complying activity consent to exceed standards set for either controlled activities or restricted discretionary activities. This higher threshold test is consistent with the intent of Policy B4.1.8 that development be integrated and limited in its effects.
- 420. Rule 25.14.5 makes all earthworks affecting a wetland a non-complying activity. This gives effect to Policy B1.4.10 and Policy B4.1.8(e), (f) and (g). Avoidance is the most efficient means of protecting a resource and this activity status will encourage avoidance.

421. Rules 25.15.1, 25.15.2 and 25.15.3 deal with subdivision. The standards either repeat or are equivalent to the standards for activities and provide for subdivision to follow the Outline Development Plan, or be a non-complying activity. These rules are giving effect to Policy B4.1.8 and Policy B4.1.9(a). Although a different set of standards are created from those generally applicable in the rural part of the District, this set of rules is an efficient means of implementing the development that is specific to this zone.

CONCLUSIONS AND RECOMMENDATIONS

Overall Consideration of PC25

422. PC25 needs to achieve the purpose of the Act. The provisions of the Plan Change enable development that would allow people and communities to provide for their recreational needs and economic wellbeing. By incorporating the amendments we recommend to PC25, we are satisfied that the potential adverse effects arising would be adequately avoided, remedied or mitigated, the life-supporting capacity of, relevantly, water, soil and ecosystems will be safeguarded, and the natural and physical resources of the zone will be sustained to meet the needs of future generations.
423. We have recognised the outstanding natural landscape the development is proposed in, and provided for its protection via the provisions of PC25. We assess that if these provisions are comprehensively applied, the proposed development will not be inappropriate within this landscape.
424. Parts of the site contain areas of significant vegetation and significant habitats of indigenous fauna, which s.6(c) of the Act requires be recognised and provided for as matters of national importance. We recognised and provided for the protection of those areas in large part by rules that set aside such areas from development. However, we accept that there is an aspect of the development in Crystal Basin that will adversely affect such features. We consider the revised rules enabling consideration of environmental compensation consistent with the policies in the District Plan provides appropriate recognition of those values to ensure there is no net ecological loss.
425. We recognise that the pedestrian access over the PC25 land will improve public access to and along Porter Stream, but do not give that aspect much weight. On the other hand, we have proposed rules to ensure the natural character of the margins of Porter Stream is protected from inappropriate subdivision, use and development.
426. Section 7 of the Act sets out matters that the Council must have particular regard to. Relevant to PC25 are:

- (b) *The efficient use and development of natural and physical resources:*
- (c) *The maintenance and enhancement of amenity values:*
- (d) *Intrinsic values of ecosystems:*
- (f) *Maintenance and enhancement of the quality of the environment:*
- (h) *The protection of the habitat of trout and salmon:*

427. We are mindful that Porters is an existing ski field with access roading and a level of existing built infrastructure. We accept it is efficient to enable the expansion of this field in a way that utilises much of that existing development as is proposed by the applicant.

428. The increase in skiable terrain, the provision of gondola and lift access to sightseeing vantage points, and the provision of pedestrian access over the land are all matters that enhance the amenity values of the area. We are satisfied that the provisions of PC25 will not enable development that will diminish existing amenity values of the surrounding area. Similarly we consider the quality of the surrounding environment will be maintained and enhanced.

429. The intrinsic values of ecosystems have been taken into account in the rules controlling earthworks and landscaping. These provisions, along with those relating to building setbacks, take account of the habitat of trout and salmon in the waterways.

430. When all of these Part 2 matters are given appropriate weight, we conclude that allowing PC25 would promote the achievement of sustainable management of natural and physical resources.

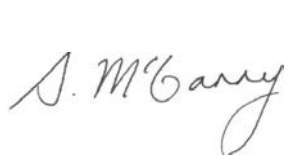
Recommendation:

431. For the reasons set out above we recommend to the Council that PC25 be approved with modifications in the form set out in Appendix 5. Appendix 4 contains a final recommended version of PC25 with changes from the notified version tracked.

432. We recommend to the Council that submissions and further submissions in relation to PC25 be accepted, accepted in part, or rejected so as to reflect and be consistent with the above recommendations.

433. We expect that the Council may wish to amend the numbering of provisions and the formatting in the final version of PC25. We recommend such changes be made prior to the Council notifying its decision to the applicant and the submitters.

24 February 2012



Ms Sharon McGarry
Chair



Mr Denis Nugent



Dr Greg Ryder

Appendix 1: List of Persons who Appeared

For PSAL (Applicant)

Ms Jo Appleyard – Counsel
Mr Simon Harvey – company representative
Mr Michael Sleigh – project overview
Mr Miles Davidson – ski field development
Mr Stephen McCracken – architect
Mr David Bamford – tourism
Mr Rob Greenaway - recreation
Mr Geoff Butcher – economics
Mr Marton Sinclair – earthworks and roading
Mr Rob Potts – infrastructure (stormwater, wastewater, potable water)
Ms Katherine Watson – archaeology/heritage
Mr Don Miskell – landscape architect
Mr Matthew Shore – hazards
Mr Uli Dissenbacher – ski field operations
Mr Andy Carr – traffic
Dr Vaughan Keesing – ecology
Mr Colin Pander – Springfield business owner
Ms Nicola Rykers – planning.

Submitters in support

Ms Lucy Hone
Mr Anton Coberger
Mr Timothy Hunter for Christchurch and Canterbury Tourism
Mr Matthew Findlay for Christchurch International Airport Ltd
Mr Stuart Waddell for CHILL Adventures

Submitters in opposition

Ms Nicola Snoyink
Mrs Lesley Shand
Mrs Rosalie Snoyink
Ms Teresa Minogue for New Zealand Transport Agency
Mr Sean Elvines – planner for NZTA
Ms Eugenie Sage

S.42A Reports

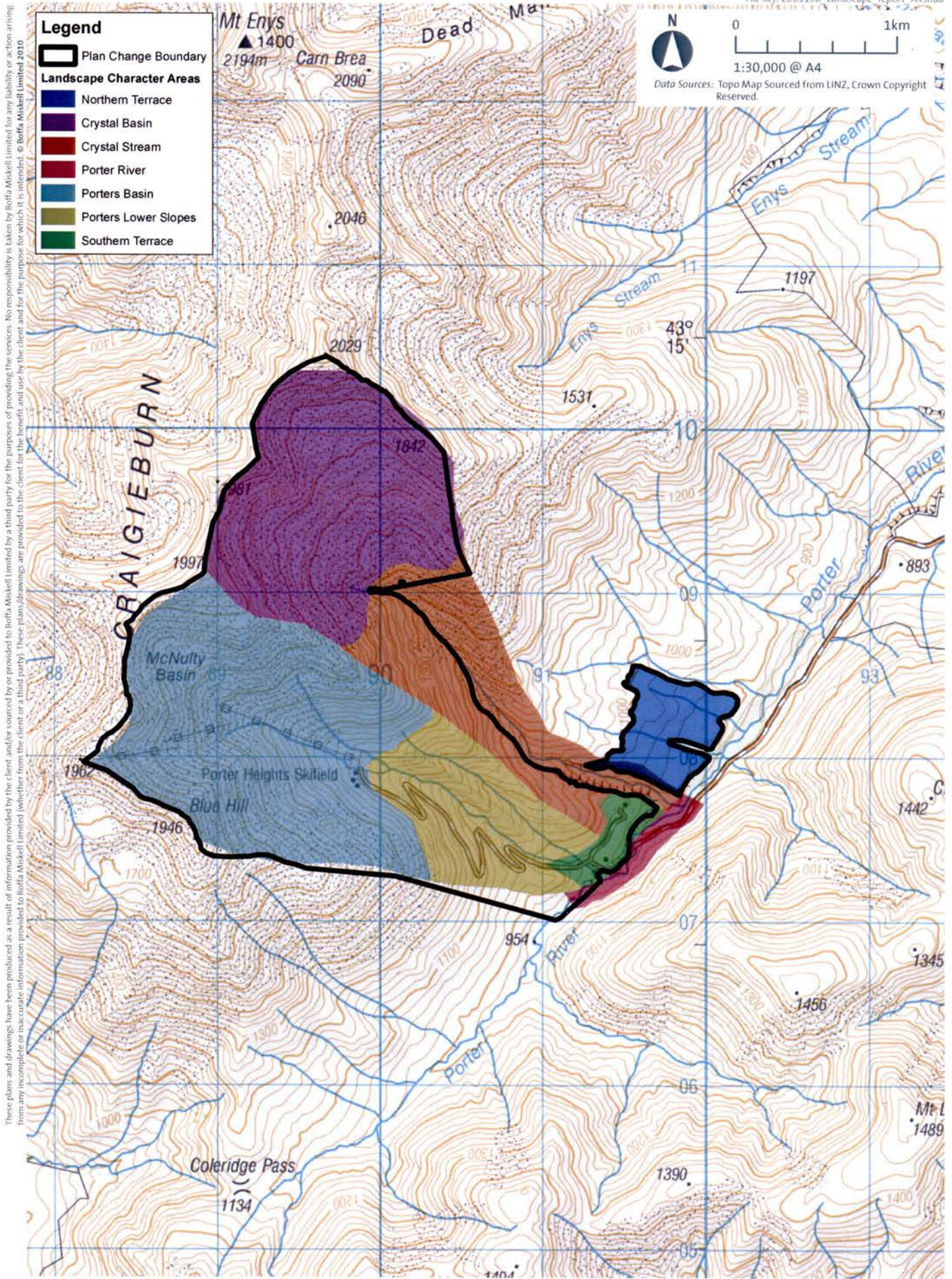
Mr Ben Rhodes – planner

Mr Andrew Craig – landscape architect

Mr Clive Anderson – geotechnical engineer

Dr Sarah Flynn – ecologist

Appendix 2 – Miskell’s Landscape Character Areas



Appendix 3: PC25 – Version submitted by applicant on 5 September 2011

PROPOSED PORTERS SKI AND RECREATION AREA EXPANSION

PRIVATELY REQUESTED CHANGE TO THE SELWYN DISTRICT PLAN

Explanation

This is a privately requested Change to the Selwyn District Plan.

The proposed Change seeks to rezone an area of 616ha from Rural High Country to a Ski and Recreation Area Sub-Zone. The location and boundaries of the new Sub-Zone are shown on the attached Planning Map 25.

The purpose of the new Ski and Recreation Area Sub-Zone is to recognise and provide for the continuing efficient use and future viability of the existing Porters Ski Area, including by its expansion into the adjoining Crystal Basin. The provisions of the proposed Ski and Recreation Area Sub-Zone also provide for the establishment of an on-mountain village where visitor accommodation, permanent residences and associated commercial activities are to be located.

As a discrete geographical location, the Porters Ski Area is readily defined and distinguishable from the wider High Country. Consequently, the Ski Area has clear boundaries and the activities proposed within the Ski Area are able to be managed in a comprehensive and integrated manner.

The proposed expansion into Crystal Basin and establishment of the mountain village has been master-planned. The master-planning and design process has required the values and sensitivities of this alpine environment to be assessed and has provided the basis for rules controlling and capping the development outcomes anticipated.

The proposed Change makes amendments to the Issues, Objectives and Policies across a number of the chapters in the Rural Volume. These amendments add text and explanation about the existence of Ski Areas as major recreation facilities in the High Country and as areas of existing modification and built infrastructure. The predominant issue is the long term viability of these recreation facilities and in particular, Porters which is the largest commercial Ski Area in Selwyn District. There is the potential to provide for that viability by expanding Porters into the adjoining Crystal Basin, enhancing its capacity to accommodate more skiers and snow boarders, to improve mountain access, enable a range of recreation activities and provide on-mountain accommodation. This effectively creates a node of concentrated recreation and accommodation activity in the High Country.

The proposed Change puts in place a new objective specific to the Porters Ski and Recreation Area providing for a concentration of residential and visitor accommodation activity in this location. New policies provide further support by:

- recognising and providing for the on-going operation and development of the Porters Ski and Recreation Area
- providing for a concentration of built development
- requiring subdivision to be responsive to the values and features within the environment rather than in accordance with set numerical standards.

Further amendments are made to existing policies and explanations to accommodate the new sub-zone and its intended development.

The key mechanism for the integrated management of the Ski and Recreation Area Sub-Zone is compliance with an outline development plan which shows the extent of the Ski and Recreation Areas

and the layout of the roading, extent of built development and activities in the Village Base Area. This plan is based upon a master plan that was prepared as part of an overall design and environmental assessment process and reflects a layout of development which avoids adverse environmental effects.

The outline development plan is complemented by a new set of rules specific to the Ski and Recreation Area and contained in an Appendix to the District Plan. These control subdivision and the scale and finish of buildings in the Village Base Area. Amendments are made to existing rules to exempt development from earthworks, tree planting, building and roading requirements that would normally apply in the High Country. The new rules still require consents and assessment for the detail of earthworks, planting and building development but removes the necessity for consents which consider the appropriateness of the activity in this location, i.e., it is appropriate that in rezoning the land for Ski and Recreation Area activities that the development of skiable terrain and establishment of skiing infrastructure can be undertaken without consideration of the appropriateness of the activity. It is unnecessary for the district plan to trigger a resource consent in respect of matters which have already been assessed as part of the plan change process.

DISTRICT PLAN AMENDMENTS

It is proposed to amend the District Plan as follows:

PART A – INTRODUCTION

- 1 Amend **A4.5 the Rural Area and Zones, the Hill and High Country** (page A4-012) by adding the following new paragraph between the existing paragraphs 5 and 6:

“Recreation is an important activity within the High Country. The mountains of the District are accessed for a range of passive and active sporting activities including fishing, hunting, tramping, mountain-biking, skiing and other snow sports. There are a number of Ski Areas within the Selwyn District. These include Porters, Mt Cheeseman, Broken River, Mt Olympus, Craieburn Valley and Temple Basin. Of these Ski Areas, Porters is the largest commercial area and has been up-graded and expanded into the adjoining Crystal Basin. It is specifically recognised with a Ski and Recreation Area sub-zoning which enables ski-field infrastructure and activities to be established and developed. Porters Ski Area is also distinguishable as providing New Zealand’s first on-mountain village with permanent and visitor accommodation and commercial activities. This village base enhances accessibility to the mountains in this locality, provides for a range of year-round recreation activities and is a ~~year-round~~ tourist destination.

PART B – ISSUES, OBJECTIVES AND POLICIES

1 Natural Resources

- 2 Amend **B1.4 Outstanding Natural Features and Landscapes – Issues, High Country** (page B1-037) by replacing the existing paragraphs 6 and 7 with the following new paragraphs (new wording underlined):

Some of these areas are pristine natural landscapes, e.g., Arthur’s Pass National Park. Most, however, are landscapes which have been modified by human activities, particularly pastoralism. Outdoor recreational activities are also popular in most of these areas. These areas contain features such as improved pasture, small-scale earthworks associated with tracks and fencelines, and small structures such as stock fences, water supplies and tramping huts. Ski Areas also require modification to the natural environment in the form of creating and maintaining skiable terrain, ski infrastructure and amenities. These modifications are however localised and enhance public access to use and enjoyment of the mountains. This includes access to non-winter activities such as mountain-biking or hiking. Porters Ski and Recreation Area includes an on-mountain village which has further enhanced the accessibility of the mountain environment and created a recreation node with consequential tourism benefits.

Uses which are generally inappropriate in the Areas of Outstanding Natural Features and Landscape in the high country are large structures and buildings, houses (outside existing building nodes), large scale commercial buildings and industrial developments and exotic plantations. Large structures and buildings have the potential to alter the sense of remoteness from people and untouched country, which are features of the Areas of Outstanding Landscape in the high country. Exotic plantations can alter the predominant vegetation cover from brown tussocklands, which is a hallmark of the Canterbury High Country landscape. The Plan policies encourage these activities to occur on land which is outside the Areas of Outstanding Natural Features and Landscapes in the high country. The policies recognise exceptional circumstances where large structures or building, houses (outside existing building nodes), large scale commercial buildings, industrial developments or exotic plantations may be necessary or appropriate uses in the Areas of Outstanding Natural

Features and Landscapes. An exception is made for the Porters Ski and Recreation Area, where there is provision for an on-mountain village providing accommodation and commercial services and is to be excluded from the Outstanding Natural Landscape. The Porters Village enhances public accessibility to and enjoyment of the mountain within a defined location and has been master-planned to complement the values of the mountain landscape, which remains a dominating natural environment. The Village has also enabled wider tourism, social and economic benefits to be realised which are of importance at both district and regional scales.

- 3 Amend the **Explanation and Reasons** to the **District Wide Outstanding Natural Features and Landscapes – Policies and Methods** (Page B1-039) by adding the following new wording (as underlined) to the end of the first paragraph:

Policy B1.4.1 recognises that much of the land in the Areas of Outstanding Natural Features and Landscapes has been modified by human occupation or use. Consequently, these areas contain man-made or physical elements, for example, modified vegetation cover such as pasture or exotic trees, stock fences, roads and other utilities, dwellings, accessory buildings and Ski Area and recreation infrastructure. Landscapes do not need to be naturally pristine to be outstanding. However, where a landscape is outstanding and contains man-made or physical elements, such elements may represent appropriate uses in these areas. One such example is the Ski and Recreation -Area Sub-Zone. Snow sports are predominantly limited to specific and defined locations within the mountains. Ski Areas enhance public access to and enjoyment of the mountains but require modification and development. As Ski Areas are dependent on a mountain location their infrastructure and facilities are an anticipated feature of the high country and also provide a node or base for other recreation activities such as mountain-biking or hiking.

- 4 Amend the **Explanation and Reasons** for **Policy B1.4.22** (page B1-048) by adding the following new words as underlined below:

The original vegetation cover has been altered by fires and pastoralism, and the area contains some improved pasture, shelter belts, small structures, ski field infrastructure and earthworks associated with activities such as pastoralism, outdoor recreation and access tracks.

- 5 Add a new **Policy B1.4.25** as follows and consequently renumber all the following policies.

Policy B1.4.25

Provide for a mountain village to be established in the Porters Ski Area which enables accommodation, recreation, 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.

- 6 Add a new paragraph to the end of the **Explanation and Reasons** for Policies B1.4.22 to B1.4.25 (pages B1-048 to B1-049) as follows:

Policy B1.4.25 provides specific recognition of an on-mountain village at Porters Ski and Recreation Area. This policy is to be achieved through a Ski and Recreation Area Sub-Zone which enables a node of built development to be established within a defined location at the base of the Porters Ski Area. The Ski and Recreation Area Sub-Zone ~~is to be removed from~~

~~the Outstanding Natural Landscape and provides for a concentration of built development for accommodation and commercial purposes which are complementary to ski field activities as well as enhancing its viability and role as a tourist and recreation destination.~~

~~The density of built development within the Village Base Area is high compared with the extent of built development permitted elsewhere in the Outstanding Natural Landscape of the High Country and consequently the Sub-Zone should be removed from the Outstanding Natural Landscape. The provision of a Sub-Zone acknowledges the relative importance of this concentration of development to the ski industry and the district and region in terms of tourism and economic wellbeing. The Sub-Zone It puts in place a special management framework which is site specific and responsive to the values of this particular locality. The management framework has been derived from a comprehensive masterplanning and investigative process and delivers an outcome with a high level of certainty in respect of layout and effects on the values of the site.~~

- 7 Amend the **Explanation and Reasons** for **Policy B1.4.29** (page B1-050) by inserting the following new paragraph:

The establishment and maintenance of ski trails and infrastructure requires earthworks and the movement of scree. The Ski and Recreation Area Sub-Zone (Porters) is to be exempt from the rules provisions that apply to the Outstanding Natural Landscape due to the extent of modification anticipated within the Sub-Zone, particularly at the Village Base Area. The establishment of the Sub-Zone has already involved the assessment of the appropriateness of Ski Area activities earthworks and the proposed rules are focused on require to consideration of how the earthworks are to be managed rather than requiring further considerations of the appropriateness of Ski Area development where earthworks are involved.

- 8 Amend **High Country General - Policy B1.4.30** (page B1-050) by inserting a new sub-clause (c) as follows, and re-numbering the following clauses as a consequential amendment.

“(c) Require built development within the Ski and Recreation 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.

- 9 Amend the **Explanation and Reasons** for **Policy B1.4.30** (page B1-051) by adding a new fifth paragraph as follows:

“Policy B1.4.30(c), which is concerned with the Ski Area Sub-Zone, is consistent with the intent of Policies B1.4.30(a) and (b) to manage the effects of buildings through clustering and co-location at building nodes. The Ski and Recreation Area Sub-Zone (Porters) represents a cluster of greater size than other locations in the High Country, however this scale is relative to the skier capacity of the Porters Ski Area, its importance as a tourist destination and its significance and contribution to the district and regional economy. The Ski and Recreation Area Sub-Zone (Porters) is required to be comprehensively designed. The management framework for the Sub-Zone is specific to the Porters locality, ensuring that built development responds to the specific characteristics and sensitivities of this environment.

- 10 Further amend the **Explanation and Reasons** for **Policy B1.4.30** to **B1.4.32** (pages B1-051 to B1-052) by amending all references to sub-clauses (c), (d) and (e) as a further consequential amendment.

- 11 Amend **Outstanding Natural Features and Landscapes – Anticipated Environmental Results** (page B1-053) by adding the following new clause:

~~The exemption of the Ski Area Sub Zone (Porters) from establishment from the Outstanding Natural Landscape of the High Country and characterised by a Village with permanent and visitor accommodation and commercial development.~~

- *The expansion and on-going viability of Porters Ski Area as a recreation and tourist destination.*

2 PHYSICAL RESOURCES

- 12 Amend **B2.2 Utilities – Need for Utilities** (page B2-018) by adding new wording to the second sentence of the second paragraph as follows (new wording underlined):

The District Plan allows for residential development at higher densities in the Rural zone immediately surrounding townships... and in the Ski and Recreation Area Sub-Zone (Porters).

- 13 Amend **B2.3 Community Facilities and Recreational Areas – Issues, Recreation Areas, Access and Camping** (pages B2-027 and B2-028) by:

- (i) Adding a new third bullet to the first paragraph as follows:

-Ski Areas for commercial and club skiing and other forms of complementary recreation.

- (ii) Amending the second paragraph to read as follows (new wording underlined):

Popular outdoor recreation areas in the District include: the Port Hills; Te Waihora/Lake Ellesmere; the Waikiriri/Selwyn, Rakaia and Waimakariri Rivers; the ski areas of the Craieburn Range and Arthur's Pass; the high country generally; and the Southern Alps/Ka Tiritiri o te Moana.

- (iii) Rewording the final paragraph and adding a new bullet to the last paragraph as follows (new wording underlined):

There are four issues associated with recreational areas in the Rural zone:

- Access to lakes, rivers and reserve areas.
- Funds to purchase, develop or enhance recreation areas.
- Effects of camping grounds.
- Ensuring the viability of existing Ski Areas.

- (iv) Adding a new Section “Viability of Existing Ski Areas” (page B2-029) as follows:

Viability of Existing Ski Areas

Existing Ski Areas represent significant physical resources in terms of infrastructure and buildings as well as being areas of modification to the terrain in order to establish and maintain ski trails. Without an increase in skier capacity or visitation it is increasingly difficult to maintain the economic viability of commercial ski areas, particularly where existing infrastructure requires up-grading and capital investments. It would be an inefficient use of both physical and natural resources for existing fields to close with consequential effects on recreation, tourism, social wellbeing and the economy.

The most significant constraints on the New Zealand ski industry, compared with international ski areas, are concerned with the lack of on-mountain accommodation and poor mountain road access. The road access to the majority of New Zealand Ski Areas is perceived as unsafe by international visitors and city dwellers, many of whom may never have driven on mountain gravel roads. New Zealand also compares poorly with Australia, Japan, North America and Europe in respect of choices for on-mountain accommodation and evidence indicates that repeat visitation to New Zealand ski fields by overseas visitors is low. Consequently the future viability of existing commercial ski areas is dependent upon addressing the provision of on-mountain accommodation, improved vehicular access and encouraging investment in infrastructure.

The Porters Ski Area is the largest commercial field in the Selwyn District. Without recognition in the District Plan Porters is required to obtain on-going resource consents for the establishment of infrastructure, buildings and trails. This is an inefficient process for what is a geographically defined activity and one which can be comprehensively managed. Recognition in the District Plan therefore provides the opportunity to encourage integrated management of the ski area. Improving mountain accessibility as part of that management will further enhance Porters Ski Area as a convenient and accessible destination from Christchurch International Airport and the population of the District, Greater Christchurch and Canterbury.

- 14 Amend **Community Facilities and Recreational Areas – Strategy** (page B2-029) by adding a new bullet under the heading **Recreation Areas** as follows:

-Policy to establish a Ski and Recreation Area Sub-Zone (Porters) to recognise and provide for the on-going operation and development of the Porters Ski Area.

- 15 Amend **Community Facilities and Recreational Areas – Policies and Methods** (page B2-033) to add a new policy B2.3.8, Explanation and Reasons and Method as follows:

Policy B2.3.8

Recognise the Porters Ski Area with a Ski and Recreation 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.

Explanation and Reasons

Policy B2.3.8 recognises the Porters Ski Area as a significant recreation asset and tourist destination within the Selwyn District. It is appropriate that the physical and natural resources which comprise the Ski Area are acknowledged as an activity area which is distinctive from

the balance of the high country and therefore requires an appropriate management regime which provides for ski related infrastructure and recreation activities.

The purpose of the Sub-Zone is to enable the maintenance and development of ski terrain and facilities without the need for on-going resource consent applications. In addition, it is intended to provide a management basis for the viability of the Ski Area by providing a framework for additional complementary activities to the Ski Area and ensuring that these activities are integrated and responsive to environmental conditions and values. Compliance will be required with an outline development plan and rules which set the parameters for use and development of the Ski Area.

Method

District Plan Rules – Ski and Recreation Area Sub-Zone (Porters) with associated provisions in General Rules

- 16 Amend **Community Facilities and Recreational Areas – Anticipated Environmental Results** (page B2-033) by adding the following new bullet point:

- *Ensuring Porters Ski Area is a viable commercial ski-field including provision of accommodation, ~~and~~ commercial and recreation activities.*

- 17 Amend **Natural Hazards – Policies and Methods, Localised Natural Hazards, Policy B3.1.6, Explanation and Reasons** (page B3-007) by adding the following new wording to the end of the first paragraph:

It is acknowledged that the Ski and Recreation Area Sub-Zone (Porters) does provide for multi-level buildings reflecting the detailed site investigation and assessment that was undertaken for this defined area in establishment of the Sub-Zone. This assessment concluded that the Sub-Zone was not subject to a greater risk of loss of life or property relative to other parts of the District and that multi-level buildings were appropriate.

3 PEOPLE'S HEALTH, SAFETY AND VALUES

- 18 Amend **Natural Hazards – Policies and Methods, Localised Natural Hazards, Policy B3.1.7, Explanation and Reasons** (page B3-007 and B3-008) by adding the following new wording (underlined) after the third sentence in the first paragraph:

...does not prevent activities taking place at high altitudes or on steep slopes, provided any risk of damage from slips, or avalanches is minor. The potential for damage from hazards was assessed for the Ski and Recreation Area Sub-Zone (Porters) at the time that the Sub-Zone was established. The level of risk for this Sub-Zone was not high and the risk for other areas may also be minor for several reasons....

- 19 Amend **Quality of the Environment – Policies and Methods Rural Character, Policy B3.4.1, Explanation and Reasons** (page B3-035) by adding the following new wording (underlined) to the second sentence:

Policy B3.4.1 recognises that the Rural zone is principally a business area. Farms, forests, ski areas and other rural activities are businesses and they need to operate efficiently and with as few restrictions as practical.

- 20 Amend **Quality of the Environment – Policies and Methods Rural Character, Policy B3.4.2, Explanation and Reasons** (page B3-036) by adding a new bullet (underlined) as follows:

- *Farming*
- *Forestry*
- *Ski Areas*

- 21 Amend **Quality of the Environment – Policies and Methods Rural Character, Policy B3.4.5, Explanation and Reasons** (page B3-038 to B3-039) by adding the following new wording to the end of the third paragraph:

Similarly, an exemption is also made for the Ski and Recreation Area Sub-Zone (Porters). Within this Sub-Zone there is provision for the establishment of a Village Base Area to provide on-mountain accommodation and commercial services complementary to the Porters Ski Area. The Village is defined to a specific and discrete location and the planning rules limit built development and confine its layout within an Outline Development Plan. The nature and scale of the Village and its relationship to a commercial Ski Area means that there is unlikely to be a cumulative effect on building development throughout the Rural zone but ensures the on-going viability of the Ski Area and its recreational and tourism benefits.

- 22 Amend **Quality of the Environment – Policies and Methods Rural Character, Policy B3.4.6, Explanation and Reasons** (page B3-039) by adding the following new wording to the end of the first paragraph:

An exemption is made for the Ski and Recreation Area Sub-Zone (Porters) where a node of accommodation and commercial activity is considered appropriate as complementary to the Ski Area. The layout, scale and form of built development within this Sub-Zone is required to demonstrate its responsiveness to the landscape and ecological values of the locality. Some multi-storey development is anticipated as capable of being absorbed within the dominating mountain landscape.

- 23 Amend **Quality of the Environment – Policies and Methods Rural Character** (page B3-039) by adding a new Policy B3.4.7, Explanation and Reasons and Method, and renumbering all subsequent policies accordingly:

Policy B3.4.7

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

Explanation and Reasons

Policy B3.4.7 recognises that the Porters Ski and Recreation Area is recognised as a node for the maintenance and further development of Ski Area activities. In addition to new Ski Area

infrastructure, the Sub-Zone anticipates the development of a Village with permanent and visitor accommodation, ~~and~~ commercial activities such as restaurants and complementary recreation activities. This built development would be at a higher density and form than is anticipated elsewhere in the high country but reflects the significance of the Porters Ski Area as a recreation area and tourist destination.

Method

District Plan Rules

- Ski and Recreation Area Sub-Zone Outline Development Plan
- Buildings

4 GROWTH OF RURAL AREA

- 24 Amend **B4.1 Residential Density and Subdivision in the Rural Area – Issues** (page B4-001) by adding the following new bullet at the end of the list:

- Meeting international visitor demands for on-mountain accommodation and ensuring the viability of commercial Ski Areas.

- 25 Amend **B4.1 Residential Density and Subdivision in the Rural Area – Issues, Residential Density** (page B4-001) by adding a new fifth paragraph as follows:

In addition there are specific residential and visitor accommodation demands associated with commercial Ski Areas. Ski Areas are a significant component of New Zealand's winter tourism industry for both domestic and international visitors and the Porters Ski Area is the largest commercial Ski Area in the Selwyn District. There is little repeat visitation from international skiers due to the limited on-mountain accommodation provided in New Zealand. In order to remain viable it is necessary that on-mountain accommodation is provided for in association with the major commercial Ski Areas such as Porters.

- 26 Amend **Residential Density and Subdivision in the Rural Area – Strategy** (page B4-003) by adding the following new bullet to the list:

- Provide for permanent and visitor accommodation in the Ski and Recreation Area Sub-Zone (Porters).

- 27 Amend **Residential Density and Subdivision in the Rural Area – Objectives** (page B4-003 and B4-004) by adding the following new Objective B4.1.4 with associated policies and the following new paragraph to the Explanation and Reasons.

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.

Explanation and Reasons

Objective B4.1.4 is concerned with the development of residential and visitor accommodation, commercial and associated tourist and recreation activities at the Porters Ski Area. The density of this development will be more concentrated than in other parts of the high country. This reflects the skier capacity of the Ski Area Sub-Zone and the associated demand for complementary recreation activities, on-mountain accommodation and convenient access as part of the recreation experience. It is appropriate that this residential development is concentrated to avoid the dispersal of potential environmental effects.

At Porters Ski Area the layout and form of development is able to be absorbed within the landscape. It is contained within a discrete valley some distance from the state highway and its development will remain subordinate to the mountainous location. Similarly, the scale and concentration of residential development should ensure that effects on ecological values from residential activity can be avoided, remedied or mitigated.

- 28 Amend **Residential Density and Subdivision in the Rural Area – Policies and Methods, Policy B4.1.4** to read as follows (new wording underlined):

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

- 29 Amend **Residential Density and Subdivision in the Rural Area – Policies and Methods, Policy B4.1.4 Explanation and Reasons** (page B4-007 and B4-008) by adding the following new wording to the end of the last paragraph:

The Ski and Recreation Area Sub-Zone (Porters) is also exempt from this policy. The Sub-Zone has been created to recognise the existing Porters Ski Area and its expansion, as well as providing for a concentration of residential development at the base of the Ski Area. Due to the scale of the skier capacity and its significance as a tourist and recreation destination within the District, a greater density of residential development is proposed within the Sub-Zone than is provided for in other parts of the High Country.

- 29 Amend **Residential Density and Subdivision in the Rural Area – Policies and Methods**, by adding a new sub-clause (d) to **Policy B4.1.5** and a new paragraph to the end of the **Explanation and Reasons** (pages B4-008 and B4-009).

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

Explanation and Reasons

Policy B4.1.5(d) recognises that a higher density of residential development is appropriate within the Ski and Recreation Area Sub-Zone (Porters) in order to support the viability and efficiency of the Porters Ski Area. The Sub-Zone has no wider consequential effects on residential density in the Rural Zone due to the limited number of commercial Ski Areas in the district and those with a suitable location for the establishment of a village.

- 30 Add a new Policy B4.1.8, Explanation and Reasons and Method (page B4-011) as follow. Renumber all subsequent policies accordingly:

Policy B4.1.8

To provide for the subdivision and development of residential, commercial and visitor accommodation buildings in the Ski and Recreation 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.*

Explanation and Reasons

Policy B4.1.8 provides the basis for the rules controlling the subdivision and use of land within the Ski and Recreation Area Sub-Zone at Porters. Due to the sensitivity of values within the Sub-Zone it is appropriate that subdivision, earthworks and building rules trigger an assessment process that enables site specific considerations and responses to be implemented. Reliance on standards which are based on a numerical threshold that may be unrelated to the specific features of a site do not guarantee an optimum design outcome or ensure that the Ski Area will be efficiently developed or managed. Accordingly, subdivision, earthworks, building design and appearance and landscape treatment are to be implemented as controlled activities where Council can assess the final design and integration of development.

Underpinning the development of the Ski Area is a requirement to comply with an outline development plan. This plan represents a comprehensive approach to land use and development and controls the overall location of buildings and activities and the inter-relationship between the Village Base Area and the Porters and Crystal Basin Ski Areas. The proposed rules are primarily concerned with the location, form and finish of built development.

Some of the standards will vary within the Village Base Area depending on the nature of the activities and the need to ensure that development is less intensive at the boundary of the Sub-Zone. The range of activities provided for within the Sub-Zone are specified and reflect the mix of uses that are necessary to service and support a significant recreational activity and tourist destination. The scale and density of development is greater than in other parts of the High Country however this reflects the popularity and significance of snow and mountain-based recreation and the need to provide facilities for people who enjoy this form of recreation and the ability to access the High Country environment. The scale and density of development is however capped to ensure that the Ski Area is developed in a manner which ensures the final outcome is appropriate and responsive to the environment.

As a Ski Area is geographically-dependent on a mountain location it is necessary that development is responsive to the wider landscape and ecological values of the High Country. The proposed rules require the protection of areas of significant ecological value and the adoption of other methods to maintain and enhance indigenous vegetation wherever possible. Careful control over the types of plant species established is also necessary to ensure that exotic or inappropriate plants are not established which threaten the integrity of the wider habitat. Consideration of impacts on the landscape values is also required with an emphasis on materials and building forms that complement the mountain environment.

~~If circumstances arose where, despite all reasonable efforts have been made to avoid, remedy or mitigate effects this cannot be achieved, policy (h) indicates that there may be circumstances where it is appropriate to consider environmental compensation.~~

The establishment of the Ski and Recreation Area Sub-Zone has involved the application of environmental compensation for the loss of biodiversity values. This adverse ecological effect has been unable to be avoided, remedied or mitigated through the provisions of the Plan. This compensation has taken the form of restoration of a site of equal high conservation value within the Selwyn District and the protection and restoration of a site of equal high conservation value within the Canterbury Region. The provisions of the Sub-Zone require the securing of the mechanism(s) for protecting the restored values in perpetuity. This mechanism is required to be in place prior to any activities, subdivision or built development occurring.

Methods

District Plan Rules

- Outline Development Plan
- Subdivision
- Buildings

- 31 Add a new bullet point to the list under **Residential Density and Subdivision in the Rural Area – Anticipated Environmental Results** (page B4-013) as follows:

-Residential development is concentrated at a higher density in the Ski and Recreation Area Sub-Zone (Porters) with the layout, size and shape of allotments considered in relation to the environmental features and values of the Sub-Zone.

Part C – Rural Rules

RURAL RULES – INTRODUCTION TO RULES

- 32 Amend **Rural Rules – Introduction to Rules, Type of Rules** (page C-001) by:

(i) Altering the second paragraph to read as follows (new wording underlined):

Within the Rural zone there are 7 areas, within which different rules may apply. Those areas are: High Country, Malvern Hills, Porters Ski and Recreation Area, Outer Plains, Inner Plains, Port Hills and Existing Development Areas. They are shown on the Planning Maps.

(ii) Altering the second bullet in the fifth paragraph as follows (new wording underlined):

The activities which are permitted in the High Country, Malvern Hills, the Porters Ski and Recreation Area and Port Hills.....

1 RURAL RULES - EARTHWORKS

- 33 Amend **1 Rural Rules – Earthworks, Notes** (C1-001) by adding a new Note as number 5 and as a consequential amendment renumbering the following clause. New wording is as follows:

5. *All earthworks within the Ski and Recreation Area Sub-Zone (Porters) ~~are exempt from Rule 1.6 and which shall comply with the rules in Appendix 25. Similarly, the Ski Area Sub-Zone is excluded from the Outstanding Natural Landscape. The rules for Areas of Outstanding Landscape therefore do not apply to the Ski Area Sub-Zone.~~*

2 RURAL RULES – TREE PLANTING AND REMOVAL OF HERITAGE TREES

- 34 Amend **2 Rural Rules – Tree Planting and Removal of Heritage Trees, Notes** (C2-001) by adding a new Note as number 5 and as a consequential amendment renumbering the following clause. New wording is as follows:

5. *All tree planting within ~~t~~The Ski and Recreation Area Sub-Zone (Porters) ~~is exempt from these rules. excluded from the Outstanding Natural Landscape. The rules for Areas of Outstanding Landscapes therefore do not apply to the Ski Area Sub-Zone(Porters).~~ All tree planting shall comply with the rules in Appendix 25.*

3 RURAL RULES - BUILDINGS

- 35 Amend **1 Rural Rules – Buildings, Notes** (C3-001) by adding a new Note as number 4 and as a consequential amendment renumbering the following clauses. New wording is as follows:

4. *All buildings within the Ski and Recreation Area Sub-Zone shall be exempt from these Rules 3.9, 3.10, 3.11, 3.12 and 3.13 and shall comply with the rules in Appendix 25. ~~The Ski Area Sub-Zone is similarly excluded from the Outstanding Natural Landscape. The rules applying to buildings in the Outstanding Natural Landscapes therefore do not apply.~~*

4 RURAL RULES - ROADING

- 36 Amend **1 Rural Rules – Roading, Notes** (C4-001) by adding a new Note as number 1 and as a consequential amendment renumbering the following clauses. New wording is as follows:

1. *All vehicular accessways, vehicle crossings and vehicle parking within the Ski and Recreation Area Sub-Zone (Porters) shall be exempt from compliance with the rules of 4 Rural Roads and shall comply with the rules in Appendix 25 and the rules in Appendix 13 of the Townships Volume concerned with separation distances, sightlines and carpark dimensions. ~~The Ski Area Sub-Zone is similarly excluded from the Outstanding Natural Landscape. The rules for Areas of Outstanding Landscapes therefore do not apply to the Ski Area Sub-Zone.~~*

5 RURAL RULES – UTILITIES

- 37 Amend **5 Rural Rules – Utilities, Notes** (C5-001) by adding a new Note as number 4 and as a consequential amendment renumbering the following clauses. New wording is as follows:

4. *~~The Ski Area Sub-Zone (Porters) is excluded from the Outstanding Natural Landscape. The rules applying to All utility buildings and structures in the Ski and Recreation Area Sub-Zone (Porters) shall be exempt from compliance with these rules. Outstanding Natural Landscape therefore do not apply.~~*

6 RURAL RULES – OUTDOOR SIGNS AND NOTICEBOARDS

- 38 Amend **6 Rural Rules – Outdoor Signs and Noticeboards, Notes** (C6-001) by adding a new Note as number 3 and as a consequential amendment renumbering the following clauses. New wording is as follows:

3. *All Signs in the Ski and Recreation Area Sub-Zone (Porters) shall be exempt from Rule 6.2, while signs required for the purpose of on-mountain directions and safety shall not be required to comply with Rule 6.1. ~~Similarly, the Ski Area Sub-Zone (Porters) is excluded from the Outstanding Natural Landscape. The rules applying to Outdoor Signs in the Outstanding Natural Landscape therefore do not apply.~~*

9 RURAL RULES – ACTIVITIES

- 39 Amend **9.3 Activities in the Port Hills, Malvern Hills and High Country, Rule 9.3.1** (pages C9-002 and 003) by altering the **Note**: at the end of rule to read as follows (new wording underlined):

Note: Refer to Appendix 21, 22, 23 or 245 for conditions, standards and matters of control/discretion which apply to specific activities in the areas shown on the Planning Maps as the Existing Development Areas for Terrace Downs, Grassmere and Rocklands, and as a Ski and Recreation Area Sub-Zone at Porters. These are existing development areas in the High Country and Port Hills.

- 40 Amend **9.4 Scale of Non-Residential and Non-Rural Activities, Rule 9.4.1** (page C9-003) by adding new wording to the **Note** at the end of the rule to read as follows (new wording underlined):

Note: Rule 9.4.1 does not apply to any temporary activity or any activity within the Ski and Recreation Area Sub-Zone (Porters).

- 41 Amend **9.13 Activities and Vehicle Movements, Rule 9.13.1** (pages C9-010 and C9-011) by adding a new clause (numbered 5.) to the **Note** at the end of the rule to read as follows:

5. Rule 9.13.1 does not apply to roads activities within the Ski and Recreation Area Sub-Zone (Porters).

- 42 Amend **9.14 Activities and Aircraft Movements, Rule 9.14.1.1** (page C9-011) by adding the following new clause (d) as follows:

(d) Aircraft movements associated with aActivities within the Ski and Recreation Area Sub-Zone (Porters).

- 43 Amend **9.16 Activities and Noise, Rule 9.16.3** (page C9-014) by adding the following new clause 9.16.3.5 and renumbering the following clause accordingly

9.16.3.5 In any part of the Ski and Recreation Area Sub-Zone (Porters) where, in accordance with the Porters Ski Area Outline Development Plan in Appendix 25.14 a mix of recreation, commercial, accommodation, tourist and living activities may be established in the same locality.

- 44 Amend **9.21 Activities and Clearance of Indigenous Vegetation and Indigenous Plant Species** (page C9-019 and C9-020) by adding a new clause 9.21.2.6 exempting the clearance of earthworks within the Ski ~~and Recreation~~ Area Sub-Zone as follows:

9.21.2.6 Clearance of indigenous vegetation within the Ski ~~and Recreation~~ Area Sub-Zone (Porters), excluding the Areas of Protection as shown in ~~Appendix 25,~~

the Outline Development Plan for Porters Ski and Recreation Area in Appendix 25. Clearance of indigenous vegetation within the Ski and Recreation Area Sub-Zone shall also comply with Appendix 25.

10 RURAL RULES – SUBDIVISION

- 45 Add a new **Rule 10.1.1.13** (page C10-003) to read as follows:

10.1.1.13 *Subdivision within the Ski Area Sub-Zone which complies with all of the subdivision standards in Appendix 25 Porters Ski Area.*

Note: *The Ski and Recreation Area Sub-Zone(Porters) is ~~excluded~~ exempt from Rule 10.3. ~~from the Area of Outstanding Landscape.~~*

- 46 Add a new Appendix 25 Porters Ski and Recreation Area as attached, including Outline Development Plan.
- 47 Amend Planning Map 25 to show a new Ski and Recreation Area Sub-Zone (Porters) as attached.

APPENDIX 25

25.1 PORTERS SKI AND RECREATION AREA

Note: ~~Reference should be made to a~~ All other rules of the Rural Volume of the District Plan to confirm if compliance is required by activities, works and buildings within ~~shall be complied with, unless the rule specifically states that it does not apply to the~~ Ski and Recreation Area Sub-Zone (Porters).

25.1.1 The Ski and Recreation Area Sub-Zone (Porters) shall be limited to the following activities subject to compliance with Rules 25.2 through to 25.8.

- (a) Recreational facilities
- (b) Facilities, buildings and activities associated with the management and operation of a Ski Area, including but not limited to:
 - avalanche control
 - weather stations
 - pump stations
 - snow-making infrastructure
 - fuel storage
 - snow fences
 - plant nursery
 - storage and maintenance
 - equipment and clothing hire facilities
 - ski school
 - ski member facilities
 - race team and competition facilities
 - sports medicine and rehabilitation
 - first aid, medical care and facilities
 - childcare
 - helicopter access and landing
 - emergency access and emergency services
- (c) Tourist activities – see Note below
- (d) Conference activities
- (e) Commercial activities and services (including retail activities) which are associated with and complementary to recreation, tourist and conference activities

- (f) Visitor Accommodation
- (g) Staff Accommodation
- (h) Dwellings
- (i) Apartments
- (j) Place of Assembly
- (k) Educational activities limited to education related to recreational activities and environmental and cultural values associated with the High Country.
- (l) Vehicle parking (including helicopters) ancillary to recreation, tourist, commercial, conference, visitor accommodation and dwellings.
- (m) Activities associated with the maintenance and repair of existing infrastructure, roads, buildings and structures.
- (n) Utilities required to service the activities within the Sub-Zone.

For the purpose of these rules the following definitions shall apply:

Recreational facilities – shall be in accordance with Part D Definitions

Tourist activities – shall mean the use of any land, building or structure for the primary purpose of providing entertainment, recreational and cultural experiences for visitors

Visitor Accommodation – shall include all forms of temporary residential accommodation offered for a daily tariff.

Dwellings – shall be in accordance with Part D Definitions

Apartments – shall mean self-contained residential accommodation which may be occupied as a permanent or temporary residence but is part of and attached to other apartments contained within the same building.

Place of Assembly – shall be in accordance with Part D Definitions

25.2 Controlled Activities

Earthworks

25.2.1 Earthworks (except for earthworks listed as either a restricted discretionary or non-complying activity) located entirely within the boundary of the Ski and Recreation Area Sub-Zone and limited to the following purposes shall be a controlled activity:

25.2.1.1 Within the Crystal Basin Ski Area:

- (a) Establishing ski trails, terrain parks, a snow-making reservoir and buildings within the areas identified on the Porters Ski and Recreation Area Outline Development Plan in Appendix 25.1.4(d).
- (b) Installing support structures for tows, lifts and gondolas generally in accordance with the lines shown on the Porters Ski and Recreation Area Outline Development Plan in Appendix 25.1.4(d).
- (c) Establishing or installing avalanche control infrastructure, weather stations, pump stations, snow-making infrastructure, fuel storage, snow fences, helicopter access and landing, stormwater, wastewater, water supply, electricity and telecommunications infrastructure.

25.2.1.2 Within the Porters Ski Area and the Village Base Area:

- (a) Establishing ski trails and terrain parks.
- (b) Installing support structures for tows, lifts and gondolas.
- (c) Establishing trails for recreational activities including such as mountain biking, luge and walking trails.
- (d) The construction of buildings, and structures and utilities in the Porters and Crystal Basin Ski Areas.
- (e) Forming access tracks, to and within the Porters and Crystal Basin Ski Areas

~~The construction of snow making reservoirs~~

~~25.2.1.4 The construction of buildings in the Village Base Area~~

- (g) Forming roads in the Village Base Area, provided that they comply with the Standards for Roads in Rule 25.6.1.1.
- (h) Installing construction infrastructure for stormwater, wastewater disposal, and water supply, electricity and telecommunications.

- (i) Establishing activities and facilities associated with the management and operation of a Ski Area in accordance with Rule 25.1.1.

~~24.2.1.7 The construction of utilities~~

- (i) Ground preparation for planting of indigenous vegetation on areas greater than 5m².

25.2.2 Under Rule 25.2.1, the Council shall reserve its control over the following matters:

- 25.2.2.1 Any potential effects on ground and scree stability.
- 25.2.2.2 The location, depth and length of cuts and the extent and location of fill or castings.
- 25.2.2.3 The effectiveness of erosion and sediment control measures and the degree to which these conform with any Erosion and Sediment Control Plan that may have been approved by the Canterbury Regional Council for the establishment of infrastructure.
- 25.2.2.4 The setback from the Porter Stream and Crystal Stream.
- 25.2.2.5 Avoidance or setback from any ephemeral streams or naturally occurring seepages or wetlands.
- 25.2.2.6 Terrestrial and aquatic ecological values within the area of disturbance and the potential to minimise or avoid disturbance that will affect the function and integrity of plants and habitat. In particular, vegetation in herbfields, boulderfields, scree and spring flushes should be avoided in the first instance. If unable to be avoided then measures should be taken to minimise or mitigate the extent or nature of disturbance. Regard shall be given to the effectiveness of the measures to maintain the function and integrity of plants and habitats assessed. (For definitions of herbfield, boulderfields and spring flush see Note below). ~~to areas or habitats of higher value.~~
- 25.2.2.7 The effect on landscape values and visibility from state highway 73.
- 25.2.2.8 Methodology for completing the works, including the type of machinery and equipment to be used and the measures to be taken to minimise ground disturbance.

~~The proposed measures for minimising ground disturbance.~~

- 25.2.2.9 Measures for the control of dust emissions.
- 25.2.2.10 Protocols to minimise the transfer of weed and pest species on machinery.
- 25.2.2.11 Measures proposed for re-contouring and re-vegetation of the land, including the timing for re-vegetation.
- 25.2.2.12 Protocols for Accidental Discovery of archaeological sites.

25.2.2.13 Conditions requiring the preparation and implementation of a Ski and Recreation Area Environmental Management Plan (SAEMP) that addresses the following matters for construction and operation of the Ski Area:

- Principles and monitoring regime for management of stormwater, erosion and sediment control related to Ski and Recreation Area operations and maintenance;
- Principles for management of construction activities and restoration of earthworks
- Pest and weed management
- Management of habitats and species, including Keas and riparian margins
- Enhancement of Crystal Stream
- Storage and removal of solid wastes
- Storage, management and use of hazardous wastes

(Notes:

1 This provision duplicates the requirement for an Environmental Management Plan SAEMP required by Rule 25.12.2.12 at the time of subdivision application. If an Environmental Management Plan SAEMP has already been prepared and approved as a condition of subdivision this provision is not applicable).

2 The following definitions are to be applied when identifying sensitive plants and communities.

Herbfield: Vegetation in which the cover of herbs in the canopy is 20-100% and in which herb cover exceeds that of any other growth form or bare ground. Herbs include all herbaceous and low-growing semi-woody plants that are not separated as ferns, tussocks, grasses, sedges, rushes, cushion plants, mosses or lichens. (Atkinson, IAE. (1985) NZJBotany 23: 361-378)

Boulderfield: Land in which the area of unconsolidated bare boulders (>200mm diameter) exceeds the area covered by any one class of plant growth-form. (Atkinson, IAE. (1985) NZJBotany 23: 361-378)

Spring flush: Areas of sloping wetlands in the mountains, where the underlying groundwater supply by a spring is supplemented by periodic pulses of surface water (e.g. from snow melt) (Adapted from Johnson P and Gerbeaux P. (2004): Wetland Types in New Zealand DOC/MfE).

Buildings

25.2.3 All buildings located within the Ski and Recreation Area Sub-Zone shall be a controlled activity in respect of design and appearance, relationship between buildings (physical layout on the ground) and landscape treatment, provided that they comply with the Standards for Buildings in Rules 25.3.1.1 to 25.3.1.10.

- 25.2.4 Under Rule 25.2.3, the Council shall reserve its control over the following matters. Where the proposed building or structure is a utility or has functional requirements such as a basement carpark or lift towers, only those matters relevant to the colour of the structure need be considered:
- 25.2.4.1 The extent to which the building reflects an architectural style that is consistent with and complementary to the landscape values of the ~~Porter Valley~~ and Ski and Recreation Area, having regard to the Design Principles in Appendix 25.14.
 - 25.2.4.2 The suitability of proposed materials having regard to the list of materials in Appendix 25.14.
 - 25.2.4.3 The appropriateness of the colour finish of the exterior of the building, having regard to the recommended colour palette in Appendix 25.14.
 - 25.2.4.4 The architectural design and profile of the roof and its visual impact. Within the Village Base Area, the design and profile of the roof should be assessed both singularly and in combination with other roofs, including the visual effects of the rooflines when viewed across the Village Base Area.
 - 25.2.4.5 The avoidance of excessive repetition of building forms.
 - 25.2.4.6 The use of architectural articulation to create a building of visual interest. Such articulation may include the use of projecting and recessed balconies, porches, sheltering colonnades, verandahs at ground level and window awnings.
 - 25.2.4.7 The avoidance of building facades and elevations which are visually bland or blank including the use of architectural articulation or techniques such as steps-in-plan to avoid long continuous walls.
 - 25.2.4.8 The reflectivity of materials to be used on the exterior of the building when viewed from beyond the Sub-Zone boundary.
 - 25.2.4.9 The potential for the building or structure to be visible from the State Highway.
 - 25.2.4.10 The provision for pedestrian linkages between buildings, car parks, visitor accommodation, dwellings and the trails to Porters Ski Area and the Crystal Basin Ski Area.
 - 25.2.4.11 In addition to the above, within the Village Base Areas 2 (Slopeside Visitor Accommodation), 3 (Village Centre) and 4 (Hotel and Visitor Accommodation), regard should also be given to the more specific guidance in Appendix 25.14:
 - (a) Orientation and positioning of buildings close to the road frontage and/or public spaces.
 - (b) Location and design of main entrances adjacent to pedestrian routes and public spaces.
 - (c) The creation of legible, comfortable and useable spaces for circulation and gathering within a compact Village Centre.

- (d) Maintenance of prominent vistas along the village roads.
- (e) Maintenance of open space and views between buildings.
- (f) Layout of buildings and pedestrian routes should ensure the safe and efficient movement of people, incorporating the principles of Crime Prevention Through Environmental Design (CPTED).
- (g) Screening of service areas.
- (h) External accessways, mechanical, electrical and communications equipment should be integrated within the building.
- (i) Avoidance of excessive light spill.

25.2.4.12 Within the Porters and Crystal Basin Ski Areas:

- (a) Avoidance of locating buildings and structures on ridges, except where necessary to support chairlifts, tows and gondolas or for avalanche control equipment and weather stations.
- (b) Avoidance of visibility against the skyline.
- (c) Minimise visibility from the state highway through location, design and colour.
- (d) The use of colour for buildings and structures that will complement the landscape.
- (e) The avoidance of materials and colours to finish buildings and structures with high reflectivity when viewed from beyond the Sub-Zone.

Landscape Treatment

- 25.2.5 All planting for the purpose of amenity and enhancement shall be a controlled activity, provided it complies with Rules 25.8.1 and 25.8.2 for Tree Planting and Landscape Treatment. A landscape plan detailing the species, density, planting programme as well as maintenance regime shall be provided as part of this application.
- 25.2.6 Under Rule 25.2.5 the Council shall reserve its control over the following matters:
 - 25.2.6.1 The effectiveness and quality of any landscape treatment proposed.
 - 25.2.6.2 The planting patterns of shrubs, tussocks and trees in areas outside the Village Centre and the extent to which this pattern of planting has a natural appearance and arrangement.

- 25.2.6.3 The planting patterns of trees in the wastewater disposal area and the ridge between Village Base Areas 2 and 5 and the extent to which these reflect and harmonise with the landform.
- 25.2.6.4 The extent to which the proposed landscape planting connects and is compatible with other planting and naturally occurring indigenous vegetation across the Ski and Recreation Area Sub-Zone and at the boundary of the Ski and Recreation Area Sub-Zone.

25.3 Standards for Buildings

- 25.3.1 The following standards shall be met for the erection of any building or any additions or alterations to, or modification of any building that is to be considered as a controlled activity.

These standards shall not apply to Utilities which shall comply with Rule 25.4 Standards for Utilities:

- 25.3.1.1 All buildings shall be located in accordance with the Porters Ski Area Outline Development Plan in Appendix 25.14(b).
- 25.3.1.1 The total number of dwellings in the Porters Ski Area shall not exceed 45 and there shall be no more than one dwelling located on a residential allotment. There shall be no family flats.
- 25.3.1.2 The number of dwellings and buildings permitted in each of the identified Village Base Areas shown in the Porters Ski and Recreation Area Outline Development Plan shall not exceed:
- | | |
|---|----|
| Village Base Area 1 (Porters Chalets): | 12 |
| Village Base Area 2 (Slopeside Visitors Accommodation): | 10 |
| Village Base Area 3 (Village Centre): | 18 |
| Village Base Area 4 (Hotel and Visitor Accommodation): | 8 |
| Village Base Area 5 (Crystal Chalets): | 33 |

Except that:

- (a) No buildings or structures (including lifts and tows) shall be erected until:
- (i) A covenant is secured on the title of the Crystal Basin Ski Area that protects in perpetuity the area of land identified for protection on the Porters Ski and Recreation Area Outline Development Plan in Appendix 25.14(a).

- (ii) An Emergency Management and Response Plan for the Ski and Recreation Area Sub-Zone has been prepared.
 - (iii) A Hazard Risk Assessment is completed. This shall include an avalanche control programme and proposed measures to reduce rock fall.
 - (iv) A legally enforceable mechanism has been confirmed for funding the continued biodiversity protection at sites known as Steephead Gully and Lords Bush in perpetuity. The mechanism is to apply for the lifetime of the Crystal Basin and Porters Basin Ski Areas.
- (b) Only half of the buildings Village Base Areas 1, 2, 3 and 4 (excluding the Crystal Chalets in Village Base Area 5 which must comply with (c) below) may be constructed and occupied until such time as the following infrastructure is established within the Crystal Basin Ski Area:
- (i) Formation of an access track linking the Porters Basin to Crystal Basin; and
 - (ii) Construction and commissioning of a snowmaking reservoir; and
 - (iii) Construction and commissioning of a gondola from the Village Centre to Crystal Basin; and
 - (iv) Construction and commissioning of a chairlift providing access to the top of the Crystal Basin Ski Area; and
 - (v) A Day Lodge; and
 - (vi) Ski trails with a daily capacity for up to 1,500 skiers.
- (c) The Crystal Chalets in Village Base Area 5 may only be constructed and occupied once:
- (i) The 3 T-bar lifts existing in Porters Ski Area as at (insert date PC25 made operative) have been up-graded; and
 - (ii) The ski access road between the Village and Porters Ski Area has been decommissioned for private vehicle use; and
 - (iii) A minimum of 4 buildings in the Village Base Area 3 (Village Centre) have been erected.

25.3.1.3

There shall be no provision for buildings associated with accommodation for visitors or residents within the Crystal Basin Ski Area and the Porters Basin Ski Area, as shown in the Porters Ski and Recreation Area Outline Development Plan, Appendix 25.14.

25.3.1.4 The maximum building footprint shall not exceed:

Village Base Area 1 (Porters Chalets)	300m ² excluding decks
Village Base Area 2 (Slopeside Visitors Accommodation)	1 building up to 1320m ² , 1 building up to 990m ² , 3 buildings up to 880m ² All other buildings up to 440m ²
Village Base Area 3 (Village Centre)	2 buildings up to 925m ² 5 buildings up to 730m ² , 4 buildings up to 600m ² 3 buildings up to 530m ² All other buildings up to 330m ²
Village Base Area 4 (Hotel and Visitor Accommodation)	1 building up to 2,475m ² , 1 building up to 1,320m ² 3 buildings up to 660m ² All other buildings up to 350m ²
Village Base Area 5 (Crystal Chalets):	200m ² excluding decks
Crystal Basin Ski Area and Porters Ski Area	1000m ² excluding decks

25.3.1.5 The maximum height of buildings (excluding carpark buildings, support structures and terminals for gondolas, lifts and tows) shall not exceed:

Village Base Area 1 (Porters Chalets)	13m
Village Base Area 2 (Slopeside Visitors Accommodation)	One building of 26.5m, 2 buildings at 22m, 4 buildings at 16m and 3 buildings up to 13m
Village Base Area 3 (Village Centre):	Six buildings at 24m, 5 buildings at 19m, 6 buildings up to a maximum

	of 13m (to be measured from the finished level of the carpark base where buildings are to be erected over a carpark building).
Village Base Area 4 (Hotel and Visitor Accommodation)	One building up to 19m with 7 buildings a maximum of 13m
Village Base Area 5 (Crystal Chalets):	13m
Crystal Basin Ski Area	16m
Porters Ski Area	16m

25.3.1.6 Fences in Village Base Areas 1 to 5 shall be limited to:

- (a) Fences constructed in greywacke boulders
- (b) Temporary fences required for construction purposes
- (c) Fences for the protection of indigenous vegetation. Where permanent, these shall be constructed in greywacke boulders.

25.3.1.7 All buildings (excluding bridges) within the Village Base Area shall be limited to a minimum setback of 5m from the banks of the Porter Stream.

This setback is to be measured in accordance with the definition in section 2 of the Act as "the space of land which the waters of the river cover at its fullest flow, without overtopping its banks."

(See Rule 25.5.4 for setback for activities from the Porter Stream).

25.3.1.8 No buildings or hardstand areas shall be located within the Red Tussock Gully as shown on the Porters Ski and Recreation Area Outline Development Plan Appendix 25.14(b).

~~No buildings or structures shall be erected in the Crystal Basin Ski Area until a covenant is secured on the title of the Crystal Basin Ski Area that protects in perpetuity the area of land identified for protection on the Porters Ski Area Outline Development Plan.~~

25.3.1.9 All roofing materials and fixtures shall exclude copper, zinc, zincalume, lead and clay tiles.

25.4 Standards for Utilities

25.4.1 Utilities located within, and required to service the Porters Ski and Recreation Area, excluding telecommunication towers, shall not exceed:

- | | | |
|-----|----------------------------|------------------|
| (a) | Maximum height | 12m |
| (b) | Maximum building footprint | 50m ² |
| (c) | Reflectance value | 37% |

25.4.2 Utilities shall not be located on a ridge or break the ridgeline when viewed from State Highway 73.

25.5 Standards for Activities

General

25.5.1 Activities in the Porters Ski and Recreation Area shall be located generally in accordance with the Porters Ski and Recreation Area Outline Development Plan in Appendix 25.14.

25.5.2 Construction or earthwork activities in the Crystal Basin Ski Area or the Village Base Area shall only commence on:

(a) Completion of works which achieve the NZTA standard for sight-lines at the intersection of State Highway 73 and the Ski Area Access Road as set out in Table App5B/1 of NZTA's Planning Policy Manual Version 1 (August 2077) and provides seal widening sufficient for a right turn land and left turn deceleration lane is marked at the intersection of State Highway 73 and the Ski Area Access Road as set out on Figure 3.25a of the NZTA's Manual of Traffic Signs and Markings Part 2 section 3 (March 2011).

(b) The requirements of rule 25.3.1.2 (a) (i) and (iv) have been fulfilled.

~~25.5.3 No recreational activities shall be commenced in the Crystal Basin Ski Area unless the requirements of Rule 25.3.1.2 (a) (i) to (iv) have been met in full. a covenant has been secured on the title of the Crystal Basin Ski Area that protects in perpetuity the areas of land identified for protection on the Porters Ski Area Outline Development Plan.~~

~~25.5.3 Construction or earthwork activities in the Crystal Basin Ski Area or the Village Base Area shall only commence on completion of works which achieve the NZTA standard for sight lines at the intersection of State Highway 73 and the Ski Area Access Road.~~

25.5.4 All Ski Area and Recreation activities or buildings located within the Porters Ski Area (as shown on Appendix 25.14(b)) shall be setback 15m from the

banks of the Porter Stream. (See Rule 25.3.1.7 for definition of setback measurement).

25.6 Standards for Activities -

Scale

25.5.5 The total number of beds for visitor accommodation within the Village Base Area shall be limited as follows. For the purpose of this Rule visitor beds shall exclude beds in dwellings and one bed unit shall equal 1 person:

Village Base Area 2 (Slopeside Visitors Accommodation): 1,100

Village Base Area 3 (Village Centre): 1,600

Village Base Area 4 (Hotel and Visitor Accommodation): 500

25.5.6 The floor area occupied by commercial activities within the Village Base Area shall be limited as follows:

Village Base Area 2 (Slopeside Visitors Accommodation): 1,610m²

Village Base Area 3 (Village Centre): 7,624m²

Village Base Area 4 (Hotel and Visitor Accommodation): 575m²

Outdoor Lighting in the Village Base Area

25.5.7 All outdoor lighting in the Village Base Area (1 to 5 inclusive) shall comply with the following standards:

25.5.7.1 All outdoor lighting shall be shielded from above in such a manner that the edge of the shield shall be below the whole of the light source.

25.5.7.2 All outdoor lighting shall have a filter to filter out the blue or ultraviolet light, provided the light source would have more than 15% of the total emergent energy flux in the spectral region below 440nm. The filters used must transmit less than 10% of the light at any wavelength less than 440nm. This includes, but is not limited to, fluorescent, mercury vapour and metal halide lamps.

25.5.7.3 No street or road lighting shall be produced by high-pressure sodium, metal halide, mercury vapour lighting or fluorescent lighting.

25.5.7.4 There shall be no searchlights or floodlights, including floodlights used for illumination of buildings for aesthetic purposes.

25.5.7.5 All fixed lighting shall be directed inwards away from the Ski and Recreation Area Sub-Zone boundary.

25.6 Standards for Roding

25.6.1 The following standard shall be met for the formation and establishment of any road that involves earthworks as a Controlled Activity:

25.6.1.1 In the Ski and Recreation Area Sub-Zone the formation of any road or road bridge shall be located generally in accordance with the Porters Ski and Recreation Area Outline Development Plan in Appendix 25.14.

25.7 Standards for Vehicle Parking

25.7.1 Any activity in the Ski and Recreation Area Sub-Zone which provides car parking in accordance with the following standards shall be a permitted activity.

25.7.1.1 Dwellings, and apartments occupied on a permanent basis- 1 on-site carparking space.

25.7.1.2 Visitor Accommodation Hotels – 1 space per 3 guest rooms up to 60 rooms, thereafter 1 space per 5 guest rooms. In addition, 1 coach park per 50 guest rooms and 1 staff space per 20 beds. The parks need not be located on the same site as the activity.

25.7.1.3 Visitor Accommodation Backpackers and Lodges – 1 space per 5 guest beds. In addition 1 coach park per 50 guest rooms and 1 staff space per 20 beds. The parks need not be located on the same site as the activity.

25.7.1.4 Apartments managed and occupied as part of visitor accommodation – 1 space per 15 apartments thereafter 1 per 2 apartments. In addition 1 coach park per 50 apartments and 1 staff space per 20 beds.

25.7.1.5 There shall be no car parking on the Ski and Recreation Area access road between the Village Base Area and State Highway 73.

25.8 Standards for Tree Planting and Landscape Treatment

25.8.1 All tree planting and planting for the purpose of re-vegetation, amenity or enhancement purposes shall be limited to the species listed in Appendix 25.14.

25.8.2 All planting shall generally comply with the Outline Planting Concept in Appendix 25.14(c). The planting provides for six plant mixes and the relative proportions of the dominant species in each planting mix shall conform with the requirements of Appendix 25.14(c).

25.9 Aircraft Movements

25.9.1 Aircraft movements for the purpose of the following activities shall be permitted without limitation:

(a) Ski and Recreation Area operations including avalanche management and control.

- (b) Emergency rescues and landings.
- (c) Construction and earthworks activities within the boundaries of the Ski and Recreation Area Sub-Zone.
- (d) Firefighting.
- (e) Pest control.
- (f) The activities of the New Zealand Defence Force or Civil Defence.

25.9.2 Aircraft movement for all other purposes shall not exceed 10 excursions on any one day from 1 June to 31 October and 5 excursions on any one day from 1 November to 31 May in any calendar year. For the purposes of this standard an excursion shall be defined to mean a take-off and landing within the boundaries of the Ski and Recreation Area Sub-Zone.

25.10 Restricted Discretionary Activities

Roading

25.10.1 Any activity which does not comply with Rule 25.6.1 shall be a restricted discretionary activity.

25.10.2 Under Rule 25.10.1 the Council shall restrict its discretion to consideration of:

- 25.10.2.1 The effect of changing the network or alignment of roads in terms of accessibility for a range of vehicle types to the different precincts within the Village Base Area, having regard to gradient and geometry.
- 25.10.2.2 Any consequential effects of changing the road network on the layout of built development, services, infrastructure or the efficiency of inter-connecting pedestrian pathways or access trails to the Porters or Crystal Basin Ski Areas.
- 25.10.2.3 The ability to effectively manage the stormwater and discharges from the road both during construction and operation and any consequential effects on land stability or other natural hazards.
- 25.10.2.4 The effect of changing the road network on ecological, natural character or landscape values of the Ski and Recreation Area Sub-Zone and land immediately adjoining the Sub-Zone.
- 25.10.2.5 The effects of changing the Village Road network on the safety and efficiency of the Village traffic having regard to sight distances at intersections, conflicts between vehicles which may be queuing or crossing the road and potential conflicts with pedestrians.
- 25.10.2.6 The degree of difficulty for vehicles entering/exiting a site or carpark and the potential for increased on-street parking with resulting effects on traffic safety and residential amenity.

Vehicle Parking

25.10.3 Any activity which does not comply with Rule 25.7.1 shall be a restricted discretionary activity.

25.10.4 Under Rule 25.10.3 the Council shall restrict its discretion to consideration of:

- 25.10.4.1 The extent to which car parking numbers can be reduced having regard to alternative methods of transportation that may be available within the Village Base Area e.g., shuttles, inclinator.
- 25.10.4.2 The extent to which public transport or group passenger transportation services may reduce the need for on-site carparking. This may include consideration of timetabling to coincide with Ski Area operating hours.
- 25.10.4.3 Any effects on pedestrian amenity or safety from reduced car parking.
- 25.10.4.4 The extent to which visitor accommodation or other activities within the Village Base Area can demonstrate a lesser parking demand.
- 25.10.4.5 Any effects from parking on the Ski and Recreation Area access road on the safety and efficiency of that road and the extent to which car parking is available within the Village Base Area.

Night-Lighting for Recreational Activities and Outdoor lighting in the Village Base Area

- 25.10.5 The lighting of the Ski and Recreation Area for the purpose of facilitating night recreational activities shall be a restricted discretionary activity.
- 25.10.6 Any outdoor lighting in the Village Base Area (1 to 5 inclusive) which does not comply with Rule 25.7 shall be a restricted discretionary.
- 25.10.7 Under Rules 25.10.5 and 25.10.6 the Council shall restrict its discretion to consideration of:
 - 25.10.7.1 The proposed lighting plan having regard to the number, location and spill of light.
 - 25.10.7.2 The effect of night lighting on ecological values.
 - 25.10.7.3 The effect of night lighting on rural amenity values from beyond the boundary of the Ski and Recreation Area Sub-Zone and its visibility from the State Highway.

Earthworks

- 25.10.8 Any earthworks in Crystal Basin Ski Area not listed as a Controlled or Non-Complying Activity.
- 25.10.9 Under Rule 25.10.8 the Council shall restrict its discretion to consideration of those matters contained in Rule 25.2.2.
- 25.10.10 An application required by Rule 25.10.8 shall not be notified and the written approval of any other party will not be required.

Utilities

- 25.10.11 Any utility which does not comply with Rule 25.4 shall be a restricted discretionary activity.
- 25.10.12 Telecommunication towers located within the Ski and Recreation Area Sub-Zone shall be a restricted discretionary activity..
- 25.10.13 Under Rules 25.10.11 and 25.10.12 the Council shall restrict its discretion to consideration of:
- 25.10.13.1 The function of the utility and its importance to the health, safety and wellbeing of residents and visitors to Porters Ski and Recreation Area;
- 25.10.13.2 The scale of the utility and any effects on ecological or landscape values.
- 25.10.13.3 The visibility of the utility beyond the boundary of the Porters Ski and Recreation Area Sub-zone.
- 25.10.13.4 Proposed methods of construction and the measures to avoid, remedy or mitigate construction effects on ecological, cultural and landscape values.
- 25.10.13.5 The location of any telecommunication tower and its impact on the values of the Outstanding Natural Landscape.
- 25.10.13.6 Alternative locations having regard to the operational requirements of the telecommunication tower and effects on landscape values.
- 25.10.14 An application required by Rules 25.10.11 or 25.10.12 shall not be notified and the written approval of any other party will not be required.

Height of Crystal Chalets

- 25.10.15 Crystal Chalets which exceed 8m (Rule 25.3.1.5) but are less than 13m in height shall be a restricted discretionary activity.
- 25.10.16 Under Rule 25.10.15 the Council shall restrict its discretion to consideration of:
- 25.10.16.1 The effect of additional building height on the views from the Village Base Area towards Castle Hill and to the Crystal Valley.
- 25.10.16.2 The architectural design and profile of the building.
- 25.10.16.3 The materials and colour finish of the building.

Aircraft Movements

- 25.10.17 Any aircraft movement which does not comply with Rule 25.5.14 shall be a restricted discretionary activity.

25.10.18 Under Rule 25.10.17 the Council shall restrict its discretion to consideration of:

25.10.18.1 Effects of aircraft movements on the wellbeing and safety of users and occupiers of the surrounding rural zoned land.

25.10.18.2 The anticipated frequency of movements.

25.10.18.2 The hours of the day within which the movements will occur.

Tree Planting and Landscape Treatment

25.10.19 Any planting which does not comply with rule 25.8.2 shall be a restricted discretionary activity.

25.10.20 Under Rule 25.10.19 the Council shall restrict its discretion to consideration of:

25.10.20.1 The appropriateness of the proposed mix of plants having regard to altitude and aspect which may achieve a more optimum and robust pattern of planting relative to the existing vegetation in the locality.

25.10.20.2 The aesthetic outcome from the proposed planting mix.

25.11 Non-Complying Activities

Buildings

25.11.1 Any building which does not comply with Rules 25.3.1.1 to 25.3.1.9 shall be a non-complying activity. except for buildings in Village Base Area 5, where any building which does not comply with Rule 25.9.15 (restricted discretionary activities) shall be a non-complying activity.

Activities – General and Scale

25.11.2 Any activity which does not comply with Rules ~~25.54.1 to 25.5.54.3~~ and ~~25.5.4 and 25.5.2~~ shall be a non-complying activity.

Tree Planting and Landscape Treatment

25.11.3 Any activity which does not comply with Rule 25.8.1 shall be a non-complying activity.

Removal of Indigenous Vegetation

- 25.11.4 The removal of any indigenous vegetation in the Village Base Area exceeding an area of 5m² and not approved as part of a controlled, or restricted discretionary activity in accordance with Rule 25.2.1 or Rule 25.9.8 shall be a non-complying activity.

Earthworks Affecting Wetlands

- 25.11.5 Any earthworks affecting a wetland shall be a non-complying activity.

25.12 Subdivision

Standards for Controlled Activities

25.12.1 Subdivision within the Ski Area Sub-Zone which complies with the following standards shall be a Controlled Activity:

25.12.1.1 All allotments to be used for residential, accommodation or commercial purposes shall be serviced by a reticulated supply of potable water.

25.12.1.2 All new allotments to be used for residential, accommodation or commercial purposes shall be connected to a reticulated wastewater treatment and disposal system.

25.12.1.3 Any new allotment within the Village Base Area shall comply with the requirements of the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509—2008.

25.12.1.4 The layout of roads and allotments shall conform with the Porters Ski Area Outline Development Plan.

25.12.1.5 The number of fee simple, freehold residential allotments shall be limited to:

Village Base Area 1 (Porters Chalets): 12

Village Base Area 5 (Crystal Chalets): 33

Note: There shall be no minimum allotment size in the Ski Area Sub-Zone. There shall be no limits on the number of fee simple, freehold, unit, strata or cross lease titles within the Village Base Area 2 (Slopeside Visitors Accommodation), Village Base Area 3 (Village Centre) and Village Base Area 4 (Hotel and Visitor Accommodation).

25.12.1.6 Prior to the grant of resource consent for a subdivision creating any new allotments within the Village Base Area a covenant shall be secured on the title of the Crystal Basin Ski Area that protects in perpetuity the area(s) of land identified for protection on the Porters Ski Area Outline Development Plan.

25.12.1.7 Erosion and sediment control measures shall conform with the Erosion and Sediment Control Plan approved by the Canterbury Regional Council for the establishment of infrastructure.

25.12.1.8 An Emergency Management and Response plan has been prepared. This plan shall be up-dated for each subdivision application made within the Village Base Area.

25.12.1.9 A Hazard Risk Assessment is completed. This shall include an avalanche control programme and proposed measures to reduce rock fall.

25.12.1.10 A legally enforceable mechanism has been confirmed for funding the continued biodiversity protection at sites known as Steephead Gully

and Lords Bush in perpetuity. The mechanism is to apply for the lifetime of the Crystal Basin and Porters Basin Ski Areas.

25.12.1.11 The State Highway 73 and Ski Area Access Road intersection is upgraded to the NZTA standard for sight lines at that intersection as set out in Table App5B/1 of NZTA's Planning Policy Manual Version 1 (August 2007) and seal widening is provided sufficient for a right turn lane and a left turn deceleration lane is marked at the intersection as set out in Figure 3.25a of the NZTA's Manual of Traffic Signs and Markings Part 2 section 3 (March 2011).

25.12.1.12 Prior to certification under section 224 of the Resource Management Act for:

(a) ~~The 76th residential allotment within Village Base Area 1 (Porters Chalets) or the 16th residential allotment within the Village Base Area 5 (Crystal Chalets);~~ the following infrastructure must be established within the Crystal Basin Ski Area:

- (i) Formation of an access track linking the Porters Basin to Crystal Basin; and
- (ii) Construction and commissioning of a snowmaking reservoir; and
- (iii) Construction and commissioning of a gondola from the Village Centre to Crystal Basin; and
- (iv) Construction and commissioning of a chairlift providing access to the top of the Crystal Basin Ski Area; and
- (v) A Day Lodge; and
- (vi) Ski trails with a daily capacity for up to 1,500 skiers.

(b) Any allotment within Village Base Area 5 (the Crystal Chalets), the following requirements must be met in full:

- (i) The replacement and up-grading of the 3 T-bar lifts existing in Porters Ski Area as at (insert date PC25 made operative); and
- (ii) The decommissioning of the ski access road between the Village and Porters Ski Area for private vehicle use; and
- (iii) The construction and occupation of 4 buildings in the Village Base Area 3 (Village Centre).

- 25.12.2 Under Rule 25.12.1 the Council shall reserve its control over the following matters:
- 25.12.2.1 Those matters contained in Rule 10.1.2.
- 25.12.2.2 Any effects on ~~ecological and~~ landscape values that may arise from the proposed layout and density of allotments.
- 25.12.2.3 Any effects on ecological values that may arise from the proposed layout and density of allotments. This shall include effects on the function and integrity of plants and habitat. In particular, vegetation in herbfields, boulderfields, scree and spring flushes should be avoided in the first instance. If unable to be avoided then measures should be taken to minimise or mitigate the extent or nature of disturbance. Regard shall be given to the effectiveness of the measures to maintain the function and integrity of plants and habitats assessed. (See Rule 25.2.2 to be applied when identifying these plants and communities adverse effects).
- ~~25.12.2.4~~ The boundaries of the proposed allotments in relation to natural or physical features.
- 25.12.2.5 The use of conditions to require all earthworks to be subject to an Accidental Discovery Protocol, requiring contractors to be trained in the recognition of archaeological sites and artefacts.
- 25.12.2.6 The use of conditions to require a construction management plan which shall set out the proposed methods and protocols for construction including:
- (a) timing of works;
 - (b) cleaning of machinery prior to access to the Ski Area Sub-zone to avoid the spread of weed and pest species;
 - (c) protection of waterways and wetlands
 - (d) protection or avoidance of areas of ecological sensitivity.);
 - ~~(e) — minimisation of ground disturbance;~~
 - (e) management of dust emissions;
 - (f) management and storage of hazardous substances, including an emergency response protocol for accidental spillages;

- (g) traffic management for all construction related vehicles. This shall include control of access from the state highway and management of traffic, including parking within the construction site to avoid wider ground and vegetation disturbance.

25.12.2.7 The ability for roads, accessways and building sites to be constructed without any adverse effects on ground stability.

25.12.2.8 The adequacy of provisions for stormwater management in relation to discharge from roads, accessways and building platforms.

25.12.2.9 Street or road lighting and the avoidance of lighting produced by high-pressure sodium, metal halide, mercury vapour or fluorescent lighting.

~~25.12.2.9 The location and design of the intersection of the Ski Area Access Road with State Highway 73 having regard to safety and efficiency, including the achievement of safe sight distances and provision of turning lanes.~~

25.12.2.10 The mechanism for achieving the protection of ecological values within the riparian margin on either side of the Porter Stream from its source to the Porter River in perpetuity.

25.12.2.11 The use of conditions to require the development and implementation of a restoration plan that shall detail how the ground is to be re-contoured, re-vegetated and maintained post-construction of roads, accessways and building platforms.

25.12.2.12 The use of conditions to require the development and implementation of an Environmental Management Plan that achieves the following (this rule duplicates Rule 25.2.2.13 which applies to those circumstances where development proceeds without the need for a subdivision consent):

- (a) Principles and monitoring regime for management of stormwater, erosion and sediment control related to Ski Area operations and maintenance;
- (b) Principles for management of construction activities and restoration of earthworks
- (c) Pest and weed management
- (d) Management of habitats and species, including Keas and riparian margins

- (e) Management of the Red Tussock Gully as shown on the Porters Ski Area Outline Development Plan
- (f) Enhancement of Crystal Stream
- (g) Protection of any wetland
- (h) Storage and removal of solid wastes
- (i) Storage, management and use of hazardous wastes

Non-Complying Activities

- 25.12.3 Any subdivision which does not comply with Rules 25.12.1.1 to 25.12.1.12 shall be a non-complying activity.

25.13 Reasons for Rules

Buildings

The rules for buildings set the thresholds for built development beyond which further consideration and control is required. The standards require development to be located in accordance with the Outline Development Plan and set maximums for building height, number of buildings and building footprints. The Crystal Chalets are subject to a lower height standard, necessary to ensure that view shafts from the village towards Castle Hill and Crystal Valley are preserved.

These standards are intended to ensure that building mass is distributed amongst a number of individual buildings and large, monolithic structures are avoided. The separation between buildings will provide light and views with the assessment criteria encouraging greater architectural articulation and higher quality finish as well as providing space for indigenous vegetation that will provide context for the buildings and contribute to the mountain setting. The rules for building mass are further complemented by rules which cap the total number of buildings within the Village Base Area. The Village Base Area is in turn divided into different sub-areas within which the number and size of buildings is capped. This is to ensure that the scale and intensity of development within different parts of the Village respond to the variable landscape and ecological values across the site. Some parts of the Village Base Area are intended to have a greater concentration and density of development while the outer edges of the Village Base Area provide for a much reduced development pattern. This variability is in response to the sensitivity of the interface between the Sub-Zone and the Outstanding Natural Landscape.

A staging plan limits is placed on the number of buildings within the Village that can be constructed and occupied (limited to a maximum of 50% of the total buildings permitted) until such time as the Crystal Basin has established prescribed infrastructure and is operational. This is to ensure that the Village does not develop as a stand-alone commercial and residential facility without delivering the social, recreational and economic benefits of the expanded Ski and Recreation Area. It does however enable some capital to be released for development of the Crystal Basin Ski Area.

A further limitation is placed on the Crystal Chalets (Village Base Area 5). These are not to be constructed until such time as further up-grading of ski infrastructure occurs in Porters Ski Area, the access road between the Village and Porters Basin is decommissioned in respect of

private vehicle use and 25% of the Village Centre buildings are constructed. These chalets are the most visible from the State Highway and staging will ensure that the chalets are no constructed in isolation or without the benefits of the village centre.

A building setback from the watercourse (Porter Stream) that crosses through the Village Base Area is required in order to protect the ecological values of the riparian margins of the stream. Similarly, a Red Tussock Gully within the Village is to be kept free buildings and hardstand in order to protect the ecological and hydrological function of this gully.

These rules reflect the outcomes of the masterplanning process which assessed the capacity of the landscape to absorb change. Development beyond these standards therefore has the potential to adversely affect the values of the surrounding environment and the non-complying status for buildings which exceed these levels reflects a clear capping of built development.

In addition to the standards, all buildings and structures are to be assessed as controlled activities. This process of consideration reflects the need to respond to and respect the landscape values of the surrounding Outstanding Natural Landscape. The assessment matters trigger consideration of the final form, finish and appearance of buildings as well as the layout and functioning of built development within the Village Base Area. The Village Base Area is an area of public congregation and social activity where considerations such as relationship to public spaces, landscape treatment, pedestrian connectivity and safety are relevant considerations.

Fencing is limited ~~not provided for~~ within the Village Base Area to maintain a sense of spaciousness and views between buildings as well as ensuring that elements of suburbanisation are actively avoided. Exception is made for walls constructed of natural rock and fencing required for protecting vegetation and sediment control

With respect to the Ski Areas, these are to be free of any accommodation activities and structures, except for ~~and~~ essential infrastructure for access and amenity facilities for up the mountain ~~and the safe operation and enjoyment~~ of the mountain for skiing. The considerations for these structures are more focused on appropriate location e.g., avoiding ridges and skylining and ensuring that the final design, finish and colour complement the landscape as far as practicable.

Rule 25.3.1.89 does not allow any buildings or structures to be erected in the Crystal Basin Ski Area unless a covenant has been secured for the protection, in perpetuity, of significant indigenous vegetation. It is proposed that these areas are avoided during establishment and operation of the expanded Ski Area into Crystal Basin. This rule complements the same provision which is also applied to subdivision and recreational activity.

A similar requirement requires a legally enforceable mechanism to be confirmed which will ensure the funding of biodiversity protection in perpetuity at Lords Bush and Steephead Gully. The restoration of these two sites has been accepted as environmental compensation for the development of the Ski and Recreation Area Sub-Zone and the Council requires assurance that these restored values will be maintained into the future.

In addition, the rules require that prior to the construction of buildings the developer must prepare an Emergency Management and Response Plan and a Hazard Risk Assessment is completed. These measures are necessary to ensure that the safety and wellbeing of future residents and visitors to the Sub-Zone has been considered.

Utilities

The standards for utilities are separate from those that apply to buildings. It is anticipated that the majority of the utilities will be located underground. Within the Village, undergrounding of services would ensure that the amenity values of the resort are high, while on the mountain, the harsh climatic conditions and functionality of the ski field require services to be underground.

Generally, it is anticipated that utilities can be located within the Village without significant adverse effects on landscape values. Utilities are therefore deemed to be permitted activities subject to performance standards which ensure they remain at a scale which is appropriate having regard to the anticipated scale of built development. In addition, the reflectivity of the utility is to be kept to a lower level.

On the mountainside, there will be support structures associated with lifts and ski tows that will be similar in effect to a moderate scaled utility tower. However, due to the potential for a communication tower to be located at altitude it may be highly visible from a wider area. To assess the effects of such towers on landscape values a resource consent is required with Council reserving the ability to assess those impacts along with effects on ecological values during construction.

Should a communications tower be required to service the Ski Area Sub-Zone it is not known if this would be located within the boundaries of the Zone or in an alternative location.

Location and Scale of Activities

Activities are required to be located in accordance with the Outline Development Plan. The Outline Development Plan generally requires buildings to be located in close proximity, minimising their outward spread. This avoids effects on the surrounding environment beyond the Ski Area Sub-Zone as well as encouraging a village atmosphere. This rule complements Rule 25.3.1.1 which restricts the location of buildings. It also works in combination with Rules 25.5.54 and 25.5.26 which limit commercial floorspace and bed numbers in particular parts of the Village Base Area. These rules have the effect of requiring further consideration where activities may relocate and concentrate in an area that was not contemplated in the Outline Development Plan. e.g., the activities of the Village Centre move to occupy buildings in the Hotel and Accommodation Zone. Such a dispersal of activity may have traffic and pedestrian access effects that may compromise the proposed traffic circulation network and efficiency of the Village. Any increase in density of bed numbers or commercial floor area may also have the effect of increasing pressure on water supply and wastewater disposal which have been designed not to exceed a specified capacity.

Rule 25.45.2 requires that prior to any recreational activities taking place in the Crystal Basin Ski Area that a protective covenant is secured over significant indigenous vegetation. This rule complements a similar provision that applies to buildings and subdivision. The provision is applied to recreational activities as there is potential for recreation to occur without the need for a building or subdivision.

A similar requirement requires a legally enforceable mechanism to be confirmed which will ensure the funding of biodiversity protection in perpetuity at Lords Bush and Steephead Gully. The restoration of these two sites has been accepted as environmental compensation for the development of the Ski and Recreation Area Sub-Zone and the Council requires assurance that these restored values will be maintained into the future.

In addition, the rules require that prior to recreation activities taking place in Crystal Basin, the developer must prepare an Emergency Management and Response Plan and undertake a

Hazards Risk Assessment. This is to ensure that the safety and wellbeing of future residents and visitors to the Sub-Zone have been considered in advance of activities taking place.

Roading and Vehicle Parking

Rule 25.6.1.1 requires roads to be located in accordance with the Outline Development Plan. The Outline Development Plan reflects the outcome of detailed site investigations which have considered and optimised the alignment and gradient of roads in order to efficiently and safely access the Village and Ski Areas. This has involved consideration of the requirements of coaches, trucks and cars which may all need to access the Village environment carrying residents, visitors, workers or delivering services. Any change to the road alignment shown in the Outline Development Plan must be assessed in terms of accessibility and relationship to the proposed activities and buildings. Similarly, any changes to the road alignment may have consequences for earthworks or effects on ecological or landscape values.

Rule 25.7.1 sets the standard for car parking. Car parking is a significant part of the development of a Ski Area where there is a high number of day visitors anticipated. Car parking must be located and designed to be accessible and convenient and any change to the Outline Development Plan may have consequences in respect of these matters. Parking on the Ski and Recreation Area access road requires a resource consent. The purpose of the rule is to protect the safety and efficiency of the road and encourage parking to be provided within the Village Base Area where it will be more convenient and appropriately managed in respect of environmental effects.

Earthworks

Rule 25.2.1 provides for earthworks as a controlled activity. The Ski and Recreation Area Sub-Zone is intended to enable the efficient use of the Ski Area's physical and natural resources and to provide for activities which can be reasonably anticipated within a Ski Area without the need for on-going resource consent processes. Earthworks are a necessary component of the development and maintenance of a Ski Area. In establishing the Ski and Recreation Area Sub-Zone the effects of Ski Area related earthworks have ~~been already been~~ assessed with respect to their nature and scale, and With respect to ski trails, the substantive trails required for the beginner and intermediate ski market have been identified and defined on the Outline Development Plan. Council's considerations are therefore limited to the detail of how the earthworks are to be managed.

The matters over which Council has reserved its control are ~~therefore~~ focused on how the earthworks are to be managed and requiring adverse effects on the environment to be avoided or minimised. These considerations include the maintenance of soil and ground cover, the effects on non-vegetated scree slopes, the sensitivity of in-stream values and significance of indigenous vegetation.

~~Additional or potential trails have not been defined and these are to be subject to a consent process to ensure that construction effects can be appropriately managed.~~

~~Rule 25.11.5 provides for earthworks within a wetland as a non-complying activity. This is intended to discourage earthworks in relation to these features however it is acknowledged that essential elements of a Ski Area may still require some works to be undertaken in proximate locations. Extra management and care will be required to minimise or mitigate the effects of any works or innovations in design integrated into the final proposal where possible to maintain the function of the wetland.~~

Tree Planting and Landscape Treatment

Rule 25.8.1 limits tree and landscape planting to a list of preferred species. This reflects the sensitivity of this mountainous environment and the need to ensure that the Ski Area Sub-Zone retains integrity in terms of plant species. In this context it is necessary that planting does not introduce uncommon plants to the locality or create any visual and ecological contrasts with the surrounding High Country.

An additional rule controls the pattern and mix of plants to ensure that a natural outcome is achieved. This requires a limit to the number of species used within a planting plan to ensure there is visual continuity and consistency with the vegetation patterns in the surrounding locality.

Night and Outdoor Lighting

The night sky in the High Country is valued for its clarity and absence of light pollution, and the opportunity this provides to view the stars and the Milky Way. Light pollution is caused by excess light shining upwards and outwards. To mitigate the effects of the Village lighting on the night sky the rules require all outside lights to be covered to prevent upward spill of light and to direct lighting into the village and away from the surrounding Rural Zone. In addition, the rules require the blue and violet light to be filtered and low-pressure sodium street lighting used. These measures will also subdue or have the effect of mitigating the presence of a Ski Area Village within the setting of the Outstanding Natural Landscape.

Rule 25.10 makes the lighting of the Ski Area for night-time recreational activities a restricted discretionary activity. As the Ski Area Sub-Zone represents a node or location where recreation is intended to be enabled it is appropriate that some provision is made for night-time activity. This contributes to efficient use of the Ski Area resources and extends the time available for recreation for visitors and the community. A resource consent process ensures that effects on ecological values and rural amenity values, including views from the State Highway can be considered in relation to a specific lighting plan.

Removal of Indigenous Vegetation

Rule 25.11.4 limits the removal of indigenous vegetation. This rule applies to any activity which may involve the removal of vegetation beyond earthworks for construction of roads, buildings and utilities. It is critical to the ecological and landscape integrity of the Ski and Recreation Area Sub-Zone and its relationship to the adjoining High Country that ~~an~~ intact a cover of indigenous vegetation ~~as possible~~ is maintained. Removal of indigenous vegetation leaving bare earth also creates the potential for exotic plants to invade the Ski and Recreation Area and facilitate the spread to unmodified areas. Accordingly, removal of indigenous vegetation is enabled only to a very minor scale within the Sub-Zone to avoid this scenario arising.

State Highway Intersection

Action is required to achieve safe sightlines at the intersection of the Porters Ski Area Access Road with the State Highway. There are potentially a number of technical remedies to the road and/or intersection that could achieve the required sight distance. Rule 25.4.3 requires that the sightline distance, seal widening and road marking at the intersection is remedied prior to the commencement of any construction or earthwork activities within the Crystal Basin Ski Area in the event that this work proceeds without a need for subdivision. A similar requirement is imposed on Rule 25.12.1, ~~72.8 where the sightlines at the intersection must be addressed as a condition of subdivision consent to provide certainty that in the event of subdivision the upgrade of the Porters Ski Area Access Road and State Highway 73~~

intersection is undertaken by a single land developer prior to the issue of titles and in a timely manner.

Aircraft Movements

The use of helicopters for Ski Area operation and maintenance such as avalanche control is a permitted activity within the Sub-Zone. Helicopters also positively assist with construction activities by enabling access without access tracks and wider areas of disturbance. It is anticipated that the Sub-Zone may also provide a helicopter base for emergency services, fire fighting etc.

In addition, it is acknowledged that residents of, and visitors to the Ski Area, may wish to access recreational activities in the wider Craigieburn Range such as hiking, heliskiing, hunting and fishing. A cap has been placed on aircraft movements associated with these activities to ensure that any potential effects on the receiving environment are considered.

Subdivision

Subdivision is required to meet a number of standards requiring infrastructure and services to be available for subdivision and for allotments and roading to conform to the Outline Development Plan. The purpose of the Outline Development Plan is to manage the effects of development and it is therefore necessary and appropriate that subdivision be required to conform to this layout. In addition the number of allotments for dwellings is to be capped. This complements the rules that limit building development and activities.

To avoid the difficulties of co-ordinating and negotiating with multiple land owners, the current land owner/land developer for the Porters Ski Area expansion shall enter into a side agreement with the New Zealand Transport Agency. The purpose of entering into a side agreement is to provide both parties with a clear understanding and certainty that, in the event of subdivision, the upgrade of the Porters Ski Area Access Road and State Highway 73 intersection is undertaken by a single land developer prior to the issue of titles and in a timely manner. It is anticipated that the upgrading of the Porters Ski Area Access Road and State Highway 73 intersection will be completed prior to certification under section 224 of the Resource Management Act 1991.

Within the Crystal Basin Ski Area there are areas of significant indigenous vegetation that must be protected. It is therefore a pre-requisite of any subdivision within the Village Base Area that these areas are subject to a protective covenant.

A similar requirement is for a legally enforceable mechanism to be confirmed which will ensure the funding of biodiversity protection in perpetuity at Lords Bush and Steephead Gully. The restoration of these two sites has been accepted as environmental compensation for the development of the Ski and Recreation Area Sub-Zone and the Council requires assurance that these restored values will be maintained into the future before subdivision is allowed to proceed.

In addition, the rules require that prior to subdivision a Hazards Risk Assessment is undertaken. This Assessment should be undertaken by an engineer and inform, in greater detail, the appropriateness of particular building sites that may be created through subdivision within the Sub-Zone having regard to the natural hazard risks relevant to the locality.

The developer must also prepare an Emergency Management and Response Plan. This is to ensure that the safety and wellbeing of future residents and visitors to the Sub-Zone has been considered in advance of activities taking place.

A staging rule is also proposed. This enables some development of Porters Chalets and the Village Centre to proceed parallel with the development of Crystal Basin Ski Area. Section

224 certificates for further subdivision for the Crystal Chalets will not however be issued until such time as further up-grading of ski infrastructure occurs in Porters Ski Area, the access road to Porters Basin is decommissioned for private vehicle use and 25% of the buildings in the Village Centre are built. Rule 25.12.1.7 limits the number of residential allotments to 50% of the total permitted until such time as Crystal basin has been established as a Ski Area. The purpose of the rule is to avoid a scenario where the Village Base Area is developed without any development of the Crystal Basin Ski Area or the up-grading of Porters Ski Area. This provides for some capital to commence works but ensures that the recreational, social and tourism benefits of the expanded Ski and Recreation Area are delivered.

APPENDIX 25.14: LANDSCAPE AND BUILDING DESIGN REQUIREMENTS AND PRINCIPLES

PLANT LIST

Rule 25.8.1 requires all planting to be limited to the following species.

Botanical Name	Common Name
Chionochloa macra	
Chionochloa flavescens	snow tussock
Chionochloa rubra	red tussock
Festuca novae-zelandiae	short tussock
Poa colensoi	blue tussock
Acena sp	
Anaphalioides bellidioides	
Astelia nervosa	
Blechnum penna marina	
Brachyglottis bellidioides	
Carmichaelia monroi	
Celmisia angustifolia	
Celmisia gracilentia	
Celmisia lyallii	
Celmisia spectabilis	
Muehlenbeckia axillaris	
Parahebe odora	
Pimelea oreophila	
Polystichum richardii	
Raoulia subsericea	
Scleranthus uniflorus	
Discaria toumatou	Matagouri
Dracophyllum acerosum	
Hebe odora	
Kunzea ericoides	
Ozothamnus leptophyllus	
Podocarpus nivalis	
Notofagus solandrii var cliffortioides	mountain beech
Carmichaelia australis	native broom
Coprosma cheesemanii	
Dracophyllum uniflora	
Dracophyllum pronum	
Gaultheria crassa	
Gaultheria depressa var. novae-zelandiae	

Acrothamnus colensoi (prev. Leucopogon colensoi)	
Leptosperma scoparium	Manuka
Melicytus alpinus	
Pimelia traversii	
Olearia avicenniifolia	

OUTLINE PLANTING CONCEPT AND PLANT MIX

Rule 25.8.2 requires that all planting shall generally comply with the Outline Planting Concept. The Outline Planting Concept provides for six plant mixes. The relative proportions of the dominant species in each planting mix shall be as follows:

I. Mountain Beech;

Mountain Beech	% by number of plants
Notofagus solandrii var cliffortioides	30%
Dracophyllum acerosum	30%
Chionochloa flavescens	30%
Hebe odora	10%

II. Mountain Beech / Kanuka mix

Mountain Beech / Kanuka mix	% by number of plants
Notofagus solandrii var cliffortioides	30%
Kunzea ericoides	20%
Dracophyllum acerosum	25%
Chionochloa flavescens	20%
Chionochloa macra	5%

III. Kanuka / Mountain Beech mix

Kanuka / Mountain beech mix	% by number of plants
Kunzea ericoides	40%
Notofagus solandrii var cliffortioides	10%

Dracophyllum acerosum	15%
Chionochloa flavescens	15%
Chionochloa macra	5%
From list	15%

IV. Dracophyllum mix

Dracophyllum Mix	% by number of plants
Dracophyllum acerosum	50%
Chionochloa flavescens	30%
Chionochloa macra	10%
From list	10%

V. Red tussock

Red Tussock	% by number of plants
Chionochloa rubra	70%
Chionochloa flavescens	20%
Chionochloa macra	10%

VI. Short tussock / blue tussock mix

Short tussock / Blue tussock mix	% by number of plants
Poa colensoi	60%
Festuca novae-zelandiae	25%
Acena sp	15%

DESIGN PRINCIPLES FOR BUILDINGS

In applying these design principles, consideration shall be given to the purpose of the proposed building or structure. Where the building or structure is a Utility or a basement carpark upon which other structures may be erected, those principles which apply to the form and materials of the structure need not apply. Matters relating to colour and reflectivity should still be considered.

Material and Colours

1. Buildings that are visible from SH73 should be sited and designed to blend in with the colour and textures of the High Country environment.
2. All exterior building materials, colours and reflectances should be appropriate for the High Country environment when viewed in the summer months in the absence of snow.
3. Cladding materials considered appropriate include:
 - Concrete
 - Local stone
 - Stained timber
 - Naturally weathered timber
 - Corten steel
 - Glass
4. Roofing materials and fixtures shall exclude copper, zinc, zincalume, lead and clay tiles.
5. Metal roofs shall be finished in matt, low reflectivity tones and hues.
6. Colours for roofing and cladding materials shall be restricted to a muted colour palette of browns, greens, greys or black.
7. Brighter colours can be used to accent building elements such as doors, window frames, trim and other architectural details.
8. All buildings should be designed by registered architects.
9. Where possible, building proportions should reflect the vertical dimensions rather than flat horizontal dimension.

10. Buildings should be designed to sit comfortably in the natural landscape while making a positive contribution to the overall alpine village character and minimising the need for retaining walls .
11. A variation in the number of floors on each building as well as on adjacent buildings is encouraged.
12. Roofs are generally to be of medium pitch with reference to the angles of the mountain landforms with overhangs designed to hold snow.
13. Upper floors of buildings should be built into roof forms, using dormer windows to reduce building height.
14. Retaining structures should be planted out with indigenous vegetation.

Public Realm

1. The Village Centre should provide one focal building with an active edge which is located to the south of a Village Square.
2. The Village Square should be an attractive space with dimensions of at least 30m x 30m and should have active edges on at least three sides.
3. The height and location of the buildings enclosed in the Village Square should provide for maximising solar access at the south half of the Square in particular.
4. A network of formed “natural looking” paths linked to but not parallel to roads should provide alternative pedestrian routes.

Roading Layout and Car Parking

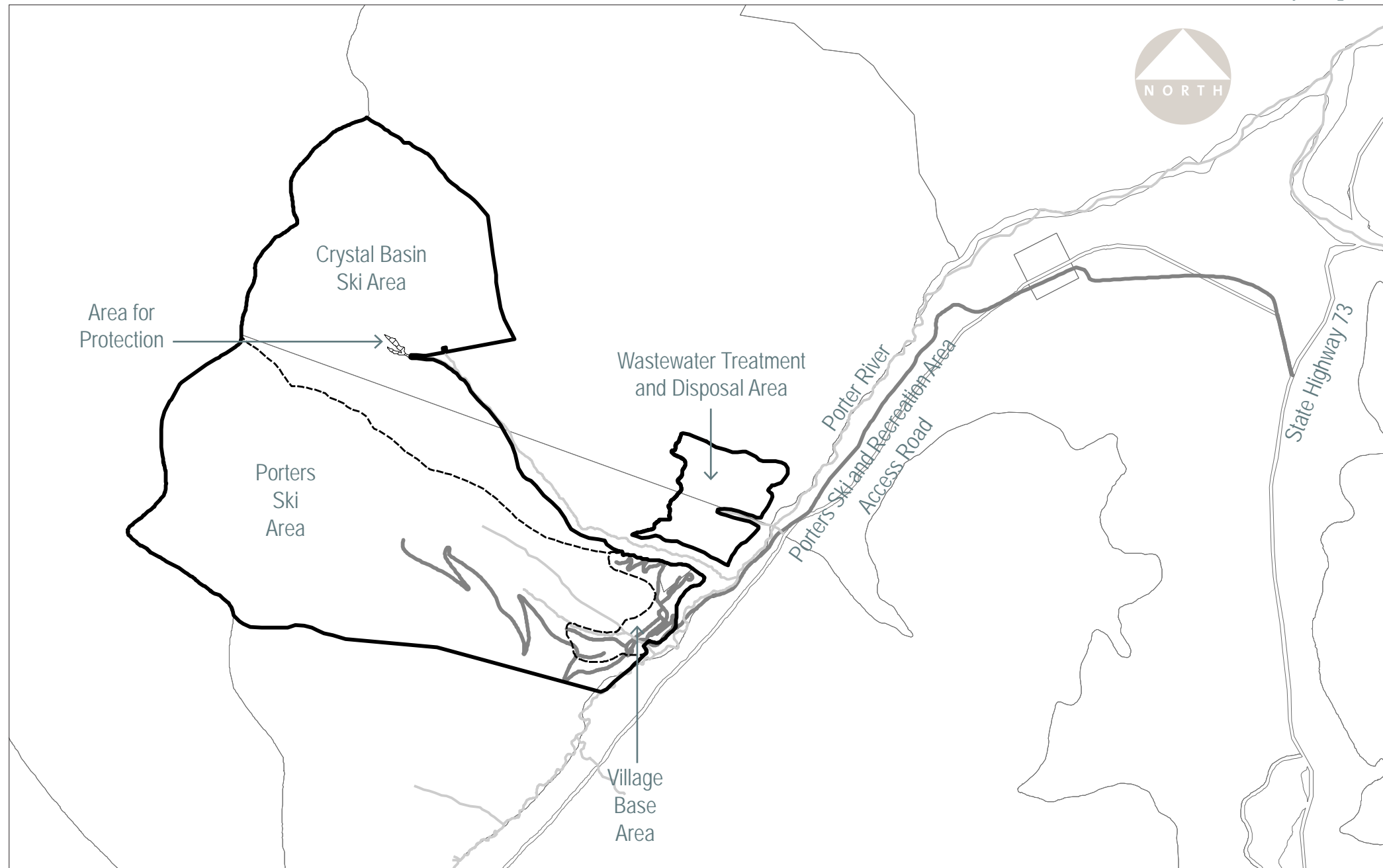
1. The design of roads in the Village should promote a rural character and avoid an appearance of typical suburban streets.
2. Car parking associated with dwellings should be provided on-site while car parking associated with visitor accommodation and day visitors should be provided in close proximity to the Village Centre.
3. Visitor arrival and drop-off should be conveniently located relative to the Village Centre and accommodation facilities.

Overland Flow Paths

1. There are a number of depressions in the Village area landscape that resemble overland flow paths. Where possible, these features should be retained and enhanced with landscaping.

2. In the event that these features are disturbed by earthworks, roads or buildings, they should be recreated as close as possible to the original feature.

Add Outline Development Plan

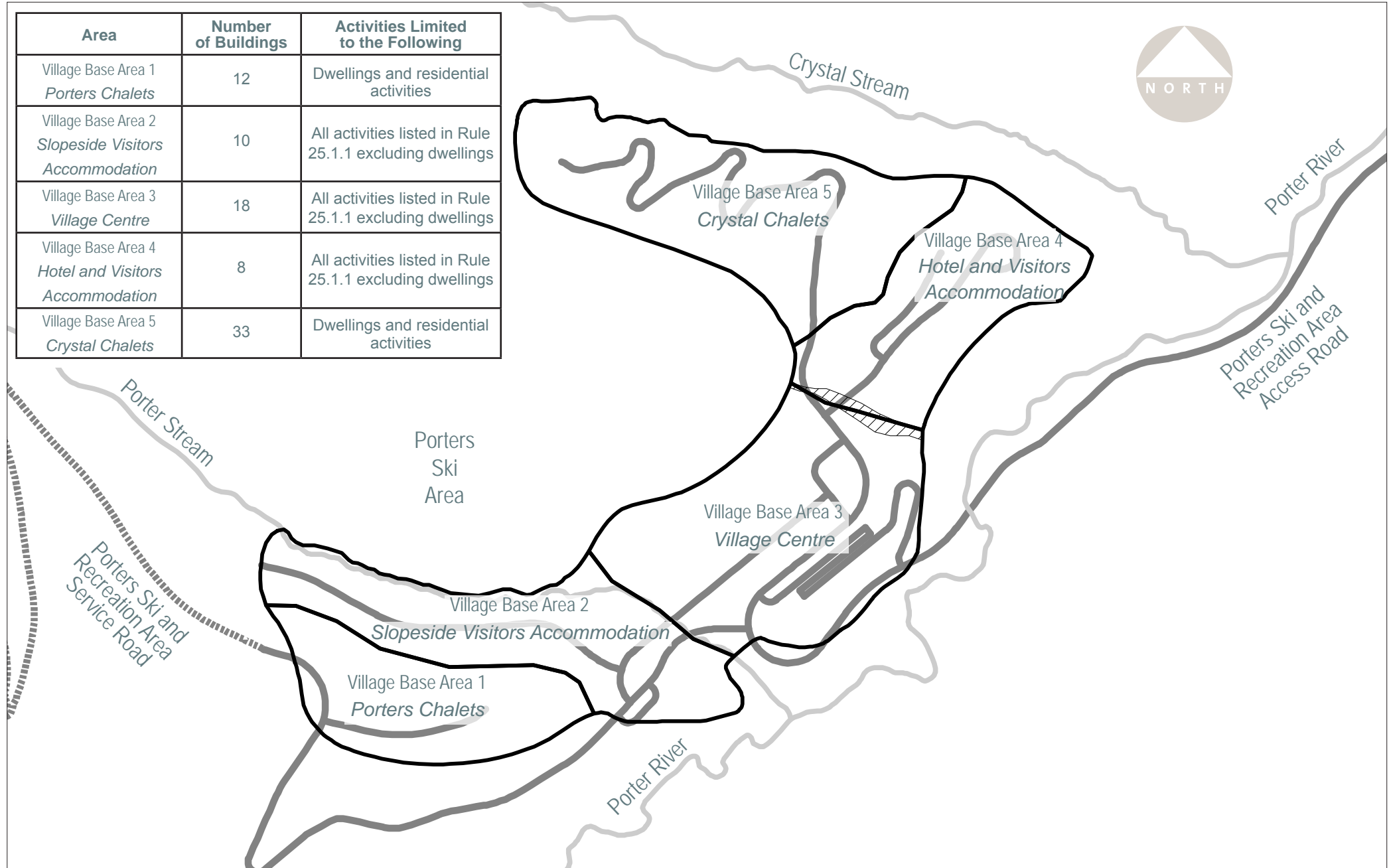


LEGEND

-  Rural Ski and Recreation Area Zone Boundary
-  Rural Ski and Recreation Area Sub-Zone Boundaries
-  Area for Protection

Appendix 25.14(a) - Porters Ski and Recreation Area Outline Development Plan

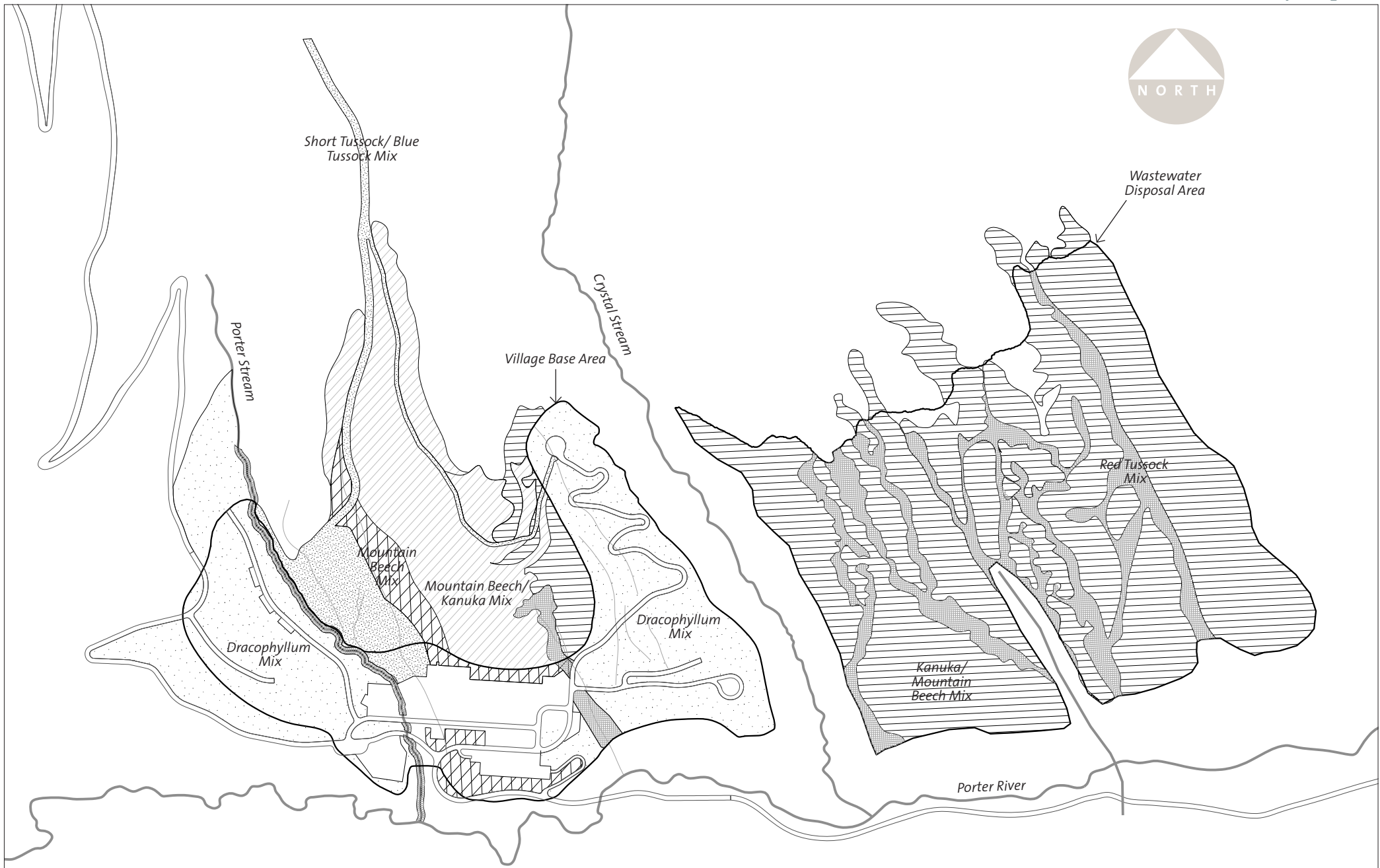
Area	Number of Buildings	Activities Limited to the Following
Village Base Area 1 <i>Porters Chalets</i>	12	Dwellings and residential activities
Village Base Area 2 <i>Slopeside Visitors Accommodation</i>	10	All activities listed in Rule 25.1.1 excluding dwellings
Village Base Area 3 <i>Village Centre</i>	18	All activities listed in Rule 25.1.1 excluding dwellings
Village Base Area 4 <i>Hotel and Visitors Accommodation</i>	8	All activities listed in Rule 25.1.1 excluding dwellings
Village Base Area 5 <i>Crystal Chalets</i>	33	Dwellings and residential activities



LEGEND

	Roads		Red Tussock Gully No Buildings or Hardstand
	Service Road		
	Existing Waterways		

Appendix 25.14(b) - Porters Ski and Recreation Area Outline Development Plan



LEGEND

	Mountain Beech Mix		Red Tussock mix
	Mountain Beech/ Kanuka Mix		Short Tussock/ Blue Tussock Mix
	Kanuka / Mountain Beech Mix		Dracophyllum Mix

Appendix 25.14(c) - Porters Ski and Recreation Area Outline Planting Concept



LEGEND

	Rural Ski and Recreation Area Zone Boundary		Ski Tow / Lift
	Area for Protection		Area with Restricted Discretionary Activity Status
	Area with Controlled Activity Status		Porters Ski Area (Not Subject to Rule 25.2.1.1)

Appendix 25.14(d) - Porters Ski and Recreation Area Outline Development Plan Activity Status: Earthworks in the Crystal Basin Ski Area (Rule 25.2.1.1)

Appendix 4: PC25 – Recommended Version (Tracked Changes)

PLAN CHANGE 25

PROPOSED PORTERS SKI AND RECREATION AREA EXPANSION

PRIVATELY REQUESTED CHANGE TO THE SELWYN DISTRICT PLAN

DISTRICT PLAN AMENDMENTS

PART A – INTRODUCTION

- 1 Amend **A4.5 the Rural Area and Zones, the Hill and High Country** (page A4-012) by adding the following new paragraph between the existing paragraphs 5 and 6:

“Recreation is an important activity within the High Country. The mountains of the District are accessed for a range of passive and active sporting activities including fishing, hunting, tramping, mountain-biking, skiing and other snow sports. There are a number of Ski Areas within the Selwyn District. These include Porters, Mt Cheeseman, Broken River, Mt Olympus, Craieburn Valley and Temple Basin. Of these Ski Areas, Porters is the largest commercial area and has been up-graded and expanded into the adjoining Crystal Basin. It is specifically recognised with a Ski and Recreation Area ~~sub~~-zoning which enables ski-field infrastructure and activities to be established and developed. Porters Ski Area is also distinguishable as providing New Zealand’s first on-mountain village with permanent and visitor accommodation and commercial activities. This village base enhances accessibility to the mountains in this locality and is a year-round tourist destination.

PART B – ISSUES, OBJECTIVES AND POLICIES

1 Natural Resources

- 2 Amend **B1.4 Outstanding Natural Features and Landscapes – Issues, High Country** (page B1-037) by replacing the existing paragraphs ~~6~~ and 7 with the following new paragraphs (new wording underlined):

~~*Some of these areas are pristine natural landscapes, e.g., Arthur’s Pass National Park. Most, however, are landscapes which have been modified by human activities, particularly pastoralism. Outdoor recreational activities are also popular in most of these areas. These areas contain features such as improved pasture, small-scale earthworks associated with tracks and fencelines, and small structures such as stock fences, water supplies and tramping huts. Ski Areas also require modification to the natural environment in the form of creating and maintaining skiable terrain, ski infrastructure and amenities. These modifications are however localised and enhance public access to use and enjoyment of the mountains. Porters Ski Area includes an on-mountain village which has further enhanced the accessibility of the mountain environment and created a recreation node with consequential tourism benefits.*~~

Uses which are generally inappropriate in the Areas of Outstanding Natural Features and Landscape in the high country are large structures and buildings, houses (outside existing building nodes), large scale commercial buildings and industrial developments and exotic plantations. Large structures and buildings have the potential to alter the sense of remoteness from people and untouched country, which are features of the Areas of Outstanding Landscape in the high country. Exotic plantations can alter the predominant vegetation cover from brown tussocklands, which is a hallmark of the Canterbury High Country landscape. The Plan policies encourage these activities to occur on land which is outside the Areas of Outstanding Natural Features and Landscapes in the high country. The policies recognise

exceptional circumstances where large structures or building, houses (outside existing building nodes), large scale commercial buildings, industrial developments or exotic plantations may be necessary or appropriate uses in the Areas of Outstanding Natural Features and Landscapes. An exception is made for the Porters Ski Area, where there is provision for an on-mountain village providing accommodation and commercial services and is to be excluded from the Outstanding Natural Landscape. The Porters Village enhances public accessibility to and enjoyment of the mountain within a defined location and has been master planned to complement the values of the mountain landscape, which remains a dominating natural environment. The Village has also enabled wider tourism, social and economic benefits to be realised which are of importance at both district and regional scales. Porters Ski and Recreation Area is one such exception, where the policies provide for large-scale but concentrated development that will be carefully designed to complement the Outstanding Landscape it is located in.

- 3 Amend the **Explanation and Reasons** to the **District Wide Outstanding Natural Features and Landscapes – Policies and Methods** (Page B1-039) by adding the following new wording (as underlined) to the end of the first paragraph:

Policy B1.4.1 recognises that much of the land in the Areas of Outstanding Natural Features and Landscapes has been modified by human occupation or use. Consequently, these areas contain man-made or physical elements, for example, modified vegetation cover such as pasture or exotic trees, stock fences, roads and other utilities, dwellings, accessory buildings and Ski Area infrastructure. Landscapes do not need to be naturally pristine to be outstanding. However, where a landscape is outstanding and contains man-made or physical elements, such elements may represent appropriate uses in these areas. One such example is the Porters Ski and Recreation Area Sub-Zone. Snow sports are predominantly limited to specific and defined locations within the mountains. Ski Areas enhance public access to and enjoyment of the mountains but require modification and development. As Ski Areas are dependent on a mountain location their infrastructure and facilities are an anticipated feature of the high country.

- 4 Amend the **Explanation and Reasons** for **Policy B1.4.22** (page B1-048) by adding the following new words as underlined below:

The original vegetation cover has been altered by fires and pastoralism, and the area contains some improved pasture, shelter belts, small structures, ski field infrastructure and earthworks associated with activities such as pastoralism, outdoor recreation and access tracks.

- 5 Add a new **Policy B1.4.25** as follows and consequently renumber all the following policies.

Policy B1.4.25

Provide for a mountain village to be established in the Porters Ski Area which enables accommodation, recreation, 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.

- 6 Add a new paragraph to the end of the **Explanation and Reasons** for Policies B1.4.22 to B1.4.25 (pages B1-048 to B1-049) as follows:

Policy B1.4.25 provides specific recognition of an on-mountain village at Porters Ski and Recreation Area. This policy is to be achieved through a Ski and Recreation Area Sub-Zone which enables a node of built development to be established within a defined location at the base of the Porters Ski Area. The Ski and Recreation Area Sub-Zone ~~is to be removed from the Outstanding Natural Landscape and~~ provides for a concentration of built development for accommodation and commercial purposes which are complementary to ski field activities as well as enhancing its ~~viability and~~ role as a tourist and recreation destination.

~~The density of built development within the Village Base Area is high compared with the extent of built development permitted elsewhere in the Outstanding Natural Landscape of the High Country and~~

~~consequently the Sub-Zone should be removed from the Outstanding Natural Landscape. The provision of a Sub-Zone Ski and Recreation Area acknowledges the relative importance of this concentration of development to the ski industry and the district and region in terms of tourism and economic wellbeing. The Sub-Zone~~ It puts in place a special management framework which is site specific and responsive to the values of this particular locality. The management framework has been derived from a comprehensive masterplanning and investigative process and delivers an outcome with a high level of certainty in respect of layout and effects on the values of the site.

- 7 Amend the **Explanation and Reasons for Policy B1.4.29** (page B1-050) by inserting the following new paragraph:

~~The establishment and maintenance of ski trails and infrastructure requires earthworks and the movement of scree. The Porters Ski and Recreation Area Sub-Zone (Porters) is to be exempt from the provisions that apply to the Outstanding Natural Landscape due to the extent of modification anticipated within the Sub-Zone, particularly at the Village Base Area. The establishment of the Sub-Zone involved the assessment of earthworks and the proposed rules require to consideration of how the earthworks are to be managed rather than requiring further considerations of the appropriateness of Ski Area development where earthworks are involved provides a separate set of rules for managing the effects of earthworks in that zone.~~

- 8 Amend **High Country General – Policy B1.4.30** (page B1-050) by inserting a new sub-clause (c) as follows, and re-numbering the following clauses as a consequential amendment:

~~“(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.~~

- 9 Amend the **Explanation and Reasons for Policy B1.4.30** (page B1-051) by adding a new fifth paragraph as follows:

~~“Policy B1.4.30(c), which is concerned with the Ski Area Sub-Zone, is consistent with the intent of Policies B1.4.30(a) and (b) to manage the effects of buildings through clustering and co-location at building nodes. The Ski Area Sub-Zone (Porters) represents a cluster of greater size than other locations in the High Country, however this scale is relative to the skier capacity of the Porters Ski Area, its importance as a tourist destination and its significance and contribution to the district and regional economy. The Ski Area Sub-Zone (Porters) is required to be comprehensively designed. The management framework for the Sub-Zone is specific to the Porters locality, ensuring that built development responds to the specific characteristics and sensitivities of this environment.~~

- 10 Further amend the **Explanation and Reasons for Policy B1.4.30 to B1.4.32** (pages B1-051 to B1-052) by amending all references to sub-clauses (c), (d) and (e) as a further consequential amendment.

- 11 Amend **Outstanding Natural Features and Landscapes – Anticipated Environmental Results** (page B1-053) by adding the following new clause:

~~— The exemption of the Ski Area Sub-Zone (Porters) from establishment from the Outstanding Natural Landscape of the High Country and characterised by a Village with permanent and visitor accommodation and commercial development.~~

~~— The expansion and on-going viability of Porters Ski Area as a recreation and tourist destination.~~

2 PHYSICAL RESOURCES

- 12 Amend **B2.2 Utilities – Need for Utilities** (page B2-018) by adding new wording to the second sentence of the second paragraph as follows (new wording underlined):

The District Plan allows for residential development at higher densities in the Rural zone immediately surrounding townships; and in the Porters Ski and Recreation Area Sub-Zone (Porters) (see Section B4.1 Residential Density and Subdivision).

- 13 Amend ~~**B2.3 Community Facilities and Recreational Areas – Issues, Recreation Areas, Access and Camping**~~ (pages B2-027 and B2-028) by:

- (i) Adding a new third bullet to the first paragraph as follows:

~~*Ski Areas for commercial and club skiing.*~~

- (ii) Amending the second paragraph to read as follows (new wording underlined):

~~*Popular outdoor recreation areas in the District include: the Port Hills; Te Waihora/Lake Ellesmere; the Waikiriri/Selwyn, Rakaia and Waimakariri Rivers; the ski areas of the Craigieburn Range and Arthur's Pass; the high country generally; and the Southern Alps/Ka Tiritiri o te Moana.*~~

- (iii) Rewording the final paragraph and adding a new bullet to the last paragraph as follows (new wording underlined):

~~There are four issues associated with recreational areas in the Rural zone:~~

~~— Access to lakes, rivers and reserve areas.~~

~~— Funds to purchase, develop or enhance recreation areas.~~

~~— Effects of camping grounds.~~

~~— Ensuring the viability of existing Ski Areas.~~

- (iv) Adding a new Section “Viability of Existing Ski Areas” (page B2-029) as follows:

Viability of Existing Ski Areas

~~*Existing Ski Areas represent significant physical resources in terms of infrastructure and buildings as well as being areas of modification to the terrain in order to establish and maintain ski trails. Without an increase in skier capacity or visitation it is increasingly difficult to maintain the economic viability of commercial ski areas, particularly where existing infrastructure requires up-grading and capital investments. It would be an inefficient use of both physical and natural resources for existing fields to close with consequential effects on recreation, tourism, social wellbeing and the economy.*~~

~~*The most significant constraints on the New Zealand ski industry, compared with international ski areas, are concerned with the lack of on-mountain accommodation and poor mountain road access. The road access to the majority of New Zealand Ski Areas is perceived as unsafe by international visitors and city dwellers, many of whom may never have driven on mountain gravel roads. New Zealand also compares poorly with Australia, Japan, North America and Europe in respect of choices for on-mountain accommodation and evidence indicates that repeat visitation to New Zealand ski fields by overseas visitors is low. Consequently the future viability of existing commercial ski areas is dependent upon addressing the provision of on-mountain accommodation, improved vehicular access and encouraging investment in infrastructure.*~~

~~*The Porters Ski Area is the largest commercial field in the Selwyn District. Without recognition in the District Plan Porters is required to obtain on-going resource consents for the establishment of infrastructure, buildings and trails. This is an inefficient process for what is a*~~

~~geographically defined activity and one which can be comprehensively managed. Recognition in the District Plan therefore provides the opportunity to encourage integrated management of the ski area. Improving mountain accessibility as part of that management will further enhance Porters Ski Area as a convenient and accessible destination from Christchurch International Airport and the population of the District, Greater Christchurch and Canterbury.~~

- 14 ~~Amend **Community Facilities and Recreational Areas – Strategy** (page B2-029) by adding a new bullet under the heading **Recreation Areas** as follows:~~

~~Policy to establish a Ski Area Sub-Zone (Porters) to recognise and provide for the on-going operation and development of the Porters Ski Area.~~

- 15 ~~Amend **Community Facilities and Recreational Areas – Policies and Methods** (page B2-033) to add a new policy B2.3.8, Explanation and Reasons and Method as follows:~~

~~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.~~

~~Explanation and Reasons~~

~~Policy B2.3.8 recognises the Porters Ski Area as a significant recreation asset and tourist destination within the Selwyn District. It is appropriate that the physical and natural resources which comprise the Ski Area are acknowledged as an activity area which is distinctive from the balance of the high country and therefore requires an appropriate management regime which provides for ski related infrastructure and activities.~~

~~The purpose of the Sub-Zone is to enable the maintenance and development of ski terrain and facilities without the need for on-going resource consent applications. In addition, it is intended to provide a management basis for the viability of the Ski Area by providing a framework for additional complementary activities to the Ski Area and ensuring that these activities are integrated and responsive to environmental conditions and values. Compliance will be required with an outline development plan and rules which set the parameters for use and development of the Ski Area.~~

~~Method~~

~~District Plan Rules – Ski Area Sub-Zone (Porters) with associated provisions in General Rules~~

- 16 ~~Amend **Community Facilities and Recreational Areas – Anticipated Environmental Results** (page B2-033) by adding the following new bullet point:~~

~~Ensuring Porters Ski Area is a viable commercial ski field including provision of accommodation and commercial activities.~~

3 PEOPLE'S HEALTH, SAFETY AND VALUES

- 1713 ~~Amend **Natural Hazards – Policies and Methods, Localised Natural Hazards, Policy B3.1.6, Explanation and Reasons** (page B3-007) by adding the following new wording to the end of the first paragraph:~~

~~It is acknowledged that the Porters Ski and Recreation Area Sub-Zone (Porters) does provide for multi-level buildings reflecting the detailed site investigation and, An assessment ~~that was~~ undertaken for this defined area in establishment of the Sub-Zonezone. ~~This assessment~~ concluded that the major part of~~

~~the Sub-Zonezone~~ was not subject to a greater risk of loss of life or property relative to other parts of the District and that multi-level buildings were appropriate. However, further detailed work is required within part of the zone to ensure it is appropriate for the location of multi-level buildings.

3 PEOPLE'S HEALTH, SAFETY AND VALUES

- 18 ~~Amend **Natural Hazards – Policies and Methods, Localised Natural Hazards, Policy B3.1.7, Explanation and Reasons** (page B3-007 and B3-008) by adding the following new wording (underlined) after the third sentence in the first paragraph:~~

~~...does not prevent activities taking place at high altitudes or on steep slopes, provided any risk of damage from slips, or avalanches is minor. The potential for damage from hazards was assessed for the Ski Area Sub-Zone (Porters) at the time that the Sub-Zone was established. The level of risk for this Sub-Zone was not high and the risk for other areas may also be minor for several reasons....~~

- 14 ~~Amend **Quality of the Environment – Policies and Methods Rural Character, Policy B3.4.1, Explanation and Reasons** (page B3-035) by adding the following new wording (underlined) to the second sentence:~~

Policy B3.4.1 recognises that the Rural zone is principally a business area. Farms, forests, ski areas and other rural activities are businesses and they need to operate efficiently and with as few restrictions as practical.

- 15 ~~Amend **Quality of the Environment – Policies and Methods Rural Character, Policy B3.4.2, Explanation and Reasons** (page B3-036) by adding a new bullet (underlined) as follows:~~

- ~~- Farming~~
- ~~- Forestry~~
- ~~- Ski Areas~~

- 16 ~~Amend **Quality of the Environment – Policies and Methods Rural Character, Policy B3.4.5, Explanation and Reasons** (page B3-038 to B3-039) by adding the following new wording to the end of the third paragraph:~~

~~Similarly, an exemption is also made for the Porters Ski and Recreation Area Sub-Zone (Porters). Within this Sub-Zonezone there is provision for the establishment of a Village Base AreaSub-Zone to provide on-mountain accommodation and commercial services complementary to the Porters Ski Area. The Village is defined to a specific and discrete location and the planning rules limit built development and confine its layout within an Outline Development Plan. The nature and scale of the Village and its relationship to a commercial Ski Area means that there is unlikely to be a cumulative effect on building development throughout the Rural zone but ensures the on-going viability of the Ski Area and its recreational and tourism benefits.~~

- 17 ~~Amend **Quality of the Environment – Policies and Methods Rural Character, Policy B3.4.6, Explanation and Reasons** (page B3-039) by adding the following new wording to the end of the first paragraph:~~

~~An exemption is made for the Porters Ski and Recreation Area Sub-Zone (Porters) where a node of accommodation and commercial activity is considered appropriate as complementary to the Ski Area. The layout, scale and form of built development within this Sub-Zonezone is required to demonstrate its~~

responsiveness to the landscape and ecological values of the locality. Some multi-storey development is anticipated as capable of being absorbed within the dominating mountain landscape.

- 2318** Amend **Quality of the Environment – Policies and Methods Rural Character** (page B3-039) by adding a new Policy B3.4.7, Explanation and Reasons and Method, and renumbering all subsequent policies accordingly:

Policy B3.4.7

Provide for a concentration of built development in the Porters Ski and Recreation Area Sub-Zone (~~Porters~~).

Explanation and Reasons

Policy B3.4.7 recognises that the Porters Ski and Recreation Area is recognised as a node for the maintenance and further development of Ski Area activities. In addition to new Ski Area infrastructure, the ~~Sub-Zone~~ zone anticipates the development of a Village with permanent and visitor accommodation, ~~and~~ commercial activities such as restaurants and complementary recreation activities. This built development would be at a higher density and form than is anticipated elsewhere in the high country but reflects the significance of the Porters Ski Area as a recreation area and tourist destination.

Method

District Plan Rules

- Ski and Recreation Area ~~Sub-Zone~~ Outline Development Plan
- Buildings

4 GROWTH OF RURAL AREA

- 2419** Amend **B4.1 Residential Density and Subdivision in the Rural Area – Issues** (page B4-001) by adding the following new bullet at the end of the list:

- Meeting international visitor demands for on-mountain accommodation ~~and ensuring the viability of commercial Ski Areas.~~

- 2520** Amend **B4.1 Residential Density and Subdivision in the Rural Area – Issues, Residential Density** (page B4-001) by adding a new fifth paragraph as follows:

In addition there are specific residential and visitor accommodation demands associated with commercial Ski Areas. Ski Areas are a significant component of New Zealand's winter tourism industry for both domestic and international visitors and the Porters Ski Area is the largest commercial Ski Area in the Selwyn District. ~~There is little repeat visitation from international skiers due to the limited on-mountain accommodation provided in New Zealand. In order to remain viable it is necessary that on-mountain accommodation is provided for in association with the major commercial Ski Areas such as Porters.~~

- 2621** Amend **Residential Density and Subdivision in the Rural Area – Strategy** (page B4-003) by adding the following new bullet to the list:

- Provide for permanent and visitor accommodation in the Porters Ski and Recreation Area Sub-Zone (~~Porters~~).

- 2722** Amend **Residential Density and Subdivision in the Rural Area – Objectives** (page B4-003 and B4-004) by adding the following new Objective B4.1.4 with associated policies and the following new paragraph to the Explanation and Reasons.

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.

Explanation and Reasons

Objective B4.1.4 is concerned with the development of residential and visitor accommodation, commercial and associated tourist and recreation activities at the Porters Ski Area. The density of this development will be more concentrated than in other parts of the high country. This reflects the skier capacity of the Porters Ski and Recreation Area Sub-Zone and the associated demand for on-mountain accommodation and convenient access as part of the recreation experience. It is appropriate that this residential development is concentrated to avoid the dispersal of potential environmental effects.

At Porters Ski Area the layout and form of development is able to be absorbed within the landscape. It is contained within a discrete valley some distance from the state highway and its development will remain subordinate to the mountainous location. Similarly, the scale and concentration of residential development should ensure that effects on ecological values from residential activity can be avoided, remedied or mitigated.

- 2823** Amend **Residential Density and Subdivision in the Rural Area – Policies and Methods, Policy B4.1.4** to read as follows (new wording underlined):

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

- 2924** Amend **Residential Density and Subdivision in the Rural Area – Policies and Methods, Policy B4.1.4 Explanation and Reasons** (page B4-007 and B4-008) by adding the following new wording to the end of the last paragraph:

The Porters Ski and Recreation Area Sub-Zone (Porters) is also exempt from this policy. The Sub-Zonezone has been created to recognise the existing Porters Ski Area and its expansion, as well as providing for a concentration of residential development at the base of the Ski Area. Due to the scale of the skier capacity and its significance as a tourist and recreation destination within the District, a greater density of residential development is proposed within the Sub-Zonezone than is provided for in other parts of the High Country.

- 2925** Amend **Residential Density and Subdivision in the Rural Area – Policies and Methods**, by adding a new sub-clause (d) to **Policy B4.1.5** and a new paragraph to the end of the **Explanation and Reasons** (pages B4-008 and B4-009).

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

Explanation and Reasons

Policy B4.1.5(d) recognises that a higher density of residential development is appropriate within the Porters Ski and Recreation Area Sub-Zone (Porters) in order to support the viability and efficiency of the Porters Ski Area. The Sub-Zonezone has no wider consequential effects on residential density in the Rural Zone due to the limited number of commercial Ski Areas in the district and those with a suitable location for the establishment of a village.

- 3026 Add a new Policy B4.1.8, Explanation and Reasons and Method (page B4-011) as follow.
Renumber all subsequent policies accordingly:

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 and Recreation 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 Base Sub-Zone 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 Basin and Crystal Basin Ski Areas Sub-Zones 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.*

Explanation and Reasons

Policy B4.1.8 provides the basis for the rules controlling the subdivision and use of land within the Porters Ski and Recreation Area ~~Sub-Zone~~ at Porters. Due to the sensitivity of values within the ~~Sub-Zonezone~~ it is appropriate that subdivision, earthworks and building rules trigger an assessment process that enables site specific considerations and responses to be implemented. Reliance on standards which are based on a numerical threshold that may be unrelated to the specific features of a site and do not guarantee an optimum design outcome or ensure that the Ski Area will be efficiently developed or managed. Accordingly, subdivision, earthworks, building design and appearance and landscape treatment are to be implemented as controlled activities where Council can assess the final design and integration of development.

Underpinning the development of the Ski Area is a requirement to comply with an outline development plan. This plan represents a comprehensive approach to land use and development and controls the overall location of buildings and activities and the inter-relationship between the Village Base Area Sub-Zone and the Porters Basin and Crystal Basin Ski Areas Sub-Zones. The proposed rules are primarily concerned with the location, form and finish of built development. Some of the standards will vary within the Village Base Area Sub-Zone depending on the nature of the activities and the need to ensure that development is less intensive at the boundary of the ~~Sub-Zonezone~~. The range of activities provided for within the ~~Sub-Zonezone~~ are is specified and reflects the mix of uses that are necessary to service and support a significant recreational activity and tourist destination. The scale and density of development is greater than in other parts of the High Country however this reflects the popularity and significance of snow and mountain-based recreation and the need to provide facilities for people who enjoy this form of

recreation and the ability to access the High Country environment. The scale and density of development is however capped to ensure that the Ski Area is developed in a manner which ensure the final outcome is appropriate and responsive to the environment.

As a Ski Area is geographically-dependent on a mountain location it is necessary that development is responsive to the wider landscape and ecological values of the High Country. The proposed rules require the protection of areas of significant ecological value and the adoption of other methods to maintain and enhance indigenous vegetation wherever possible. Careful control over the types of plant species established is also necessary to ensure that exotic or inappropriate plants are not established which threaten the integrity of the wider habitat. Consideration of impacts on the landscape values is also required with an emphasis on materials and building forms that complement the mountain environment. If circumstances arose where, despite all reasonable efforts have been made to avoid, remedy or mitigate effects this cannot be achieved, policy (h) indicates that there may be circumstances where it is appropriate to consider environmental compensation.

Methods

District Plan Rules

-Outline Development Plan

- Subdivision

-Buildings

3427 Add a new bullet point to the list under **Residential Density and Subdivision in the Rural Area – Anticipated Environmental Results** (page B4-013) as follows:

-Residential development is concentrated at a higher density in the Porters Ski and Recreation Area Sub-Zone ~~(Porters)~~ with the layout, size and shape of allotments considered in relation to the environmental features and values of the Sub-Zone ~~zone~~.

Part C – Rural Rules

RURAL RULES – INTRODUCTION TO RULES

~~3228~~ Amend **Rural Rules – Introduction to Rules, Type of Rules** (page C-001) by:

(i) Altering the second paragraph to read as follows (new wording underlined):

Within the Rural zone there are 7 areas, within which different rules may apply. Those areas are: High Country, Malvern Hills, Porters Ski and Recreation Area, Outer Plains, Inner Plains, Port Hills and Existing Development Areas. They are shown on the Planning Maps.

(ii) Altering the second bullet in the fifth paragraph as follows (new wording underlined):

The activities which are permitted in the High Country, Malvern Hills, the Porters Ski and Recreation Area and Port Hills.....

1 RURAL RULES - EARTHWORKS

~~3329~~ Amend **1 Rural Rules – Earthworks, Notes** (C1-001) by adding a new Note as number 5 and as a consequential amendment renumbering the following clause. New wording is as follows:

5. *All earthworks within the Porters Ski and Recreation Area Sub-Zone (Porters) ~~are exempt from Rule 1.6 and shall~~ which comply with the rules in Appendix 25. Similarly, the Ski Area Sub-Zone is excluded from the Outstanding Natural Landscape. The rules for Areas of Outstanding Landscape therefore do not apply to the Ski Area Sub-Zone.*

2 RURAL RULES – TREE PLANTING AND REMOVAL OF HERITAGE TREES

~~3430~~ Amend **2 Rural Rules – Tree Planting and Removal of Heritage Trees, Notes** (C2-001) by adding a new Note as number 5 and as a consequential amendment renumbering the following clause. New wording is as follows:

5. *All tree planting within t~~The Porters Ski and Recreation Area Sub-Zone (Porters) is excluded from the Outstanding Natural Landscape. The rules for Areas of Outstanding Landscapes therefore do not apply to the Ski Area Sub-Zone (Porters). All tree planting shall comply with the rules in Appendix 25.~~ exempt from these rules.*

3 RURAL RULES - BUILDINGS

~~3531~~ Amend **1 Rural Rules – Buildings, Notes** (C3-001) by adding a new Note as number 4 and as a consequential amendment renumbering the following clauses. New wording is as follows:

4. *All buildings within the Porters Ski and Recreation Area Sub-Zone ~~shall be exempt from these rules. Rules 3.9, 3.10, 3.11, 3.12 and 3.13 and shall comply with the rules in Appendix 25. The Ski Area Sub-Zone is similarly excluded from the Outstanding Natural Landscape. The rules applying to buildings in the Outstanding Natural Landscapes therefore do not apply.~~*

4 RURAL RULES - ROADING

3632 Amend **4 Rural Rules – Roading, Notes** (C4-001) by adding a new Note as number 1 and as a consequential amendment renumbering the following clauses. New wording is as follows:

1. *All vehicular accessways, vehicle crossings and vehicle parking within the Porters Ski and Recreation Area Sub-Zone (Porters) shall be exempt from compliance with the rules of 4 Rural Roads and shall comply with the rules in Appendix 25 and the rules in Appendix 13 of the Townships Volume concerned with separation distances, sightlines and carpark dimensions. ~~The Ski Area Sub-Zone is similarly excluded from the Outstanding Natural Landscape. The rules for Areas of Outstanding Landscapes therefore do not apply to the Ski Area Sub-Zone.~~*

5 RURAL RULES – UTILITIES

3733 Amend **5 Rural Rules – Utilities, Notes** (C5-001) by adding a new Note as number 4 and as a consequential amendment renumbering the following clauses. New wording is as follows:

4. *~~The Ski Area Sub-Zone (Porters) is excluded from the Outstanding Natural Landscape. The rules applying to All utility buildings and structures in the Porters Ski and Recreation Area shall be exempt from compliance with these rules. Outstanding Natural Landscape therefore do not apply.~~*

6 RURAL RULES – OUTDOOR SIGNS AND NOTICEBOARDS

3834 Amend **6 Rural Rules – Outdoor Signs and Noticeboards, Notes** (C6-001) by adding a new Note as number 3 and as a consequential amendment renumbering the following clauses. New wording is as follows:

3. *~~All signs in the Porters Ski and Recreation Area Sub-Zone (Porters) shall be exempt from Rule 6.2, while signs required for the purpose of on-mountain directions and safety shall not be required to comply with Rule 6.1. Similarly, the Ski Area Sub-Zone (Porters) is excluded from the Outstanding Natural Landscape. The rules applying to Outdoor Signs in the Outstanding Natural Landscape therefore do not apply.~~*

9 RURAL RULES – ACTIVITIES

3935 Amend **9.3 Activities in the Port Hills, Malvern Hills and High Country, Rule 9.3.1** (pages C9-002 and 003) by altering the **Note**: at the end of rule to read as follows (new wording underlined):

Note: Refer to Appendix 21, 22, 23 or 24 25 for conditions, standards and matters of control/discretion which apply to specific activities in the areas shown on the Planning Maps as the Existing Development Areas for Terrace Downs, Grassmere and Rocklands, and as a Porters Ski and Recreation Area Sub-Zone at Porters. These are existing development areas in the High Country and Port Hills.

4036 Amend **9.4 Scale of Non-Residential and Non-Rural Activities, Rule 9.4.1** (page C9-003) by adding new wording to the **Note** at the end of the rule to read as follows (new wording underlined):

Note: Rule 9.4.1 does not apply to any temporary activity or any activity within the Porters Ski and Recreation Area Sub-Zone (Porters).

4137 Amend **9.13 Activities and Vehicle Movements, Rule 9.13.1** (pages C9-010 and C9-011) by adding a new clause (numbered 5.) to the **Note** at the end of the rule to read as follows:

5. *Rule 9.13.1 does not apply to ~~activities-roads~~ within the Porters Ski and Recreation Area Sub-Zone ~~(Porters)~~.*

4238 Amend **9.14 Activities and Aircraft Movements, Rule 9.14.1.1** (page C9-011) by adding the following new clause (d) as follows:

- (d) *Aircraft movements associated with activities within the Porters Ski and Recreation Area Sub-Zone.*

~~43~~ Amend **9.16 Activities and Noise, Rule 9.16.3** (page C9-014) by adding the following new clause 9.16.3.5 and renumbering the following clause accordingly

- ~~9.16.3.5~~ *~~In any part of the Ski Area Sub-Zone (Porters) where, in accordance with the Porters Ski Area Outline Development Plan in Appendix 25.14 a mix of recreation, commercial, accommodation, tourist and living activities may be established in the same locality.~~*

4439 Amend **9.21 Activities and Clearance of Indigenous Vegetation and Indigenous Plant Species** (page C9-019 and C9-020) by adding a new clause 9.21.2.6 exempting the clearance of earthworks within the Porters Ski and Recreation Area Sub-Zone as follows:

- 9.21.2.6 *Clearance of indigenous vegetation within the Porters Ski and Recreation Area Sub-Zone ~~(Porters)~~, excluding the Areas of Protection as shown in ~~Appendix 25~~, the Outline Development Plan for Porters Ski and Recreation Area in Appendix 25. Clearance of indigenous vegetation within the Ski and Recreation Area Sub-Zone shall comply with Appendix 25.*

10 RURAL RULES – SUBDIVISION

4540 Add a new **Rule 10.1.1.13** (page C10-003) to read as follows:

- 10.1.1.13 *Subdivision within the Porter Ski and Recreation Area Sub-Zone which complies with all of the subdivision standards in Appendix 25 ~~Porters Ski Area~~.*

Note: *The Porters Ski and Recreation Area Sub-Zone ~~(Porters)~~ is excluded from the Area of Outstanding Landscape exempt from Rule 10.3.*

4641 Add a new Appendix 25 Porters Ski and Recreation Area as attached, including Outline Development Plan.

4742 Amend Planning Map 25 to show a new Porters Ski and Recreation Area Sub-Zone ~~(Porters)~~ as attached.

APPENDIX 25

25.1 PORTERS SKI AREA

Note: ~~Reference should be made to a~~ All other rules of the Rural Volume of the District Plan ~~to confirm if compliance is required by activities, works and buildings within shall be complied with, unless the rule specifically states that it does not apply to the~~ Porters Ski and Recreation Area Sub-Zone (Porters).

25.1.1 The Porters Ski and Recreation Area Sub-Zone (Porters) shall be limited to the following activities subject to compliance with Rules 25.2 through to 25.811.

- (a) Recreational facilities
- (b) Facilities, buildings and activities associated with the management and operation of a Ski Area, including but not limited to:
 - avalanche control
 - weather stations
 - pump stations
 - snow-making infrastructure
 - fuel storage
 - snow fences
 - plant nursery
 - storage and maintenance
 - equipment and clothing hire facilities
 - ski school
 - ski member facilities
 - race team and competition facilities
 - sports medicine and rehabilitation
 - first aid, medical care and facilities
 - childcare
 - helicopter access and landing
 - emergency access and emergency services
- (c) Tourist activities – see Note below
- (d) Conference activities
- (e) Commercial activities and services (including retail activities) which are associated with and complementary to recreation, tourist and conference activities
- (f) Visitor Accommodation
- (g) Staff Accommodation
- (h) Dwellings

- (i) Apartments
- (j) Place of Assembly
- (k) Educational activities limited to education related to recreational activities and environmental and cultural values associated with the High Country.
- (l) Vehicle parking (including helicopters) ancillary to recreation, tourist, commercial, conference, visitor accommodation and dwellings.
- (m) Activities associated with the maintenance and repair of existing infrastructure, roads, buildings and structures.
- (n) Utilities required to service the activities within the zone.

For the purpose of these rules the following definitions shall apply:

Recreational facilities – shall be in accordance with Part D Definitions

Tourist activities – shall mean the use of any land, building or structure for the primary purpose of providing entertainment, recreational and cultural experiences for visitors

Visitor Accommodation – shall include all forms of temporary residential accommodation offered for a daily tariff.

Dwellings – shall be in accordance with Part D Definitions

Apartments – shall mean self-contained residential accommodation which may be occupied as a permanent or temporary residence but is part of and attached to other apartments contained within the same building.

Place of Assembly – shall be in accordance with Part D Definitions

25.2 Controlled Activities

Earthworks

25.2.1 Earthworks (except for earthworks listed as either a restricted discretionary or non-complying activity) located entirely within the boundary of the Porters Ski and Recreation Area Sub-Zone and limited to the following purposes shall be a controlled activity:

25.2.1.1 Within the Porters Basin and the Village Base Sub-Zones as shown on Appendix 25 A:

25.2.1.1(a) Establishing ski trails, and terrain parks, tows, lifts and gondolas.

(b) Installing support structures for tows, lifts and gondolas.

25.2.1.2(c) Establishing trails for recreational activities ~~such as including~~ mountain biking, luge and walking trails

25.2.1.3(d) The construction of buildings, and structures and utilities in the Porters and Crystal Basin Ski Areas.

25.2.1.4(e) Forming access tracks, to and within the Porters and Crystal Basin Ski Areas

25.2.1.5 ~~The construction of snow making reservoirs~~

24.2.1.4 ~~The construction of buildings in the Village Base Area~~

~~24.2.1.5(f)~~ Forming roads in the Village Base ~~Area Sub-Zone~~, provided that they comply with the Standards for Roads in Rule 25.6.1.

~~24.2.1.6(g)~~ ~~The construction of~~ Installing infrastructure for stormwater, wastewater disposal, ~~and~~ water supply, electricity and telecommunications.

~~(h)~~ Establishing activities and facilities associated with the management and operation of a Ski Area in accordance with Rule 25.1.1.

~~24.2.1.7~~ ~~The construction of utilities~~

~~24.2.1.8(i)~~ Ground preparation for planting of indigenous vegetation on areas greater than 5m².

25.2.1.2 Within the Northern Terrace Sub-Zone, as shown on Appendix 25 A:

~~(a)~~ Installing infrastructure for wastewater disposal.

~~(b)~~ Ground preparation for planting of indigenous vegetation on areas greater than 5m².

25.2.1.3 Within the Crystal Stream Sub-Zone, as shown on Appendix 25 A:

~~(a)~~ Forming of the access road/ski out trail on the general alignment shown on Appendix 25 A.

25.2.2 Under Rule 25.2.1, the Council shall reserve its control over the following matters:

25.2.2.1 Any potential effects on ground and scree stability.

25.2.2.2 The location, depth and length of cuts and the extent and location of fill or castings.

25.2.2.3 The effectiveness of erosion and sediment control measures and the degree to which these conform with any Erosion and Sediment Control Plan that may have been approved by the Canterbury Regional Council for the establishment of infrastructure.

25.2.2.4 The setback from the Porter Stream and Crystal Stream.

25.2.2.5 Avoidance or setback from any ephemeral streams or naturally occurring seepages or wetlands.

25.2.2.6 Terrestrial and aquatic ecological values within the area of disturbance and the potential to minimise or avoid disturbance that will affect the function and integrity of plants and habitat. In particular, vegetation in herbfields, boulderfields, scree and spring flushes should be avoided in the first instance. If unable to be avoided than measures should be taken to minimise or mitigate the extent or nature of disturbance. Regard shall be given to the effectiveness of the measures to maintain the function and integrity of plants and habitats assessed. (For definitions of herbfield, boulderfields and spring flush see Note below) ~~to areas or habitats of higher value.~~

25.2.2.7 The effect on landscape values and visibility from ~~state~~ State highway Highway 73.

25.2.2.8 Methodology for completing the works, including the type of machinery and equipment to be used and the measures to be taken to minimise ground disturbance. ~~The proposed measures for minimising ground disturbance.~~

25.2.2.9 Measures for the control of dust emissions.

25.2.2.10 Protocols to minimise the transfer of weed and pest species on machinery.

25.2.2.11 Measures proposed for re-contouring and re-vegetation of the land, including the timing for re-vegetation.

25.2.2.12 Protocols for Accidental Discovery of archaeological sites.

25.2.2.13 Conditions requiring the preparation and implementation of a Ski and Recreation Area Environmental Management Plan (~~SAEMP~~) that addresses the following matters for construction and operation of the Ski Area:

- Principles and monitoring regime for management of stormwater, erosion and sediment control related to Ski and Recreation Area operations and maintenance;
- Principles for management of construction activities and restoration of earthworks
- Pest and weed management
- Management of habitats and species, including Keas and riparian margins
- Enhancement of Crystal Stream
- Storage and removal of solid wastes
- Storage, management and use of hazardous wastes

Notes:

{1} ~~Note that this provision~~ Rule 25.2.2.13 duplicates the requirement for an Environmental Management Plan SAEMP required by Rule 25.4.2.14.2.14.12 at the time of subdivision application. If an Environmental Management Plan SAEMP has already been prepared and approved as a condition of subdivision this provision is not applicable).

2 The following definitions are to be applied when identifying sensitive plants and communities:

Herbfield: Vegetation in which the cover of herbs in the canopy is 20-100% and in which herb cover exceeds that of any other growth form or bare ground. Herbs include all herbaceous and low-growing semi-woody plants that are not separated as ferns, tussocks, grasses, sedges, rushes, cushion plants, mosses or lichens. (Atkinson, IAE, (1985) NZJBotany 23: 361-378)

Boulderfield: Land in which the area of unconsolidated bare boulders (>200mm diameter) exceeds the area covered by any one class of plant growth-form. (Atkinson, IAE, (1985) NZJBotany 23: 361-378)

Spring flush: Areas of sloping wetlands in the mountains, where the underlying groundwater supply by a spring is supplemented by periodic pulses of surface water (e.g. from snow melt) (Adapted from Johnson P and Gerbeaux P. (2004): Wetland Types in New Zealand DOC/MfE).

Buildings

25.2.3 All buildings (except for buildings listed as either restricted discretionary or non-complying activities) located within the Porters Ski and Recreation Area Sub-Zone shall be a controlled activity in respect of design and appearance, relationship between buildings (physical layout on the ground) and landscape treatment, provided that they comply with the Standards for Buildings in Rules 25.3.1.1 to 25.3.1.10, except that buildings which are utilities shall comply with the Standards for Utilities in Rule 25.4.

25.2.4 Under Rule 25.2.3, the Council shall reserve its control over the following matters:

- 25.2.4.1 The extent to which the building reflects an architectural style that is consistent with and complementary to the landscape values of the Porters Basin and Recreation Area, having regard to the design principles in Appendix 25.4.16.
- 25.2.4.2 The suitability of proposed materials having regard to the list of materials in Appendix 25.4.16.
- 25.2.4.3 The appropriateness of the colour finish of the exterior of the building, having regard to the recommended colour palette in Appendix 25.4.16.
- 25.2.4.4 The architectural design and profile of the roof and its visual impact. Within the Village Base Area, the design and profile of the roof should be assessed both singularly and in combination with other roofs, including the visual effects of the rooflines when viewed across the Village Base Area.
- 25.2.4.5 The avoidance of excessive repetition of building forms.
- 25.2.4.6 The use of architectural articulation to create a building of visual interest. Such articulation may include the use of projecting and recessed balconies, porches, sheltering colonnades, verandahs at ground level and window awnings.
- 25.2.4.7 The avoidance of building facades and elevations which are visually bland or blank including the use of architectural articulation or techniques such as steps-in-plan to avoid long continuous walls.
- 25.2.4.8 The reflectivity of materials to be used on the exterior of the building when viewed from beyond the Sub-Zone boundary.
- 25.2.4.9 The potential for the building or structure to be visible from the State Highway.
- 25.2.4.10 The provision for pedestrian linkages between buildings, car parks, visitor accommodation, dwellings and the trails to Porters Ski Area and the Crystal Basin Ski Area.
- 25.2.4.11 In addition to the above, within the Village Base Area 2 (Slopeside Visitor Accommodation), Village Base Area 3 (Village Centre) and Village Base Area 4 (Hotel and Visitor Accommodation), regard should also be given to the more specific guidance in Appendix 25.4.16:
- (a) Orientation and positioning of buildings close to the road frontage and/or public spaces.
 - (b) Location and design of main entrances adjacent to pedestrian routes and public spaces.
 - (c) The creation of legible, comfortable and useable spaces for circulation and gathering within a compact Village Centre.
 - (d) Maintenance of prominent vistas along the village roads.
 - (e) Maintenance of open space and views between buildings.
 - (f) Layout of buildings and pedestrian routes should ensure the safe and efficient movement of people, incorporating the principles of Crime Prevention Through Environmental Design (CPTED).
 - (g) Screening of service areas.
 - (h) External accessways, mechanical, electrical and communications equipment should be integrated within the building.
 - (i) Avoidance of excessive light spill.
- 25.2.4.12 Within the Porters Basin and Crystal Basin Ski Areas Sub-Zones as shown on Appendix 25 A:

- (a) Avoidance of locating buildings and structures on ridges, except where necessary to support chairlifts, tows and gondolas or for avalanche control equipment and weather stations.
- (b) Avoidance of visibility against the skyline.
- (c) Minimise visibility from the state highway through location, design and colour.
- (d) The use of colour for buildings and structures that will complement the landscape.
- (e) The avoidance of materials and colours to finish buildings and structures with high reflectivity when viewed from beyond the Sub-Zone.

Landscape Treatment

25.2.5 All planting for the purpose of amenity and enhancement shall be a controlled activity, provided it complies with Rules 25.810.1 and 25.10.2 for Tree Planting and Landscape Treatment. A landscape plan detailing the species, density, planting programme as well as maintenance regime shall be provided as part of this application.

25.2.6 Under Rule 25.2.5 the Council shall reserve its control over the following matters:

- 25.2.6.1 The effectiveness and quality of any landscape treatment proposed.
- 25.2.6.2 The planting patterns of shrubs, tussocks and trees in areas outside the Village Centre and the extent to which this pattern of planting has a natural appearance and arrangement.
- 25.2.6.3 The planting patterns of trees in the wastewater disposal area and the ridge between Village Base Areas 2 and 5 and the extent to which these reflect and harmonise with the landform.
- 25.2.6.4 The extent to which the proposed landscape planting connects and is compatible with other planting and naturally occurring indigenous vegetation across the Ski and Recreation Area ~~Sub-Zone~~ and at the boundary of the Ski and Recreation Area ~~Sub-Zone~~.

25.3 Standards for Buildings

25.3.1 The following standards shall be met for the erection of any building or any additions or alterations to, or modification of any building that is to be considered as a controlled activity.:

These standards shall not apply to Utilities which shall comply with Rule 25.4 Standards for Utilities.

25.3.1.1 All buildings shall be located in accordance with the Porters Ski and Recreation Area Outline Development Plan in Appendix 25 B.

25.3.1.12 The total number of dwellings in the Porters Ski and Recreation Area shall not exceed 45 and there shall be no more than one dwelling located on a residential allotment. There shall be no family flats.

25.3.1.23 The number of dwellings and buildings permitted in each of the identified Village Base Areas shown in the Porters Ski and Recreation Area Outline Development Plan (Appendix 25 B) shall not exceed:

Village Base Area 1 (Porters Chalets):

12

Village Base Area 2 (Slopeside Visitors Accommodation):	10
Village Base Area 3 (Village Centre):	18
Village Base Area 4 (Hotel and Visitor Accommodation) :	8
Village Base Area 5 (Crystal Chalets):	33

Except that:

(a) No buildings or structures (including lifts and tows) shall be erected until:

- (i) A covenant is secured on the title of the Crystal Basin Ski Area that protects in perpetuity the area of land identified for protection on the Porters Ski and Recreation Area Outline Development Plan in Appendix 25 A.
- (ii) An emergency Management and Response Plan for the Ski and Recreation Area has been prepared.
- (iii) A Hazard Risk Assessment is completed to the Council's satisfaction. This shall include an avalanche control programme and proposed measures to reduce rock fall.

(b) Only half of the buildings numbered in each Village Base Areas 1, 2, 3 and 4 (excluding the Crystal Chalets in Village Base Area 5 which must comply with (c) below) may be constructed and occupied until such time as the following infrastructure is established within the Crystal Basin Ski Area:

- (i) Formation of an access track linking the Porters Basin to Crystal Basin; and
- (ii) Construction and commissioning of a snowmaking reservoir; and
- (iii) Construction and commissioning of a gondola from the Village Centre to Crystal Basin; and
- (iv) Construction and commissioning of a chairlift providing access to the top of the Crystal Basin Ski Area; and
- (v) A Day Lodge; and
- (vi) Ski trails with a daily capacity for up to 1,500 skiers.

(c) The Crystal Chalets in Village Base Area 5 may only be constructed and occupied once:

- (i) The 3 T-bar lifts existing in Porters ski Area as at (insert date PC25 made operative) have been up-graded; and
- (ii) The ski access road between the Village and Porters Ski Area has been decommissioned for private vehicle use; and
- (iii) A minimum of 4 buildings in the Village Base Area 3 (Village Centre) have been erected.

25.3.1.34 Within the Crystal Basin Ski Area and the Porters Basin Ski Area, as shown in the Porters Ski Area Outline Development Plan, there shall be no provision for buildings associated with accommodation for visitors or residents within the Crystal Basin, Crystal Stream, Porters Basin, Porters Slopes and Northern Terrace Sub-Zones as shown in the Porters Ski and Recreation Area Outline Development Plan in Appendix 25 A.

25.3.1.45 The maximum building footprint shall not exceed:

Village Base Area 1 (Porters Chalets)	300m ² excluding decks
Village Base Area 2 (Slopeside Visitors Accommodation)	1 building up to 1320m ² , 1 building up to 990m ² , 3 buildings up to 880m ² All other buildings up to 440m ²
Village Base Area 3 (Village Centre)	2 buildings up to 925m ² 5 buildings up to 730m ² , 4 buildings up to 600m ² 3 buildings up to 530m ² All other buildings up to 330m ²
Village Base Area 4 (Hotel and Visitor Accommodation)	1 building up to 2,475m ² , 1 building up to 1,320m ² 3 buildings up to 660m ² All other buildings up to 350m ²
Village Base Area 5 (Crystal Chalets):	200m ² excluding decks
Crystal Basin Ski Area and Porters Ski Area	1000m ² excluding decks

25.3.1.6 The maximum height of buildings (excluding carpark buildings, support structures and terminals for gondolas, lifts and tows) shall not exceed:

Village Base Area 1 (Porters Chalets)	13m
Village Base Area 2 (Slopeside Visitors Accommodation)	One building of 26.5m, 2 buildings at 22m, 4 buildings at 16m and 3 buildings up to 13m
Village Base Area 3 (Village Centre):	Six buildings at 24m, 5 buildings at 19m, 6 buildings up to a maximum of 13m (to be measured from the finished level of the carpark base where buildings are to be erected over a carpark building).
Village Base Area 4 (Hotel and Visitor Accommodation)	One building up to 19m with 7 buildings a maximum of 13m
Village Base Area 5 (Crystal Chalets):	13m 8m
Crystal Basin Ski Area	16m
Porters Ski Area	16m

25.3.1.67 Fences in Village Base Areas 1 to 5 shall be limited to:

- (a) ~~_____~~ Fences constructed in greywacke boulders
- (b) ~~_____~~ Temporary fences required for construction purposes
- (c) ~~_____~~ Fences for the protection of indigenous vegetation. Where permanent, these shall be constructed in greywacke boulders.

25.3.1.78 All buildings (excluding bridges) within the Village Base Sub-Zone shall be limited to a minimum setback a minimum of 5m from the banks of the Porter Stream.:

Note: This setback is to be measured in accordance with the definition in section 2 of the Act as "the space of land which the waters of the river cover at its fullest extent, without overtopping its banks."

(See Rule 25.5.4 for setback of activities from Porter Stream).

25.3.1.89 No buildings or hardstand areas shall be located within the Red Tussock Gully as shown on the Porters Ski and Recreation Area Outline Development Plan in Appendix 25 B.

~~25.3.1.9 No buildings or structure shall be erected in the Crystal Basin Ski Area until a covenant is secured on the title of the Crystal Basin Ski Area that protects in perpetuity the area of land identified for protection on the Porters Ski Area Outline Development Plan.~~

25.3.1.10 All roofing materials and fixtures shall exclude copper, zinc, zincalume, lead and clay tiles.

25.4 Standards for Utilities

25.4.1 Utilities located within, and required to service the Ski and Recreation Sub-Zone (Porters), excluding telecommunication towers, shall not exceed:

- (a) Maximum height _____ 12m
- (b) Maximum building footprint _____ 50m²
- (c) Reflectance value _____ 37%

25.4.2 Utilities shall not be located on a ridge or break the ridgeline when viewed from State Highway 73.

25.45 Standards for Activities

General

25.45.1 Activities in the Porters Ski and Recreation Area shall be located generally in accordance with the Porters Ski and Recreation Area Outline Development Plan in Appendix 25 A.

25.5.2 Construction of earthworks activities in the Crystal Basin or Village Base Sub-Zones shall only commence on:

- (a) Completion of works which achieve the NZTA standard for sight-lines at the intersection of State Highway 73 and the Ski Area Access Road as set out in Table App5B/1 of NZTA's Planning Policy Manual Version 1 (August 2007) and provides at the same intersection seal widening sufficient for a right turn lane and left turn deceleration lane as set out in Figure 3.25a of the NZTA's Manual of Traffic Signs and Markings Part 2 section 3 (March 2011) and the left turn deceleration lane is to be marked.

(b) The requirements of Rule 25.3.1.3(a)(i) has been fulfilled.

25.45.23 No recreational activities shall be commenced in the Crystal Basin Ski Area Sub-Zone unless the requirements of Rule 25.3.1.3(a)(i) to (iii) inclusive have been met in full, a covenant has been secured on the title of the Crystal Basin Ski Area that protects in perpetuity the areas of land identified for protection on the Porters Ski Area Outline Development Plan.

25.4.3 Construction or earthwork activities in the Crystal Basin Ski Area or the Village Base Area shall only commence on completion of works which achieve the NZTA standard for sight lines at the intersection of State Highway 73 and the Ski Area Access Road.

25.5.4 All Ski Area and Recreation activities, buildings and earthworks located within the Porters Lower Slopes Sub-Zone (as shown on Appendix 25 A) shall be setback 15m from the banks of the Porter Stream. (see Rule 25.3.1.8 for definition of setback measurement).

25.5.5 All earthworks and buildings within Village Base Area 2 shown on Appendix 25 A shall be setback 5m from the banks of that portion of the Porter Stream identified as "Porter Stream setback" on Appendix 25 A. (See Rule 25.3.1.8 for definition of setback measurement).

25.56 Standards for Activities

Scale

25.56.1 The total number of beds for visitor accommodation within the Village Base Area Sub-Zone shall be limited as follows. For the purpose of this Rule visitor beds shall exclude beds in dwellings and one bed unit shall equal 1 person:

Village Base Area 2 (Slopeside Visitors Accommodation)	:	1,100
Village Base Area 3 (Village Centre):		1,600
Village Base Area 4 (Hotel and Visitor Accommodation):		500

25.56.2 The floor area occupied by commercial activities within the Village Base Area Sub-Zone shall be limited as follows:

Village Base Area 2 (Slopeside Visitors Accommodation)	:	1,610m ²
Village Base Area 3 (Village Centre):		7,624m ²
Village Base Area 4 (Hotel and Visitor Accommodation):		575m ²

25.7 Outdoor Lighting in the Village Base Sub-Zone

25.7.1 All outdoor lighting in the Village Base Sub-Zone (Areas 1 to 5 inclusive) shall comply with the following standards:

25.7.1.1 All outdoor lighting shall be shielded from above in such a manner that the edge of the shield shall be below the whole of the light source.

25.7.1.2 All outdoor lighting shall have a filter to filter out the blue or ultraviolet light, provided the light source would have more than 15% of the total emergent energy flux in the spectral region below 440nm. The filters used must transmit less than 10% of the light at any wavelength less than 440nm. This includes, but is not limited to, fluorescent, mercury vapour and metal halide lamps.

25.7.1.3 No street or road lighting shall be produced by high-pressure sodium, metal halide, mercury vapour lighting or fluorescent lighting.

25.7.1.4 There shall be no searchlights or floodlights, including floodlights used for illumination of buildings for aesthetic purposes.

25.7.1.5 All fixed lighting shall be directed inwards away from the Ski and Recreation Area boundary.

25.68 Standards for Roading

25.68.1 The following standard shall be met for the formation and establishment of any road that involves earthworks as a Controlled Activity:

25.68.1.1 In the Ski and Recreation Area Sub-Zone the formation of any road or road bridge shall be located generally in accordance with the Porters Ski and Recreation Area Outline Development Plan in Appendix 25 A.

25.79 Standards for Vehicle Parking

25.79.1 Any activity in the Ski and Recreation Area Sub-Zone which provides car parking in accordance with the following standards shall be a permitted activity.

25.79.1.1 Dwellings, and apartments occupied on a permanent basis- 1 on-site carparking space.

25.79.1.2 Visitor Accommodation Hotels – 1 space per 3 guest rooms up to 60 rooms, thereafter 1 space per 5 guest rooms. In addition, 1 coach park per 50 guest rooms and 1 staff space per 20 beds. The parks need not be located on the same site as the activity.

25.79.1.3 Visitor Accommodation Backpackers and Lodges – 1 space per 5 guest beds. In addition 1 coach park per 50 guest rooms and 1 staff space per 20 beds. The parks need not be located on the same site as the activity.

25.79.1.4 Apartments managed and occupied as part of visitor accommodation – 1 space per 15 apartments thereafter 1 per 2 apartments. In addition 1 coach park per 50 apartments and 1 staff space per 20 beds.

25.9.1.5 All car parking is to be formed to the relevant standards set out in Appendix 13 of the Townships Section of the District Plan.

25.810 Standards for Tree Planting and Landscape Treatment

25.810.1 All tree planting and planting for the purpose of re-vegetation, amenity or enhancement purposes shall be limited to the species listed in Appendix 25.4416.

25.810.2 All planting shall generally comply with the Outline Planting Concept in Appendix 25.4416. The planting provides for six plant mixes and the relative proportions of the dominant species in each planting mix shall conform with the requirements of Porters Ski and Recreation Area Outline Development Plan in Appendix 25 C-44.

25.11 Aircraft Movements

25.11.1 Aircraft movements for the purpose of the following activities shall be permitted without limitation:

(a) Ski and Recreation Area operations including avalanche management and control.

- (b) Emergency rescues and landings.
- (c) Construction and earthworks activities within the boundaries of the Ski and Recreation Area.
- (d) Firefighting.
- (e) Pest control.
- (f) The activities of the New Zealand Defence Force or Civil Defence.

25.11.2 Aircraft movement for all other purposes shall not exceed 10 excursions on any one day from 1 June to 31 October and 5 excursions on any one day from 1 November to 31 May in any calendar year. For the purposes of this standard an excursion shall be defined to mean a take-off and landing within the boundaries of the Ski and Recreation Area.

25.912 Restricted Discretionary Activities

Buildings

25.12.1 All building works associated with constructing a gondola located in the Crystal Stream Sub-Zone shown on Appendix 25 A shall be a restricted discretionary activity. The Council shall restrict its discretion to the matters listed in Rule 25.2.4.

25.12.2 All buildings located in that part of the Village Base Sub-Zone shown on Appendix 25 B as being Assumed Active Fault. The Council shall restrict its discretion to consideration of:

- (a) The risk of, and ability of buildings to withstand, fault rupture; and
- (b) The matters listed in Rule 25.2.4.

Height of Crystal Chalets

25.12.3 Crystal Chalets which exceed 8m (Rule 25.3.1.6) but are less than 13m in height shall be a restricted discretionary activity.

25.12.4 Under Rule 25.12.3 the Council shall restrict its discretion to consideration of:

- 25.12.4.1 Those matters contained in Rule 25.2.4.
- 25.12.4.2 The effect of additional building height on the views from the Village Base Sub-Zone towards Castle Hill and to the Crystal Valley.
- 25.12.4.3 The architectural design and profile of the building.
- 25.12.4.4 The materials and colour finish of the building.

Roading

25.912.45 Any activity which does not comply with Rule 25.68.1 shall be a restricted discretionary activity.

25.129.26 Under Rule 25.9.4.12.5 the Council shall restrict its discretion to consideration of:

- 25.9.212.6.1 The effect of changing the network or alignment of roads in terms of accessibility for a range of vehicle types to the different precincts within the Village Base ~~Area~~ Sub-Zone, having regard to gradient and geometry.
- 25.9.212.6.2 Any consequential effects of changing the road network on the layout of built development, services, infrastructure or the efficiency of inter-connecting pedestrian pathways or access trails to the Porters or Crystal Basin Ski Areas.

- ~~25.9.2~~12.6.3 The ability to effectively manage the stormwater and discharges from the road both during construction and operation and any consequential effects on land stability or other natural hazards.
- ~~25.9.2~~12.6.4 The effect of changing the road network on ecological, natural character or landscape values of the Ski and Recreation Area ~~Sub-Zone~~ and land immediately adjoining the ~~Sub-Zone~~zone.
- ~~25.9.2~~12.6.5 The effects of changing the Village Road network on the safety and efficiency of the Village traffic having regard to sight distances at intersections, conflicts between vehicles which may be queuing or crossing the road and potential conflicts with pedestrians.
- ~~25.9.2~~12.6.6 The degree of difficulty for vehicles entering/exiting a site or carpark and the potential for increased o-street parking with resulting effects on traffic safety and residential amenity.

Vehicle Parking

~~25.9.3~~12.7 Any activity which does not comply with Rule 25.79.1 shall be a restricted discretionary activity.

~~25.9.4~~12.8 Under Rule ~~25.9.3~~12.7 the Council shall restrict its discretion to consideration of:

- ~~25.9.4~~12.8.1 The extent to which car parking numbers can be reduced having regard to alternative methods of transportation that may be available within the Village Base ~~Area~~ Sub-Zone e.g., shuttles, inclinator.
- ~~25.9.4~~12.8.2 The extent to which public transport or group passenger transportation services may reduce the need for on-site carparking. This may include consideration of timetabling to coincide with Ski Area operating hours.
- ~~25.9.4~~12.8.3 Any effects on pedestrian amenity or safety from reduced car parking.
- ~~25.9.4~~12.8.4 The extent to which visitor accommodation or other activities within the Village Base ~~Area~~ Sub-Zone can demonstrate a lesser parking demand.
- 25.12.8.5 Whether a reduction in car parking within the Ski and Recreation Area would lead to parking demand outside that Area and the effects such parking would have on the efficient use of roads and traffic safety.

Night-Lighting for Recreational Activities and Outdoor Lighting in the Village Base Sub-zone

~~25.40~~12.9 The lighting of the Ski and Recreation Area for the purpose of facilitating night recreational activities shall be a restricted discretionary activity.

25.12.10 Any outdoor lighting in the Village Base Sub-Zone (Areas 1 to 5 inclusive) which does not comply with Rule 25.7 shall be a restricted discretionary activity.

~~25.40~~12.411 Under Rules ~~25.40~~12.9 and 25.12.10 the Council shall restrict its discretion to consideration of:

- ~~25.40.4~~12.11.1 The proposed lighting plan having regard to the number, location and spill of light.
- ~~25.40.4~~12.11.2 The effect of night lighting on ecological values.
- ~~25.40.4~~12.11.3 The effect of night lighting on rural amenity values from beyond the boundary of the Ski and Recreation Area ~~Sub-Zone~~ and its visibility from ~~the~~ State Highway 73.

Earthworks

25.12.12 Any earthworks in the Crystal Basin and Porters Lower Slopes Sub-Zones as shown on Appendix 25 A not listed as a Non-Complying Activity, limited to the purposes of:

- (a) Establishing ski trails and terrain parks.
- (b) Installing support structures for tows, lifts and gondolas.
- (c) Establishing trails for recreational activities including mountain biking, luge and walking trails
- (d) The construction of buildings, structures and utilities.
- (e) Forming access tracks.
- (f) The construction of snow making reservoirs.
- (g) Installing infrastructure for stormwater, wastewater disposal, water supply, electricity and telecommunications.
- (h) Establishing activities and facilities associated with the management and operation of a Ski Area in accordance with Rule 25.1.1.

25.12.13 Under Rule 25.12.12 the Council shall restrict its discretion to consideration of:

25.12.13.1 those matters contained in Rule 25.2.2; and

25.12.13.2 the effectiveness of any proposed mitigation measures or environmental offset/compensation.

25.12.14 Any earthworks associated with the construction of a gondola In the Crystal Stream Sub-Zone as shown on Appendix 25 A.

25.12.15 Under Rule 25.12.14 the Council shall restrict its discretion to consideration of those matters contained in Rule 25.2.2.

25.12.16 Any earthworks which do not comply with the standards in Rule 25.5.4 or Rule 25.5.5.

25.12.17 Under Rule 25.12.16 the Council shall restrict its discretion to consideration of:

25.12.15.1 those matters contained in Rule 25.2.2; and

25.12.15.2 the need for earthworks to improve public access to and along Porter Stream; and

25.12.15.3 the effects of earthworks on the natural character of Porter Stream and its margins.

25.12.18 An application required by Rules 25.12.12, 25.12.14 or 25.12.16 shall not be notified and the written approval of any other party will not be required.

Utilities

25.12.17 Any utility which does not comply with Rule 25.4 shall be a restricted discretionary activity.

25.12.18 Telecommunication towers located within the Ski and Recreation Area shall be a restricted discretionary activity..

25.12.19 Under Rules 25.12.17 and 25.12.18 the Council shall restrict its discretion to consideration of:

25.12.19.1 The function of the utility and its importance to the health, safety and wellbeing of residents and visitors to Porters Ski and Recreation Area.

25.12.19.2 The scale of the utility and any effects on ecological or landscape values.

25.12.19.3 The visibility of the utility beyond the boundary of the Porters Ski and Recreation Area.

25.12.19.4 Proposed methods of construction and the measures to avoid, remedy or mitigate construction effects on ecological, cultural and landscape values.

25.12.19.5 The location of any telecommunication tower and its impact on the values of the Outstanding Natural Landscape.

25.12.19.6 Alternative locations having regard to the operational requirements of the telecommunication tower and effects on landscape values.

25.12.20 An application required by Rules 25.12.17 or 25.12.18 shall not be notified and the written approval of any other party will not be required.

Aircraft Movements

25.12.21 Any aircraft movement which does not comply with Rule 25.11 shall be a restricted discretionary activity.

25.12.22 Under Rule 25.12.21 the Council shall restrict its discretion to consideration of:

25.12.22.1 Effects of aircraft movements on the wellbeing and safety of users and occupiers of the surrounding rural zoned land.

25.12.22.2 The anticipated frequency of movements.

25.12.22.2 The hours of the day within which the movements will occur.

Tree Planting and Landscape Treatment

25.12.23 Any planting which does not comply with rule 25.10.2 shall be a restricted discretionary activity.

25.12.24 Under Rule 25.12.23 the Council shall restrict its discretion to consideration of:

25.12.24.1 The appropriateness of the proposed mix of plants having regard to altitude and aspect which may achieve a more optimum and robust pattern of planting relative to the existing vegetation in the locality.

25.12.24.2 The aesthetic outcome from the proposed planting mix.

25.13 Discretionary Activities

25.13.1 All earthworks not otherwise provided for as a controlled, restricted discretionary or non-complying activity shall be a discretionary activity.

25.14 Non-Complying Activities

Buildings

25.14.1 Any building which does not comply with Rules 25.3.1.1 to 25.3.1.9~~10~~ shall be a non-complying activity, except for buildings in Village Base Area 5 where any building which does not comply with Rule 25.12.3 (restricted discretionary activities) shall be a non-complying activity.

Activities – General and Scale

~~25.44~~~~14~~.2 Any activity which does not comply with any of Rules 25.4~~5~~.1 to 25.4.3~~5~~.3 and 25.5.1 and 25.5.2 or 25.6.1 or 25.6.2 shall be a non-complying activity.

Tree Planting and Landscape Treatment

~~25.44~~~~14~~.3 Any activity which does not comply with Rule 25.8~~10~~.1 shall be a non-complying activity.

Removal of Indigenous Vegetation

~~25.44~~~~14~~.4 The removal of any indigenous vegetation exceeding an area of 5m² and not approved as part of a controlled activity in accordance with Rule 25.2.1 or restricted discretionary activity in accordance with Rule 25.12.12, Rule 25.12.14 or Rule 25.12.16 shall be a non-complying activity.

Earthworks Affecting Wetlands

25.14.5 Any earthworks affecting a wetland shall be a non-complying activity.

25.4215 Subdivision

Standards for Controlled Activities

25.4215.1 Subdivision within the Porters Ski and Recreation Area Sub-Zone which complies with the following standards shall be a Controlled Activity:

25.4215.1.1 All allotments to be used for residential, accommodation or commercial purposes shall be serviced by a reticulated supply of potable water.

25.4215.1.2 All new allotments to be used for residential, accommodation or commercial purposes shall be connected to a reticulated wastewater treatment and disposal system.

25.4215.1.3 Any new allotment within the Village Base ~~Area~~ Sub-Zone shall comply with the requirements of the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509—2008.

25.4215.1.4 The layout of roads and allotments shall conform with the Porters Ski Area Outline Development Plan.

25.4215.1.5 The number of fee simple, freehold residential allotments shall be limited to:

Village Base Area 1 (Porters Chalets):12

Village Base Area 5 (Crystal Chalets):33

Note: There shall be no minimum allotment size in the Porters Ski and Recreation Area Sub-Zone. There shall be no limits on the number of fee simple, freehold, unit, strata or cross lease titles within the Village Base Area 2 (Slopeside Visitors Accommodation), Village Base Area 3 (Village Centre) and Village Base Area 4 (Hotel and Visitor Accommodation).

25.4215.1.6 Prior to the grant of resource consent for a subdivision creating any new allotments within the Village Base ~~Area~~Sub-Zone a covenant shall be secured on the title of the Crystal Basin Ski Area that protects in perpetuity the area(s) of land identified for protection on the Porters Ski and Recreation Area Outline Development Plan.

25.15.1.7 Erosion and sediment control measures shall conform with the Erosion and Sediment Control Plan approved by the Canterbury Regional Council for the establishment of infrastructure.

25.15.1.8 An Emergency Management and Response plan has been prepared. This plan shall be up-dated for each subdivision application made within the Village Base Area.

25.15.1.9 A Hazard Risk Assessment is completed. This shall include an avalanche control programme and proposed measures to reduce rock fall.

25.15.1.10 The State Highway 73 and Ski Area Access Road intersection is upgraded to the NZTA standard for sight lines at that intersection as set out in Table App5B/1 of NZTA's Planning Policy Manual Version 1 (August 2007) and seal widening is provided at the same intersection sufficient for a right turn lane and a left turn deceleration lane as set out in Figure 3.25a of the NZTA's Manual of Traffic Signs and Markings Part 2 section 3 (March 2011) and the left turn deceleration lane is to be marked.

25.4215.1.711 Prior to certification under section 224 of the Resource Management Act for:

(a) the 67th residential allotment within Village Base Area 1 (Porters Chalets), or the 16th residential allotment within the

~~Village Base Area 5 (Crystal Chalets)~~; the following infrastructure must be established within the Crystal Basin Ski Area:

- (i) ~~Formation of an access track linking the Porters Basin to Crystal Basin; and~~
- (ii) ~~Construction and commissioning of a snowmaking reservoir; and~~
- (iii) ~~Construction and commissioning of a gondola from the Village Centre to Crystal Basin; and~~
- (iv) ~~Construction and commissioning of a chairlift providing access to the top of the Crystal Basin Ski Area; and~~
- (v) ~~A Day Lodge; and~~
- (vi) ~~Ski trails with a daily capacity for up to 1,500 skiers.~~

(b) Any allotment within Village Base Area 5 (the Crystal Chalets), the following requirements must be met in full:

- (i) The replacement and up-grading of the 3 T-bar lifts existing in Porters Ski Area as at (insert date PC25 made operative); and
- (ii) The decommissioning of the ski access road between the Village and Porters Ski Area for private vehicle use; and
- (iii) The construction and occupation of 4 buildings in the Village Base Area 3 (Village Centre).

25.125.2 Under Rule 25.4215.1 the Council shall reserve its control over the following matters:

25.4215.2.1 Those matters contained in Rule 10.1.2.

25.4215.2.2 Any effects on ecological and landscape values that may arise from the proposed layout and density of allotments.

25.4215.2.3 Any effects on ecological values that may arise from the proposed layout and density of allotments. This shall include effects on the function and integrity of plants and habitat. In particular, vegetation in herbfields, boulderfields, scree and spring flushes should be avoided in the first instance. If unable to be avoided then measures should be taken to minimise or mitigate the extent or nature of disturbance. Regard shall be given to the effectiveness of the measures to maintain the function and integrity of plants and habitats assessed. (See Rule 25.2.2 to be applied when identifying these plants and communities).

25.15.2.4 The boundaries of the proposed allotments in relation to natural or physical features.

25.4215.2.5 The use of conditions to require all earthworks to be subject to an Accidental Discovery Protocol, requiring contractors to be trained in the recognition of archaeological sites and artefacts.

25.4215.2.6 The use of conditions to require a construction management plan which shall set out the proposed methods and protocols for construction including:

- (a) timing of works;
- (b) cleaning of machinery prior to access to the Porters Ski and Recreation Area Sub-Zone to avoid the spread of weed and pest species;

- (c) protection of waterways and wetlands;
 - (d) protection or avoidance of areas of ecological sensitivity;
 - ~~(d) — management of ground disturbance;~~
 - (e) management of dust emissions;
 - (f) management and storage of hazardous substances, including an emergency response protocol for accidental spillages;
 - (g) traffic management for all construction related vehicles. This shall include control of access from the state highway and management of traffic, including parking within the construction site to avoid wider ground and vegetation disturbance.
- 25.4215.2.7 The ability for roads, accessways and building sites to be constructed without any adverse effects on ground stability.
- 25.4215.2.8 The adequacy of provisions for stormwater management in relation to discharge from roads, accessways and building platforms.
- ~~25.15.2.9 Street or road lighting and the avoidance of lighting produced by high-pressure sodium, metal halide, mercury vapour or fluorescent lighting.~~
- ~~25.12.2.9 The location and design of the intersection of the Ski Area Access Road with State Highway 73 having regard for safety and efficiency, including the achievement of safe sight distances and provision of turning lanes.~~
- 25.4215.2.10 The mechanism for achieving the protection of ecological values within the riparian margin on either side of the Porter Stream from its source to the Porter River in perpetuity.
- 25.4215.2.11 The use of conditions to require the development and implementation of a restoration plan that shall detail how the ground is to be re-contoured, re-vegetated and maintained post-construction of roads, accessways and building platforms.
- 25.4215.2.12 The use of conditions to require the development and implementation of an Environmental Management Plan that achieves the following (this rule duplicates Rule 25.2.2.13 which applies to those circumstances where development proceeds without the need for a subdivision consent):
- (a) -Principles and monitoring regime for management of stormwater, erosion and sediment control related to Ski Area operations and maintenance;
 - (b) -Principles for management of construction activities and restoration of earthworks
 - (c) -Pest and weed management
 - (d) -Management of habitats and species, including Keas and riparian margins
 - (e) Management of the Red tussock gully as shown on the Porters Ski and Recreation Area Outline Development Plan in Appendix 25 B.
 - (f) -Enhancement of Crystal Stream
 - (g) Protection of any wetland
 - (h) -Storage and removal of solid wastes
 - (i) -Storage, management and use of hazardous wastes

Non-Complying Activities

25.4215.3 Any subdivision which does not comply with Rules 25.4215.1.1 to 25.4215.1.711 shall be a non-complying activity.

25.4316 Reasons for Rules

Buildings

The rules for buildings set the thresholds for built development beyond which further consideration and control is required. The standards require development to be located in accordance with the Outline Development Plan and set maximums for building height, number of buildings and building footprints. ~~The Crystal Chalets are subject to a lower height standard, necessary to ensure that view shafts from the village towards Castle Hill and Crystal Valley are preserved.~~

These standards are intended to ensure that building mass is distributed amongst a number of individual buildings and large, monolithic structures are avoided. The separation between buildings will provide light and views with the assessment criteria encouraging greater architectural articulation and higher quality finish as well as providing space for indigenous vegetation that will provide context for the buildings and contribute to the mountain setting. The rules for building mass are further complemented by rules which cap the total number of buildings within the Village Base ~~Area~~Sub-Zone. The Village Base ~~Area~~Sub-Zone is in turn divided into different sub-areas within which the number and size of buildings is capped. This is to ensure that the scale and intensity of development within different parts of the Village respond to the variable landscape and ecological values across the site. Some parts of the Village Base ~~Area~~Sub-Zone are intended to have a greater concentration and density of development while the outer edges of the Village Base ~~Area~~Sub-Zone provide for a much reduced development pattern. This variability is in response to the sensitivity of the interface between the ~~Sub-Zone~~zone and the Outstanding Natural Landscape.

~~A staging plan limits is placed on the number of buildings within the Village that can be constructed and occupied (limited to a maximum of 50% of the total buildings permitted) until such time as the Crystal Basin has established prescribed infrastructure and is operational. This is to ensure that the Village does not develop as a stand-alone commercial and residential facility without delivering the social, recreational and economic benefits of the expanded Ski and Recreation Area. It does however enable some capital to be released for development of the Crystal Basin Ski Area.~~

~~A further limitation is placed on the Crystal Chalets (Village Base Area 5). These are not to be constructed until such time as further up-grading of ski infrastructure occurs in Porters Ski Area, the access road between the Village and Porters Basin is decommissioned in respect of private vehicle use and 25% of the Village Centre buildings are constructed. These chalets are the most visible from the State Highway and staging will ensure that the chalets are not constructed in isolation or without the benefits of the village centre.~~

~~An assumed active fault underlies the Village Base Area. The Council has retained discretion over buildings within the affected area to enable a more thorough assessment of the risk of earthquake from this fault at the time buildings are to be erected.~~

A building setback from the watercourse (Porter Stream) that crosses through the Village Base ~~Area~~Sub-Zone is required in order to protect the ecological and natural character values of the riparian margins of the stream. Similarly, a Red Tussock Gully within the Village is to be kept free buildings and hardstand in order to protect the ecological and hydrological function of this gully.

These rules reflect the outcomes of the masterplanning process which assessed the capacity of the landscape to absorb change. Development beyond these standards therefore has the potential to adversely affect the values of the surrounding environment and the non-complying status for buildings which exceed these levels reflects a clear capping of built development.

In addition to the standards, at a minimum all buildings and structures are to be assessed as controlled activities. This process of consideration reflects the need to respond to and respect the landscape values of the surrounding Outstanding Natural Landscape. The assessment matters trigger consideration of the final form, finish and appearance of buildings as well as the layout and functioning of built development within the Village Base ~~Area~~Sub-Zone. The Village Base ~~Area~~Sub-Zone is an area of public congregation and social activity where considerations such as relationship to public spaces, landscape treatment, pedestrian connectivity and safety are relevant considerations.

Fencing is ~~not provided for~~limited within in the Village Base Area ~~Sub-Zone~~ to maintain a sense of spaciousness and views between buildings as well as ensuring that elements of suburbanisation are actively avoided. Exception is made for walls constructed of natural rock and fencing required for protecting vegetation and sediment control

With respect to the Ski Areas, these are to be free of any accommodation activities and structures, ~~and except for essential infrastructure for access and amenity facilities for up the mountain and the safe operation and enjoyment of the mountain for skiing.~~ The considerations for these structures are more focused on appropriate location e.g., avoiding ridges and skylines~~ing~~ and ensuring that the final design, finish and colour complement the landscape as far as practicable.

Rule 25.3.1.8-3(a)(i) does not allow any buildings or structures to be erected in the Crystal Basin Ski Area unless a covenant has been secured for the protection, in perpetuity, of significant indigenous vegetation. It is proposed that these areas are avoided during establishment and operation of the expanded Ski Area into Crystal Basin. This rule complements the same provision which is also applied to subdivision and recreational activity.

In addition, the rules require that prior to the construction of buildings the developer must prepare an Emergency Management and Response Plan and a Hazard Risk Assessment is completed. These measures are necessary to ensure that the safety and wellbeing of future residents and visitors to the Sub-Zone has been considered.

Utilities

The standards for utilities are separate from those that apply to buildings. It is anticipated that the majority of the utilities will be located underground. Within the Village, undergrounding of services would ensure that the amenity values of the resort are high, while on the mountain, the harsh climatic conditions and functionality of the ski field require services to be underground.

Generally, it is anticipated that utilities can be located within the Village without significant adverse effects on landscape values. Utilities are therefore deemed to be permitted activities subject to performance standards which ensure they remain at a scale which is appropriate having regard to the anticipated scale of built development. In addition, the reflectivity of the utility is to be kept to a lower level.

On the mountainside, there will be support structures associated with lifts and ski tows that will be similar in effect to a moderate scaled utility tower. However, due to the potential for a communication tower to be located at altitude it may be highly visible from a wider area. To assess the effects of such towers on landscape values a resource consent is required with Council reserving the ability to assess those impacts along with effects on ecological values during construction.

Location and Scale of Activities

Activities are required to be located in accordance with the Outline Development Plan. The Outline Development Plan generally requires buildings to be located in close proximity, minimising their outward spread. This avoids effects on the surrounding environment beyond the Ski ~~and Recreation Area Sub-Zones~~ as well as encouraging a village atmosphere. This rule complements Rule 25.3.1.1 which restricts the location of buildings. It also works in combination with Rules 25.5.1-6 and 25.5.2 which limits commercial floorspace and bed numbers in particular parts of the Village Base Area ~~Sub-Zone~~. ~~These~~ This rules ~~have~~ has the effect of requiring further consideration where activities may relocate and concentrate in an area that was not contemplated in the Outline Development Plan. e.g., the activities of the Village Centre move to occupy buildings in the Hotel and Accommodation Zone. Such a dispersal of activity may have traffic and pedestrian access effects that may compromise the proposed traffic circulation network and efficiency of the Village. Any increase in density of bed numbers or commercial floor area may also have the effect of increasing pressure on water supply and wastewater disposal which have been designed not to exceed a specified capacity.

Rule 25.45.2-3 requires that prior to any recreational activities taking place in the Crystal Basin Ski Area that a protective covenant is secured over significant indigenous vegetation. This rule complements a similar provision that applies to buildings and subdivision. The provision is applied to recreational activities as there is potential for recreation to occur without the need for a building or subdivision.

In addition, the rules require that prior to recreation activities taking place in Crystal Basin the developer must prepare an Emergency Management and Response Plan and undertake a Hazards Risk Assessment. This is to ensure that the safety and wellbeing of future residents and visitors to the Sub-Zone have been considered in advance of activities taking place.

Roading and Vehicle Parking

Rule 25.68.1.1 requires roads to be located in accordance with the Outline Development Plan. The Outline Development Plan reflects the outcome of detailed site investigations which have considered and optimised the alignment and gradient of roads in order to efficiently and safely access the Village and Ski Areas. This has involved consideration of the requirements of coaches, trucks and cars which may all need to access the Village environment carrying residents, visitors, workers or delivering services. Any change to the road alignment shown in the Outline Development Plan must be assessed in terms of accessibility and relationship to the proposed activities and buildings. Similarly, any changes to the road alignment may have consequences for earthworks or effects on ecological or landscape values.

Rule 25.79.1 sets the standard for car parking. Car parking is a significant part of the development of a Ski Area where there is a high number of day visitors anticipated. Car parking must be located and designed to be accessible and convenient and any change to the Outline Development Plan may have consequences in respect of these matters.

Earthworks

Rule 25.2.1 provides for earthworks within parts of the Ski and Recreation Area as a controlled activity. The Ski Area Sub-Zone is intended to enable the efficient use of the Ski Area's physical and natural resources and to provide for activities which can be reasonably anticipated within a Ski Area without the need for on-going resource consent processes. Earthworks are a necessary component of the development and maintenance of a Ski Area. In establishing the Ski Area Sub-Zone In these sub-zones the effects of Ski Area related earthworks have already been assessed with respect to their nature and scale. and Council's considerations are therefore limited to the detail of how the earthworks are to be managed.

The matters over which Council has reserved its control are ~~therefore~~ focused on how the earthworks are to be managed and requiring adverse effects on the environment to be avoided or minimised. These considerations include the maintenance of soil and ground cover, the effects on non-vegetated scree slopes, the sensitivity of in-stream values and significance of indigenous vegetation.

In those Sub-Zones where the earthworks are not provided for as controlled activities the nature and scale of the earthworks are assessed to likely be adverse to ecological features. The Council has retained a discretion to require appropriate environmental compensation for such effects.

Rule 25.14.5 provides for earthworks within a wetland as a non-complying activity. This is intended to discourage earthworks in relation to these features however it is acknowledged that essential elements of a Ski Area may still require some works to be undertaken in proximate locations. Extra management and care will be required to minimise or mitigate the effects of any works or innovations in design integrated into the final proposal where possible to maintain the function of the wetland.

Tree Planting and Landscape Treatment

Rule 25. 8-10 limits tree and landscape planting to a list of preferred species. This reflects the sensitivity of this mountainous environment and the need to ensure that the Ski and Recreation Area Sub-Zone retains integrity in terms of plant species. In this context it is necessary that planting does not introduce uncommon plants to the locality or create any visual and ecological contrasts with the surrounding High Country.

The rule also controls the pattern and mix of plants to ensure that a natural outcome is achieved. This requires a limit to the number of species used within a planting plan to ensure there is visual continuity and consistency with the vegetation patterns in the surrounding locality.

Night and Outdoor Lighting

The night sky in the High Country is valued for its clarity and absence of light pollution, and the opportunity this provides to view the stars and the Milky Way. Light pollution is caused by excess light shining upwards and outwards. To mitigate the effects of the Village lighting on the night sky the rules require all outside lights to be covered to prevent upward spill of light and to direct lighting into the village and away from the surrounding Rural Zone. In addition, the rules require the blue and violet light to be filtered and low-pressure sodium street lighting used. These measures will also subdue or have the effect of mitigating the presence of a Ski Area Village within the setting of the Outstanding Natural Landscape.

Rule 25.4012.9 makes the lighting of the Ski and Recreation Area for night-time recreational activities a restricted discretionary activity. As the Ski and Recreation Area Sub-Zone represents a node or location where recreation is intended to be enabled it is appropriate that some provision is made for night-time activity. This contributes to efficient use of the Ski Area resources and extends the time available for recreation for visitors and the community. A resource consent process ensures that effects on ecological values and rural amenity values, including views from the State Highway can be considered in relation to a specific lighting plan.

Removal of Indigenous Vegetation

Rule 25.144.4 limits the removal of indigenous vegetation. This rule applies to any activity which may involve the removal of vegetation beyond earthworks for construction of roads, buildings and utilities. It is critical to the ecological and landscape integrity of the Ski and Recreation Area Sub-Zone and its relationship to the adjoining High Country that ~~an~~ intact a-cover of indigenous vegetation ~~as possible~~ is maintained. Removal of indigenous vegetation leaving bare earth also creates the potential for exotic plants to invade the Ski and Recreation Area and facilitate the spread to unmodified areas. Accordingly, removal of indigenous vegetation is enabled only to a very minor scale within the Sub-Zonezone to avoid this scenario arising.

State Highway Intersection

Action is required to achieve safe sightlines at the intersection of the Porters Ski Area Access Road with the State Highway. There are potentially a number of technical remedies to the road and/or intersection that could achieve the required sight distance. Rule 25.4.35.2(a) requires that the sightline distance, seal widening and road marking at the intersection is remedied prior to the commencement of any construction or earthwork activities within the Crystal Basin Ski Area in the event that this work proceeds without a need for subdivision. A similar requirement is imposed on Rule 25.42.2.814.1.10 ~~where the sightlines at the intersection must be addressed as a condition of subdivision consent to provide certainty that in the event of subdivision the upgrade of the Porters Ski Area Access road and State Highway 73 intersection is undertaken by a single land developer prior to the issue of titles and in a timely manner.~~

Aircraft Movements

The use of helicopters for Ski Area operation and maintenance such as avalanche control is a permitted activity within the zone. Helicopters also positively assist with construction activities by enabling access without access tracks and wider areas of disturbance. It is anticipated that the Area may also provide a helicopter base for emergency services, fire fighting etc.

In addition, it is acknowledged that residents of, and visitors to the Ski and Recreation Area, may wish to access recreational activities in the wider Craigieburn Range such as hiking, heliskiing, hunting and fishing. A cap has been placed on aircraft movements associated with these activities to ensure that any potential effects on the receiving environment are considered.

Subdivision

Subdivision is required to meet a number of standards requiring infrastructure and services to be available for subdivision and for allotments and roading to conform to the Outline Development Plan. The purpose of the Outline Development Plan is to manage the effects of development and it is therefore necessary and appropriate that subdivision be required to conform to this layout. In addition the number of allotments for dwellings is to be capped. This complements the rules that limit building development and activities.

Within the Crystal Basin ~~Ski Area~~ Sub-Zone there are areas of significant indigenous vegetation that must be protected. It is therefore a pre-requisite of any subdivision within the Village Base Area Sub-Zone that these areas are subject to a protective covenant.

In addition, the rules require that prior to subdivision a Hazards Risk Assessment is undertaken. This Assessment should be undertaken by an engineer and inform, in greater detail, the appropriateness of particular building sites that may be created through subdivision within the zone having regard to the natural hazard risks relevant to the locality.

The developer must also prepare an Emergency Management and Response Plan. This is to ensure that the safety and wellbeing of future residents and visitors to the zone has been considered in advance of activities taking place.

A staging rule is also proposed. This enables some development of Porters Chalets and the Village Centre to proceed parallel with the development of Crystal Basin Ski Area. Section 224 certificates for further subdivision for the Crystal Chalets will not however be issued until such time as further up-grading of ski infrastructure occurs in Porters Ski Area, the access road to Porters Basin is decommissioned for private vehicle use and 25% of the buildings in the Village Centre are built. Rule 25.12.1.7 limits the number of residential allotments to 50% of the total permitted until such time as Crystal Basin has been established as a Ski Area. The purpose of the rule is to avoid a scenario where the Village Base Area Sub-Zone is developed without any development of the Crystal Basin Ski Area or the up-grading of Porters Ski Area. This provides for some capital to commence works but ensures that the recreational, social and tourism benefits of the expanded Ski and Recreation Area are delivered.

APPENDIX 25.4417: LANDSCAPE AND BUILDING DESIGN REQUIREMENTS AND PRINCIPLES

PLANT LIST

Rule 25.810.1 requires all planting to be limited to the following species.

Botanical Name	Common Name
Chionochloa macra	
Chionochloa flavescens	snow tussock
Chionochloa rubra	red tussock
Festuca novae-zelandiae	short tussock
Poa colensoi	blue tussock
Acena sp	
Anaphalioides bellidioides	
Astelia nervosa	
Blechnum penna marina	
Brachyglottis bellidioides	
Carmichaelia monroi	
Celmisia angustifolia	
Celmisia gracilentia	
Celmisia lyallii	
Celmisia spectabilis	
Muehlenbeckia axillaris	
Parahebe odora	
Pimelea oreophila	
Polystichum richardii	
Raoulia subsericea	
Scleranthus uniflorus	
Discaria toumatou	Matagouri
Dracophyllum acerosum	
Hebe odora	
Kunzea ericoides	
Ozothamnus leptophyllus	
Podocarpus nivalis	
Notofagus solandrii var cliffortioides	mountain beech
Carmichaelia australis	native broom
Coprosma cheesemanii	
Dracophyllum uniflora	
Dracophyllum pronum	
Gaultheria crassa	
Gaultheria depressa var. novae-zelandiae	
Acrothamnus colensoi (prev. Leucopogon colensoi)	

Leptosperma scoparium	Manuka
Melicytus alpinus	
Pimelia traversii	
Olearia avicenniifolia	

OUTLINE PLANTING CONCEPT AND PLANT MIX

Rule 25.810.2 requires that all planting shall generally comply with the Outline Planting Concept. The Outline Planting Concept provides for six plant mixes. The relative proportions of the dominant species in each planting mix shall be as follows:

I. Mountain Beech;

Mountain Beech	% by number of plants
Notofagus solandrii var cliffortioides	30%
Dracophyllum acerosum	30%
Chionochloa flavescens	30%
Hebe odora	10%

II. Mountain Beech / Kanuka mix

Mountain Beech / Kanuka mix	% by number of plants
Notofagus solandrii var cliffortioides	30%
Kunzea ericoides	20%
Dracophyllum acerosum	25%
Chionochloa flavescens	20%
Chionochloa macra	5%

III. Kanuka / Mountain Beech mix

Kanuka / Mountain beech mix	% by number of plants
Kunzea ericoides	40%
Notofagus solandrii var cliffortioides	10%
Dracophyllum acerosum	15%
Chionochloa flavescens	15%
Chionochloa macra	5%

From list	15%
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IV. Dracophyllum mix

Dracophyllum Mix	% by number of plants
Dracophyllum acerosum	50%
Chionochloa flavescens	30%
Chionochloa macra	10%
From list	10%

V. Red tussock

Red Tussock	% by number of plants
Chionochloa rubra	70%
Chionochloa flavescens	20%
Chionochloa macra	10%

VI. Short tussock / blue tussock mix

Short tussock / Blue tussock mix	% by number of plants
Poa colensoi	60%
Festuca novae-zelandiae	25%
Acena sp	15%

DESIGN PRINCIPLES FOR BUILDINGS

Material and Colours

1. Buildings that are visible from SH73 should be sited and designed to blend in with the colour and textures of the High Country environment.
2. All exterior building materials, colours and reflectances should be appropriate for the High Country environment when viewed in the summer months in the absence of snow.
3. Cladding materials considered appropriate include:
 - Concrete
 - Local stone
 - Stained timber
 - Naturally weathered timber
 - Corten steel
 - Glass
4. Roofing materials and fixtures shall exclude copper, zinc, zincalume, lead and clay tiles.
5. Metal roofs shall be finished in matt, low reflectivity tones and hues.
6. Colours for roofing and cladding materials shall be restricted to a muted colour palette of browns, greens, greys or black.
7. Brighter colours can be used to accent building elements such as doors, window frames, trim and other architectural details.
8. All buildings should be designed by registered architects.
9. Where possible, building proportions should reflect the vertical dimensions rather than flat horizontal dimension.
10. Buildings should be designed to sit comfortably in the natural landscape while making a positive contribution to the overall alpine village character and minimising the need for retaining walls .
11. A variation in the number of floors on each building as well as on adjacent buildings is encouraged.

12. Roofs are generally to be of medium pitch with reference to the angles of the mountain landforms with overhangs designed to hold snow.
13. Upper floors of buildings should be built into roof forms, using dormer windows to reduce building height.
14. Retaining structures should be planted out with indigenous vegetation.

Public Realm

1. The Village Centre should provide one focal building with an active edge which is located to the south of a Village Square.
2. The Village Square should be an attractive space with dimensions of at least 30m x 30m and should have active edges on at least three sides.
3. The height and location of the buildings enclosed in the Village Square should provide for maximising solar access at the south half of the Square in particular.
4. A network of formed “natural looking” paths linked to but not parallel to roads should provide alternative pedestrian routes.

Roading Layout and Car Parking

1. The design of roads in the Village should promote a rural character and avoid an appearance of typical suburban streets.
2. Car parking associated with dwellings should be provided on-site while car parking associated with visitor accommodation and day visitors should be provided in close proximity to the Village Centre.
3. Visitor arrival and drop-off should be conveniently located relative to the Village Centre and accommodation facilities.

Overland Flow Paths

1. There are a number of depressions in the Village area landscape that resemble overland flow paths. Where possible, these features should be retained and enhanced with landscaping.
2. In the event that these features are disturbed by earthworks, roads or buildings, they should be recreated as close as possible to the original feature.

Add Outline Development Plan

Appendix 5: PC25 – Recommended Version

PLAN CHANGE 25

PROPOSED PORTERS SKI AND RECREATION AREA EXPANSION

PRIVATELY REQUESTED CHANGE TO THE SELWYN DISTRICT PLAN

DISTRICT PLAN AMENDMENTS

PART A – INTRODUCTION

- 1 Amend **A4.5 the Rural Area and Zones, the Hill and High Country** (page A4-012) by adding the following new paragraph between the existing paragraphs 5 and 6:

“Recreation is an important activity within the High Country. The mountains of the District are accessed for a range of passive and active sporting activities including fishing, hunting, tramping, mountain-biking, skiing and other snow sports. There are a number of Ski Areas within the Selwyn District. These include Porters, Mt Cheeseman, Broken River, Mt Olympus, Craighburn Valley and Temple Basin. Of these Ski Areas, Porters is the largest commercial area and has been up-graded and expanded into the adjoining Crystal Basin. It is specifically recognised with a Ski and Recreation Area zoning which enables ski-field infrastructure and activities to be established and developed. Porters Ski Area is also distinguishable as providing New Zealand’s first on-mountain village with permanent and visitor accommodation and commercial activities. This village base enhances accessibility to the mountains in this locality and is a year-round tourist destination.

PART B – ISSUES, OBJECTIVES AND POLICIES

1 Natural Resources

- 2 Amend **B1.4 Outstanding Natural Features and Landscapes – Issues, High Country** (page B1-037) by replacing the existing paragraph 7 with the following new paragraph (new wording underlined):

Uses which are generally inappropriate in the Areas of Outstanding Natural Features and Landscape in the high country are large structures and buildings, houses (outside existing building nodes), large scale commercial buildings and industrial developments and exotic plantations. Large structures and buildings have the potential to alter the sense of remoteness from people and untouched country, which are features of the Areas of Outstanding Landscape in the high country. Exotic plantations can alter the predominant vegetation cover from brown tussocklands, which is a hallmark of the Canterbury High Country landscape. The Plan policies encourage these activities to occur on land which is outside the Areas of Outstanding Natural Features and Landscapes in the high country. The policies recognise exceptional circumstances where large structures or building, houses (outside existing building nodes), large scale commercial buildings, industrial developments or exotic plantations may be necessary or appropriate uses in the Areas of Outstanding Natural Features and Landscapes. Porters Ski and Recreation Area is one such exception, where the policies provide for large-scale but concentrated development that will be carefully designed to complement the Outstanding Landscape it is located in.

- 3 Amend the **Explanation and Reasons** to the **District Wide Outstanding Natural Features and Landscapes – Policies and Methods** (Page B1-039) by adding the following new wording (as underlined) to the end of the first paragraph:

Policy B1.4.1 recognises that much of the land in the Areas of Outstanding Natural Features and Landscapes has been modified by human occupation or use. Consequently, these areas contain man-made or physical elements, for example, modified vegetation cover such as pasture or exotic trees, stock fences, roads and other utilities, dwellings, accessory buildings and Ski Area infrastructure. Landscapes do not need to be naturally pristine to be outstanding. However, where a landscape is outstanding and contains man-made or physical elements, such elements may represent appropriate uses in these areas. One such example is the Porters Ski and Recreation Area. Snow sports are predominantly limited to specific and defined locations within the mountains. Ski Areas enhance public access to and enjoyment of the mountains but require modification and development. As Ski Areas are dependent on a mountain location their infrastructure and facilities are an anticipated feature of the high country.

- 4 Amend the **Explanation and Reasons** for **Policy B1.4.22** (page B1-048) by adding the following new words as underlined below:

The original vegetation cover has been altered by fires and pastoralism, and the area contains some improved pasture, shelter belts, small structures, ski field infrastructure and earthworks associated with activities such as pastoralism, outdoor recreation and access tracks.

- 5 Add a new **Policy B1.4.25** as follows and consequently renumber all the following policies.

Policy B1.4.25

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

- 6 Add a new paragraph to the end of the **Explanation and Reasons** for Policies B1.4.22 to B1.4.25 (pages B1-048 to B1-049) as follows:

Policy B1.4.25 provides specific recognition of an on-mountain village at Porters Ski and Recreation Area. This policy is to be achieved through a Ski and Recreation Area which enables a node of built development to be established within a defined location at the base of the Porters Ski Area. The Ski and Recreation Area provides for a concentration of built development for accommodation and commercial purposes which are complementary to ski field activities as well as enhancing its role as a tourist and recreation destination.

The provision of a Ski and Recreation Area acknowledges the relative importance of this concentration of development to the ski industry and the district and region in terms of tourism and economic wellbeing. It puts in place a special management framework which is site specific and responsive to the values of this particular locality. The management framework has been derived from a comprehensive masterplanning and investigative process and delivers an outcome with a high level of certainty in respect of layout and effects on the values of the site.

- 7 Amend the **Explanation and Reasons** for **Policy B1.4.29** (page B1-050) by inserting the following new paragraph:

The establishment and maintenance of ski trails and infrastructure requires earthworks and the movement of scree. The Porters Ski and Recreation Area provides a separate set of rules for managing the effects of earthworks in that zone.

2 PHYSICAL RESOURCES

- 12 Amend **B2.2 Utilities – Need for Utilities** (page B2-018) by adding new wording to the second sentence of the second paragraph as follows (new wording underlined):

The District Plan allows for residential development at higher densities in the Rural zone immediately surrounding townships and in the Porters Ski and Recreation Area (see Section B4.1 Residential Density and Subdivision).

3 PEOPLE'S HEALTH, SAFETY AND VALUES

- 13 Amend **Natural Hazards – Policies and Methods, Localised Natural Hazards, Policy B3.1.6, Explanation and Reasons** (page B3-007) by adding the following new wording to the end of the first paragraph:

It is acknowledged that the Porters Ski and Recreation Area does provide for multi-level buildings. An assessment undertaken for this defined area in establishment of the zone concluded that the major part of the zone was not subject to a greater risk of loss of life or property relative to other parts of the District. However, further detailed work is required within part of the zone to ensure it is appropriate for the location of multi-level buildings.

- 14 Amend **Quality of the Environment – Policies and Methods Rural Character, Policy B3.4.1, Explanation and Reasons** (page B3-035) by adding the following new wording (underlined) to the second sentence:

Policy B3.4.1 recognises that the Rural zone is principally a business area. Farms, forests, ski areas and other rural activities are businesses and they need to operate efficiently and with as few restrictions as practical.

- 15 Amend **Quality of the Environment – Policies and Methods Rural Character, Policy B3.4.2, Explanation and Reasons** (page B3-036) by adding a new bullet (underlined) as follows:

- *Farming*
- *Forestry*
- *Ski Areas*

- 16 Amend **Quality of the Environment – Policies and Methods Rural Character, Policy B3.4.5, Explanation and Reasons** (page B3-038 to B3-039) by adding the following new wording to the end of the third paragraph:

Similarly, an exemption is also made for the Porters Ski and Recreation Area. Within this zone there is provision for the establishment of a Village Base Sub-Zone to provide on-mountain accommodation and commercial services complementary to the Porters Ski Area. The Village is defined to a specific and

discrete location and the planning rules limit built development and confine its layout within an Outline Development Plan. The nature and scale of the Village and its relationship to a commercial Ski Area means that there is unlikely to be a cumulative effect on building development throughout the Rural zone.

- 17 Amend **Quality of the Environment – Policies and Methods Rural Character, Policy B3.4.6, Explanation and Reasons** (page B3-039) by adding the following new wording to the end of the first paragraph:

An exemption is made for the Porters Ski and Recreation Area where a node of accommodation and commercial activity is considered appropriate as complementary to the Ski Area. The layout, scale and form of built development within this zone is required to demonstrate its responsiveness to the landscape and ecological values of the locality. Some multi-storey development is anticipated as capable of being absorbed within the dominating mountain landscape.

- 18 Amend **Quality of the Environment – Policies and Methods Rural Character** (page B3-039) by adding a new Policy B3.4.7, Explanation and Reasons and Method, and renumbering all subsequent policies accordingly:

Policy B3.4.7

Provide for a concentration of built development in the Porters Ski and Recreation Area.

Explanation and Reasons

Policy B3.4.7 recognises that the Porters Ski and Recreation Area is recognised as a node for the maintenance and further development of Ski Area activities. In addition to new Ski Area infrastructure, the zone anticipates the development of a Village with permanent and visitor accommodation, commercial activities such as restaurants and complementary recreation activities. This built development would be at a higher density and form than is anticipated elsewhere in the high country but reflects the significance of the Porters Ski Area as a recreation area and tourist destination.

Method

District Plan Rules

- *Ski and Recreation Area Outline Development Plan*
- *Buildings*

4 GROWTH OF RURAL AREA

- 19 Amend **B4.1 Residential Density and Subdivision in the Rural Area – Issues** (page B4-001) by adding the following new bullet at the end of the list:

- *Meeting international visitor demands for on-mountain accommodation.*

- 20 Amend **B4.1 Residential Density and Subdivision in the Rural Area – Issues, Residential Density** (page B4-001) by adding a new fifth paragraph as follows:

In addition there are specific residential and visitor accommodation demands associated with commercial Ski Areas. Ski Areas are a significant component of New Zealand's winter tourism industry

for both domestic and international visitors and the Porters Ski Area is the largest commercial Ski Area in the Selwyn District.

- 21 Amend **Residential Density and Subdivision in the Rural Area – Strategy** (page B4-003) by adding the following new bullet to the list:

- Provide for permanent and visitor accommodation in the Porters Ski and Recreation Area.

- 22 Amend **Residential Density and Subdivision in the Rural Area – Objectives** (page B4-003 and B4-004) by adding the following new Objective B4.1.4 with associated policies and the following new paragraph to the Explanation and Reasons.

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.

Explanation and Reasons

Objective B4.1.4 is concerned with the development of residential and visitor accommodation, commercial and associated tourist and recreation activities at the Porters Ski Area. The density of this development will be more concentrated than in other parts of the high country. This reflects the skier capacity of the Porters Ski and Recreation Area and the associated demand for on-mountain accommodation and convenient access as part of the recreation experience. It is appropriate that this residential development is concentrated to avoid the dispersal of potential environmental effects.

At Porters Ski Area the layout and form of development is able to be absorbed within the landscape. It is contained within a discrete valley some distance from the state highway and its development will remain subordinate to the mountainous location. Similarly, the scale and concentration of residential development should ensure that effects on ecological values from residential activity can be avoided, remedied or mitigated.

- 23 Amend **Residential Density and Subdivision in the Rural Area – Policies and Methods, Policy B4.1.4** to read as follows (new wording underlined):

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

- 24 Amend **Residential Density and Subdivision in the Rural Area – Policies and Methods, Policy B4.1.4 Explanation and Reasons** (page B4-007 and B4-008) by adding the following new wording to the end of the last paragraph:

The Porters Ski and Recreation Area is also exempt from this policy. The zone has been created to recognise the existing Porters Ski Area and its expansion, as well as providing for a concentration of residential development at the base of the Ski Area. Due to the scale of the skier capacity and its significance as a tourist and recreation destination within the District, a greater density of residential development is proposed within the zone than is provided for in other parts of the High Country.

- 25 Amend **Residential Density and Subdivision in the Rural Area – Policies and Methods**, by adding a new sub-clause (d) to **Policy B4.1.5** and a new paragraph to the end of the **Explanation and Reasons** (pages B4-008 and B4-009).

(d) Dwellings within the Porters Ski and Recreation Area.

Explanation and Reasons

Policy B4.1.5(d) recognises that a higher density of residential development is appropriate within the Porters Ski and Recreation Area. The zone has no wider consequential effects on residential density in the Rural Zone due to the limited number of commercial Ski Areas in the district and those with a suitable location for the establishment of a village.

- 26 Add a new Policy B4.1.8, Explanation and Reasons and Method (page B4-011) as follow. Renumber all subsequent policies accordingly:

Policy B4.1.8

To provide for the subdivision and development of residential, commercial and visitor accommodation buildings in the Porters Ski and Recreation 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 Base Sub-Zone 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 Basin and Crystal Basin Ski Sub-Zones 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.*

Explanation and Reasons

Policy B4.1.8 provides the basis for the rules controlling the subdivision and use of land within the Porters Ski and Recreation Area. Due to the sensitivity of values within the zone it is appropriate that subdivision, earthworks and building rules trigger an assessment process that enables site specific considerations and responses to be implemented. Reliance on standards which are based on a numerical threshold that may be unrelated to the specific features of a site do not guarantee an optimum design outcome or ensure that the Ski Area will be efficiently developed or managed. Accordingly, subdivision, earthworks, building design and appearance and landscape treatment are to be implemented as controlled activities where Council can assess the final design and integration of development.

Underpinning the development of the Ski Area is a requirement to comply with an outline development plan. This plan represents a comprehensive approach to land use and development and controls the overall location of buildings and activities and the inter-relationship between the Village Base Sub-Zone and the Porters Basin and Crystal Basin Sub-Zones. The proposed rules are primarily concerned with the location, form and finish of built development. Some of the standards will vary within the Village Base Sub-Zone depending on the nature of the activities and the need to ensure that development is less intensive at the boundary of the zone. The range of activities provided for within the zone is specified and reflects the mix of uses that are necessary to service and support a significant recreational activity and tourist destination. The scale and density of development is greater than in other parts of the High Country however this reflects the popularity and significance of snow and mountain-based recreation and the need to provide facilities for people who enjoy this form of recreation and the ability to access the High Country environment. The scale and density of development is however capped to ensure that the Ski Area is developed in a manner which ensure the final outcome is appropriate and responsive to the environment.

As a Ski Area is geographically-dependent on a mountain location it is necessary that development is responsive to the wider landscape and ecological values of the High Country. The proposed rules require the protection of areas of significant ecological value and the adoption of other methods to maintain and enhance indigenous vegetation wherever possible. Careful control over the types of plant species established is also necessary to ensure that exotic or inappropriate plants are not established which threaten the integrity of the wider habitat. Consideration of impacts on the landscape values is also required with an emphasis on materials and building forms that complement the mountain environment. If circumstances arose where, despite all reasonable efforts have been made to avoid, remedy or mitigate effects this cannot be achieved, policy (h) indicates that there may be circumstances where it is appropriate to consider environmental compensation.

Methods

District Plan Rules

-Outline Development Plan

- Subdivision

-Buildings

- 27 Add a new bullet point to the list under **Residential Density and Subdivision in the Rural Area – Anticipated Environmental Results** (page B4-013) as follows:

-Residential development is concentrated at a higher density in the Porters Ski and Recreation Area with the layout, size and shape of allotments considered in relation to the environmental features and values of the zone.

Part C – Rural Rules

RURAL RULES – INTRODUCTION TO RULES

- 28 Amend **Rural Rules – Introduction to Rules, Type of Rules** (page C-001) by:

(i) Altering the second paragraph to read as follows (new wording underlined):

Within the Rural zone there are 7 areas, within which different rules may apply. Those areas are: High Country, Malvern Hills, Porters Ski and Recreation Area, Outer Plains, Inner Plains, Port Hills and Existing Development Areas. They are shown on the Planning Maps.

(ii) Altering the second bullet in the fifth paragraph as follows (new wording underlined):

The activities which are permitted in the High Country, Malvern Hills, the Porters Ski and Recreation Area and Port Hills.....

1 RURAL RULES - EARTHWORKS

- 29 Amend **1 Rural Rules – Earthworks, Notes** (C1-001) by adding a new Note as number 5 and as a consequential amendment renumbering the following clause. New wording is as follows:

5. *All earthworks within the Porters Ski and Recreation Area which comply with the rules in Appendix 25.*

2 RURAL RULES – TREE PLANTING AND REMOVAL OF HERITAGE TREES

- 30 Amend **2 Rural Rules – Tree Planting and Removal of Heritage Trees, Notes** (C2-001) by adding a new Note as number 5 and as a consequential amendment renumbering the following clause. New wording is as follows:

5. *All tree planting within the Porters Ski and Recreation Area is exempt from these rules.*

3 RURAL RULES - BUILDINGS

- 31 Amend **1 Rural Rules – Buildings, Notes** (C3-001) by adding a new Note as number 4 and as a consequential amendment renumbering the following clauses. New wording is as follows:

4. *All buildings within the Porters Ski and Recreation Area shall be exempt from these rules.*

4 RURAL RULES - ROADING

- 32 Amend **4 Rural Rules – Roading, Notes** (C4-001) by adding a new Note as number 1 and as a consequential amendment renumbering the following clauses. New wording is as follows:

1. *All vehicular accessways, vehicle crossings and vehicle parking within the Porters Ski and Recreation Area shall be exempt from compliance with the rules of 4 Rural Roads and shall*

comply with the rules in Appendix 25 and the rules in Appendix 13 of the Townships Volume concerned with separation distances, sightlines and carpark dimensions.

5 RURAL RULES – UTILITIES

- 33 Amend **5 Rural Rules – Utilities, Notes** (C5-001) by adding a new Note as number 4 and as a consequential amendment renumbering the following clauses. New wording is as follows:

4. *All utility buildings and structures in the Porters Ski and Recreation Area shall be exempt from compliance with these rules.*

6 RURAL RULES – OUTDOOR SIGNS AND NOTICEBOARDS

- 34 Amend **6 Rural Rules – Outdoor Signs and Noticeboards, Notes** (C6-001) by adding a new Note as number 3 and as a consequential amendment renumbering the following clauses. New wording is as follows:

3. *All signs in the Porters Ski and Recreation Area shall be exempt from Rule 6.2, while signs required for the purpose of on-mountain directions and safety shall not be required to comply with Rule 6.1.*

9 RURAL RULES – ACTIVITIES

- 35 Amend **9.3 Activities in the Port Hills, Malvern Hills and High Country, Rule 9.3.1** (pages C9-002 and 003) by altering the **Note**: at the end of rule to read as follows (new wording underlined):

Note: Refer to Appendix 21, 22, 23 or 25 for conditions, standards and matters of control/discretion which apply to specific activities in the areas shown on the Planning Maps as the Existing Development Areas for Terrace Downs, Grassmere and Rocklands, and as Porters Ski and Recreation Area. These are existing development areas in the High Country and Port Hills.

- 36 Amend **9.4 Scale of Non-Residential and Non-Rural Activities, Rule 9.4.1** (page C9-003) by adding new wording to the **Note** at the end of the rule to read as follows (new wording underlined):

Note: Rule 9.4.1 does not apply to any temporary activity or any activity within the Porters Ski and Recreation Area.

- 37 Amend **9.13 Activities and Vehicle Movements, Rule 9.13.1** (pages C9-010 and C9-011) by adding a new clause (numbered 5.) to the **Note** at the end of the rule to read as follows:

5. *Rule 9.13.1 does not apply to roads within the Porters Ski and Recreation Area.*

- 38 Amend **9.14 Activities and Aircraft Movements, Rule 9.14.1.1** (page C9-011) by adding the following new clause (d) as follows:

- (d) *Aircraft movements associated with activities within the Porters Ski and Recreation Area.*

- 39 Amend **9.21 Activities and Clearance of Indigenous Vegetation and Indigenous Plant Species** (page C9-019 and C9-020) by adding a new clause 9.21.2.6 exempting the clearance of earthworks within the Porters Ski and Recreation Area as follows:

9.21.2.6 Clearance of indigenous vegetation within the Porters Ski and Recreation Area, excluding the Areas of Protection as shown in the Outline Development Plan for Porters Ski and Recreation Area in Appendix 25. Clearance of indigenous vegetation within the Ski and Recreation Area shall comply with Appendix 25.

10 RURAL RULES – SUBDIVISION

- 40 Add a new **Rule 10.1.1.13** (page C10-003) to read as follows:

10.1.1.13 Subdivision within the Porter Ski and Recreation Area which complies with all of the subdivision standards in Appendix 25.

Note: *The Porters Ski and Recreation Area is exempt from Rule 10.3.*

- 41 Add a new Appendix 25 Porters Ski and Recreation Area as attached, including Outline Development Plan.

- 42 Amend Planning Map 25 to show a new Porters Ski and Recreation Area as attached.

APPENDIX 25

25.1 PORTERS SKI AREA

Note: Reference should be made to all other rules of the Rural Volume of the District Plan to confirm if compliance is required by activities, works and buildings within the Porters Ski and Recreation Area.

25.1.1 The Porters Ski and Recreation Area shall be limited to the following activities subject to compliance with Rules 25.2 through to 25.11.

- (a) Recreational facilities
- (b) Facilities, buildings and activities associated with the management and operation of a Ski Area, including but not limited to:
 - avalanche control
 - weather stations
 - pump stations
 - snow-making infrastructure
 - fuel storage
 - snow fences
 - plant nursery
 - storage and maintenance
 - equipment and clothing hire facilities
 - ski school
 - ski member facilities
 - race team and competition facilities
 - sports medicine and rehabilitation
 - first aid, medical care and facilities
 - childcare
 - helicopter access and landing
 - emergency access and emergency services
- (c) Tourist activities – see Note below
- (d) Conference activities
- (e) Commercial activities and services (including retail activities) which are associated with and complementary to recreation, tourist and conference activities
- (f) Visitor Accommodation
- (g) Staff Accommodation
- (h) Dwellings

- (i) Apartments
- (j) Place of Assembly
- (k) Educational activities limited to education related to recreational activities and environmental and cultural values associated with the High Country.
- (l) Vehicle parking (including helicopters) ancillary to recreation, tourist, commercial, conference, visitor accommodation and dwellings.
- (m) Activities associated with the maintenance and repair of existing infrastructure, roads, buildings and structures.
- (n) Utilities required to service the activities within the zone.

For the purpose of these rules the following definitions shall apply:

Recreational facilities – shall be in accordance with Part D Definitions

Tourist activities – shall mean the use of any land, building or structure for the primary purpose of providing entertainment, recreational and cultural experiences for visitors

Visitor Accommodation – shall include all forms of temporary residential accommodation offered for a daily tariff.

Dwellings – shall be in accordance with Part D Definitions

Apartments – shall mean self-contained residential accommodation which may be occupied as a permanent or temporary residence but is part of and attached to other apartments contained within the same building.

Place of Assembly – shall be in accordance with Part D Definitions

25.2 Controlled Activities

Earthworks

25.2.1 Earthworks (except for earthworks listed as either a restricted discretionary or non-complying activity) located entirely within the boundary of the Porters Ski and Recreation Area and limited to the following purposes shall be a controlled activity:

25.2.1.1 Within the Porters Basin and the Village Base Sub-Zones as shown on Appendix 25 A:

- (a) Establishing ski trails and terrain parks.
- (b) Installing support structures for tows, lifts and gondolas.
- (c) Establishing trails for recreational activities including mountain biking, luge and walking trails
- (d) The construction of buildings, structures and utilities.
- (e) Forming access tracks.
- (f) Forming roads in the Village Base Sub-Zone, provided that they comply with the Standards for Roads in Rule 25.6.6.1.
- (g) Installing infrastructure for stormwater, wastewater disposal, water supply, electricity and telecommunications.

- (h) Establishing activities and facilities associated with the management and operation of a Ski Area in accordance with Rule 25.1.1.
- (i) Ground preparation for planting of indigenous vegetation on areas greater than 5m².

25.2.1.2 Within the Northern Terrace Sub-Zone, as shown on Appendix 25 A:

- (a) Installing infrastructure for wastewater disposal.
- (b) Ground preparation for planting of indigenous vegetation on areas greater than 5m².

25.2.1.3 Within the Crystal Stream Sub-Zone, as shown on Appendix 25 A:

- (a) Forming of the access road/ski out trail on the general alignment shown on Appendix 25 A.

25.2.2 Under Rule 25.2.1, the Council shall reserve its control over the following matters:

25.2.2.1 Any potential effects on ground and scree stability.

25.2.2.2 The location, depth and length of cuts and the extent and location of fill or castings.

25.2.2.3 The effectiveness of erosion and sediment control measures and the degree to which these conform with any Erosion and Sediment Control Plan that may have been approved by the Canterbury Regional Council for the establishment of infrastructure.

25.2.2.4 The setback from the Porter Stream and Crystal Stream.

25.2.2.5 Avoidance or setback from any ephemeral streams or naturally occurring seepages or wetlands.

25.2.2.6 Terrestrial and aquatic ecological values within the area of disturbance and the potential to minimise or avoid disturbance that will affect the function and integrity of plants and habitat. In particular, vegetation in herbfields, boulderfields, scree and spring flushes should be avoided in the first instance. If unable to be avoided then measures should be taken to minimise or mitigate the extent or nature of disturbance. Regard shall be given to the effectiveness of the measures to maintain the function and integrity of plants and habitats assessed. (For definitions of herbfield, boulderfields and spring flush see Note below)

25.2.2.7 The effect on landscape values and visibility from State Highway 73.

25.2.2.8 Methodology for completing the works, including the type of machinery and equipment to be used and the measures to be taken to minimise ground disturbance.

25.2.2.9 Measures for the control of dust emissions.

25.2.2.10 Protocols to minimise the transfer of weed and pest species on machinery.

25.2.2.11 Measures proposed for re-contouring and re-vegetation of the land, including the timing for re-vegetation.

25.2.2.12 Protocols for Accidental Discovery of archaeological sites.

25.2.2.13 Conditions requiring the preparation and implementation of a Ski and Recreation Area Environmental Management Plan that addresses the following matters for construction and operation of the Ski Area:

-Principles and monitoring regime for management of stormwater, erosion and sediment control related to Ski and Recreation Area operations and maintenance;

- Principles for management of construction activities and restoration of earthworks
- Pest and weed management
- Management of habitats and species, including Keas and riparian margins
- Enhancement of Crystal Stream
- Storage and removal of solid wastes
- Storage, management and use of hazardous wastes

Notes:

- 1 Rule 25.2.2.13 duplicates the requirement for an Environmental Management Plan required by Rule 25.14.2.12 at the time of subdivision application. If an Environmental Management Plan has already been prepared and approved as a condition of subdivision this provision is not applicable.
- 2 The following definitions are to be applied when identifying sensitive plants and communities:

Herbfield: Vegetation in which the cover of herbs in the canopy is 20-100% and in which herb cover exceeds that of any other growth form or bare ground. Herbs include all herbaceous and low-growing semi-woody plants that are not separated as ferns, tussocks, grasses, sedges, rushes, cushion plants, mosses or lichens. (Atkinson, IAE. (1985) NZJBotany 23: 361-378)

Boulderfield: Land in which the area of unconsolidated bare boulders (>200mm diameter) exceeds the area covered by any one class of plant growth-form. (Atkinson, IAE. (1985) NZJBotany 23: 361-378)

Spring flush: Areas of sloping wetlands in the mountains, where the underlying groundwater supply by a spring is supplemented by periodic pulses of surface water (e.g. from snow melt) (Adapted from Johnson P and Gerbeaux P. (2004): Wetland Types in New Zealand DOC/MfE).

Buildings

- 25.2.3 All buildings (except for buildings listed as either restricted discretionary or non-complying activities) located within the Porters Ski and Recreation Area shall be a controlled activity in respect of design and appearance, relationship between buildings (physical layout on the ground) and landscape treatment, provided that they comply with the Standards for Buildings in Rules 25.3.1.1 to 25.3.1.10, except that buildings which are utilities shall comply with the Standards for Utilities in Rule 25.4.
- 25.2.4 Under Rule 25.2.3, the Council shall reserve its control over the following matters:
 - 25.2.4.1 The extent to which the building reflects an architectural style that is consistent with and complementary to the landscape values of the Porters Ski and Recreation Area, having regard to the design principles in Appendix 25.16.
 - 25.2.4.2 The suitability of proposed materials having regard to the list of materials in Appendix 25.16.
 - 25.2.4.3 The appropriateness of the colour finish of the exterior of the building, having regard to the recommended colour palette in Appendix 25.16.
 - 25.2.4.4 The architectural design and profile of the roof and its visual impact. Within the Village Base Area, the design and profile of the roof should be assessed both singularly and

in combination with other roofs, including the visual effects of the rooflines when viewed across the Village Base Area.

25.2.4.5 The avoidance of excessive repetition of building forms.

25.2.4.6 The use of architectural articulation to create a building of visual interest. Such articulation may include the use of projecting and recessed balconies, porches, sheltering colonnades, verandahs at ground level and window awnings.

25.2.4.7 The avoidance of building facades and elevations which are visually bland or blank including the use of architectural articulation or techniques such as steps-in-plan to avoid long continuous walls.

25.2.4.8 The reflectivity of materials to be used on the exterior of the building when viewed from beyond the zone boundary.

25.2.4.9 The potential for the building or structure to be visible from the State Highway.

25.2.4.10 The provision for pedestrian linkages between buildings, carparks, visitor accommodation, dwellings and the trails to Porters Ski Area and the Crystal Basin Ski Area.

25.2.4.11 In addition to the above, within the Village Base Area 2 (Slopeside Visitor Accommodation), Village Base Area 3 (Village Centre) and Village Base Area 4 (Hotel and Visitor Accommodation) regard should also be given to the more specific guidance in Appendix 25.16:

- (a) Orientation and positioning of buildings close to the road frontage and/or public spaces.
- (b) Location and design of main entrances adjacent to pedestrian routes and public spaces.
- (c) The creation of legible, comfortable and useable spaces for circulation and gathering within a compact Village Centre.
- (d) Maintenance of prominent vistas along the village roads.
- (e) Maintenance of open space and views between buildings.
- (f) Layout of buildings and pedestrian routes should ensure the safe and efficient movement of people, incorporating the principles of Crime Prevention Through Environmental Design (CPTED).
- (g) Screening of service areas.
- (h) External accessways, mechanical, electrical and communications equipment should be integrated within the building.
- (i) Avoidance of excessive light spill.

25.2.4.12 Within Porters Basin and Crystal Basin Sub-Zones as shown on Appendix 25 A:

- (a) Avoidance of locating buildings and structures on ridges, except where necessary to support chairlifts, tows and gondolas or for avalanche control equipment and weather stations.
- (b) Avoidance of visibility against the skyline.
- (c) Minimise visibility from the state highway through location, design and colour.

- (d) The use of colour for buildings and structures that will complement the landscape.
- (e) The avoidance of materials and colours to finish buildings and structures with high reflectivity when viewed from beyond the Sub-Zone.

Landscape Treatment

25.2.5 All planting for the purpose of amenity and enhancement shall be a controlled activity, provided it complies with Rules 25.10.1 and 25.10.2 for Tree Planting and Landscape Treatment. A landscape plan detailing the species, density, planting programme as well as maintenance regime shall be provided as part of this application.

25.2.6 Under Rule 25.2.5 the Council shall reserve its control over the following matters:

25.2.6.1 The effectiveness and quality of any landscape treatment proposed.

25.2.6.2 The planting patterns of shrubs, tussocks and trees in areas outside the Village Centre and the extent to which this pattern of planting has a natural appearance and arrangement.

25.2.6.3 The planting patterns of trees in the wastewater disposal area and the ridge between Village Base Areas 2 and 5 and the extent to which these reflect and harmonise with the landform.

25.2.6.4 The extent to which the proposed landscape planting connects and is compatible with other planting and naturally occurring indigenous vegetation across the Ski and Recreation Area and at the boundary of the Ski and Recreation Area.

25.3 Standards for Buildings

25.3.1 The following standards shall be met for the erection of any building or any additions or alterations to, or modification of any building that is to be considered as a controlled activity.

These standards shall not apply to Utilities which shall comply with Rule 25.4 Standards for Utilities.

25.3.1.1 All buildings shall be located in accordance with the Porters Ski and Recreation Area Outline Development Plan in Appendix 25 B.

25.3.1.2 The total number of dwellings in the Porters Ski and Recreation Area shall not exceed 45 and there shall be no more than one dwelling located on a residential allotment. There shall be no family flats.

25.3.1.3 The number of dwellings and buildings permitted in each of the identified Village Base Areas shown in the Porters Ski and Recreation Area Outline Development Plan (Appendix 25 B) shall not exceed:

Village Base Area 1 (Porters Chalets):	12
Village Base Area 2 (Slopeside Visitors Accommodation):	10
Village Base Area 3 (Village Centre):	18
Village Base Area 4 (Hotel and Visitor Accommodation) :	8
Village Base Area 5 (Crystal Chalets):	33

Except that:

- (a) No buildings or structures (including lifts and tows) shall be erected until:

- (i) A covenant is secured on the title of the Crystal Basin Ski Area that protects in perpetuity the area of land identified for protection on the Porters Ski and Recreation Area Outline Development Plan in Appendix 25 A.
 - (ii) An emergency Management and Response Plan for the Ski and Recreation Area has been prepared.
 - (iii) A Hazard Risk Assessment is completed to the Council's satisfaction. This shall include an avalanche control programme and proposed measures to reduce rock fall.
- (b) Only half of the buildings numbered in Village Base Areas 1, 2, 3 and 4 (excluding the Crystal Chalets in Village Base Area 5 which must comply with (c) below) may be constructed and occupied until such time as the following infrastructure is established within the Crystal Basin Ski Area:
- (i) Formation of an access track linking the Porters Basin to Crystal Basin; and
 - (ii) Construction and commissioning of a snowmaking reservoir; and
 - (iii) Construction and commissioning of a gondola from the Village Centre to Crystal Basin; and
 - (iv) Construction and commissioning of a chairlift providing access to the top of the Crystal Basin Ski Area; and
 - (v) A Day Lodge; and
 - (vi) Ski trails with a daily capacity for up to 1,500 skiers.
- (c) The Crystal Chalets in Village Base Area 5 may only be constructed and occupied once:
- (i) The 3 T-bar lifts existing in Porters ski Area as at (*insert date PC25 made operative*) have been up-graded; and
 - (ii) The ski access road between the Village and Porters Ski Area has been decommissioned for private vehicle use; and
 - (iii) A minimum of 4 buildings in the Village Base Area 3 (Village Centre) have been erected.

25.3.1.4 There shall be no provision for buildings associated with accommodation for visitors or residents within the Crystal Basin, Crystal Stream, Porters Basin, Porters Slopes and Northern Terrace Sub-Zones as shown in the Porters Ski and Recreation Area Outline Development Plan in Appendix 25 A.

25.3.1.5 The maximum building footprint shall not exceed:

Village Base Area 1 (Porters Chalets)	300m ² excluding decks
Village Base Area 2 (Slopeside Visitors Accommodation)	1 building up to 1320m ² , 1 building up to 990m ² , 3 buildings up to 880m ² All other buildings up to 440m ²
Village Base Area 3 (Village Centre)	2 buildings up to 925m ²

	5 buildings up to 730m ² , 4 buildings up to 600m ² 3 buildings up to 530m ² All other buildings up to 330m ²
Village Base Area 4 (Hotel and Visitor Accommodation)	1 building up to 2,475m ² , 1 building up to 1,320m ² 3 buildings up to 660m ² All other buildings up to 350m ²
Village Base Area 5 (Crystal Chalets):	200m ² excluding decks
Crystal Basin Ski Area and Porters Ski Area	1000m ² excluding decks

25.3.1.6 The maximum height of buildings (excluding carpark buildings, support structures and terminals for gondolas, lifts and tows) shall not exceed:

Village Base Area 1 (Porters Chalets)	13m
Village Base Area 2 (Slopeside Visitors Accommodation)	One building of 26.5m, 2 buildings at 22m, 4 buildings at 16m and 3 buildings up to 13m
Village Base Area 3 (Village Centre):	Six buildings at 24m, 5 buildings at 19m, 6 buildings up to a maximum of 13m (to be measured from the finished level of the carpark base where buildings are to be erected over a carpark building).
Village Base Area 4 (Hotel and Visitor Accommodation)	One building up to 19m with 7 buildings a maximum of 13m
Village Base Area 5 (Crystal Chalets):	8m
Crystal Basin Ski Area	16m
Porters Ski Area	16m

25.3.1.7 Fences in Village Base Areas 1 to 5 shall be limited to:

- (a) Fences constructed in greywacke boulders
- (b) Temporary fences required for construction purposes
- (c) Fences for the protection of indigenous vegetation. Where permanent, these shall be constructed in greywacke boulders.

25.3.1.8 All buildings (excluding bridges) within the Village Base Sub-Zone shall be limited to a minimum setback of 5m from the banks of the Porter Stream.

Note: This setback is to be measured in accordance with the definition in section 2 of the Act as “the space of land which the waters of the river cover at its fullest extent, without overtopping its banks.”

(See Rule 25.5.4 for setback of activities from Porter Stream).

25.3.1.9 No buildings or hardstand areas shall be located within the Red Tussock Gully as shown on the Porters Ski and Recreation Area Outline Development Plan in Appendix 25 B.

25.3.1.10 All roofing materials and fixtures shall exclude copper, zinc, zincalume, lead and clay tiles.

25.4 Standards for Utilities

25.4.1 Utilities located within, and required to service the Ski and Recreation Sub-Zone (Porters), excluding telecommunication towers, shall not exceed:

(a)	Maximum height	12m
(b)	Maximum building footprint	50m ²
(c)	Reflectance value	37%

25.4.2 Utilities shall not be located on a ridge or break the ridgeline when viewed from State Highway 73.

25.5 Standards for Activities

General

25.5.1 Activities in the Porters Ski and Recreation Area shall be located generally in accordance with the Porters Ski and Recreation Area Outline Development Plan in Appendix 25 A.

25.5.2 Construction of earthworks activities in the Crystal Basin or Village Base Sub-Zones shall only commence on:

(a) Completion of works which achieve the NZTA standard for sight-lines at the intersection of State Highway 73 and the Ski Area Access Road as set out in Table App5B/1 of NZTA's Planning Policy Manual Version 1 (August 2007) and provides at the same intersection seal widening sufficient for a right turn lane and left turn deceleration lane, as set out in Figure 3.25a of the NZTA's Manual of Traffic Signs and Markings Part 2 section 3 (March 2011) and the left turn deceleration lane is to be marked.

(b) The requirements of Rule 25.3.1.3(a)(i) has been fulfilled.

25.5.3 No recreational activities shall be commenced in the Crystal Basin Sub-Zone unless the requirements of Rule 25.3.1.3(a)(i) to (iii) inclusive have been met in full.

25.5.4 All Ski Area and Recreation activities, buildings and earthworks located within the Porters Lower Slopes Sub-Zone (as shown on Appendix 25 A) shall be setback 15m from the banks of the Porter Stream. (see Rule 25.3.1.8 for definition of setback measurement).

- 25.5.5 All earthworks and buildings within Village Base Area 2 shown on Appendix 25 A shall be setback 5m from the banks of that portion of the Porter Stream identified as "Porter Stream setback" on Appendix 25 A. (See Rule 25.3.1.8 for definition of setback measurement).

25.6 Standards for Activities

Scale

- 25.6.1 The total number of beds for visitor accommodation within the Village Base Sub-Zone shall be limited as follows. For the purpose of this Rule visitor beds shall exclude beds in dwellings and one bed unit shall equal 1 person:

Village Base Area 2 (Slopeside Visitors Accommodation)	:	1,100
Village Base Area 3 (Village Centre):		1,600
Village Base Area 4 (Hotel and Visitor Accommodation):		500

- 25.6.2 The floor area occupied by commercial activities within the Village Base Sub-Zone shall be limited as follows:

Village Base Area 2 (Slopeside Visitors Accommodation)	:	1,610m ²
Village Base Area 3 (Village Centre):		7,624m ²
Village Base Area 4 (Hotel and Visitor Accommodation):		575m ²

25.7 Outdoor Lighting in the Village Base Sub-Zone

- 25.7.1 All outdoor lighting in the Village Base Sub-Zone (Areas 1 to 5 inclusive) shall comply with the following standards:

- 25.7.1.1 All outdoor lighting shall be shielded from above in such a manner that the edge of the shield shall be below the whole of the light source.
- 25.7.1.2 All outdoor lighting shall have a filter to filter out the blue or ultraviolet light, provided the light source would have more than 15% of the total emergent energy flux in the spectral region below 440nm. The filters used must transmit less than 10% of the light at any wavelength less than 440nm. This includes, but is not limited to, fluorescent, mercury vapour and metal halide lamps.
- 25.7.1.3 No street or road lighting shall be produced by high-pressure sodium, metal halide, mercury vapour lighting or fluorescent lighting.
- 25.7.1.4 There shall be no searchlights or floodlights, including floodlights used for illumination of buildings for aesthetic purposes.
- 25.7.1.5 All fixed lighting shall be directed inwards away from the Ski and Recreation Area boundary.

25.8 Standards for Roading

- 25.8.1 The following standard shall be met for the formation and establishment of any road that involves earthworks as a Controlled Activity:

25.8.1.1 In the Ski and Recreation Area the formation of any road or road bridge shall be located generally in accordance with the Porters Ski and Recreation Area Outline Development Plan in Appendix 25 A.

25.9 Standards for Vehicle Parking

25.9.1 Any activity in the Ski and Recreation Area which provides car parking in accordance with the following standards shall be a permitted activity.

25.9.1.1 Dwellings, and apartments occupied on a permanent basis- 1 on-site carparking space.

25.9.1.2 Visitor Accommodation Hotels – 1 space per 3 guest rooms up to 60 rooms, thereafter 1 space per 5 guest rooms. In addition, 1 coach park per 50 guest rooms and 1 staff space per 20 beds. The parks need not be located on the same site as the activity.

25.9.1.3 Visitor Accommodation Backpackers and Lodges – 1 space per 5 guest beds. In addition 1 coach park per 50 guest rooms and 1 staff space per 20 beds. The parks need not be located on the same site as the activity.

25.9.1.4 Apartments managed and occupied as part of visitor accommodation – 1 space per 15 apartments thereafter 1 per 2 apartments. In addition 1 coach park per 50 apartments and 1 staff space per 20 beds.

25.9.1.5 All car parking is to be formed to the relevant standards set out in Appendix 13 of the Townships Section of the District Plan.

25.10 Standards for Tree Planting and Landscape Treatment

25.10.1 All tree planting and planting for the purpose of re-vegetation, amenity or enhancement purposes shall be limited to the species listed in Appendix 25.16.

25.10.2 All planting shall generally comply with the Outline Planting Concept in Appendix 25.16. The planting provides for six plant mixes and the relative proportions of the dominant species in each planting mix shall conform with the requirements of Porters Ski and Recreation Area Outline Development Plan in Appendix 25 C.

25.11 Aircraft Movements

25.11.1 Aircraft movements for the purpose of the following activities shall be permitted without limitation:

- (a) Ski and Recreation Area operations including avalanche management and control.
- (b) Emergency rescues and landings.
- (c) Construction and earthworks activities within the boundaries of the Ski and Recreation Area.
- (d) Firefighting.
- (e) Pest control.
- (f) The activities of the New Zealand Defence Force or Civil Defence.

25.11.2 Aircraft movement for all other purposes shall not exceed 10 excursions on any one day from 1 June to 31 October and 5 excursions on any one day from 1 November to 31 May in any calendar year. For the purposes of this standard an excursion shall be defined to mean a take-off and landing within the boundaries of the Ski and Recreation Area.

25.12 Restricted Discretionary Activities

Buildings

25.12.1 All building works associated with constructing a gondola located in the Crystal Stream Sub-Zone shown on Appendix 25 A shall be a restricted discretionary activity. The Council shall restrict its discretion to the matters listed in Rule 25.2.4.

25.12.2 All buildings located in that part of the Village Base Sub-Zone shown on Appendix 25 B as being Assumed Active Fault. The Council shall restrict its discretion to consideration of:

- (a) The risk of, and ability of buildings to withstand, fault rupture; and
- (b) The matters listed in Rule 25.2.4.

Height of Crystal Chalets

25.12.3 Crystal Chalets which exceed 8m (Rule 25.3.1.6) but are less than 13m in height shall be a restricted discretionary activity.

25.12.4 Under Rule 25.12.3 the Council shall restrict its discretion to consideration of:

- 25.12.4.1 Those matters contained in Rule 25.2.4.
- 25.12.4.2 The effect of additional building height on the views from the Village Base Sub-Zone towards Castle Hill and to the Crystal Valley.
- 25.12.4.3 The architectural design and profile of the building.
- 25.12.4.4 The materials and colour finish of the building.

Roading

25.12.5 Any activity which does not comply with Rule 25.8.1 shall be a restricted discretionary activity.

25.12.6 Under Rule 25.12.5 the Council shall restrict its discretion to consideration of:

- 25.12.6.1 The effect of changing the network or alignment of roads in terms of accessibility for a range of vehicle types to the different precincts within the Village Base Sub-Zone, having regard to gradient and geometry.
- 25.12.6.2 Any consequential effects of changing the road network on the layout of built development, services, infrastructure or the efficiency of inter-connecting pedestrian pathways or access trails to the Porters or Crystal Basin Ski Areas.
- 25.12.6.3 The ability to effectively manage the stormwater and discharges from the road both during construction and operation and any consequential effects on land stability or other natural hazards.
- 25.12.6.4 The effect of changing the road network on ecological, natural character or landscape values of the Ski and Recreation Area and land immediately adjoining the zone.
- 25.12.6.5 The effects of changing the Village Road network on the safety and efficiency of the Village traffic having regard to sight distances at intersections, conflicts between vehicles which may be queuing or crossing the road and potential conflicts with pedestrians.

- 25.12.6.6 The degree of difficulty for vehicles entering/exiting a site or carpark and the potential for increased o-street parking with resulting effects on traffic safety and residential amenity.

Vehicle Parking

25.12.7 Any activity which does not comply with Rule 25.9.1 shall be a restricted discretionary activity.

25.12.8 Under Rule 25.12.7 the Council shall restrict its discretion to consideration of:

25.12.8.1 The extent to which car parking numbers can be reduced having regard to alternative methods of transportation that may be available within the Village Base Sub-Zone e.g., shuttles, inclinator.

25.12.8.2 The extent to which public transport or group passenger transportation services may reduce the need for on-site carparking. This may include consideration of timetabling to coincide with Ski Area operating hours.

25.12.8.3 Any effects on pedestrian amenity or safety from reduced car parking.

25.12.8.4 The extent to which visitor accommodation or other activities within the Village Base Sub-Zone can demonstrate a lesser parking demand.

25.12.8.5 Whether a reduction in car parking within the Ski and Recreation Area would lead to parking demand outside that Area and the effects such parking would have on the efficient use of roads and traffic safety.

Night-Lighting for Recreational Activities and Outdoor Lighting in the Village Base Sub-zone

25.12.9 The lighting of the Ski and Recreation Area for the purpose of facilitating night recreational activities shall be a restricted discretionary activity.

25.12.10 Any outdoor lighting in the Village Base Sub-Zone (Areas 1 to 5 inclusive) which does not comply with Rule 25.7 shall be a restricted discretionary activity.

25.12.11 Under Rules 25.12.9 and 25.12.10 the Council shall restrict its discretion to consideration of:

25.12.11.1 The proposed lighting plan having regard to the number, location and spill of light.

25.12.11.2 The effect of night lighting on ecological values.

25.12.11.3 The effect of night lighting on rural amenity values from beyond the boundary of the Ski and Recreation Area and its visibility from State Highway 73.

Earthworks

25.12.12 Any earthworks in the Crystal Basin and Porters Lower Slopes Sub-Zones as shown on Appendix 25 A not listed as a Non-Complying Activity, limited to the purposes of:

- (a) Establishing ski trails and terrain parks.
- (b) Installing support structures for tows, lifts and gondolas.
- (c) Establishing trails for recreational activities including mountain biking, luge and walking trails

- (d) The construction of buildings, structures and utilities.
 - (e) Forming access tracks.
 - (f) The construction of snow making reservoirs.
 - (g) Installing infrastructure for stormwater, wastewater disposal, water supply, electricity and telecommunications.
 - (h) Establishing activities and facilities associated with the management and operation of a Ski Area in accordance with Rule 25.1.1.
- 25.12.13 Under Rule 25.12.12 the Council shall restrict its discretion to consideration of:
- 25.12.13.1 those matters contained in Rule 25.2.2; and
 - 25.12.13.2 the effectiveness of any proposed mitigation measures or environmental offset/compensation.
- 25.12.14 Any earthworks associated with the construction of a gondola In the Crystal Stream Sub-Zone as shown on Appendix 25 A.
- 25.12.15 Under Rule 25.12.14 the Council shall restrict its discretion to consideration of those matters contained in Rule 25.2.2.
- 25.12.16 Any earthworks which do not comply with the standards in Rule 25.5.4 or Rule 25.5.5.
- 25.12.17 Under Rule 25.12.16 the Council shall restrict its discretion to consideration of:
- 25.12.15.1 those matters contained in Rule 25.2.2; and
 - 25.12.15.2 the need for earthworks to improve public access to and along Porter Stream; and
 - 25.12.15.3 the effects of earthworks on the natural character of Porter Stream and its margins.
- 25.12.18 An application required by Rules 25.12.12, 25.12.14 or 25.12.16 shall not be notified and the written approval of any other party will not be required.

Utilities

- 25.12.17 Any utility which does not comply with Rule 25.4 shall be a restricted discretionary activity.
- 25.12.18 Telecommunication towers located within the Ski and Recreation Area shall be a restricted discretionary activity..
- 25.12.19 Under Rules 25.12.17 and 25.12.18 the Council shall restrict its discretion to consideration of:
- 25.12.19.1 The function of the utility and its importance to the health, safety and wellbeing of residents and visitors to Porters Ski and Recreation Area;
 - 25.12.19.2 The scale of the utility and any effects on ecological or landscape values.

- 25.12.19.3 The visibility of the utility beyond the boundary of the Porters Ski and Recreation Area.
- 25.12.19.4 Proposed methods of construction and the measures to avoid, remedy or mitigate construction effects on ecological, cultural and landscape values.
- 25.12.19.5 The location of any telecommunication tower and its impact on the values of the Outstanding Natural Landscape.
- 25.12.19.6 Alternative locations having regard to the operational requirements of the telecommunication tower and effects on landscape values.
- 25.12.20 An application required by Rules 25.12.17 or 25.12.18 shall not be notified and the written approval of any other party will not be required.

Aircraft Movements

- 25.12.21 Any aircraft movement which does not comply with Rule 25.11 shall be a restricted discretionary activity.
- 25.12.22 Under Rule 25.12.21 the Council shall restrict its discretion to consideration of:
 - 25.12.22.1 Effects of aircraft movements on the wellbeing and safety of users and occupiers of the surrounding rural zoned land.
 - 25.12.22.2 The anticipated frequency of movements.
 - 25.12.22.2 The hours of the day within which the movements will occur.

Tree Planting and Landscape Treatment

- 25.12.23 Any planting which does not comply with rule 25.10.2 shall be a restricted discretionary activity.
- 25.12.24 Under Rule 25.12.23 the Council shall restrict its discretion to consideration of:
 - 25.12.24.1 The appropriateness of the proposed mix of plants having regard to altitude and aspect which may achieve a more optimum and robust pattern of planting relative to the existing vegetation in the locality.
 - 25.12.24.2 The aesthetic outcome from the proposed planting mix.

25.13 Discretionary Activities

- 25.13.1 All earthworks not otherwise provided for as a controlled, restricted discretionary or non-complying activity shall be a discretionary activity.

25.14 Non-Complying Activities

Buildings

25.14.1 Any building which does not comply with Rules 25.3.1.1 to 25.3.1.10 shall be a non-complying activity, except for buildings in Village Base Area 5 where any building which does not comply with Rule 25.12.3 (restricted discretionary activities) shall be a non-complying activity.

Activities – General and Scale

25.14.2 Any activity which does not comply with any of Rules 25.5.1 to 25.5.3 or 25.6.1 or 25.6.2 shall be a non-complying activity.

Tree Planting and Landscape Treatment

25.14.3 Any activity which does not comply with Rule 25.10.1 shall be a non-complying activity.

Removal of Indigenous Vegetation

25.14.4 The removal of any indigenous vegetation exceeding an area of 5m² and not approved as part of a controlled activity in accordance with Rule 25.2.1 or restricted discretionary activity in accordance with Rule 25.12.12, Rule 25.12.14 or Rule 25.12.16 shall be a non-complying activity.

Earthworks Affecting Wetlands

25.14.5 Any earthworks affecting a wetland shall be a non-complying activity.

25.15 Subdivision

Standards for Controlled Activities

25.15.1 Subdivision within the Porters Ski and Recreation Area which complies with the following standards shall be a Controlled Activity:

25.15.1.1 All allotments to be used for residential, accommodation or commercial purposes shall be serviced by a reticulated supply of potable water.

25.15.1.2 All new allotments to be used for residential, accommodation or commercial purposes shall be connected to a reticulated wastewater treatment and disposal system.

25.15.1.3 Any new allotment within the Village Base Sub-Zone shall comply with the requirements of the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509—2008.

25.15.1.4 The layout of roads and allotments shall conform with the Porters Ski Area Outline Development Plan.

25.15.1.5 The number of fee simple, freehold residential allotments shall be limited to:

Village Base Area 1 (Porters Chalets): 12

Village Base Area 5 (Crystal Chalets): 33

Note: There shall be no minimum allotment size in the Porters Ski and Recreation Area. There shall be no limits on the number of fee simple, freehold, unit, strata or cross lease titles within Village Base Area 2 (Slopeside Visitors Accommodation), Village Base Area 3 (Village Centre) and Village Base Area 4 (Hotel and Visitor Accommodation).

25.15.1.6 Prior to the grant of resource consent for a subdivision creating any new allotments within the Village Base Sub-Zone a covenant shall be secured on the title of the Crystal Basin Ski Area that protects in perpetuity the area(s) of land identified for protection on the Porters Ski and Recreation Area Outline Development Plan.

25.15.1.7 Erosion and sediment control measures shall conform with the Erosion and Sediment Control Plan approved by the Canterbury Regional Council for the establishment of infrastructure.

25.15.1.8 An Emergency Management and Response plan has been prepared. This plan shall be up-dated for each subdivision application made within the Village Base Area.

25.15.1.9 A Hazard Risk Assessment is completed. This shall include an avalanche control programme and proposed measures to reduce rock fall.

25.15.1.10 The State Highway 73 and Ski Area Access Road intersection is upgraded to the NZTA standard for sight lines at that intersection as set out in Table App5B/1 of NZTA's Planning Policy Manual Version 1 (August 2007) and seal widening is provided at the same intersection sufficient for a right turn lane and a left turn deceleration lane as set out in Figure 3.25a of the NZTA's Manual of Traffic Signs and Markings Part 2 section 3 (March 2011) and the left turn deceleration lane is to be marked.

25.15.1.11 Prior to certification under section 224 of the Resource Management Act for:

(a) The 7th residential allotment within Village Base Area 1 (Porters Chalets), the following infrastructure must be established within the Crystal Basin Ski Area:

- (i) Formation of an access track linking the Porters Basin to Crystal Basin; and
 - (ii) Construction and commissioning of a snowmaking reservoir; and
 - (iii) Construction and commissioning of a gondola from the Village Centre to Crystal Basin; and
 - (iv) Construction and commissioning of a chairlift providing access to the top of the Crystal Basin Ski Area; and
 - (v) A Day Lodge; and
 - (vi) Ski trails with a daily capacity for up to 1,500 skiers.
- (b) Any allotment within Village Base Area 5 (the Crystal Chalets), the following requirements must be met in full:
- (i) The replacement and up-grading of the 3 T-bar lifts existing in Porters Ski Area as at *(insert date PC25 made operative)*; and
 - (ii) The decommissioning of the ski access road between the Village and Porters Ski Area for private vehicle use; and
 - (iii) The construction and occupation of 4 buildings in the Village Base Area 3 (Village Centre).

25.15.2 Under Rule 25.15.1 the Council shall reserve its control over the following matters:

25.15.2.1 Those matters contained in Rule 10.1.2.

25.15.2.2 Any effects on ecological and landscape values that may arise from the proposed layout and density of allotments.

25.15.2.3 Any effects on ecological values that may arise from the proposed layout and density of allotments. This shall include effects on the function and integrity of plants and habitat. In particular, vegetation in herbfields, boulderfields, scree and spring flushes should be avoided in the first instance. If unable to be avoided then measures should be taken to minimise or mitigate the extent or nature of disturbance. Regard shall be given to the effectiveness of the measures to maintain the function and integrity of plants and habitats assessed. (See Rule 25.2.2 to be applied when identifying these plants and communities).

25.15.2.4 The boundaries of the proposed allotments in relation to natural or physical features.

25.15.2.5 The use of conditions to require all earthworks to be subject to an Accidental Discovery Protocol, requiring contractors to be trained in the recognition of archaeological sites and artefacts.

25.15.2.6 The use of conditions to require a construction management plan which shall set out the proposed methods and protocols for construction including:

- (a) timing of works;
- (b) cleaning of machinery prior to access to the Porters Ski and Recreation Area to avoid the spread of weed and pest species;
- (c) protection of waterways and wetlands;

- (d) protection or avoidance of areas of ecological sensitivity;
- (e) management of dust emissions;
- (f) management and storage of hazardous substances, including an emergency response protocol for accidental spillages;
- (g) traffic management for all construction related vehicles. This shall include control of access from the state highway and management of traffic, including parking within the construction site to avoid wider ground and vegetation disturbance.

25.15.2.7 The ability for roads, accessways and building sites to be constructed without any adverse effects on ground stability.

25.15.2.8 The adequacy of provisions for stormwater management in relation to discharge from roads, accessways and building platforms.

25.15.2.9 Street or road lighting and the avoidance of lighting produced by high-pressure sodium, metal halide, mercury vapour or fluorescent lighting.

25.15.2.10 The mechanism for achieving the protection of ecological values within the riparian margin on either side of the Porter Stream from its source to the Porter River in perpetuity.

25.15.2.11 The use of conditions to require the development and implementation of a restoration plan that shall detail how the ground is to be re-contoured, re-vegetated and maintained post-construction of roads, accessways and building platforms.

25.15.2.12 The use of conditions to require the development and implementation of an Environmental Management Plan that achieves the following (this rule duplicates Rule 25.2.2.13 which applies to those circumstances where development proceeds without the need for a subdivision consent):

- (a) Principles and monitoring regime for management of stormwater, erosion and sediment control related to Ski Area operations and maintenance;
- (b) Principles for management of construction activities and restoration of earthworks
- (c) Pest and weed management
- (d) Management of habitats and species, including Keas and riparian margins
- (e) Management of the Red tussock gully as shown on the Porters Ski and Recreation Area Outline Development Plan in Appendix 25 B.
- (f) Enhancement of Crystal Stream
- (g) Protection of any wetland
- (h) Storage and removal of solid wastes
- (i) Storage, management and use of hazardous wastes

Non-Complying Activities

25.15.3 Any subdivision which does not comply with Rules 25.15.1.1 to 25.15.1.11 shall be a non-complying activity.

25.16 Reasons for Rules

Buildings

The rules for buildings set the thresholds for built development beyond which further consideration and control is required. The standards require development to be located in accordance with the Outline Development Plan and set maximums for building height, number of buildings and building footprints. The Crystal Chalets are subject to a lower height standard, necessary to ensure that view shafts from the village towards Castle Hill and Crystal Valley are preserved.

These standards are intended to ensure that building mass is distributed amongst a number of individual buildings and large, monolithic structures are avoided. The separation between buildings will provide light and views with the assessment criteria encouraging greater architectural articulation and higher quality finish as well as providing space for indigenous vegetation that will provide context for the buildings and contribute to the mountain setting. The rules for building mass are further complemented by rules which cap the total number of buildings within the Village Base Sub-Zone. The Village Base Sub-Zone is in turn divided into different sub-areas within which the number and size of buildings is capped. This is to ensure that the scale and intensity of development within different parts of the Village respond to the variable landscape and ecological values across the site. Some parts of the Village Base Sub-Zone are intended to have a greater concentration and density of development while the outer edges of the Village Base Sub-Zone provide for a much reduced development pattern. This variability is in response to the sensitivity of the interface between the zone and the Outstanding Natural Landscape.

A staging plan limits the number of buildings within the Village that can be constructed and occupied until such time as the Crystal Basin has established prescribed infrastructure and is operational. This is to ensure that the Village does not develop as a stand-alone commercial and residential facility without delivering the social, recreational and economic benefits of the expanded Ski and Recreation Area. It does however enable some capital to be released for development of the Crystal Basin Ski Area.

A further limitation is placed on the Crystal Chalets (Village Base Area 5). These are not to be constructed until such time as further up-grading of ski infrastructure occurs in Porters Ski Area, the access road between the Village and Porters Basin is decommissioned in respect of private vehicle use and 25% of the Village Centre buildings are constructed. These chalets are the most visible from the State Highway and staging will ensure that the chalets are not constructed in isolation or without the benefits of the village centre.

An assumed active fault underlies the Village Base Area. The Council has retained discretion over buildings within the affected area to enable a more thorough assessment of the risk of earthquake from this fault at the time buildings are to be erected.

A building setback from the watercourse (Porter Stream) that crosses through the Village Base Sub-Zone is required in order to protect the ecological and natural character values of the riparian margins of the stream. Similarly, a Red Tussock Gully within the Village is to be kept free buildings and hardstand in order to protect the ecological and hydrological function of this gully.

These rules reflect the outcomes of the masterplanning process which assessed the capacity of the landscape to absorb change. Development beyond these standards therefore has the potential to adversely affect the values of the surrounding environment and the non-complying status for buildings which exceed these levels reflects a clear capping of built development.

In addition to the standards, at a minimum all buildings and structures are to be assessed as controlled activities. This process of consideration reflects the need to respond to and respect the landscape values of the surrounding Outstanding Natural Landscape. The assessment matters trigger consideration of the final form, finish and appearance of buildings as well as the layout and functioning of built development within the Village Base Sub-Zone. The Village Base Sub-Zone is an area of public congregation and social activity where considerations such as relationship to public spaces, landscape treatment, pedestrian connectivity and safety are relevant considerations.

Fencing is limited within the Village Base Sub-Zone to maintain a sense of spaciousness and views between buildings as well as ensuring that elements of suburbanisation are actively avoided. Exception is made for walls constructed of natural rock and fencing required for protecting vegetation and sediment control

With respect to the Ski Areas, these are to be free of any accommodation activities and structures, except for essential infrastructure for access and amenity facilities for the safe operation and enjoyment of the mountain for skiing. The considerations for these structures are more focused on appropriate

location e.g., avoiding ridges and skylines and ensuring that the final design, finish and colour complement the landscape as far as practicable.

Rule 25.3.1.3(a)(i) does not allow any buildings or structures to be erected in the Crystal Basin Ski Area unless a covenant has been secured for the protection, in perpetuity, of significant indigenous vegetation. It is proposed that these areas are avoided during establishment and operation of the expanded Ski Area into Crystal Basin. This rule complements the same provision which is also applied to subdivision and recreational activity.

In addition, the rules require that prior to the construction of buildings the developer must prepare an Emergency Management and Response Plan and a Hazard Risk Assessment is completed. These measures are necessary to ensure that the safety and wellbeing of future residents and visitors to the Sub-Zone has been considered.

Utilities

The standards for utilities are separate from those that apply to buildings. It is anticipated that the majority of the utilities will be located underground. Within the Village, undergrounding of services would ensure that the amenity values of the resort are high, while on the mountain, the harsh climatic conditions and functionality of the ski field require services to be underground.

Generally, it is anticipated that utilities can be located within the Village without significant adverse effects on landscape values. Utilities are therefore deemed to be permitted activities subject to performance standards which ensure they remain at a scale which is appropriate having regard to the anticipated scale of built development. In addition, the reflectivity of the utility is to be kept to a lower level.

On the mountainside, there will be support structures associated with lifts and ski tows that will be similar in effect to a moderate scaled utility tower. However, due to the potential for a communication tower to be located at altitude it may be highly visible from a wider area. To assess the effects of such towers on landscape values a resource consent is required with Council reserving the ability to assess those impacts along with effects on ecological values during construction.

Location and Scale of Activities

Activities are required to be located in accordance with the Outline Development Plan. The Outline Development Plan generally requires buildings to be located in close proximity, minimising their outward spread. This avoids effects on the surrounding environment beyond the Ski and Recreation Area as well as encouraging a village atmosphere. This rule complements Rule 25.3.1.1 which restricts the location of buildings. It also works in combination with Rule 25.5.6 which limits commercial floorspace and bed numbers in particular parts of the Village Base Sub-Zone. This rule has the effect of requiring further consideration where activities may relocate and concentrate in an area that was not contemplated in the Outline Development Plan. e.g., the activities of the Village Centre move to occupy buildings in the Hotel and Accommodation Zone. Such a dispersal of activity may have traffic and pedestrian access effects that may compromise the proposed traffic circulation network and efficiency of the Village. Any increase in density of bed numbers or commercial floor area may also have the effect of increasing pressure on water supply and wastewater disposal which have been designed not to exceed a specified capacity.

Rule 25.5.3 requires that prior to any recreational activities taking place in the Crystal Basin Ski Area that a protective covenant is secured over significant indigenous vegetation. This rule complements a similar provision that applies to buildings and subdivision. The provision is applied to recreational activities as there is potential for recreation to occur without the need for a building or subdivision.

In addition, the rules require that prior to recreation activities taking place in Crystal Basin the developer must prepare an Emergency Management and Response Plan and undertake a Hazards Risk Assessment. This is to ensure that the safety and wellbeing of future residents and visitors to the Sub-Zone have been considered in advance of activities taking place.

Roading and Vehicle Parking

Rule 25.8.1.1 requires roads to be located in accordance with the Outline Development Plan. The Outline Development Plan reflects the outcome of detailed site investigations which have considered and optimised the alignment and gradient of roads in order to efficiently and safely access the Village and Ski Areas. This has involved consideration of the requirements of coaches, trucks and cars which may all need to access the Village environment carrying residents, visitors, workers or delivering services. Any change to the road alignment shown in the Outline Development Plan must be assessed in terms of accessibility and relationship to the proposed activities and buildings. Similarly, any changes to the road alignment may have consequences for earthworks or effects on ecological or landscape values.

Rule 25.9.1 sets the standard for car parking. Car parking is a significant part of the development of a Ski Area where there is a high number of day visitors anticipated. Car parking must be located and designed to be accessible and convenient and any change to the Outline Development Plan may have consequences in respect of these matters.

Earthworks

Rule 25.2.1 provides for earthworks within parts of the Ski and Recreation Area as a controlled activity. In these sub-zones the effects of earthworks have been assessed with respect to their nature and scale. Council's considerations are therefore limited to the detail of how the earthworks are to be managed

The matters over which Council has reserved its control are focused on how the earthworks are to be managed and requiring adverse effects on the environment to be avoided or minimised. These considerations include the maintenance of soil and ground cover, the effects on non-vegetated scree slopes, the sensitivity of in-stream values and significance of indigenous vegetation.

In those Sub-Zones where the earthworks are not provided for as controlled activities the nature and scale of the earthworks are assessed to likely be adverse to ecological features. The Council has retained a discretion to require appropriate environmental compensation for such effects.

Rule 25.14.5 provides for earthworks within a wetland as a non-complying activity. This is intended to discourage earthworks in relation to these features however it is acknowledged that essential elements of a Ski Area may still require some works to be undertaken in proximate locations. Extra management and care will be required to minimise or mitigate the effects of any works or innovations in design integrated into the final proposal where possible to maintain the function of the wetland.

Tree Planting and Landscape Treatment

Rule 25. 10 limits tree and landscape planting to a list of preferred species. This reflects the sensitivity of this mountainous environment and the need to ensure that the Ski and Recreation Area retains integrity in terms of plant species. In this context it is necessary that planting does not introduce uncommon plants to the locality or create any visual and ecological contrasts with the surrounding High Country.

The rule also controls the pattern and mix of plants to ensure that a natural outcome is achieved. This requires a limit to the number of species used within a planting plan to ensure there is visual continuity and consistency with the vegetation patterns in the surrounding locality.

Night and Outdoor Lighting

The night sky in the High Country is valued for its clarity and absence of light pollution, and the opportunity this provides to view the stars and the Milky Way. Light pollution is caused by excess light shining upwards and outwards. To mitigate the effects of the Village lighting on the night sky the rules require all outside lights to be covered to prevent upward spill of light and to direct lighting into the village and away from the surrounding Rural Zone. In addition, the rules require the blue and violet light to be filtered and low-pressure sodium street lighting used. These measures will also subdue or have the effect of mitigating the presence of a Ski Area Village within the setting of the Outstanding Natural Landscape.

Rule 25.12.9 makes the lighting of the Ski and Recreation Area for night-time recreational activities a restricted discretionary activity. As the Ski and Recreation Area represents a node or location where recreation is intended to be enabled it is appropriate that some provision is made for night-time activity. This contributes to efficient use of the Ski Area resources and extends the time available for recreation for visitors and the community. A resource consent process ensures that effects on ecological values and rural amenity values, including views from the State Highway can be considered in relation to a specific lighting plan.

Removal of Indigenous Vegetation

Rule 25.14.4 limits the removal of indigenous vegetation. This rule applies to any activity which may involve the removal of vegetation beyond earthworks for construction of roads, buildings and utilities. It is critical to the ecological and landscape integrity of the Ski and Recreation Area and its relationship to the adjoining High Country that an intact cover of indigenous vegetation is maintained. Removal of indigenous vegetation leaving bare earth also creates the potential for exotic plants to invade the Ski and Recreation Area and facilitate the spread to unmodified areas. Accordingly, removal of indigenous vegetation is enabled only to a very minor scale within the zone to avoid this scenario arising.

State Highway Intersection

Action is required to achieve safe sightlines at the intersection of the Porters Ski Area Access Road with the State Highway. There are potentially a number of technical remedies to the road and/or intersection that could achieve the required sight distance. Rule 25.5.2(a) requires that the sightline distance, seal widening and road marking at the intersection is remedied prior to the commencement of any construction or earthwork activities within the Crystal Basin Ski Area in the event that this work proceeds without a need for subdivision. A similar requirement is imposed on Rule 25.14.1.10 to provide certainty that in the event of subdivision the upgrade of the Porters Ski Area Access road and State Highway 73 intersection is undertaken by a single land developer prior to the issue of titles and in a timely manner.

Aircraft Movements

The use of helicopters for Ski Area operation and maintenance such as avalanche control is a permitted activity within the zone. Helicopters also positively assist with construction activities by enabling access without access tracks and wider areas of disturbance. It is anticipated that the Area may also provide a helicopter base for emergency services, fire fighting etc.

In addition, it is acknowledged that residents of, and visitors to the Ski and Recreation Area, may wish to access recreational activities in the wider Craigieburn Range such as hiking, heliskiing, hunting and fishing. A cap has been placed on aircraft movements associated with these activities to ensure that any potential effects on the receiving environment are considered.

Subdivision

Subdivision is required to meet a number of standards requiring infrastructure and services to be available for subdivision and for allotments and roading to conform to the Outline Development Plan. The purpose of the Outline Development Plan is to manage the effects of development and it is therefore necessary and appropriate that subdivision be required to conform to this layout. In addition the number of allotments for dwellings is to be capped. This complements the rules that limit building development and activities.

Within the Crystal Basin Sub-Zone there are areas of significant indigenous vegetation that must be protected. It is therefore a pre-requisite of any subdivision within the Village Base Sub-Zone that these areas are subject to a protective covenant.

In addition, the rules require that prior to subdivision a Hazards Risk Assessment is undertaken. This Assessment should be undertaken by an engineer and inform, in greater detail, the appropriateness of particular building sites that may be created through subdivision within the zone having regard to the natural hazard risks relevant to the locality.

The developer must also prepare an Emergency Management and Response Plan. This is to ensure that the safety and wellbeing of future residents and visitors to the zone has been considered in advance of activities taking place.

A staging rule is also proposed. This enables some development of Porters Chalets and the Village Centre to proceed parallel with the development of Crystal Basin Ski Area. Section 224 certificates for further subdivision for the Crystal Chalets will not however be issued until such time as further up-grading of ski infrastructure occurs in Porters Ski Area, the access road to Porters Basin is decommissioned for private vehicle use and 25% of the buildings in the Village Centre are built. The purpose of the rule is to avoid a scenario where the Village Base Sub-Zone is developed without any development of the Crystal Basin Ski Area or the up-grading of Porters Ski Area. This provides for some capital to commence works but ensures that the recreational, social and tourism benefits of the expanded Ski and Recreation Area are delivered.

APPENDIX 25.17: LANDSCAPE AND BUILDING DESIGN REQUIREMENTS AND PRINCIPLES

PLANT LIST

Rule 25.10.1 requires all planting to be limited to the following species.

Botanical Name	Common Name
Chionochloa macra	
Chionochloa flavescens	snow tussock
Chionochloa rubra	red tussock
Festuca novae-zelandiae	short tussock
Poa colensoi	blue tussock
Acena sp	
Anaphalioides bellidioides	
Astelia nervosa	
Blechnum penna marina	
Brachyglottis bellidioides	
Carmichaelia monroi	
Celmisia angustifolia	
Celmisia gracilentia	
Celmisia lyallii	
Celmisia spectabilis	
Muehlenbeckia axillaris	
Parahebe odora	
Pimelea oreophila	
Polystichum richardii	
Raoulia subsericea	
Scleranthus uniflorus	
Discaria toumatou	Matagouri
Dracophyllum acerosum	
Hebe odora	
Kunzea ericoides	
Ozothamnus leptophyllus	
Podocarpus nivalis	
Notofagus solandrii var cliffortioides	mountain beech
Carmichaelia australis	native broom
Coprosma cheesemanii	
Dracophyllum uniflora	
Dracophyllum pronum	
Gaultheria crassa	
Gaultheria depressa var. novae-zelandiae	

Acrothamnus colensoi (prev. Leucopogon colensoi)	
Leptosperma scoparium	Manuka
Melicytus alpinus	
Pimelia traversii	
Olearia avicenniifolia	

OUTLINE PLANTING CONCEPT AND PLANT MIX

Rule 25.10.2 requires that all planting shall generally comply with the Outline Planting Concept. The Outline Planting Concept provides for six plant mixes. The relative proportions of the dominant species in each planting mix shall be as follows:

I. Mountain Beech;

Mountain Beech	% by number of plants
Notofagus solandrii var cliffortioides	30%
Dracophyllum acerosum	30%
Chionochloa flavescens	30%
Hebe odora	10%

II. Mountain Beech / Kanuka mix

Mountain Beech / Kanuka mix	% by number of plants
Notofagus solandrii var cliffortioides	30%
Kunzea ericoides	20%
Dracophyllum acerosum	25%
Chionochloa flavescens	20%
Chionochloa macra	5%

III. Kanuka / Mountain Beech mix

Kanuka / Mountain beech mix	% by number of plants
Kunzea ericoides	40%
Notofagus solandrii var cliffortioides	10%
Dracophyllum acerosum	15%

Chionochloa flavescens	15%
Chionochloa macra	5%
From list	15%

IV. Dracophyllum mix

Dracophyllum Mix	% by number of plants
Dracophyllum acerosum	50%
Chionochloa flavescens	30%
Chionochloa macra	10%
From list	10%

V. Red tussock

Red Tussock	% by number of plants
Chionochloa rubra	70%
Chionochloa flavescens	20%
Chionochloa macra	10%

VI. Short tussock / blue tussock mix

Short tussock / Blue tussock mix	% by number of plants
Poa colensoi	60%
Festuca novae-zelandiae	25%
Acena sp	15%

DESIGN PRINCIPLES FOR BUILDINGS

Material and Colours

1. Buildings that are visible from SH73 should be sited and designed to blend in with the colour and textures of the High Country environment.
2. All exterior building materials, colours and reflectances should be appropriate for the High Country environment when viewed in the summer months in the absence of snow.
3. Cladding materials considered appropriate include:
 - Concrete
 - Local stone
 - Stained timber
 - Naturally weathered timber
 - Corten steel
 - Glass
4. Roofing materials and fixtures shall exclude copper, zinc, zincalume, lead and clay tiles.
5. Metal roofs shall be finished in matt, low reflectivity tones and hues.
6. Colours for roofing and cladding materials shall be restricted to a muted colour palette of browns, greens, greys or black.
7. Brighter colours can be used to accent building elements such as doors, window frames, trim and other architectural details.
8. All buildings should be designed by registered architects.
9. Where possible, building proportions should reflect the vertical dimensions rather than flat horizontal dimension.
10. Buildings should be designed to sit comfortably in the natural landscape while making a positive contribution to the overall alpine village character and minimising the need for retaining walls .
11. A variation in the number of floors on each building as well as on adjacent buildings is encouraged.

12. Roofs are generally to be of medium pitch with reference to the angles of the mountain landforms with overhangs designed to hold snow.
13. Upper floors of buildings should be built into roof forms, using dormer windows to reduce building height.
14. Retaining structures should be planted out with indigenous vegetation.

Public Realm

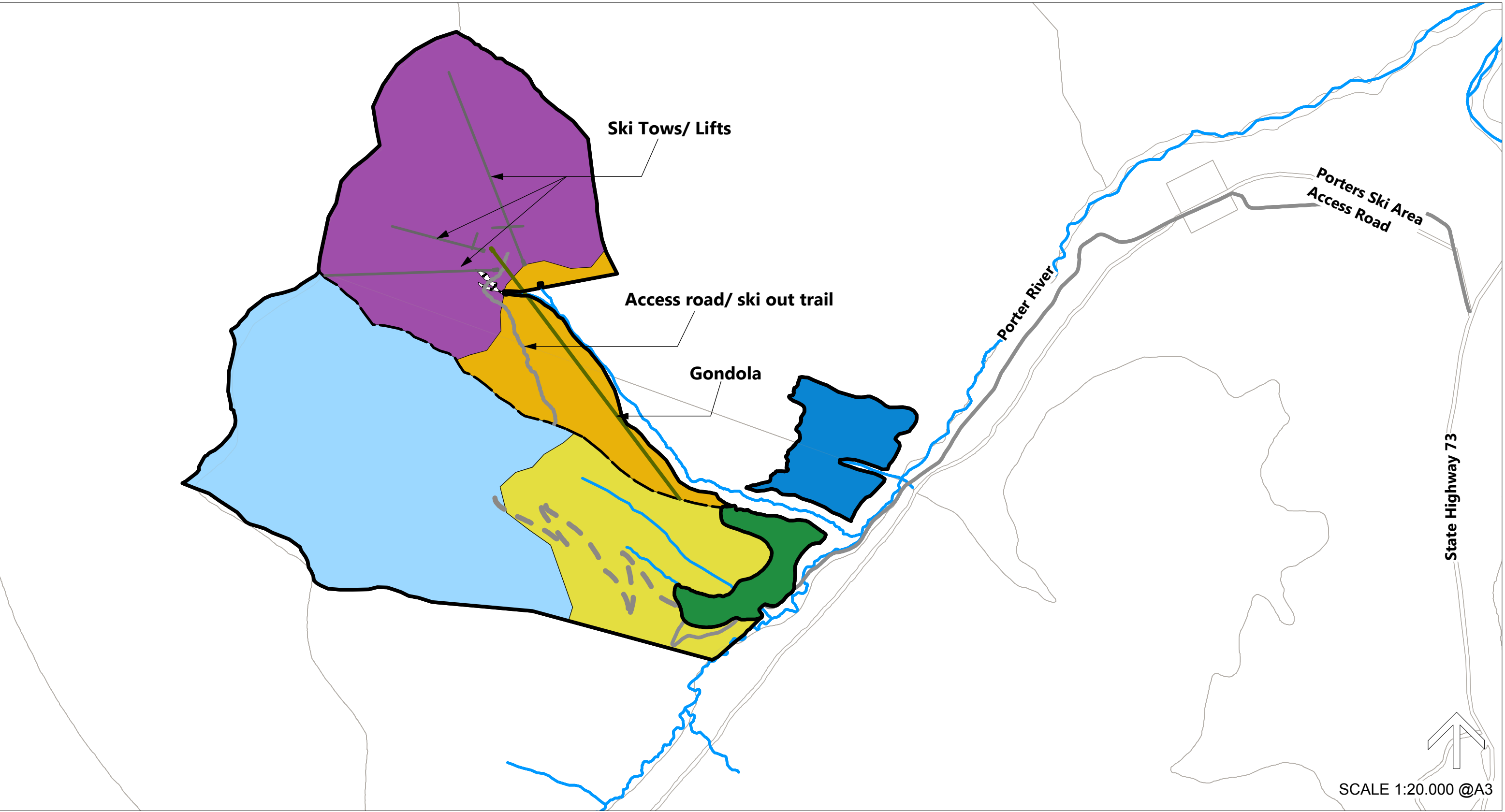
1. The Village Centre should provide one focal building with an active edge which is located to the south of a Village Square.
2. The Village Square should be an attractive space with dimensions of at least 30m x 30m and should have active edges on at least three sides.
3. The height and location of the buildings enclosed in the Village Square should provide for maximising solar access at the south half of the Square in particular.
4. A network of formed “natural looking” paths linked to but not parallel to roads should provide alternative pedestrian routes.












Roading Layout and Car Parking

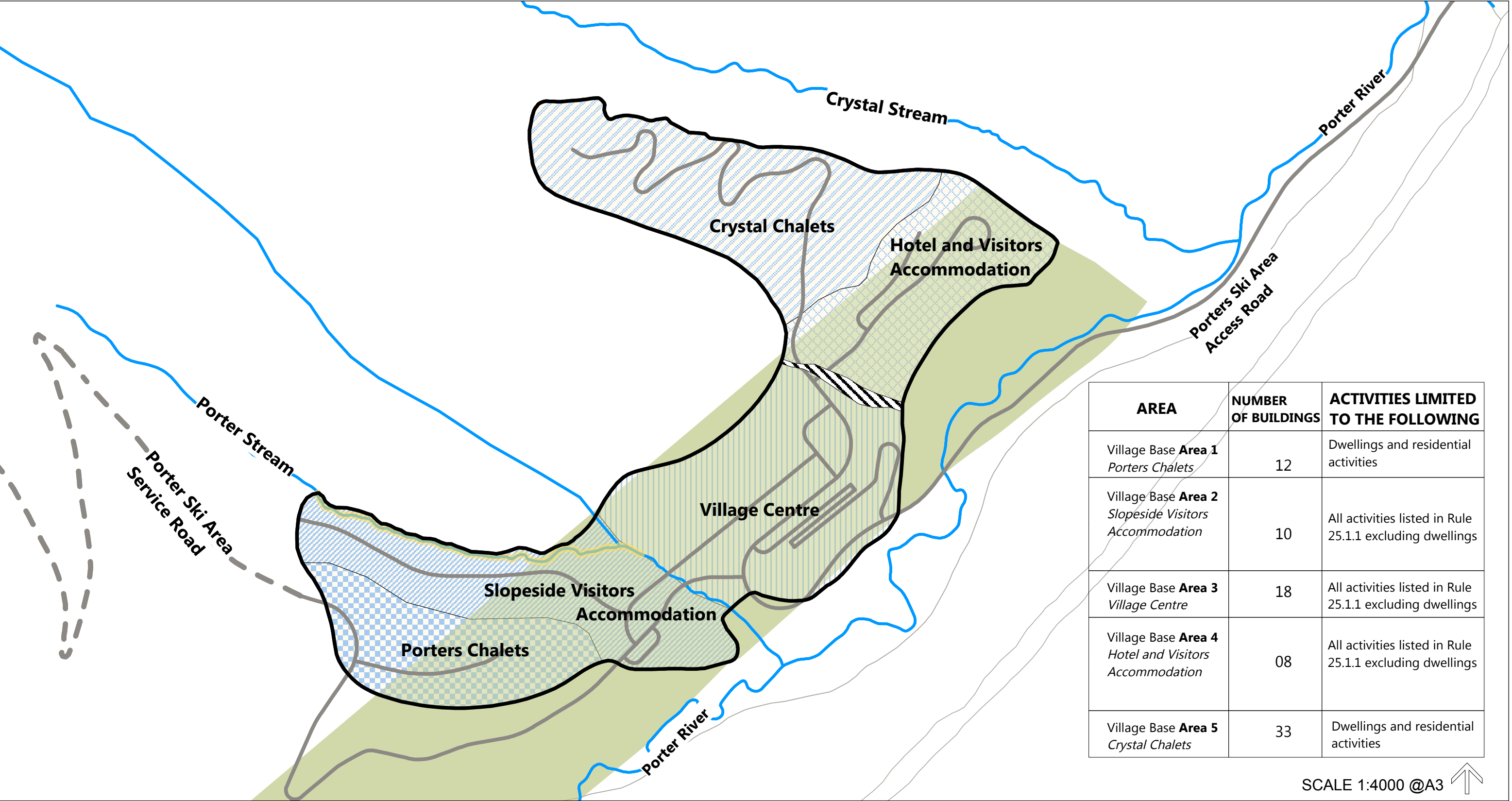
1. The design of roads in the Village should promote a rural character and avoid an appearance of typical suburban streets.
2. Car parking associated with dwellings should be provided on-site while car parking associated with visitor accommodation and day visitors should be provided in close proximity to the Village Centre.
3. Visitor arrival and drop-off should be conveniently located relative to the Village Centre and accommodation facilities.

Overland Flow Paths

1. There are a number of depressions in the Village area landscape that resemble overland flow paths. Where possible, these features should be retained and enhanced with landscaping.
2. In the event that these features are disturbed by earthworks, roads or buildings, they should be recreated as close as possible to the original feature.



<div>Porters Ski & Recreation Area</div> <div>Appendix 25 A</div> <div>Outline Development Plan</div>	<div>Area Sub- Zones</div>		Plan Change Boundary/ Rural Ski Area Zone Boundary		Crystal Stream Ski Area		Village Base Area
			Rural Ski Area Sub-Zone Boundaries		Crystal Basin Ski Area		Waste Water & Disposal Area
			Area of Protection		Porters Basin Ski Area		Roads
					Porters Lower Slopes		Existing Waterways



AREA	NUMBER OF BUILDINGS	ACTIVITIES LIMITED TO THE FOLLOWING
Village Base Area 1 <i>Porters Chalets</i>	12	Dwellings and residential activities
Village Base Area 2 <i>Slopeside Visitors Accommodation</i>	10	All activities listed in Rule 25.1.1 excluding dwellings
Village Base Area 3 <i>Village Centre</i>	18	All activities listed in Rule 25.1.1 excluding dwellings
Village Base Area 4 <i>Hotel and Visitors Accommodation</i>	08	All activities listed in Rule 25.1.1 excluding dwellings
Village Base Area 5 <i>Crystal Chalets</i>	33	Dwellings and residential activities

SCALE 1:4000 @A3 

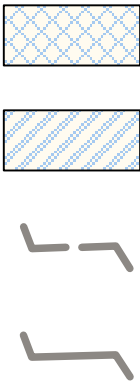
Porters Ski & Recreation Area

Appendix 25 B
Outline Development Plan

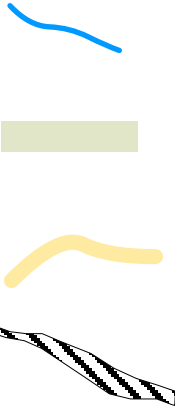
Village Base Sub- Zone



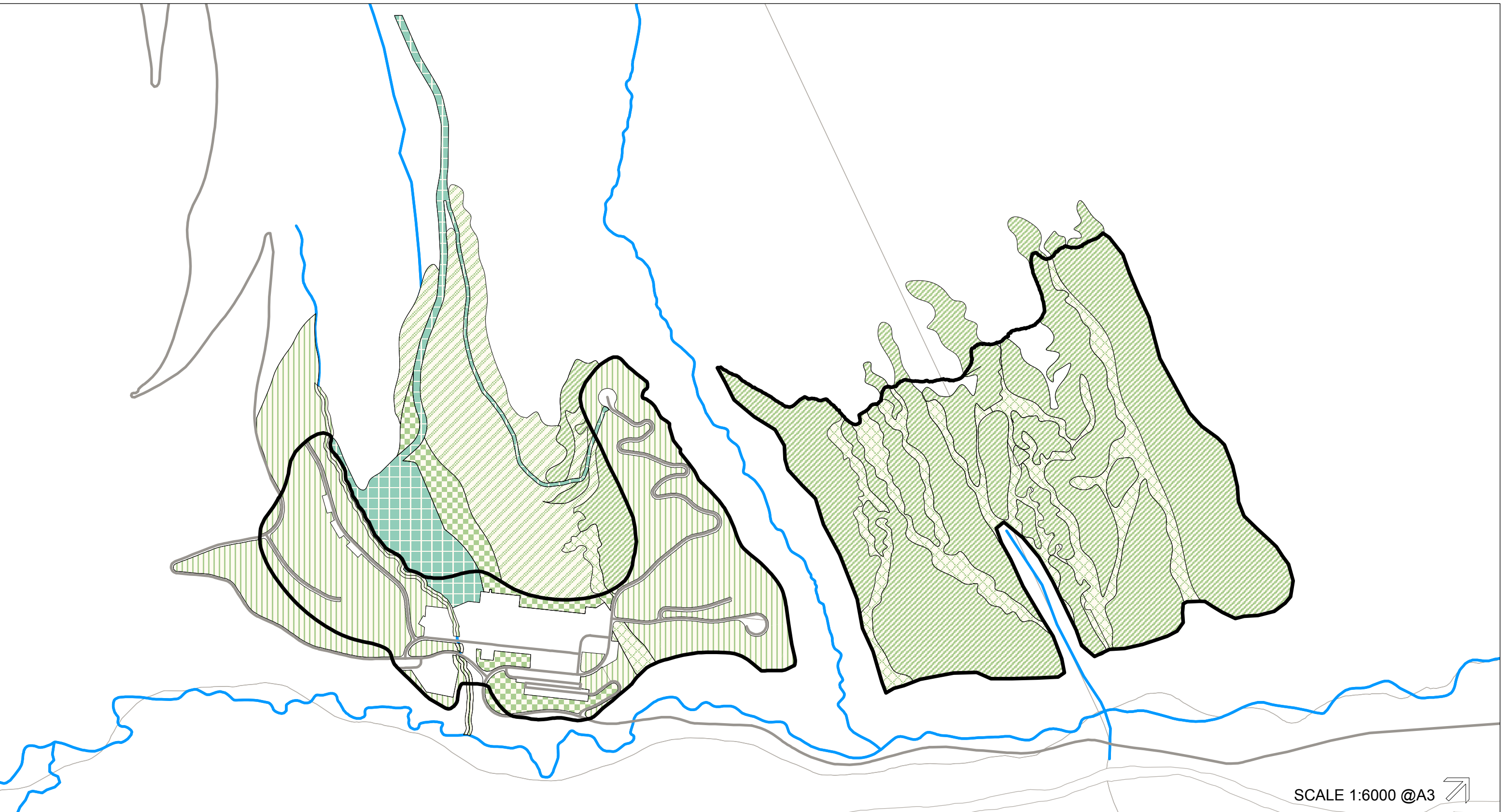
Village Base Area
Village Base Area 1
Village Base Area 2
Village Base Area 3



Village Base Area 4
Village Base Area 5
Service Roads
Roads







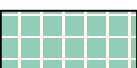

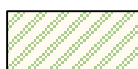


Existing Waterways
Assumed Active Fault
Porter Stream setback
Red Tussock Gully/
No buildings or hardstand



**Porters Ski &
Recreation Area**

Appendix 25 C
Outline Development Plan

**Planting
Concept
Plan**

	Village Base Area		Red Tussock Mix		Dracophyllum Mix
	Waste water Disposal Area		Short Tussock/ Blue Tussock Mix		Mountain Beech Mix
	Mountain Beech/ Kanuka Mix		Kanuka/Mountain Beech Mix		Waterways