

Appendix [A]

Amended Version of Proposed Special Purposes Zone Chapter.

1. As a result of the Hearing Panel's critique of the proposed provisions for the FJAAZ, the proposed objectives and policies have been reconsidered and refined.
2. The refinement of the provisions has been undertaken on the basis of the following interpretation of objectives and policies:

Objective

An objective is a goal or desired outcome. Under the Resource Management Act an objective should express an environmental outcome. An objective cannot, therefore, commence with a verb. Verbs used in objectives should be in the passive: e.g. "Outstanding natural landscapes are protected", "Tourism developments in rural areas that [achieve some specified performance standard] are enabled".

Policy

A policy is a course of action to be followed to implement an objective. Policies should indicate or enunciate what is to be done.

3. Considering the above interpretation and taking on board the Hearing Panel's suggestion to reduce the number of overall provisions, particularly where matters are addressed elsewhere in the TTPP, the following comprises the revised special purpose zone provisions for the FJAAZ.

Special Purposes Zone

FJAAZ Franz Josef Amenities Area Zone

Overview

The Franz Josef Glacier/Ka Roimata o Hinehukatere Valley is part of the UNESCO World Heritage Area of Te Wāhipounamu. The combination of geological and climatic processes, the resultant landforms, the unique biota displaying evolutionary adaptation over a diverse range of climatic and altitudinal gradients, all in a relatively pristine state, give Te Wāhipounamu and the Franz Josef Glacier/Ka Roimata o Hinehukatere Valley in particular, its exceptional and outstanding natural characteristics.

Notwithstanding its outstanding universal values, the Franz Josef Glacier/Ka Roimata o Hinehukatere Valley is an icon destination for domestic and international tourists. In recent years it has seen over 700,000 visitors per annum. Visitors undertake independent walks of the valley floor and side tracks, high level alpine recreation, commercial heli hiking, commercial scenic flights and snow/ice landings on a year-round basis.

Recognising the intrinsic values as well as the on-going issues of glacial retreat, and inability to access the grandeur of the glacier for scenic, recreational, and commercial purposes, the Franz Josef Amenities Area Zone recognises and provides for the importance of sustainable tourism and economic well-being arising from tourism at this icon destination by indicating an area for an Aerial Cable Way to be developed, subject to environmental considerations.

The overall purpose of the Zone is to enable development of an Aerial Cable Way to enhance and maintain sustainable tourism while minimising effects on the intrinsic values the Franz Josef Glacier/Ka Roimata o Hinehukatere Valley.

Other relevant Te Tai o Poutini Plan Provisions

The FJAAZ is located within the Outstanding Natural Landscape and Outstanding Natural Feature (15 and 16) overlays.

The Site of Significance to Maori (SASM145) Kā Roimata-a-Hinehukatere / Franz Josef Glacier applies to the Franz Josef Glacier and lies immediately adjacent to the FJAAZ.

Defiance Hut is a Category 1 listed heritage item being identified in Schedule 1A as HH113. This hut was relocated to the area of the existing Franz Josef / Kā Roimata-a-Hinehukatere car park.

These overlays and heritage items can be viewed on the planning maps.

Other relevant provisions include the Ecosystems and Indigenous Biodiversity chapter, Historical and Cultural Values chapter, Hazards and Risks and the General District Wide chapters for Earthworks, Light, and Noise.

The Strategic Objectives and Policies are also relevant.

Franz Josef Amenities Area Zone Objectives

FJAAZ – O1	Development and on-going operation of an Aerial Cableway that supports domestic and international tourism and provides for appreciation of the outstanding universal values by the public shall be enabled.
FJAAZ – O2	Development and on-going operation of an Aerial Cableway occurs where the risks posed from natural hazards are managed to a tolerable level.
FJAAZ – O3	Development and on-going operation of an Aerial Cableway is enabled where the outstanding universal landscape values are maintained.
FJAAZ – O4	Development and on-going operation of an Aerial Cableway occurs where indigenous biodiversity values are maintained.
FJAAZ – O5	Development and on-going operation of an Aerial Cableway occurs where Poutini Ngai Tahu spiritual, cultural, and physical relationship with the Franz Josef Glacier/Ka Roimata o Hinehukatere Valley is protected.

Franz Josef Amenities Area Zone Policies

Natural Hazards	
FJAAZ-P1	<p>Ensure any proposal to develop an Aerial Cableway is subject to an assessment of natural hazard risk that is commensurate with the level of risk including where relevant:</p> <ul style="list-style-type: none"> a. the likelihood of the natural hazard event occurring over no less than a 100-year period; b. the type and scale of the natural hazard(s) and the effects of a natural hazard on the Aerial Cableway; c. the effects of climate change on the frequency and scale of the natural hazard(s) risk; d. the vulnerability of the Aerial Cableway in relation to the natural hazard(s); e. the potential for the Aerial Cableway to exacerbate the natural hazard risk both within and beyond the FJAAZ; f. the location, design and construction of buildings and structures associated with the Aerial Cableway to mitigate the effects of natural hazards; g. management techniques that avoid or manage natural hazard risk to a tolerable level, including with respect to ingress and egress of visitors and emergency services during a natural hazard event.
FJAAZ-P2	<p>Ensure any future Aerial Cableway is constructed and located so as to avoid or mitigate:</p> <ul style="list-style-type: none"> a. significant natural hazard risk to human life; and

	b. the potential risk of damage to the Aerial Cableway and associated infrastructure from natural hazards to the extent practicable.
Landscape	
FJAAZ-P3	Ensure that an Aerial Cableway will maintain landscape values by: <ul style="list-style-type: none"> i. avoiding adverse effects in locations where there would be disruption to landform and character. ii. if avoidance is not practicable due to either the functional or operational needs of the activity, remedying or mitigating any adverse effects.
FJAAZ-P4	The prominence of all Aerial Cableway structures, and associated buildings shall be mitigated by ensuring the use of recessive colours and materials and minimising the built form footprint.
FJAAZ-P5	Lighting associated with any Aerial Cableway shall be controlled such that it does not diminish appreciation of the natural night sky and values of remoteness.
Indigenous Biodiversity	
FJAAZ-P6	Minimise the extent of indigenous vegetation clearance associated with Aerial Cableway construction and operation to ensure: <ul style="list-style-type: none"> a. Indigenous species or communities continue to persist in their natural habitats and natural range; b. There is no degradation of threat status, loss of indigenous cover or disruption to ecological processes, functions or connections; c. There is no reasonably measurable reduction in local populations of any nationally critical, nationally endangered, or nationally vulnerable species. d. There is no loss of water quality through increased discharge of suspended sediments.
FJAAZ-P7	Enable any residual adverse effects of an Aerial Cableway construction and operation on indigenous vegetation or indigenous fauna to be offset or compensated through the protection, restoration and enhancement actions that achieve no net loss and preferably a net gain in indigenous biodiversity values having regard to: <ul style="list-style-type: none"> (i). limits to biodiversity offsetting and compensation due to the affected biodiversity being irreplaceable or particularly vulnerable; and (ii) the ability of a proposed offset or compensation to demonstrate it can achieve no net loss or preferably a net gain.
Cultural	
FJAAZ-P8	Have regard to the spiritual beliefs, cultural, traditions and practices of Poutini Ngai Tahu, including through a cultural impact assessment.
Operational Matters	
FJAAZ-P9	Maintain a high-quality visitor experience in the operation of an Aerial Cableway by avoiding congestion and diminished visitor satisfaction through consideration of:

	<ul style="list-style-type: none"> (a) Limits on passenger numbers; (b) Limits on time that can be spent at the upper terminus; (c) Timing of the overall return trip. (d) Restricting walking access where appropriate to enhance recreational experiences.
FJAAZ-P10	Discourage development of ancillary commercial and retail facilities beyond the base terminal area.
Construction	
FJAAZ-P11	Enable the use of aircraft for construction of an Aerial Cableway provided effects on the quality of visitor experiences on the glacier valley floor walks, Roberts Point walk, Douglas Walk and the Lake Wombat track are managed through controls over timing, frequency of flights, and location of landing areas, to avoid, remedy or mitigate noise.
FJAAZ-P12	Minimise construction effects on existing recreational opportunities through the maintenance of public access along the Franz Josef Road and to existing walking tracks.
On-Going Operations	
FRAAZ-P15	<p>Ensure that any Aerial Cableway provides for appropriate operational and end of life controls, by consideration of the following controls, or as otherwise included in a concession :</p> <ul style="list-style-type: none"> (a) The imposition of a bond for the construction period to ensure an Aerial Cableway does not get left in a partially built state. (b) An end of lifespan management plan and financial control to ensure the removal of all Aerial Cableway structures at the end of their operational life. (c) Management of recreationists beyond the upper terminus of an Aerial Cableway to avoid congestion and overcrowding in the alpine environment.
Advice Notes – Regional Council Provisions	
FRAAZ-A1	<p>Some earthworks, vegetation clearance, and construction activities such as:</p> <ul style="list-style-type: none"> (a) Earthworks in erosion prone areas; (b) Vegetation clearance in erosion prone areas; (c) Taking of ground water for dewatering; (d) Diversion of water; (e) Discharges of sediment; and (f) Establishing a cable over a river bed; <p>Are subject to the provisions of the Operative West Coast Land and Water Plan.</p>
FRAAZ-A2	<p>Section 170 of the Conservation Act 1987 requires that no activity may be carried out within a conservation area unless authorised by a Concession.</p> <p>An Aerial Cableway will require a Concession and be subject to the provisions of the Operative Conservation Management Strategy and Westland Tai Poutini National Park Management Plan.</p>

Franz Josef Amenities Area Zone Rules

Discretionary Activities		
FJAAZ – R1	Aerial Cable Ways	
The construction, operation, removal, and rehabilitation of an Aerial Cable Way.		Activity Status Where Compliance Not Achieved – N/A

Other Consequential Changes

Definitions – Nga Tautuhinga

Term	Definition
Aerial Cable Way	Means an aerial lift used to carry passengers and includes aerial trams, cable cars, and gondolas and all associated support structures, terminal buildings, and viewing platforms.

Introduction and General Provisions

Special Purpose Zone Descriptions		
Name	Code	Description
Franz Josef Amenities Area Zone	FJAAZ	An area within the Franz Josef Ka Roimata o Hinehukatere Valley identified for the development of an aerial cable way to foster tourism and recreation.

NFL Natural Features & Landscapes - Ngā Āhua me ngā Horanuku Aotūroa

Natural Features and Landscapes Policies	
NFL-P8	Recognise the land within the FJAAZ is within an Outstanding Natural Landscape and Outstanding Natural Feature, and will be assessed as a Discretionary Activity pursuant to Rule FJAAZ-R1. The rules in this chapter shall not apply to the FJAAZ.

ECO Ecosystems and Indigenous Biodiversity - Ngā Pūnaha Rauropi me te Kanorau Koiora

Ecosystems and Indigenous Biodiversity Policies	
ECO-P11	The development and operation of an aerial cableway in the FJAAZ and all associated indigenous vegetation clearance will be assessed as a Discretionary Activity pursuant to Rule FJAAZ-R1. The rules in this chapter shall not apply to the FJAAZ

EW Earthworks - Te Huke Whenua

Earthworks Policies

EW-P5

The development and operation of an aerial cableway in the FJAAZ and all associated earthworks will be assessed as a Discretionary Activity pursuant to Rule FJAAZ-R1. The rules in this chapter shall not apply to the FJAAZ

LIGHT Light - Ngā Rama

Light Policies

LIGHT - P4

The development and operation of an aerial cableway in the FJAAZ and all associated artificial lighting will be assessed as a Discretionary Activity pursuant to Rule FJAAZ-R1. The rules in this chapter shall not apply to the FJAAZ.

NOISE Noise - Ngā Oro

Noise Policies

NOISE-P5

The development and operation of an aerial cableway in the FJAAZ and all associated noise effects will be assessed as a Discretionary Activity pursuant to Rule FJAAZ-R1. The rules in this chapter shall not apply to the FJAAZ.