

## **Appendix [C]**

### **Section 32AA Analysis**

1. Section 32AA(1)(a) of the RMA requires a further evaluation in respect of the amendments sought to the proposal since the section 32 report was published. In this context the existing 'proposal' is the NOSZ as notified in the TTPP, and the amending proposal is the proposed rezoning to FJAAZ with the proposed provisions set out in detail in **Appendix [A]** of this reply.
2. A Section 32AA analysis was undertaken within the body of my primary evidence. As a result of the changes to the proposed provisions as outlined in **Appendix [A]**, I provide a further tabulated assessment against the key Objectives and Policies of the TTPP. This analysis is outlined in Table 1 below.
3. In addition, and in response to questions raised by the Hearing Panel as to alternative options and definitions, a Section 32AA analysis has been undertaken in respect of two further options. The first being the retention of the NOSZ incorporating the amendments to the definition of Recreation Activity as outlined in Minute 49, and the additional Objective and Policy suggested in the overview of this planning response. This analysis is contained in Table 1 below.
4. The second alternative option is the retention of the NOSZ but with the application of a precinct to provide for an aerial cableway. This analysis comprising the most relevant provisions is contained in Table 1 below.

TTPP Provisions	Evaluation - FJAAZ	Evaluation – Precinct / NOSZ	Evaluation NOSZ with amendments for Recreation Activity
<p><b>Natural Environment Strategic Objectives</b></p> <p><b>NENV-01</b> - To recognise and protect the natural character, landscapes and features, ecosystems and indigenous biodiversity that contribute to the West Coast's character and identity and Poutini Ngāi Tahu's cultural and spiritual values.</p> <p><b>NENV-02</b> - To ensure that the rights, interests and values of Poutini Ngai Tahu to natural environment areas and features are protected and provided for and that the ability to exercise kaitiakitanga and tino rangatiratanga is maintained and enhanced.</p> <p><b>NENV-03</b> - To recognise:</p> <p>a. The substantial contribution to the protection of natural environment values that is made by the existence of public conservation land in protecting significant areas, habitats and features;</p>	<p>The proposed FJAAZ directly aligns with NENV-01, 03, and 04 whereby the evidence provided in respect of ecology, landscape, and recreation demonstrates that use of the proposed zoning can be sustainably managed with no more than minor effects.</p> <p>Further, the economic evidence demonstrates that economic well-being for the community and wider region would be enhanced.</p> <p>Accordingly, specific identification and recognition of the FJAAZ for an Aerial Cableway achieves the outcome of Objective NENV-04 in particular.</p> <p>In regard to NENV-02, the proposed FJAAZ explicitly seeks to protect Poutini Ngai Tahu spiritual, cultural, and</p>	<p>Identifying an Aerial Cableway Precinct over the land subject to the zoning proposal would achieve the outcome of Objective NENV-04 by identifying an area where such development can be sustainably managed.</p> <p>In regard to NENV-02, the rights, interests and values of Poutini Ngai Tahu will be addressed indirectly through the application of the Historical and Cultural Values Chapter. There is no specific Objective in the OSRZ provisions that refers to the protection of Poutini Ngai Tahu values.</p> <p>Policy OSRZ-P6 recognises that many open spaces have sites and areas of significance to Poutini Ngāi Tahu, and</p>	<p>Revising the definition of Recreation Activity and adopting the proposed new Objective and Policy OSRZ-O3 and OSRZ-P21 would be less aligned with achieving Objective NENV-04 as it does not spatially identify an area where such development can be sustainably managed.</p> <p>While the proposed new provisions broadly specify the appropriate area as the Franz Josef Valley, they are not as specific as a zone or precinct that demarcates an appropriate location based on the evidence as to minor or less effects on landscape and natural character.</p>

<p>b. The need for infrastructure to sometimes be located in significant areas; and</p> <p>c. The need to support the ethic of stewardship and to consider the positive effects of the conservation estate in achieving the requirements of the RMA.</p> <p><b>NENV - O4</b> To clearly identify:</p> <p>a. Unique and important natural environment areas and features on the West Coast/Te Tai o Poutini which must be protected; and</p> <p>b. Areas where subdivision, use and development to enable community economic, cultural and social wellbeing can be sustainably managed.</p>	<p>physical relationship with the Franz Josef Glacier Valley and achieves the outcomes sought by this Objective, including through the requirements for an application and assessment of a cultural impact assessment.</p>	<p>require that these are managed in collaboration with iwi and hapū. The policy is not as directive as that in the FJAAZ provisions and therefore may have additional costs in terms of uncertainty in consenting.</p> <p>There is no reference to Poutini Ngai Tahu values in the NOSZ Policies P18 – P20.</p>	<p>In regard to NENV-02, the rights, interests and values of Poutini Ngai Tahu will be addressed indirectly through the application of the Historical and Cultural Values Chapter.</p> <p>Further, the proposed new Objective and Policy explicitly require maintenance and protection of the cultural values of Poutini Ngai Tahu.</p>
<p><b>Poutini Ngai Tahu Strategic Objectives and Policies</b></p> <p><b>POU-03</b> - To support Poutini Ngāi Tahu to identify cultural landscapes and sites and areas of significance and provide for their management in ways that preserve the cultural relationships</p>	<p>The proposed FJAAZ recognizes the cultural relationship that Poutini Ngai Tahu has with the Franz Josef Valley as specifically identified by SASM#145.</p> <p>Proposed Objective FJAAZ-05 and Policy FJAAZ-P8 seek</p>	<p>A precinct will not afford any further recognition of Poutini Ngau Tahu's cultural relationship than exists in the notified plan through the SASM#145 that lies adjacent to the development area.</p>	<p>The amendments to the definition of Recreation Activity and proposed Objective and Policy will afford some a minor amount of further recognition of Poutini Ngau Tahu's</p>

<p>Poutini Ngāi Tahu have with these landscapes, sites and areas.</p> <p><b>POU-04</b> - To support Poutini Ngāi Tahu in their exercise of kaitiakitanga and recognise their special relationship with te taiao, Poutini Ngāi Tahu taonga and wāhi tapu through resource management process and decisions.</p> <p><b>POU-P8</b> - Recognise the role of Poutini Ngāi Tahu as kaitiaki and provide for them to exercise kaitiakitanga through the resource management process.</p> <p><b>POU-P9</b>- Recognise Poutini Ngāi Tahu as specialists in tikanga and as being best placed to convey their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga.</p> <p><b>POU-P10</b> - Protect Poutini Ngāi Tahu taonga and cultural sites, including sites and areas of significance to Māori identified in Schedule Three while ensuring Poutini Ngāi Tahu's key role in decision making around their management.</p>	<p>to protect Poutini Ngai Tahu spiritual, cultural, and physical relationship to the area.</p> <p>Further, the proposed provisions direct a cultural impact assessment be sought, recognizing Poutini Ngai Tahu as the experts in conveying their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga as specified in POU-P9.</p> <p>This also allows Poutini Ngai Tahu a role in the decision making process of any future resource consent process as intended by POU-O4 and POU-P10.</p>	<p>The rights, interests and values of Poutini Ngai Tahu will be addressed indirectly through the application of the Historical and Cultural Values Chapter. There is no specific Objective in the OSRZ that refers to the protection of Poutini Ngai Tahu values.</p> <p>Policy OSRZ-P6 recognises that many open spaces have sites and areas of significance to Poutini Ngāi Tahu, and require that these are managed in collaboration with iwi and hapū. The policy is not as directive as that in the FJAAZ provisions.</p> <p>There is no reference to Poutini Ngai Tahu values in the NOSZ Policies P18 – P20.</p>	<p>cultural relationship in addition to that which exists in the notified TPP. It does not provide the same level of recognition and direction as the provisions in the FJAAZ and specifically proposed Policy FJAAZ-P8 which directs a cultural impact assessment be obtained recognizing Poutini Ngai Tahu as the experts in portraying important cultural information and assessment.</p> <p>The SASM#145 that lies adjacent to the development area will remain and the proposed new OSRZ Objective and Policy will specify a requirement to maintain and protect the cultural values of Poutini Ngai Tahu.</p>
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<p><b>Tourism Strategic Objective</b></p> <p><b>TRM-01</b> - To recognise the significance of tourism to the West Coast/Te Tai o Poutini economy by providing for sustainable tourism development while managing the adverse effects on the environment, communities and infrastructure. This includes:</p> <ol style="list-style-type: none"> <li>1. Supporting the development of visitor facilities and accommodation within and near existing settlements and communities and on public conservation land where appropriate;</li> <li>2. Supporting the development of cycling and walking connections between tourism sites;</li> <li>3. Providing for the development, maintenance and upgrading of supporting infrastructure;</li> <li>4. Ensuring that visitor facilities are connected to existing services and infrastructure;</li> <li>5. Managing the development and expansion of visitor activities and services so that the natural and cultural values, amenity and character of the West Coast/Te</li> </ol>	<p>The proposed FJAAZ will deliver the outcome sought by this Objective and is considered appropriate for a location already recognized and identified in the relevant conservation management plans as an Icon Destination that is managed for domestic and international tourism.</p> <p>It explicitly recognizes the benefits of tourism to the West Coast and its economy and seeks to implement a consenting pathway for a sustainable sightseeing and recreational development.</p> <p>The first point in the Objective seeks to support the development of visitor facilities, near existing settlements and communities including on public conservation land where appropriate.</p> <p>The economic evidence presented demonstrates an Aerial Cableway would be significant for the community</p>	<p>A precinct will partly deliver the outcome sought by this Objective.</p> <p>It recognizes the benefits of tourism to the West Coast and its economy and seeks to implement a consenting pathway for a sustainable sightseeing and recreational development.</p> <p>The first point in the Objective seeks to support the development of visitor facilities, near existing settlements and communities including on public conservation land where appropriate. The economic evidence presented demonstrates an Aerial Cableway would be significant for the community of Franz Josef, Glacier Country and the wider Region.</p> <p>The other evidence in respect of landscape,</p>	<p>Altering the definition of Recreation Activity and adding a new Objective and Policy will partly deliver the outcome sought by this Objective.</p> <p>It will support development of an Aerial Cableway to a slightly greater extent than the TPP without amendment, but one Objective and Policy does not recognize the uniqueness and significance of potential discretionary consent consideration of an Aerial Cableway project and the net recreation, tourism and economic benefits for the region that will eventuate from its development in the same way that formal recognition by a zone or precinct with bespoke provisions would offer. This option would have a greater</p>
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<p>Tai o Poutini and its communities are maintained;</p> <p>6. Promoting a sustainable approach to tourism and minimising the adverse effects, and in particular cumulative adverse effects, of visitor activities and services on cultural values and wāhi tapu, natural values, amenity and landscape;</p> <p>7. Supporting Ngāti Waewae and Ngāti Māhaki o Makaawhio to exercise kaitiakitanga, and provide education about the cultural importance of maunga, other landforms, taonga and wāhi tapu to Poutini Ngāi Tahu and how to treat these areas with respect; and</p> <p>8. Supporting Poutini Ngāi Tahu in expansion of their tourism and visitor activities to deliver better economic outcomes for the hapū.</p>	<p>of Franz Josef, Glacier Country and the wider Region.</p> <p>The other evidence in respect of landscape, ecology, recreation, and hazards demonstrates the activity could be managed to have no more than minor adverse effects.</p> <p>Accordingly, providing an enabling zone and provisions framework for an Aerial Cableway directly implements the outcome this Objective seeks by identifying and specifying the FJAAZ as an appropriate location for development of this type of a facility.</p>	<p>ecology, recreation, and hazards demonstrates the activity could be managed to have no more than minor adverse effects.</p> <p>Accordingly, providing a precinct recognizes this unique and important development.</p> <p>However, the existing Objectives and Policies are not enabling or directly supportive of development of this type of a facility. They seek a low level of built form/small scale structures and buildings.</p>	<p>cost than the alternatives in being less aligned with / likely to achieve, the tourism strategic objectives.</p>
<p><b>Minute 16 – Suggested Economic Development Provisions</b></p> <p><b>While not forming part of the notified TPP provisions, these were recommended as additions through Minute 16 and are highly relevant considerations.</b></p>			

<p><b>Objective ED -O1</b> Te Tai o Poutini/the West Coast supports a prosperous, diverse and resilient economy recognising the current contributions of agriculture, mineral extraction and tourism.</p> <p><b>Objective ED – O4</b> The significance of tourism to the West Coast/Te Tai o Poutini economy is recognised and sustainable tourism development is provided for where the adverse effects on the environment, communities and infrastructure are managed.</p> <p><b>Objective ED – O5</b> The strategic importance of Fox Glacier/Weheka, Franz Josef/Waiiau and Punakaiki townships for the tourism industry is recognised.</p> <p><b>Policy ED – P7</b> Sustainable tourism development is promoted through:</p> <ol style="list-style-type: none"> <li>1. Supporting the development of visitor facilities and accommodation within and near existing settlements and communities and on public conservation land where appropriate;</li> </ol>	<p>The proposed FJAAZ is considered to directly implement these Objectives.</p> <p>The proposed zoning implements a planning framework that spatially and geographically recognises and provides for a sustainable tourism operation that has been confirmed by evidence to have a significant positive impact on the economy of Franz, Glacier Country and the wider West Coast.</p> <p>The evidence demonstrates that adverse effects can be managed to be no more than minor within the area spatially identified for the proposed FJAAZ.</p> <p>Fran Josef is specifically identified as strategically important to the tourism industry and the evidence of Mr Colegrave and Mr Greenaway outlines that an Aerial Cableway would be an 'anchor product' in the</p>	<p>A precinct will partly deliver the outcome sought by these Objectives.</p> <p>A precinct will recognize the benefits of tourism to the West Coast and its economy and seeks to spatially define an appropriate location and implement a consenting pathway for a sustainable sightseeing and recreational development.</p> <p>The possible precinct will support the development of visitor facilities, near the existing Franz Josef settlement.</p> <p>The economic evidence presented demonstrates an Aerial Cableway would be significant for the community of Franz Josef, Glacier Country and the wider Region and be an anchor product for Franz Josef</p>	<p>Altering the definition of Recreation Activity and adding a new Objective and Policy will partly deliver the outcome sought by this Objective.</p> <p>It will support development of an Aerial Cableway to a slightly greater extent than the TPP without amendment, but one Objective and Policy does not recognize the uniqueness and significance of potential discretionary consent consideration of an Aerial Cableway project and the net recreation, tourism and economic benefits for the region that will eventuate from its development in the same way that formal recognition by a zone or precinct with bespoke provisions would offer.</p>
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<p>2. Supporting the development of cycling and walking connections between tourism sites;</p> <p>3. Providing for the development, maintenance and upgrading of supporting infrastructure;</p> <p>4. Ensuring that visitor facilities are connected to existing services and infrastructure;</p> <p>5. Managing the development and expansion of visitor activities and services so that the natural and cultural values, amenity and character of the West Coast/Te Tai o Poutini and its communities are maintained;</p> <p>6. Promoting a sustainable approach to tourism and minimising the adverse effects, and in particular cumulative adverse effects, of visitor activities and services on cultural values and wāhi tapu, natural values, amenity and landscape;</p>	<p>suite of tourism offerings provided in Glacier Country and encourage longer visitor stays enhancing the economy of Franz Josef.</p> <p>Implementing the FJAAZ directly achieves Policy P7 (1) by supporting an Aerial Cableway in close proximity to Franz Josef settlement.</p> <p>It also achieves P7(5) and (6) by providing a comprehensive suite of Objectives and Policies to maintain, natural and cultural values and the evidence suggests this is achievable in the proposed FJAAZ location.</p>	<p>thus assisting achieve Policy ED-P7.</p> <p>The other evidence in respect of landscape, ecology, recreation, and hazards demonstrates the activity could be managed to have no more than minor adverse effects.</p> <p>Accordingly, providing a precinct recognizes this unique and important development.</p> <p>However, the existing Objectives and Policies are not enabling or directly supportive of development of this type of a facility. They seek a low level of built form/small scale structures and buildings.</p>	<p>This option would have a greater cost than the alternatives in being less aligned with / likely to achieve, the economic development strategic objectives.</p>
<p><b>TTPP Part 2 District Wide Matters</b></p>			
<p><b>Natural Hazards</b></p>			
<p><b>NH-02</b> - To reduce the risk to life, property and the environment from natural hazards, thereby promoting the well-being of the community and environment.</p>	<p>It is important to note that no natural hazard overlays have been identified in the area of the proposed FJAAZ on the TTPP planning maps.</p>	<p>A precinct will not result in any greater direction for addressing natural hazard risk than that which exists in the</p>	<p>An amendment to the definition of Recreation Activity and the inclusion of the proposed</p>



<p><b>NH-P2</b> - Where a natural hazard has been identified and the natural hazard risk to people and communities is unquantified but evidence suggests that the risk is potentially significant, apply a precautionary approach to allowing development or use of the area.</p>	<p>However, expert evidence from Mr Faulkner outlines that there are a range of natural hazards that exist and which will require detailed consideration at the time that a development is proposed.</p> <p>To this end, proposed Objective FJAAZ-02 seeks to enable development and operation of an Aerial Cableway only where it can manage the risk from natural hazards to a tolerable level, in this way the FJAAZ achieves the precautionary intent of the policy.</p> <p>This is supported by specific Policies, FJAAZ-P1 – P3 that outline the level of risk assessment required, avoidance of significant natural hazard risk to life, and development of a natural hazards response plan.</p> <p>The proposed provisions achieve these district wide matters by avoidance of</p>	<p>notified version of the TTPP.</p> <p>The notified TTPP provisions are more geared towards developing a risk based approach to known/potential hazards that have been identified on the proposed planning maps – none of which affect the development area and accordingly there are no Rules that will apply to natural hazard assessment.</p>	<p>Objective and Policy will not result in any greater direction for addressing natural hazard risk than that which exists in the notified version of the TTPP.</p> <p>The notified TTPP provisions are more geared towards developing a risk based approach to known/potential hazards that have been identified on the proposed planning maps – none of which affect the development area and accordingly there are no Rules that will apply to natural hazard assessment.</p>
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	significant/intolerable risk and directing a precautionary approach to assessment and on-going management.		
<b>Sites and Areas of Significance to Māori</b>			
<p><b>SASM-01</b> - Sites and areas of significance to Poutini Ngāi Tahu are recognised and identified and Poutini Ngāi Tahu are actively involved in decision making that affects their values to provide for tino rangatiratanga and kaitiakitanga.</p> <p><b>SASM-03</b> - The values of sites and areas of significance to Māori and cultural landscapes are protected from inappropriate subdivision, use and development including inappropriate modification, demolition or destruction.</p>	<p>The proposed provisions for the FJAAZ explicitly recognize the spiritual, cultural and physical relationship Poutini Ngai Tahu have with the Franz Valley. Objective FJAAZ-05 seeks to protect these values.</p> <p>Importantly, the further submission from Poutini Ngai Tahu does not indicate that an Aerial Cableway would be inappropriate development and indicates the FJAAZ is a compatible activity for this area.</p> <p>Proposed Policy FJAAZ-P8 seeks to ensure that sites and areas of significance and cultural landscapes are protected from inappropriate development by ensuring a consultative process with Poutini Ngai</p>	<p>A precinct will not afford any further recognition of Poutini Ngau Tahu's cultural relationship than exists in the notified plan through the SASM#145 that lies adjacent to the development area.</p> <p>The rights, interests and values of Poutini Ngai Tahu will be addressed indirectly through the application of the Historical and Cultural Values Chapter. There is no specific Objective in the OSRZ that refers to the protection of Poutini Ngai Tahu values.</p> <p>Policy OSRZ-P6 recognises that many open spaces have sites and areas of significance to Poutini Ngāi Tahu, and require that these are</p>	<p>The amendments with the proposed new Objective and Policy do not give any further identification of cultural sites of significance but, they do specifically require maintenance and protection of the cultural values of Poutini Ngai Tahu.</p> <p>This is an improved situation over the notified provisions and reliance on the existing NOSZ policies that are silent on cultural values when considering development.</p> <p>The provisions aren't as directive to collaboration and consultation with Poutini Ngai Tahu as</p>

	<p>Tahu through completion of a cultural impact assessment. This assures Poutini Ngai Tahu a role in the resource consent decision making process and a greater benefit as compared to providing no specific policy direction.</p>	<p>managed in collaboration with iwi and hapū. The policy is not as directive as that in the FJAAZ provisions.</p> <p>There is no reference to Poutini Ngai Tahu values in the NOSZ Policies P18 – P20 that relate to development in the NOSZ.</p>	<p>the FJAAZ and therefore have a cost in terms of less certainty for these outcomes.</p>
<b>Ecosystems and Indigenous Biodiversity</b>			
<p><b>ECO-02</b> - To provide for appropriate subdivision, use and development within areas of significant indigenous vegetation and significant habitats of indigenous fauna where the values of the area can be maintained or enhanced.</p> <p><b>ECO-04</b> - To maintain the range and diversity of ecosystems and indigenous species found on the West Coast/Te Tai o Poutini.</p> <p><b>ECO-P2</b> - Allow activities within areas of significant indigenous vegetation or significant habitats of indigenous fauna where:</p> <p>a. This is for a lawfully established activity; or</p>	<p>Identifying the FJAAZ and associated provisions for development of an Aerial Cableway directly achieves the outcome sought by ECO-02 by providing for/enabling a specific location for development of an Aerial Cableway where the expert evidence confirms effects on significant indigenous vegetation and fauna can be managed and their values maintained. This aligns with the outcome sought by ECO-04 also.</p> <p>Similarly, Policy ECO-P2 seeks to allow</p>	<p>Similarly to the proposed FJAAZ, identifying a precinct for development of an Aerial Cableway partly achieves the outcome sought by ECO-02 by providing for/identifying/enabling a specific location for development of an Aerial Cableway where the expert evidence confirms effects on significant indigenous vegetation and fauna can be managed and their values maintained.</p>	<p>This option is less effective at definitively identifying and providing for a confined area that is appropriate for the consideration of a development and use of an Aerial Cableway. Compared to a precinct or the FJAAZ, this option affords no such recognition in the TPP that the Franz Valley is an appropriate location.</p> <p>Based on the evidence of Dr Wells, an Aerial Cableway</p>

<p>b. It is for a Poutini Ngāi Tahu cultural purpose; or</p> <p>c. This is undertaken on Poutini Ngāi Tahu or Te Rūnanga o Ngāi Tahu land in accordance with an Iwi/Papatipu Rūnanga Management Plan; or</p> <p>d. The activity has a functional need to be located in the area;</p> <p>e. The activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat.</p> <p><b>ECO-P9</b> - Provide for biodiversity offsets and compensation to manage residual adverse effects of an activity where:</p> <p>a. The goal of the biodiversity offsets is no net loss and, preferably, a net gain of biodiversity;</p> <p>b. The conservation outcomes are measurable and positive; and</p> <p>c. The biodiversity offsets or compensation are in accordance with best practice, including but not limited to NZ Government guidance on biodiversity offsetting.</p>	<p>activities/development in areas of significant vegetation and habitats of indigenous fauna where the activity has no more than minor effects.</p> <p>Again, the evidence of Dr Wells has confirmed that the FJAAZ could be developed and managed to achieve this requirement.</p> <p>Accordingly, identifying the FJAAZ as an appropriate location for an Aerial Cableway is consistent with these provisions.</p> <p>The FJAAZ provisions are also aligned with ECO-P9 with proposed Policy FJAAZ-P8 specifically directing residual adverse effects to be offset and/or compensated for.</p>	<p>Based on the evidence of Dr Wells, an Aerial Cableway could be managed to achieve these Objectives and Policies.</p>	<p>could be managed to achieve the outcome sought by the Objectives and Policies with minor or less effects and therefore there is a greater cost in failing to provide public certainty and direction in a spatial sense.</p>
<p><b>Natural Features and Landscapes</b></p>			

<p><b>NFL-O1</b> - To protect the values of outstanding natural landscape and outstanding natural features on the West Coast/Te Tai o Poutini, while providing for subdivision, use and development where the values that make the landscape or feature outstanding can be maintained or enhanced.</p> <p><b>NFL-P1</b> - Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they do not adversely affect the values that contribute to a natural feature or landscape being outstanding and are for:</p> <ul style="list-style-type: none"> <li>a. Existing land uses and lawfully established activities including existing network utilities, energy activities, agricultural, horticultural and pastoral activities;</li> <li>b. Conservation activities;</li> <li>c. Recreational activities;</li> <li>d. Natural hazard mitigation activities;</li> <li>e. Operation, maintenance and upgrade of renewable electricity generation facilities;</li> </ul>	<p>The proposed FJAAZ is considered to achieve the outcome sought by NFL-O1. The evidence of Ms. Smetham is that the identified area of the proposed FJAAZ can absorb development of an Aerial Cableway while maintaining the values that contribute to the ONL and ONF status.</p> <p>The proposal to identify a zone for development of an Aerial Cableway implements NFL-P1 by identifying an area, on the expert evidence of Ms Smetham, that has the capacity to absorb the effects of development. Accordingly, a zone with enabling provisions will provide for the Aerial Cableway in the ONL/ONF.</p> <p>In regard to Policies NFL-P2, P4, and P5, the evidence of Ms Smetham is that the FJAAZ will enable development of an Aerial Cableway in a location which is likely to have minor</p>	<p>The objective NFL-01 is contradictory requiring both protection of ONL/ONF values but provide for development where the landscape values are maintained or enhanced.</p> <p>A precinct goes some way to identifying that the area is suitable for Aerial Cableway development, but with no corresponding provisions, the contradictory approach of this Objective is not as certain or effective as an enabling pathway for development. Similarly, a precinct goes some way to achieving policy NFL-P1 by providing recognition of an activity (Aerial Cableway) that can be developed without affecting the landscape values of the ONL/ONF.</p> <p>The lack of any specific enabling objectives and</p>	<p>The contradictory nature of Objective NFL-O1 provides some uncertainty, particularly without a recognized area where development is anticipated to maintain landscape values as would be the case with the FJAAZ or Precinct options.</p> <p>However, the proposed new Objective and Policy offer some refined direction that an Aerial Cableway should be considered for consenting in the Franz Josef Valley. This partly achieves the outcome of NFL-O1 and aligns with the direction of Policy NFL-P1 which provides for activities in the ONL/ONF where the landscape values are not adversely affected to an inappropriate degree</p>
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<p>f. Operation, maintenance and upgrading of network infrastructure;</p> <p>g. Upgrading and/or new infrastructure and renewable electricity generation facilities where there is a functional need for it to be located in these areas;</p> <p>h. Poutini Ngāi Tahu uses; or</p> <p>i. The alteration, maintenance or removal of existing buildings or structures.</p> <p><b>NFL-P2</b> - Where possible, avoid significant adverse effects on the values that contribute to outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six. Where significant adverse effects cannot be avoided, ensure that the adverse effects are remedied, mitigated or offset.</p> <p><b>NFL-P4</b>- Require that new buildings, structures within outstanding natural features or landscapes minimise any adverse visual effects by:</p> <p>a. Ensuring the scale, design and materials of the building and/or</p>	<p>or less effects on natural character and visual amenity values.</p> <p>Additionally, the proposed provisions FJAAZ-O3 and FJAAZ-P3, P4, and P5 further drive these outcomes by ensuring the outstanding landscape values are maintained, through specific consideration to location, scale, prominence through colours and light reflectivity, and lighting.</p>	<p>policies and the direction of NOSZ-P18-P20 for low level built form leaves some uncertainty and conflict between the provisions.</p>	<p>The specific enabling objectives and policies remove the uncertainty and potential conflict that would otherwise exist between these NFL Objectives and Policies and the Policies OSRZ-P18-P20 that direct only low level/small scale built form occur. However those have a greater cost when compared to the FJAAZ or precinct in terms of a lack of spatial certainty for administration of the plan,</p>
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<p>structure are appropriate in the location;</p> <ul style="list-style-type: none"><li>b. Using naturally occurring building platforms, materials and colour that blends into the landscape; and</li><li>c. Limiting the prominence or visibility of buildings and structures including by integrating it into the outstanding natural feature or landscape.</li></ul> <p><b>NFL-P5-</b> Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision:</p> <ul style="list-style-type: none"><li>a. The scale of modification to the landscape;</li><li>b. Whether the proposal is located within a part of the outstanding natural feature or outstanding natural landscape that has capacity to absorb change;</li><li>c. Whether the proposal can be visually integrated into the landscape and whether it would break the skyline or ridgelines;</li><li>d. The temporary or permanent nature of any adverse effects;</li></ul>			
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<p>e. The functional, technical, operational or locational need of any activity to be sited in the particular location;</p> <p>f. Any historical, spiritual or cultural association held by Poutini Ngāi Tahu;</p> <p>g. Any positive effects the development has on the identified characteristics and qualities;</p> <p>h. Any positive effects at a national, regional and local level;</p> <p>i. Any relevant public safety considerations; and</p> <p>j. The measures proposed to mitigate the effects on the values and characteristics, including:</p> <ul style="list-style-type: none"><li>i. The location, design and scale of any buildings or structures, or earthworks;</li><li>ii. The intensity of any activity; and</li><li>iii. The finish of any buildings or structures, including materials, reflectivity and colour; and landscaping and fencing.</li></ul>			
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## **Evaluation – s32(1)(b) Examination of the provisions**

5. Section 32(1)(b)(i) requires an examination as to whether the provisions in the proposal are the most appropriate way to achieve the Objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the Objectives and summarising the reasons for deciding on the provisions. The following options have been considered.

### **Option 1 – The Proposed FJAAZ**

6. The proposal represents an alternative zoning that gives direct recognition and identification of a site-specific location that is appropriate to provide for an Aerial Cableway.
7. The proposal recognises the existing Icon Destination status of the location, and the direct importance of tourism to the Franz Josef community, Glacier Country, and the wider region. It directly achieves the TTPP strategic tourism Objective and the proposed strategic economic development Objectives.
8. The evidence presented by Ms Smetham and Dr Wells demonstrate that the proposal can be developed and managed to achieve minor or less adverse effects in terms of Natural Features and Landscape values and Ecosystems and Indigenous Biodiversity Objectives. Given this evidence, the FJAAZ would be more efficient and effective in terms of certainty of consenting within an area identified as likely to have such low levels of adverse effects while also delivering significant economic and recreational benefits.
9. For these reasons, I consider that this option is the most appropriate way to achieve the Objectives of the TTPP when assessed holistically, as identified above.

### **Option 2 – A Precinct**

10. This option identifies and recognises an area as appropriate for an Aerial Cableway. In my opinion, it doesn't afford the same level of recognition for an Icon Destination and a unique proposal of such a large scale and regional, and National significance, when compared to a special purpose zone such as the FJAAZ and therefore doesn't implement the strategic tourism objective as well as Option 1. It has greater costs in

this sense, as with less consenting certainty, it is more likely that consent applications may not be pursued further.

11. This is particularly the case when there are no other specific Objectives and Policies that guide the development of an Aerial Cableway and where the existing direction of the underlying zone framework (Zone purpose, Objectives and Policies) anticipates low level and small-scale development.
12. This underlying zone framework does not resolve the conflict between the Natural Features and Landscapes provisions that seek protection of ONL/ONF values and those in the Natural Open Space Zone which anticipates low level and small-scale development. This option therefore has greater costs in not recognising the potential for enhancement and diversification of an existing Icon Destination, and its economic, social, and cultural contribution to the region.
13. It would be difficult to conclude that it is appropriate for an Aerial Cableway to be established that will protect landscape values when the zone framework anticipates low level/small scale built form.
14. For the above reason, I do not consider that a precinct is the most appropriate way to achieve the Objectives, though is superior to option 3 below. There would be greater costs in the lack of specific policy direction as to landscape, ecological, cultural, and natural hazards matters required for consideration, as compared to the FJAAZ.

### **Option 3 Amendments to the Natural Open Space Zone**

15. This approach provides no explicit spatial recognition of an appropriate area for this unique tourism activity (other than broadly referring to the Franz Valley). Accordingly, this approach doesn't achieve the strategic tourism Objective as well as the other options due to lack of spatial identification which recognises the unique proposal of an aerial cableway which is locationally constrained by the existing glacier Icon Destination.
16. The amended provisions will recognise and provide for an Aerial Cableway to a greater degree than the notified provisions although they do not address the contradictory

nature of the NFL-01 by identifying an explicit area where evidence demonstrates development could appropriately occur whilst protecting the landscape values.

17. There would also be potential issues with the definition of Recreation Activity and how it applies to construction and decommissioning of an Aerial Cableway (rather than just its use) and what Rules would then be triggered in other parts of the TTPP for assessment. This has been discussed in my main reply. There are also potentially unintended consequences of this broader definition approach applying on its own, without specific Objectives and Policies, as it may signal the opportunity for larger than anticipated structures being established for recreation activities in any areas of the NOSZ which may be less appropriate than the very specifically identified and sited Aerial Cableway corridor
18. There are therefore greater costs associated with this option than compared to the FJAAZ and precinct above, in that a lack of plan direction and guidance as to the Aerial Cableway would be less aligned with achievement of the tourism and economic development strategic Objectives, and provides less certainty for public confidence in future potential appropriate locations for major tourism infrastructure projects.
19. For the reasons above, I do not consider this option to be the most appropriate way to achieve the Objectives.

#### **Efficiency and effectiveness of the proposed provisions**

20. Section 32(1)(b)(ii) requires an examination of the efficiency and effectiveness of the provisions. The proposed provisions are set out in **Appendix A** of this reply.
21. In general terms, the provisions have adopted the TTPP framework and rules to the greatest extent practicable. Only minor amendments are proposed to provide for the 'exemption framework' proposed to enable consideration of a future Aerial Cableway under one section of the TTPP – the FJAAZ.
22. The zoning and proposed provisions provide certainty both for a future applicant and the administrators of the TTPP, of the status and applicable provisions for consideration of a future Aerial Cableway proposal. One Discretionary Activity Rule encapsulates all associated construction, earthworks, vegetation clearance, and aircraft activities and provides for development and the on-going use of an Aerial Cableway under the direction of a very clear and specific policy framework. The

location of the FJAAZ and likely scale of an aerial cableway has been assessed as likely to have minor or less adverse effects in terms of landscape values, recreation, biodiversity, and natural hazards, but significant positive effects for regional economic development and tourism.

23. Given the evidence as to adverse effects likely to accrue, this is a more effective and efficient administration of the activity under the TTPP than bundling activities under multiple chapters of the TTPP and with various activity status from Restricted Discretionary to Non-Complying, and with no specific policy direction around such a proposal and less certainty on potentially suitable locations. A discretionary activity status ensures that any such consenting proposal will involve careful public and consent authority consideration and does not necessarily presuppose a consent outcome that will be granted. However it also provides greater confidence in potential investment and pursuit of consenting opportunities than would otherwise exist with no direction.

**Key reasons for deciding on the provisions**

24. Section 32(1)(b)(iii) requires a summary of the reasons for deciding on the provisions, those reasons are:
- The proposed FJAAZ zoning will integrate well with the notified TTPP framework which includes Special Purpose Zones for other important regional facilities which are locationally constrained - just like the FJAAZ being dependent on an Icon Destination, and in an area that has been selected for its relative appropriateness in being able to sufficiently address landscape and other values;
  - The proposed FJAAZ zoning gives effect to the key Objectives and Policies of the TTPP in regard to recognising the significance of sustainable tourism to the region, the specific role of the Franz Josef township and the Glaciers Icon Destination status, and providing for appropriate development where landscape and indigenous biodiversity values can be maintained;
  - The proposed zoning simplifies the plan provisions in regard to assessment of this unique activity through one consent trigger for all construction and operational matters with no uncertainty and/or conflict between other provisions

in the TTPP, in a location that has been assessed for this particular activity as being appropriate and likely to result in minor or less adverse effects;

- There is no risk of precedent or loss of plan integrity. The FJAAZ accords with the higher order direction of the TTPP, Special Purpose Zones exist in the notified TTPP for other locationally constrained resource management issues (such as mineral extraction), and the development of an Aerial Cableway is limited to a very specific location for a single specific and exceptional potential development in an area that is already part of an identified Icon Destination for domestic and international tourism.

Any other submitter seeking a similar special purposes zone will need to be assessed on its own merits in evidence as to whether it passes the tests to be truly exceptional and deserving of their own planning framework. It is unlikely that a similar proposal would be replicated elsewhere.

**Benefits and costs including opportunities for economic growth and employment to be provided or reduced**

25. The costs to the environment, including economic, social and cultural costs relate to the effects of an Aerial Cableway on landscape, cultural, and ecological values, and the effects of construction and on-going operation on existing recreation values and quality of visitor experiences.

26. In my opinion, and relying on the expert evidence of Ms Smetham, Dr Wells, and Mr Greenaway, these effects are able to be appropriately managed so that the benefits outweigh those costs.

27. The benefits are broadly summarised as being:

- Recognition of the importance of the Icon Destination of Franz Josef to the tourism industry.
- Employment generation (both one off and longer term),
- Increase in economic activity and well-being for Franz Josef, Glacier Country, and the wider region as a result of a diversified tourism offering.

- Increase in visitor attractions and recreational opportunities for sightseeing and access.
- Certainty and clarity on the consent process required to realise the development of an Aerial Cableway in a location already identified in evidence as most appropriate and likely to result in minor or less adverse environmental effects.

28. For the above reasons the benefits of the proposed FJAAZ outweigh the costs.

### **Risk of Acting or not acting**

29. While the costs and benefits have not been quantified, they have been evaluated in a high-level planning policy context, and the risk of acting (i.e., the rezoning as proposed taking effect) is considered to be low. The benefits of the consenting of an Aerial Cableway have been assessed in terms of one-off economic impacts in the evidence of Mr Colegrave.

30. There is sufficient information available about the land, the potential effects, and the subject matter of the provisions, and the views (or lack thereof) expressed by the community through submissions and further submissions.

### **Section 32(3)**

31. The requirements of section 32(3) have been incorporated into the above evaluation by considering the Objectives of the TTPP (the existing proposal).