

*Clause 6 of First Schedule, Resource Management Act 1991*

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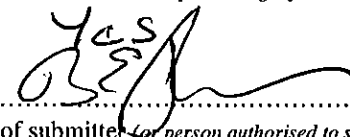
4. †I seek the following decision from Selwyn District Council: .....

That Private Plan Change 25 is DECLINED in  
its ENTIRETY.

†Give precise details, including the nature of any change sought. Continue on a separate sheet if necessary.

5. I WISH / ~~DO NOT~~ WISH to be heard in support of my submission (delete as applicable)

6. If others make a similar submission, I will consider presenting a joint case with them at a hearing  
(delete if you would not consider presenting a joint case)

7.  6<sup>th</sup> December 2010  
Signature of submitter (or person authorised to sign on their behalf) Date

8. Address for service of submitter: Castle Hill Station, Private Bag  
55003, Christchurch.

Telephone: 03 3135136 Fax: ~~N/A~~

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Please copy all notifications etc to -  
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13 Seddon Street,  
Rangiora. 7400

## Submission on Private Plan Change 25 to the Selwyn District Council (Applicant – Porter Ski Area Ltd)

To: Selwyn District Council  
2 Norman Kirk Drive, Rolleston  
Christchurch 7614

Date: 7<sup>th</sup> December 2010  
Submission length: 4 pages

Name of Submitter: Castle Hill Ltd

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### 1. Castle Hill Ltd Make the Following Submission in Opposition to the Private Plan Change 25 (PPC 25) being promoted by Porter Ski Area Ltd.

Castle Hill Ltd are the registered proprietors of crown pastoral lease No 28 described in CB Vol 29K Folio 787, and remain with a legal interest in the estate for the land on which a significant part of the planned new ski area, infrastructure, and discharge areas associated with this development, are proposed to be constructed. The part of the land in this proposed Plan Change with legal description Section 1 SO 387006 has yet to be surrendered under Section 145 the Land Act 1948 by Castle Hill Ltd to the crown, for ultimate management by the Department of Conservation (DOC) as conservation estate land.

"Castle Hill is the first Station in the Waimakariri Valley between Porters Pass and Arthurs Pass. It sits in a basin cupped by the Craigieburn and Torlesse ranges, bisected by the main highway.. The sky is so vast, the landscape so grand with its great jumble of limestone rocks and castellated outcrops that so define the area.. This is not a conventionally pretty landscape. Rather it has a harsh beauty and an unforgiving terrain that at certain times – early morning or a summer twilight – can with a trick of the light deceive, making the erosion-exposed bones of the hillsides appear velvety soft..As we grow more and more urbanised, more and more dislocated from the countryside and rural matters, its vast land and sky-scapes have become romantic emblems of an almost lost New Zealand".<sup>1</sup>

### 2. Trade Competition Declaration:

- ✓ Castle Hill Ltd is directly affected by an effect of the subject matter of the submission that adversely affects the environment.
- ✓ Castle Hill Ltd is directly affected by an effect of the subject matter of the submission that does not relate to trade competition or the effects of trade competition.

### 3. The specific provisions of Private Plan Change 25 that our submission relates to are:

All of Private Plan Change 25 proposed by Porter Ski Area Ltd.

### 4. The reasons for making our submission in opposition to Private Plan Change 25 (PPC 25) are:

Castle Hill Station is a working high country station immediately adjacent and downstream of the proposed ski-area sub-zone being promoted by PPC 25 which seeks to re-zone 616 hectares of existing Rural (High Country) zoned land, and an area of Outstanding Natural Landscape. We have concerns the Stations farming activities, residential uses, and quiet enjoyment of our land will be adversely affected by the actual or potential effects from the scale, character and form of developments being proposed for the new ski-area sub-zone.

In addition, the level of controls provided for in PPC 25 is inadequate to avoid, remedy, or mitigate the consequent significant adverse effects on this area of outstanding natural landscape and high natural values. There is a very real probability that Castle Hill Station's use of its land and farming activities is actually or potentially affected by any failure of, or any negative effect of new developments (residential, commercial and accommodation buildings, roading and utility systems and structures, ski facilities, and increased visitor and vehicle numbers) not performing or acting as anticipated by those controls proposed in PPC 25.

Of particular concern (but not limited to) are –

### 5. Information submitted with the Private Plan Change 25 and Future Performance Controls:

All of the reports submitted with the Plan Change are feasibility options with presumptive findings only and do not contain sufficient credible information to accurately assess the true nature or ability of the structures, buildings, and system designs (including accommodation, commercial and residential buildings, the gondola's and chairlifts, the wastewater treatment and discharge sites, stormwater retention and discharge areas, and water takes for potable uses and snowmaking) to successfully operate within the constraints imposed by the alpine location, the rugged and steep terrain, the extreme seasonal, climatic and temperature variations, and the geological and hydrological features of the locale. This is especially significant as the Plan Change proposes the majority of the systems and roading associated with the developments in the ski-area sub-zone will become 'public supplies' and utilities under the control of the Council, and they will be maintained in the future with ratepayer funding.

1. "The Road to Castle Hill – A High Country Love Story": Christine Fernyhough - with Louise Callan, photography by John Bougen. Random House - 2007.

It is premature to make zoning decisions which will ultimately determine the veracity of building / structure / traffic safety and discharge outcomes for public assets, by relying solely on promises to provide further engineering assessment or detailed final design solutions once the Plan Change performance criteria have been determined and incorporated into the SDP, commonly as 'controlled activities' which limit discretion on additional concerns.

Any systemic failures from incorrect design methodology and/or site assessment assumptions could result in building / structure / infrastructure failures or untreated discharges entering existing water courses and groundwater, which would present on Castle Hill Station lands or in the various rivers and streams from which the Station draws its potable, stock and land irrigation waters. The Plan Change also provides no hydrological or groundwater information which satisfies Castle Hill Ltd the flow characteristics and quality of its water supplies will not be adversely compromised by the significant water take volumes required for the developments residential / commercial / snowmaking activities, or wastewater / stormwater discharges into these catchments.

## **6. Statutory Documents:**

Castle Hill Ltd is of the opinion PPC 25 would undermine the integrity and consistent governance of the following Plans and Statements, and fails to adequately give regard to the matters contained therein –

### **6a. the Operative Selwyn District Plan (SDP):**

- Protecting this location from inappropriate subdivision, use and development: this Plan Change is inconsistent with nearly all of the objectives, policies and rules which currently apply to areas of 'Outstanding Natural Landscape' within the SDP for the proposed ski-field sub-zone.
- Water, vegetation and ecosystems, land use, natural hazards, transport, and residential density and growth at this location: this Plan Change is incompatible with most of the objectives, policies and rules which currently apply to the Rural (High Country) zone within the SDP which underlay the proposed ski-field sub-zone.

### **6b. the Waimakariri River Regional Plan (WRRP):**

- Waterbodies must be maintained in a natural state: this Plan Change is inconsistent with the objectives, policies and rules within the WRRP which currently apply to the Porter River, and the Porter and Crystal Streams which are classified as in a high 'natural state' with very 'high aquatic habitat'.

### **6c. the Canterbury Regional Policy Statement (CRP):**

- Beds of rivers, soils and land use, landscape, ecology and heritage, and settlement patterns: this Plan Change is contrary to or incompatible with the objectives and policies within the CRP as they relate to residential density, access and location, and protecting the high levels of naturalness, biological diversity, and natural character of the landscape that are present over the proposed ski-field sub-zone.

In particular –

#### **i. Land Status, Public Access and the State Highway:**

All of the land on which PPC 25 is proposed is crown land administered under the Land Act 1948 and was historically part of the Castle Hill Station Pastoral Lease. Circa 1980's the alpine slopes of the Castle Hill Pastoral Lease along the northern flank of the Craigieburn Range were 'retired from grazing' for the purpose of erosion control and gross slope stability.

However, in consideration of the high conservation and natural values, and to preserve unfettered public access, the Porter Ski field area was transferred circa 1990's into the management of the Department of Conservation as the 'Porter Heights Conservation Area'. The Porter Heights Developments Ltd 'renewable lease' expressly prohibits the right to freehold the ski field lands, and the balance land required for the Crystal Basin development is still pastoral lease to be surrendered before becoming part of the conservation estate.

Any disposal of such lands for a strictly commercial purpose (i.e. not for pastoral or conservation use) requires a transparent public consultation process and Castle Hill Ltd believe it is premature for PPC 25 to be considered by the Selwyn District Council until robust public debate has occurred on the merits or otherwise of removing the ski area sub-zone from the conservation estate, which as a consequence would curtail free public access and use.

PPC 25 postulates 600,000 visitor's per annum to the ski field area, with 40% visiting the Castle Hill basin outside of the peak winter ski season<sup>2</sup>. This 1,200 % increase in visitor numbers coming into the basin will incrementally increase visits to the other adjacent DOC conservation areas (Kura Tawhiti, Prebble and Gorge Hills, Thomas Bush, Cave Stream, Cheeseman Forest Park). This will exacerbate the demands on the existing DOC ablution facilities and carparking areas at Kura Tawhiti and Cave Stream (which are already barely capable of coping with current visitor numbers) to service this increased public accessibility onto conservation lands. In addition, Castle Hill village also lacks any form of Council amenity services and ablutions, and the State Highway between Lake Lyndon and Cave Stream has only one formed road reserve pull-off area for vehicular use.

For Castle Hill Ltd, unrestricted public access onto the existing conservation areas which encompass the Station is a 'Catch 22' scenario; protecting farm assets as opposed to DOC actively encouraging access and hunting.

<sup>2</sup> Visitor numbers per annum: Source - AEE for Porter Ski Area expansion.

Within the Castle Hill basin, except for Kura Tawhiti, Cave Stream and Cheeseman Forest Park, the balance of the conservation estate is accessible only from beds of the Porter, Mt Thomas, and Broken Rivers. Over the last 6 years, our greatest challenge as a working high country station is managing trespass over our farm land – rambling and tramping, unauthorised vehicle access and parking (cars/motor-homes/buses, 4WD's, motor bikes and mountain bikes), vandalism, unauthorised hunting, and stock rustling. Public access onto Castle Hill Station to undertake these unlawful activities is usually directly from the State Highway or the adjoining conservation estate, and DOC and the Police are powerless to control these increasingly widespread incidents. A lack of adequate public amenities and public trespass generally in the Castle Hill basin have the potential to become the foremost adverse effects for the safe and profitable farming operations of Castle Hill Station, effects for which this Plan Change is wholly silent upon.

Castle Hill Ltd are of the opinion there has been no consideration within the proposed Plan Change of the consequences and likely adverse effects from the amplified visitor numbers generated by the proposed ski area developments within the Castle Hill basin globally, particularly with regard to the lack of adequate itinerant pull-off parking on the State Highway carriage-way, trespass and the interference of the legitimate farming activities of adjoining Stations, and the lack of adequate public amenities to cope with the inevitable surge in visitor numbers.

The Plan Change also grossly underestimates the impact of doubling the traffic generation on the State Highway to service the expansion developments proposed (average – 1,684 vpd increasing to 3,669 vpd at winter peak)<sup>3</sup>. The ski area access is within an alpine pass renowned for winter road closures (15% of the 2009 ski season), continually iced and snowbound roads, poor road visibility (fog, low cloud and whiteout), gale force winds, no mobile phone reception or signal, 24/7 road clearing and surface maintenance, difficulties using helicopters in inclement weather, and problematic emergency vehicle access with no viable alternative routes out of the basin.

As the closest permanent residence in the Castle Hill basin we are regularly required to respond 24/7 to the numerous unreported vehicle accidents / incidents in this locality and we believe the risk and hazard analysis on the State Highway in PPC 25 for crash exposure, traffic management, sight line distances, turning lane and pull-off lane requirements (both east and west bound traffic), the affect of extreme climatic effects, and emergency response abilities, are grossly understated, particularly during the peak winter ski season.

## **ii. Landscape and Natural Values:**

The Castle Hill basin is perhaps the most distinctive and memorable high country landscape in New Zealand, and is recognised as an outstanding natural landscape with natural features of national, regional and local importance. These iconic views are both accessible and for the most part unmodified by human interventions.

The nominal human footprint of the existing Porter Heights ski field structures / infrastructure is already widely visible from State Highway 73 and within the Castle Hill basin (as are the Cheeseman, Broken River, Craigieburn Valley ski fields). The further imposition of multi-storey accommodation and residential buildings, gondola's and chairlifts, infrastructure pipework and galleries in existing watercourses, roading / bridges and tracking, and wastewater and stormwater structures and buildings, resultant from developments proposed in PPC 25 will be dominantly conspicuous in this mountain landscape and as a consequence will intensify the loss of landscape intactness, character, naturalness and alpine sequencing, on this region of outstanding high country landscape.

The ski-area sub-zone site being promoted is identified as an 'Outstanding Natural Landscape' in the Operative SDP and PPC 25 seeks to remove and change this zoning in the SDP. The lifting of the current SDP controls with the new controls (predominantly 'controlled use activities' which limit Council's power to impose additional environmental performance conditions) as proposed in PPC 25 to accommodate the large scale earthworks, roading infrastructure, ski field structures and multi-storey residential and commercial buildings, do not address any of the actual or potential effects of these activities in a manner which will mitigate, avoid or remedy the significant adverse effects on this high value landscape with national, regional and local significance.

Castle Hill Ltd are of the opinion the lessening of the environmental performance standards and bulk and location controls currently in the SDP proposed within the Plan Change for buildings, structures, infrastructure and site developments will in all certainty set an inescapable precedent for those other under-developed ski areas located on conservation estate land in the Castle Hill basin (Cheeseman, Broken River, Craigieburn Valley), as they all share the same intrinsic landscape and natural values, and site characteristics with the Porter ski-area sub-zone.

The Crystal and Porter Streams, and the Porter River (above SH73) are classified in the WRRP as high 'natural state' with very 'high aquatic habitat', which is a rarity now in the Canterbury high country. As such, any risk of improperly treated discharges or bulk flows being carried into these fragile and pristine waterways would have significant adverse effects, and the maintenance of the 'state of naturalness' required by the WRRP could not be achieved. In addition, the natural character and ecological values of the indigenous vegetation and habitat of indigenous fauna present in this locality (i.e. four endemic threatened and rare species have been discovered in the Castle Hill basin) have already been recognised as regionally and nationally significant in the WRRP, the CRP Statement, the Canterbury Biodiversity Strategy, Department of Conservation Canterbury Conservation Management Strategy / Plans, and the Operative SDP (note: using SDP Appendix 12 ranking criteria to identify a site where sec 6(c) RMA 1991 applies, PPC 25 classifies the sub-alpine and alpine basin areas as "Significant").

<sup>3</sup> Vehicles per day. Source - AEE for Porter Ski Area expansion.

PPC 25 also freely admits the large scale disturbance of the Crystal basin as a permanent ski area is a significant adverse effect and represents a large scale negative ecological and biodiversity outcome of this ski-field sub-zone development proposal which cannot be mitigated, remedied or avoided. The Castle Hill basin cannot sustain the loss of the second largest unmodified alpine basin environment along with several rare pristine sub-alpine valley headwater aquatic environments, which cannot be replaced in the Torlesse/Craigieburn ecological District. PPC 25 offers no effective or viable 'environmental compensation' or commensurate 'public benefit' to offset the loss of these 616 hectares of conservation land with intrinsic landscape and natural values.

### iii. Residential Development and Natural Hazards:

Castle Hill Station shares a common boundary with Castle Hill village, a largely incomplete township with no commercial, recreational or public use assets, and has Council utilities which occupy Station lands without any legal status. This rural community has stagnated for the last 7 years and the developer of this township was recently declared bankrupt. Castle Hill Ltd has to ask why we need to further pollute the pristine land and sky-scapes of the Castle Hill basin to service the fickle overseas tourism market for purely commercial gain, especially where the ski field profits will not be retained in the Selwyn District or directly support local businesses.

The Upper Waimakariri Basin is a harsh and unforgiving environment which has been resisting Maori and European settlement efforts for 500 years. This locale does not need another partially completed township. Would it not be more beneficial to complement the existing Castle Hill village development with the on-mountain commercial and residential developments being proposed in PPC 25? This would certainly maintain the integrity and consistent governance of the Operative SDP within the 'Outstanding Natural Landscape' area, which was promulgated using a 'shared values' approach with residents, landowners, occupiers, tangata whenua and interest groups. The ski-area improvements could then be assessed within the framework of the existing SDP to ensure they complement the established visual character and natural values of this unique high country basin.

The Castle Hill basin is a location valued for the lack of structures, people and symbols of urbanisation. The SDP makes clear distinction between townships and rural areas with regard to new residential development at higher densities than the Rural (High Country) zone standard (1:120 dwellings per hectare). Any expansion of existing residential developments and tourism resorts can only occur within the confines of the original approved development plan. Otherwise new developments should only occur in or around existing townships, where the utility services are already present and amenity values are appropriate for the increased activity and densities.

PPC 25 proposes a dedicated on-mountain village with 45 freehold residential chalets, accommodation for 3,700 people with commercial, retail and entertainment centre's. The majority of these commercial, residential and accommodation structures proposed by the Plan Change will be large multi-storey buildings, and globally the development area has an elevated level of potential natural hazards (i.e. geologically uncertain terrain with high seismic hazard, snow avalanches are judged to be likely and common events, and the active steep scree slopes present with known collapse potential from frost heave, and in high rainfall and avalanche events)<sup>4</sup>.

The Plan Change expert reports fail to adequately address the consequences of catastrophic structure failures of these monolith multi-storey buildings, the snowmaking reservoir (maximum of 270,000 m<sup>3</sup> per 4 month season)<sup>5</sup>, the stormwater detention / sediment polishing ponds, and the underground storage of bulk sewerage solids (maximum 75,251 m<sup>3</sup> per annum) into the Porter River catchment and over Station lands before and beyond the State Highway 73 bridge crossing.

In all likelihood, failures will be rapid events having high velocity flood flows which will be erosive in nature and cause the mobilisation of other site sediments and/or snow pack, and bulking of flood flows is most likely to occur with resultant avulsion and/or aggradations along the outfall valleys leading into the Castle Hill basin. In addition, in this known area of multiple natural hazards the Plan Change does not address the critical issues of emergency management and responses, or adequate alleviation for the risk of loss of life and property damage within the ski-area sub-zone, or downstream on public infrastructure and private land from any catastrophic event.

- 6d. When regard is given to Part II of the Resource Management Act 1991, Castle Hill Ltd considers that this Plan Change is contrary to sections 6 (b) and (c), and 7 (b) (c) (d) (f) (g) and (h), and having particular regard to public health and safety and the well-being of people and communities and the natural environment, it will not constitute sustainable management as defined in section 5 of the Resource Management Act 1991

### 7. Castle Hill Ltd seeks the following Decision from Selwyn District Council:

That Private Plan Change 25 is Declined in it's entirety.

### 8. Castle Hill Ltd wishes to be heard in support of its Submission:

If others make similar submissions, Castle Hill Ltd will consider presenting a joint case with them at a hearing.

  
Bede Thomas as the Authorised Agent for Castle Hill Ltd:

<sup>4</sup> URS Geotechnical Assessments for the Porter Ski Area: Various – URS 2009 for Blackfish Joint Venture.

<sup>5</sup> URS Discharge and Disposal Assessments for the Porter Ski Area: Various – URS 2009 for Blackfish Joint Venture and 2010 for Porter Ski Area Ltd.