

**BEFORE THE SELWYN DISTRICT COUNCIL
Hearing Commissioners**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER Proposed District Plan Hearing concerning: Rezoning – General
Rural

Memorandum to the Hearings Panel

Hearing 30.9

Rezoning – Malvern (Castle Hill Adventure Tours)

12 May 2023

INTRODUCTION

- 1.1 This memorandum is to advise the Hearing Panel on the outcome of the ‘master planning’ process that was undertaken between Castle Hill Adventure Tours Ltd (CHAT) and Council in advance of the Hearing to be held on 16 May 2023. The process was initiated at the request of CHAT and subsequently agreed to by the Panel through Minute 49 dated 19 April 2023. As no planning expert was engaged by the submitter, no Joint Witness Statement (JWS) is provided on planning matters however this memorandum discusses changes to the provisions of the proposed zone that were discussed and agreed (or otherwise) through conferencing with Mr John Reid and landscape experts. A separate JWS has been prepared between Mr Paul Smith (Landscape Architect for the submitter) and Mr James Bentley (Landscape Architect for Council).

DISCUSSION

- 1.2 Through several workshopping sessions in-person and remotely and exchange of emails, there has been agreement between the parties over much of the content of the provisions for the proposed special purpose zone although disagreement still remains over the scale of the proposal in the context of an outstanding natural landscape.
- 1.3 Since the S42a report for Hearing 30.9 was issued, it has come to light that the prominent building that appears on approved plans in the northwestern portion of the site (RC205401) has not been consented. A note is included in the resource consent decision that the building will be subject to a future resource consent process. As such it cannot be considered as part of the approved consented baseline. I would also like to note that, through RC205126 which was an extension of time to the original consent granted in 2015 (RC145279), the resource consent for the land use activity which is to establish, operate and maintain a holiday park complex and golf course (and manager’s residence) will lapse on 28 May 2023.
- 1.4 For completeness and to inform the Panel, I have attached the following resource consent decisions to this memorandum:
 - 1.4.1 RC145279 – Commissioners Decision – To establish, operate and maintain a holiday park complex and golf course, including a manager’s residence. (28 May 2015)
 - 1.4.2 RC205126 – Decision - Extension of time for RC145279. (20 March 2020).
 - 1.4.3 RC205401 – Decision - Changes to conditions 1, 3 and 5 of RC145279. (17 August 2020).
- 1.5 To assist the Panel, a summary is provided below of discussions surrounding the proposed planning provisions and most significant changes. The submitter has provided a final draft of the proposed zone provisions including a clean copy and tracked changes version from that in the original submission (DPR-0395). It is important to note that not all changes are agreed, and this is stated below where this is the case:

Outline Development Plan (ODP)

- 1.6 Changes have been made to the ODP to effectively move the majority of the built form away from the southern portion of the site. The rationale for this is discussed in more detail in the JWS. In addition, the number of sub-zones has been reduced to improve the clarity of the ODP and workability of associated provisions.

Title of the Zone

- 1.7 It was agreed to remove the word 'rural' from the proposed zone name as this was misleading as to the intent of the zone.

Overview

- 1.8 Changes have been made to the overview to better discuss the context and intent of the sub-zones and quantify the area associated with each one.

Objective

- 1.9 Changes have been made to the objective to better reflect the intent of the zone and recognition of the need to protect outstanding natural landscape.

Policies

- 1.10 Changes have been made to the policies to better reflect the intent of the zone and recognition of the need to protect outstanding natural landscape. In particular, the previous requirement to avoid development that does not comply with the outline development plan or anticipated development in the sub-areas has been removed to provide some flexibility, given the above change to the ODP. However, as development will need to conform to an agreed landscape master plan, any proposed development that does not comply with the outline development plan or landscape master plan is anticipated to be in a very limited range of circumstances and will require a full landscape assessment as a discretionary activity. A requirement to 'limit' built form in the Recreation and Open Space Sub-Area is included by way of direction to decision-makers (CHVZ-P4).

Rules/Rule requirements

- 1.11 Changes have been to rules to include a rule requirement for each building rule to include building coverage (CHVZ-REQ1) to try and place some certainty over the maximum level of built form. The building coverage proposed and overall assessment of the level of built form on landscape values is however the subject of disagreement between experts and this is covered in more detail in the JWS.

- 1.12 A non-complying activity status has been removed in favour of a discretionary activity status for reasons explained above, with the proviso that any departure from the outline development plan would be in very limited circumstances and fully assessed for its effects on landscape.
- 1.13 The matters of control have also been amended for each controlled activity rule to require compliance with the landscape master plan and character of the existing Castle Hill Village. In this regard, whilst public notification is still excluded, limited notification is now not.
- 1.14 Additional rules have been added relating to staff and hostel accommodation (CHVZ-R3). As the camping ground element of the proposed zone has been removed, it was agreed that provision for this activity should be made. New rules (CHVZ-R4 and 12) have been added for tourism buildings and activities (formally community and commercial facilities in the 'Recreation Reserve') and these tourism activities are specifically listed out in the rules. Mr Bentley has expressed some concerns about the scale of these activities especially in light that of that fact that they have not previously been consented as was assumed. This is addressed in more detail in the JWS.
- 1.15 The rule for retail activities has been expanded to include food and beverage activities (CHVZ-R13). The total area for this activity is proposed to be 600m² and no tenancy or unit will be greater than 450m². In addition, it has been added to the rule that the activity must be ancillary to tourism or visitor accommodation activities.
- 1.16 It has also been clarified what will comprise a golf course (CHVZ-R15) and that this will not include a driving range.
- 1.17 A new permitted rule for ancillary structures has been added (placeholder CHVZ-R6A) with an appearance performance standard of 30% light reflectance value, consistent with the reflectance value for the NFL Chapter. There is also provision for education and boardwalk type structures in the wetland area (CHZ-R16) as a controlled activity.
- 1.18 Whilst a new rule requirement, CHVZ-REQ1, has been proposed by the submitter, Mr Bentley has expressed concern that the overall level of built form of new apartment buildings and terraced housing has not been appropriately assessed and concern remains with the proposed tourist buildings. Therefore, this is not agreed without further assessment being undertaken.
- 1.19 Changes have been agreed to height and setback restrictions (CHVZ-REQ2) and this is discussed in the JWS in more detail. Setbacks from road and internal boundaries has also been increased (CHVZ-REQ3).
- 1.20 The original landscaping plan is now a landscape master plan (CHVZ-REQ5). Some new requirements have been inserted to flesh this out. Whilst the principle of a landscape master plan is agreed between experts, this is predicated on a landscape effects assessment being undertaken first. I am uncertain how this will be accomplished timing-wise given the process that is underway.

- 1.21 A change has been agreed to servicing arrangements requiring connection to Council water and sewage (CHVZ-REQ6).

Conclusion

- 1.22 Whilst there has been fruitful discussion and agreement over a number of matters between the parties, Mr Bentley remains concerned that the proposal has not been comprehensively assessed from a landscape perspective to determine whether what is being proposed can be accommodated in the outstanding natural landscape. He remains concerned about the level of built form, in particular the apartment buildings/terraced housing and the proposed tourism building and the substantial increase of building coverage from that previously consented. In light of Mr Bentley's concerns and despite some progress, I cannot amend my previous recommendation that the submission from CHAT be rejected.

Jon Trewin



Policy Planner

12 May 2023

Attachments

1. RC145279 – Commissioners Decision – To establish, operate and maintain a holiday park complex and golf course, including a manager's residence. (28 May 2015)
2. RC205126 – Decision - Extension of time for RC145279. (20 March 2020).
3. RC205401 – Decision - Changes to conditions 1, 3 and 5 of RC145279. (17 August 2020).