

**RESOURCE MANAGEMENT ACT 1991**

**DECISION OF THE SELWYN DISTRICT COUNCIL  
ON A RESOURCE CONSENT APPLICATION**

<b>APPLICATION REFERENCE:</b>	<b>145279</b>
<b>APPLICANT:</b>	Castle Hill Adventure Tours Limited
<b>SITE ADDRESS:</b>	West Coast Road (State Highway 73), Castle Hill
<b>LEGAL DESCRIPTION:</b>	RS 40841 (CFR CB31B/468)
<b>PROPOSAL:</b>	To establish, operate and maintain a holiday park complex and golf course, including a manager's residence.
<b>ZONING &amp; NOTATIONS:</b>	Rural (High Country) Zone
<b>TYPE OF ACTIVITY:</b>	Land Use (Non-complying)
<b>DATE OF HEARING:</b>	11 March 2015
<b>HEARINGS PANEL:</b>	Commissioner Justine Ashley
<b>APPEARANCES:</b>	<u>Applicant</u>  Mr John Reid Mr John Cook  <u>Submitters</u>  Mr Ray and Mrs Maree Goldring (in support) Mr Adrianus (Jos) & Mrs Catherine Van de Klundert and Mr Chris Tapp (in opposition) Mr Richard Brittan (in opposition)  <u>Council Officer</u>  Ms Amy Pankhurst
<b>DECISION:</b>	<b>Approve subject to conditions</b>

## **INTRODUCTION**

1. I was appointed by the Selwyn District Council to consider and make a decision on an application by Castle Hill Adventure Tours Limited to establish, operate and maintain a holiday park and golf course on West Coast Road (SH73), opposite Castle Hill Village.
2. The holiday park complex comprises a campervan/caravan parking area providing up to 32 individual parking spaces; a general camping area; and a 'teepee' themed camping area with a small performing stage, all within the northeastern extent of the site. A total of 16 tourist cabins, ranging between 40m<sup>2</sup> – 45m<sup>2</sup> in size (excluding decking and verandahs), are to be located further to the west and sited along internal accessways. Associated kitchen and laundry/toilet facilities are to be centrally located, with a separate recreation centre/clubhouse to be established further to the northwest.
3. While the use of the clubhouse will primarily be for guests staying on site and those playing on the golf course, it will also be available for the residents/guests of Castle Hill Village. A range of facilities will be provided for in this building, including tea and coffee making facilities, a bar, lounge and dining facilities and a TV/DVD viewing room. A liquor licence will therefore be sought to allow for the sale of alcohol within the specified hours of operation, being between 11.00 am to 10.30pm Sunday to Thursday and 11.00 am to midnight Friday and Saturday. It is noted that the original clubhouse design was amended at the hearing so as to exclude an upper level mezzanine, thereby reducing its height by 1.5m.
4. A management office is to be constructed near the entrance to the holiday park, with an attached awning to provide covered parking for guests. While this building contains kitchen facilities, the applicant amended the proposal at the hearing to eliminate the use of this building as a second manager's residence. It is noted that this building was originally proposed to be a three-bedroom dwelling, as well as providing office facilities. Other buildings associated with the holiday complex include the upgrading of two existing derelict buildings on the site for storage, workshop and staff facilities. A children's playground is also proposed, as are a number of car parking facilities, including two separate car parking areas containing 32 and 13 spaces respectively.
5. The upgrading of the existing golf course facilities will result in improved fairways and putting greens; the joint use of the clubhouse buildings; the erection of a new manager's residence (near the southern boundary of the site); and a new utility shed and associated outdoor utility area within existing larches, also near the southern site boundary. As noted above, the manager's residence on the golf course will now comprise the only permanently occupied dwelling on the subject site.
6. The architectural design of all new buildings is based on a traditional alpine/colonial style theme using a gable roof design with a minimum pitch of 38 degrees, timber cladding (stained a dark brown so as not to exceed a reflectivity value of 37%), and verandahs.
7. New landscaping is to be established across the site for both amenity and screening purposes. While a broad landscaping concept is illustrated on the site plan, the

applicant has offered a condition of consent requiring a detailed landscape plan to be submitted to Council for approval prior to the erection of any buildings on the site.

8. A new single vehicle entranceway and access point is to be constructed on SH73, in a position that is generally opposite the intersection with Castle Hill Drive in accordance with the recommendation of the New Zealand Transport Agency (NZTA). The two existing entranceways for the subject site will be closed and fenced following the installation of the new vehicle crossing. One such entranceway is located at the southern end of the property and is currently utilised by other parties for access to neighbouring land. The applicant therefore proposes to make the new accessway available to the same external parties.
9. The development is to be serviced by existing reticulated infrastructure, including a potable water supply, wastewater, overhead electricity supply and telephone connections. A wastewater dump site is also to be installed within the holiday park to cater for those campervans/caravans with on-board wastewater holding facilities.
10. It is noted that the original proposal made reference to a 'potential title boundary line' delineating the line of a future subdivision proposal. The applicant has subsequently confirmed that this proposal does not form part of the application and the site plan has since been amended to remove reference to any future subdivision.
11. The application was publicly notified on 12 December 2014, with submissions closing on 4 February 2015. A total of ten submissions were received during the submission period, three in support, one neutral and six in opposition. No written consents were supplied.
12. No procedural issues arose prior to the commencement of the hearing.

## THE HEARING

13. The hearing was held on 11 March 2015 at the Selwyn District Council offices in Rolleston, commencing at 9:00am. The applicant was represented by **Mr John Reid**, director of the applicant company and **Mr John Cook**, a consultant planner and director of Planning Solutions Ltd.
14. **Mr Cook** opened the applicant's case by advising of two key amendments to the application, being the removal of the manager's residence from the holiday park (such that only one dwelling is proposed on the site); and the lowering of the height of the clubhouse building by 1.5m.
15. **Mr Reid** then presented his written statement providing a useful historical overview of the establishment of Castle Hill Village, including his personal involvement in the construction of the electricity substation; and reticulated water and wastewater systems, which are now in Council ownership. He also outlined the planning approval obtained for the establishment of an equestrian centre and associated activities on the site in 1986. This proposal involved the construction of an equestrian arena (now

proposed to be used for the tepee camping area) and a number of buildings, including accommodation (two manager's apartments and staff quarters), offices, store and canteen, stables, indoor barns, car parking and a site entrance in a similar position to that proposed in the current application. The two existing buildings on site were to be used as part of the equestrian centre, but the proposal failed to fully eventuate. Mr Reid also advised that he sought to rezone the site to Business 1A during the previous Proposed District Plan process, however the Panel determined that the completion of the earlier (equestrian) project or some other form of development (e.g. camping ground) should proceed either by way of resource consent or a site-specific plan change due to the absence of suitable zoning provisions.

16. Mr Reid referred to the consultation that had occurred with NZTA during the preparation of the application, primarily relating to the position of the proposed vehicle crossing. He further noted the absence of any submission from NZTA. Mr Reid also raised awareness of NZTA's long-term intention to relocate SH73 to the eastern side of the subject site, however funds were not currently allocated to this project. He then addressed a number of specific concerns raised in the Council's s42A Officer's Report (prepared by Ms Pankhurst) and submissions, including visual effects, dwelling density, issues with 'freedom campers', the presence of the existing golf course, reverse sensitivity and the nature of the proposal in the context of the District Plan. Mr Reid subsequently tabled a number of documents referred to in his statement, including the planning approval of the equestrian centre.
17. In response to questioning, Mr Reid advised that he was not aware of any water capacity issues that might affect the development, including the proposed irrigation of the golf course. He stated that both the water and wastewater systems were designed to accommodate up to 2,000 people and that the current (and foreseeable) usage rate was well below this threshold. Mr Reid also confirmed that he was comfortable with a condition of consent limiting the erection of a gate to the entrance of the holiday park only, so as to enable unrestricted access through the golf course to authorised third party users.
18. Mr Cook then presented his written statement of evidence. In particular, Mr Cook advised that he disagreed with Ms Pankhurst's assessment of the proposal and that in his view, both the holiday park and upgrading of the golf course were permitted activities under Rule 9.3.1.2. As such, he considered that the overall development is of a general form that is contemplated within the High Country and that the assessment of the application should therefore focus on the various site specific rule non-compliances.
19. In addressing potential effects on the environment, Mr Cook provided a detailed assessment of the potential visual effects of the proposal, noting the nature of the surrounding topography; the limited (and distant) views available from SH73; the sympathetic building designs, modest sizes and recessive colouring; the existing and proposed landscaping; and close proximity of the existing Village. Mr Cook also

confirmed that the application originally included a landscaped bund adjacent to the SH73 frontage (opposite the Village), however this was removed following consultation with the Council's consultant landscape architect, Mr Graham Densem.

20. In terms of traffic effects, Mr Cook advised that he was unsure of the basis of Ms Pankhurst's concerns raised in her s42A report given the consultation undertaken with NZTA regarding the proposed use and location of the entranceway and the absence of any submission from NZTA. Similarly, he considered that reverse sensitivity effects on the adjoining Castle Hill Station were unlikely to arise given the short stay duration of guests staying at the holiday park; the seemingly relatively benign activities undertaken within the adjoining paddocks; the presence of existing fencing between properties to discourage trespassing; and the availability of on-site management practices to deter guests from entering private land.
21. Overall, Mr Cook found that the proposal was not contrary to the relevant objectives and policies of the District Plan or the overarching Regional Policy Statement. He was also satisfied that no precedent effect would arise from the granting of consent. Mr Cook went on to address a number of specific matters raised in submissions and the draft conditions contained in Ms Pankhurst's report.
22. Turning to submitters, **Mr Ray and Mrs Maree Goldring** read out their written statement in support of the proposal in the context of having lived, worked and recreated in the Craigieburn/Castle Hill area for 30 years. Mrs Goldring advised that there had been an increase in recreational opportunities and visitors in the area, but a reduction in accommodation options for them. This situation was putting pressure on both the environment and local residents due to issues associated with informal camping and a lack of available accommodation facilities. Mr Goldring then addressed other positive matters relating to the availability of reticulated infrastructure, an improvement in on-site amenity, enhanced security, employment opportunities and the upgrading of the golf course.
23. I next heard from **Mr Adrianus (Jos) & Mrs Catherine Van de Klundert** of Castle Hill Station, together with farm manager **Mr Chris Tapp**, in opposition to the application. Mrs Van de Klundert commenced by reading out her written statement, highlighting her concerns that the proposal will create significant adverse effects in terms of noise, rural character and visual amenity effects. She noted the potential for additional traffic movements to be generated from the use of the clubhouse facilities and 'general store' facilities, such that the site would have a very busy and non-rural feel. The potential for adverse effects on existing farming operations was also of concern, particularly from trespassing and roaming dogs; and reverse sensitivity effects arising from the use of large, noisy machinery and working dogs on land adjoining the subject site.
24. Mrs Van de Klundert went on to discuss the potential wider effects on the character and scale of the Village, noting the availability of commercially zoned land to the north

of the existing Village (on the opposite side of SH73). While acknowledging the need for low budget accommodation in the area, she considered that it would be more appropriate for this to be provided via a DOC administered campsite rather than a private enterprise.

25. In answering questions, Mrs Van de Klundert advised that she would prefer a 2m high deer fence to be erected along the eastern site boundary to further deter public access. Mr Tapp otherwise confirmed that the common boundary fencing was currently in good condition. Mr Tapp noted that the land adjoining the eastern site boundary was used for silage making and grazing and the Station leased the adjoining land to the north of the site for grazing purposes. He also described numerous occurrences of people trespassing across the Station to gain access to fishing or climbing resources or tourists seeking photo opportunities.
26. **Mr Richard Brittan** then read out a written statement in support of his submission. He provided an overview of his historical connections to Castle Hill and indicated his general support for the upgrade of the golf course and the need for a holiday park. However, in his view, the holiday park, including the clubhouse facilities, would be better sited within the Village itself. He also expressed concern regarding the absence of service easements, potential traffic safety hazards at the SH73 intersection, water supply capacity and overflow of the wastewater treatment plant.
27. In terms of other submitters, I record that I have read the written statements tabled at the commencement of the hearing by the **New Zealand Fire Service Commission** (NZFS) and **Mr Ian Hunt**. The NZFS Commission advised that it supported the imposition of recommended Conditions 9 to 12 and Note (d) contained in the s42A report on any consent granted. Mr Hunt reiterated his concerns regarding the timing of the notification period, the distribution of the public notice, the potential impact on water/wastewater services and conflict with relevant objectives and policies.
28. **Ms Pankhurst** then spoke to her s42A report and addressed matters that had been raised during the course of the hearing. She advised that she remained concerned that the proposal could give rise to reverse sensitivity effects on the adjoining Castle Hill Station and supported the erection of deer fencing along the eastern site boundary. Ms Pankhurst was also of the view that the erection of one dwelling on a 17ha allotment failed to meet the density provisions of the District Plan and the proposal was therefore contrary to the specific policy that sought to retain the minimum density standards. She advised that the Council's Asset Team had not raised any servicing concerns, however she was unable to produce any engineering comments at the time.
29. In terms of assessing potential visual effects and landscaping, Ms Pankhurst advised that she had relied on an earlier assessment by Council's consultant landscape architect, Mr Densem, but only in relation to the scale of the activity. Overall, she acknowledged that while the proposal generated a number of positive effects, she

considered that the proposal should be amended to remove the manager's residence and the clubhouse. Ms Pankhurst also confirmed her view that the previous consent granted for the site had lapsed and therefore had little relevance, and that a special spot zoning should be sought for the activity to safeguard the integrity of the High Country Zone.

30. The applicant then exercised their interim right of reply. In this regard, **Mr Cook** highlighted that camping grounds are listed as a discretionary activity in the District Plan and are therefore generally anticipated, subject to a site specific assessment. Mr Cook advised that a landscape condition should be drafted to provide clear criteria for assessing the detailed landscape plan. He also confirmed that the applicant was agreeable to the erection of a 2m high deer fence along the eastern boundary, noting that the owners of the adjoining property to the north had not submitted on the application. Nevertheless, he considered that the potential for reverse sensitivity effects on Castle Hill Station was low due to the limited extent of common boundary frontage and the discrete periods of activity that were undertaken on the adjoining land.
31. Mr Cook reiterated the positive effects of the proposal in terms of addressing existing issues with freedom campers, with all on-site activities governed by the Camping Ground Regulations. Any other commercial use of the site (i.e. for concerts) would require separate resource consent approval. Mr Reid confirmed that all services had been re-surveyed and the paperwork completed, with existing infrastructure being taken over by the Council. In terms of traffic safety, Mr Cook emphasised that the application had been assessed by NZTA and the absence of any submission from NZTA indicated that they were comfortable with proposal. Similarly, he advised that the alternative access arrangements for third parties would be provided for via the new accessway, otherwise the applicant had the ability to reform the legal right-of-way along the southern boundary.
32. In addressing Ms Pankhurst's concerns, Mr Cook advised that the applicant was happy to stage development to ensure that the manager's residence remained linked with the holiday park, however he could see no obvious benefit in deleting the clubhouse. Mr Cook concluded by advising that in his view, it was more appropriate for the activity to be authorised by way of resource consent than a plan change, given the specific nature of the proposed activities.
33. The hearing was adjourned and I undertook a site visit to the application site on 16 March 2015. The site is located directly opposite Castle Hill Village in a sub-alpine environment. It has a gentle sloping aspect from west to east and comprises pastoral grass through the central part of the property containing the existing golf course. Existing stands of larch trees are evident along the southern boundary, with a scattering of wilding pine trees through the central and northern parts of the site. Evidence of the partly constructed equestrian centre exists in the form of earthworks for the horse arena and the two (now dilapidated) relocated buildings. Land located

immediately to the east and north is utilised for pastoral farming activities, with the Castle Hill Village oxidation pond being located further eastwards. The land beyond the southern boundary drops away steeply down to the Thomas River.

34. I subsequently issued a Minute (dated 18 March 2015) requesting further information from both the applicant and Ms Pankhurst in relation to the preparation of an updated set of plans, NZTA correspondence, comments from the Council's Asset Team and an agreed set of draft conditions of consent if I was of a mind to grant consent. The further information requested was received from the applicant by 10 April 2015 in accordance with the timeframe set out in the Minute, however the Council's Asset Comments were not available until 20 April 2015. All information was subsequently circulated to submitters for comment, with responses due within five working days. Mr John Stone was the only submitter to respond to the additional information and I record that I have read and taken into account his statement in my decision. The applicant then exercised their final right of reply, which was then circulated to all parties. The hearing was formally closed on 11 May 2015.

#### **DISTRICT PLAN PROVISIONS**

35. Mr Cook and Ms Pankhurst agreed that the application constitutes a **non-complying activity** due to a breach in the permitted residential density standards under Rule 3.10 of the District Plan (Rural Volume). Resource consent is otherwise required for a 'camping ground facility' and a breach in provisions pertaining to earthworks, the proximity of buildings to SH73, access onto a state highway, vehicle crossings, vehicle generation, and scale of activities.
36. In terms of whether the proposal also requires consent under Rule 9.3 'Activities in the...High Country', I agree with Mr Cook that the proposal falls within the ambit of those permitted activities described in Rule 9.3.1.2 being "Recreation and tourism activities and facilities associated with the use of the natural resources in the area or the appreciation of the physical surroundings". In addition, "Visitor accommodation, retail sales and other business activities any of which are ancillary to or associated with activities listed in Rules 9.3.1.1, 9.3.1.2 or 9.3.1.3" are also listed as a permitted activity. In my view, both the golf course and holiday park make use of the available high country land resource and enable an appreciation of the alpine surroundings. As such, I do not consider that the proposal triggers the need for resource consent under Rule 9.3.
37. The full list of District Plan non-compliances is detailed in the application document. All of these non-compliances are relevant to the assessment of the application, as set out below.



## **DISCUSSION**

38. In considering this application, I am mindful that the proposal is for a non-complying activity and therefore I cannot grant consent if the proposal fails to pass both of the 'threshold tests' set out s104D, namely if the adverse effects are 'more than minor' and that the proposal is 'contrary to' the District Plan's objectives and policies. I also have to consider the matters set out in sections 104, 104B and Part 2 of the Act in making my decision, and may impose conditions under s.108. In undertaking this assessment, I must disregard any adverse effects on those parties who have provided their written consent in accordance with s104(3)(a)(ii) and I may disregard an adverse effect of an activity on the environment if the District Plan permits an activity with that effect in accordance with s104(2) of the RMA (known as the 'permitted baseline').
39. In this case, I consider that there is an apparent permitted baseline in terms of 'recreation and tourist facilities associated with the use of the natural resources in the area or the appreciation of the physical surroundings' and associated 'visitor accommodation, retail sales and other business activities'. However, it is likely to be difficult for any such activity to comply with all relevant 'effects-based' rules in the District Plan, particularly in light of the relatively restrictive 'scale of activity' and 'traffic generation' provisions. On this basis, I agree with Mr Cook that while the overall form and intent of the proposed development aligns with those activities anticipated to occur within the High Country Zone, there is little scope for a permitted baseline comparison in this regard. I also note that no written consents have been obtained.

### **Assessment of Effects on the Environment**

40. I consider that the primary environmental effects associated with the proposal relate to positive effects and the potential adverse effects associated with rural character and amenity (including visual, traffic generation, residential density and overall scale of the proposal); traffic safety, servicing and reverse sensitivity. Before undertaking this assessment, I confirm that all modifications made to the proposal since it was publicly notified remain within the scope of the application. For completeness, I also record that all submissions have been read and taken into account in the following assessment.
41. The positive effects of the proposal to the tourism industry and local residents/visitors have been articulated by the applicant and I agree that the proposed development will make a valuable contribution to the social and cultural wellbeing of the immediate and wider community. I also agree with the applicant that the facilities may (at least partially) alleviate existing problems caused by freedom campers and that the site is ideally located, being in close proximity to the existing Village and accessible directly off SH73.
42. In terms of the potential impact on rural character and amenity values, I recognise that while the proposal in itself is anticipated to occur within the High Country

environment, it results in a number of District Plan 'amenity-related' non-compliances including residential density, listed discretionary activity status (for camping grounds), earthworks, the proximity of buildings to SH73, and scale of activities. It is therefore recognised that the establishment of 'non-rural' activities in the High Country zone has the potential to detract from the quality of the receiving environment.

43. However, I agree with Mr Cook that the proposed facilities will form part of, and complement, the range of recreation and tourism activities currently undertaken within the Castle Hill Basin. It is for these reasons that the District Plan specifically lists such activities as being permitted within the High Country zone. Similarly, I note that while the proposal includes the erection of a dwelling on an 'under-sized' allotment, the dwelling is to be erected in conjunction with the operation of the holiday park and golf course. In my view, it is not uncommon for these types of facilities to include the provision of on-site accommodation for a manager, given the need to undertake on-site management, security and respond to after-hours enquiries. I therefore consider that the key matters for assessment in this instance relate to the specific site conditions of the proposal, rather than the nature of the activities *per se*.
44. With regard to visual effects, I note that the Council sought advice from consultant landscape architect, Mr Densem, during the early stages of processing the application and that Mr Densem subsequently provided an assessment of the proposal. Unfortunately, Mr Densem was not available at the hearing for me to test his assessment, therefore I have given this material little weight. In addition, Ms Pankhurst appeared to only be relying on certain parts of his assessment to support her recommendation for refusal of consent. To this extent, Ms Pankhurst advised that "as discussed in the landscape assessment from Graham Densem the scale of the holiday park facility and its associated amenities are of greatest concern"<sup>1</sup>. She therefore considered that the scale of the holiday park should be reduced and the clubhouse be removed. In addition, Ms Pankhurst found that the 'density effects' of the proposed manager's residence were also more than minor, although it was unclear from her assessment what these adverse effects entailed.
45. In addressing these matters, I agree with Mr Cook that while any form of land development will inevitably result in a modified environment, the proposal provides an opportunity to integrate recreation and tourist facilities into a site that has already been at least partially modified by previous farming, recreation and consented (equestrian) activities. It is also in close proximity to SH73 and the existing Village, which currently dominate the character of the immediate locality. The proposal is predicated on the implementation of a comprehensive landscape plan that will involve the removal of wilding pines and reintroduction of endemic plant species, whilst minimising the extent to which the proposed buildings will be visible from SH73 and from adjoining properties. The proposed buildings are otherwise sufficiently separated

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<sup>1</sup> S42A report, paragraph 10.4

from SH73 to avoid undue visual dominance, as well as being sympathetically designed so as to complement the alpine characteristics of the Village.

46. It is also recognised that there are few available public vantage points in which to view the proposed buildings (and at some considerable distance), primarily due to the presence of existing tree plantings, intervening topography and the alignment of SH73. Views from within or adjacent to the Village itself will primarily be dominated by the discrete features of the golf course, the proposed accessway and glimpses of the proposed buildings beyond the proposed mounding and roadside plantings.
47. Having regard to the relatively modest scale of the activity and likely seasonal fluctuations, the traffic generation associated with the use of the golf course, holiday park and clubhouse facilities is not anticipated to detract from existing rural amenity values. This is primarily due to the location of the proposed facilities being well setback from the road frontage and adjoining properties, with the nearest sensitive activities (i.e. dwellings) being located within the Village on the opposite side of SH73. It is also considered that the proposed dwelling will be viewed in conjunction with the proposed facilities, being physically located at the edge of the golf course, therefore reinforcing its connection to the wider development. Overall, I am satisfied that the proposal (as amended at the hearing) will not detract from the rural character and amenity values of the receiving environment.
48. In terms of traffic safety, I note that while a number of concerns have been raised by both submitters and Ms Pankhurst, it is apparent from the correspondence supplied by the applicant that consultation has been undertaken with NZTA and the proposed vehicle crossing has been designed and sited in accordance with their recommendations. The Council's roading engineer has also deferred to NZTA for approval of the new entranceway. In the absence of any expert opinion to the contrary, I am satisfied that any adverse traffic safety effects will be minor.
49. Similarly, some submitters were concerned that the development may impact on the capacity and functioning of the Castle Hill reticulated water and wastewater systems. The Council's engineers have since confirmed that the existing infrastructure is able to accommodate the proposed development, with the exception of irrigation water for the golf course. The applicant has subsequently agreed to a condition preventing the use of the reticulated water supply for irrigation purposes. Provision will also be made for an on-site firefighting water supply and associated connections, as sought by the New Zealand Fire Service Commission. On this basis, it is not anticipated that the proposal will compromise the functioning of existing infrastructure or create a fire safety issue.
50. The potential for reverse sensitivity effects on the adjoining farming operation at Castle Hill Station remains of significant concern to both the Station and Ms Pankhurst. As noted by Mr Cook, reverse sensitivity effects commonly arise in situations where an existing (lawfully established) activity is generating significant cross-boundary effects

and a new sensitive activity establishes in close proximity, leading to complaints and pressure for the existing activity to reduce their effects or relocate.

51. In this instance, the existing activity is that of a high country pastoral farm, which involves the grazing of stock and making silage on land adjoining the subject site. While such activities are likely to be noticeable (at times) from within the subject site, it is unlikely that these traditional high country farming practices are capable of generating significant cross-boundary effects that could lead to genuine complaints being made about the Station's operations. I also agree with Mr Cook that the short stay duration of guests within the holiday park will further reduce the likelihood of reverse sensitivity effects occurring. The applicant has however agreed to erect 2m high deer fencing along the eastern boundary of the site to reinforce the delineation between properties and to discourage trespassing. It is also noted that while the Station is unfortunately subjected to trespassing on a regular basis, it is not considered that the proposal will compound this issue – it may however go some way to alleviating the problem, at least in terms of providing alternative low-cost accommodation options.
52. Taking into account the preceding assessment, I consider that the potential adverse effects of the proposal will be no more than minor, where appropriate conditions are imposed.

### **Objectives and Policies**

53. The relevant objectives and policies of the District Plan are set out in Ms Pankhurst's s42A report and there appeared to be no dispute as to their relevance by Mr Cook. I do note however that while the site is contained within the wider Castle Hill Basin, it is not identified as an Outstanding Natural Landscape. The context of the high country forming a backdrop to areas of Outstanding Natural Landscape is therefore considered to be a more appropriate policy context, as stated in Policy B1.4.31.
54. To this accord, Policy B1.4.31 seeks to maintain rural character by (among other things) keeping residential density and site coverage low to achieve a predominance of vegetation cover; and encouraging new dwellings and other principal buildings to be located in clusters and finished in low reflective colours. Policy B1.4.32 also encourages buildings, earthworks and tree plantings within the SH73 corridor to maintain the panoramic views of the Upper Waimakariri Basin. Overall, I consider that the proposal will maintain the rural character and outstanding natural landscape values of the surrounding area due to the ability of the site to absorb the proposed development without creating significant adverse visual effects. I am also satisfied that all new buildings have been appropriately designed and located so as to maintain a predominance of open space, complement the alpine characteristics of the adjoining Village and protect views of the wider landscape.

55. In terms of the 'Quality of the Environment' provisions, I note the enabling thrust of Objective B3.4.2 and associated Policy B3.4.1 that seeks to provide for a variety of activities in the Rural zone, subject to avoiding reverse sensitivity effects and significant adverse effects on amenity values (Policy B3.4.3) (my emphasis). These provisions are further supported by Policy B3.4.2 that seek to restrict activities within the High Country to those which use natural resources in the area, together with other ancillary uses. In this instance, I consider that the proposed tourism and recreation activities comfortably fit within the types of activities that are anticipated to occur within the High Country zone. I also note that the 'Explanation' to Policy B3.4.2 provides examples of such activities, including 'outdoor recreation', 'holiday accommodation', 'hospitality and retail sales' and 'activities ancillary to those uses such as houses'. On the basis that the proposal is otherwise capable of avoiding any significant adverse effects on amenity values and reverse sensitivity effects, it does not threaten the integrity of this policy framework.
56. The residential density provisions contained in Objective B4.1.2 and Policy B4.1.1 clearly seek to avoid a housing density greater than 1:120ha in the High Country so as to maintain the character of the rural area. While it is apparent that the proposal cannot fulfil the land area requirements of Policy B4.1.1, I consider that the erection of a manager's residence in conjunction with the proposed development is a distinguishing feature of the current proposal. The dwelling will also be viewed as part of the golf course and holiday park complex, while remaining in close proximity to the urban environment of the adjoining Village.
57. Any potential conflict with the remaining policy framework has a direct correlation to the potential for adverse effects to arise. In applying an overall broad judgement approach, and taking into account the availability of mitigation measures as consent conditions, I consider that the proposal is not contrary to those objectives and policies referred to above.
58. I also record that in my view, it is appropriate that the development be authorised by way of resource consent rather than via a privately initiated plan change. Considering that the type of activities proposed are envisaged to occur within the High Country zone, and sufficient detail is available to consider the site specific merits of the proposal through the resource consent process, there seems little benefit (in policy terms at least) to require a change in zoning. In saying this, I recognise that Policy B4.3.16 seeks to 'encourage any land rezoned for new residential or business development to be located on the west side of SH73' (my emphasis). While the subject application is located on the eastern side of SH73, it is not a rezoning proposal and the strength of this policy is tempered by the use of the term 'encourage'.
59. On this basis, I consider that the proposal is able to pass both limbs of the s104D Threshold Test.

### **Other Matters and Part 2 of the RMA**

60. Given that the proposal is for a non-complying activity, I consider that it is appropriate to consider whether matters of precedent and District Plan integrity could arise. On the basis that I have found that the application is not contrary to the objectives and policies of the District Plan, the integrity of the Plan remains intact. I also agree with Mr Cook that there are sufficient distinguishing characteristics about this proposal, including those surrounding the proposed dwelling, which would differentiate it from other applications, such that a precedent is unlikely to arise.
61. In terms of national or regional policy statements or plans of relevance to this proposal, I note that Chapters 5 (Land Use and Infrastructure) and 12 (Landscape) of the Regional Policy Statement (RPS) are relevant. Having considered these matters in some detail at a more finely grained level, I find that the proposed development is located and designed so as to achieve consolidated, well designed and sustainable growth both within the context of the site and in the adjoining Castle Hill Village (Objective 5.2.1). Similarly, I am of the view that the proposal will maintain surrounding outstanding natural landscapes, while providing opportunities to enhance the natural values of the subject site (Objective 12.2.1).
62. I am also satisfied that the application is not inconsistent with the Canterbury Earthquake Recovery Strategy. In addition, the applicant has demonstrated that the proposal constitutes a permitted activity under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2011). There are likewise no other s6 RMA matters of national importance and there appears to be no tension or conflict with s8 RMA Treaty of Waitangi. The proposal is also consistent with s7(b), (c) and (f) of the RMA.
63. Overall, I consider that the development is consistent with Part 2 of the Act and will enable the efficient use and development of an existing physical resource to provide for the social, economic and cultural needs of both the tourism industry and the local community, whilst concurrently maintaining amenity values and the quality of the receiving environment.

### **DECISION**

64. For the foregoing reasons, land use consent application 145279 to establish, operate and maintain a holiday park complex and golf course on RS 40841 on West Coast Road (SH73), Castle Hill is **granted** pursuant to sections 104, 104B and 104D of the Act, subject to the following conditions imposed under s.108.

### **Conditions of Consent**

1. General Condition

That the development shall proceed in general accordance with the attached approved plans and details submitted with the application, except as otherwise amended following the conclusion of the hearing or varied by the conditions set out below.

2. Accommodation Limits

That the accommodation shall be limited to a maximum of 16 cabins, 32 campervan/caravan parks, a general camping area, and a tepee camp area with a performing stage.

3. Buildings

3.1 That the buildings shall be erected in accordance with the attached approved plans. The materials and external colour finishes shall comply with those shown in the plans and detailed in the application.

3.2 Any landscape plantings that are required to be established in conjunction with any particular building as required by Condition 4 shall be planted within the next available growing season following the completion of the associated building.

4. Landscape Plan

4.1 That a landscape plan for the whole site shall be submitted to Council for certification prior to the erection of any buildings on-site. The preparation and certification of such a landscape plan shall take into account the following design principles:

- a. The extent to which landscape plantings minimise the visual impact of the proposed new buildings from SH73 alongside the Castle Hill Village, while also taking into account the need not to compromise the existing distant views to the east in the direction of the Torlesse Range and the Puketeraki Range.
- b. The extent to which landscape plantings minimise the visual impact of the proposed new buildings from SH73 when approaching the Thomas River from the southerly direction at the northern end of the 'Castle Hill Station straight'.
- c. The extent to which landscape plantings around the property boundaries in the vicinity of the campervan/caravan parking area create a visual separation with the two adjoining properties while also preserving the long term admission of sunlight into this area.
- d. The proposed staging of landscape plantings in relation to the erection of buildings and the overall staging of the development.
- e. The retention of existing vegetation on-site while the proposed new landscape plantings become established.

4.2 All landscaping required by Condition 4.1 above shall be thereafter maintained. Where any required tree or group of plantings dies or becomes diseased, it shall be removed and replaced by another of the same or similar species.

4.3 That a deer fence with a minimum height of 2m be erected along the eastern site boundary shared with Castle Hill Station prior to the operation of the holiday park.

- 4.4 No gate shall be erected across the primary accessway so as to enable unrestricted access through the property for any agreed third party access.

5. Manager's Residence

- 5.1 That the manager's residence for the holiday park shall only be occupied by the manager (and family) of the holiday park.
- 5.2 Prior to the manager's residence being granted building consent approval by the Selwyn District Council, the following on-site works are firstly to have been undertaken by the consent holder:
- i. The upgrading of one of the existing buildings to create the shop, storage facilities and what initially will be the office/reception facilities for the holiday park.
  - ii. The construction of the kitchen block.
  - iii. The construction of the ablutions and laundry block.
  - iv. A trial one-bedroom cabin.
  - v. The first 18 campervan/caravan parks.
  - vi. Installation of the new vehicle crossing at SH73 as per Condition 7.
  - vii. Installation of the internal roading system extending from the new vehicle crossing to the holiday park facilities and the manager's dwelling, and link up with the existing Department of Conservation/Selwyn District Council /Castle Hill Station Right of Way.
  - viii. Connections to the existing Castle Hill Village reticulated water and sewer infrastructure.
  - ix. Installation of the required fire hydrant and any other firefighting infrastructure to comply with NZ Fire Service requirements as per Condition 9.
  - x. Establishment of the required landscape plantings in accordance with the approved landscaping plan as per Condition 4.1.
  - xi. Installation of the deer fencing along eastern property boundary shared with Castle Hill Station as per Condition 4.3.

6. Clubhouse Facilities

The clubhouse facilities, together with the potential to operate a liquor on-licence as per the Sale and Supply of Alcohol Act 2012, shall be limited to the following hours:

- 11.00 am to 10.30pm: Sunday to Thursday.
- 11.00 am to midnight: Friday and Saturday.

7. New Vehicle Crossing

- 7.1 That a vehicle crossing to service the site shall be formed in accordance with Appendix 10, Diagram E10.B2 of the Partially Operative District Plan (Rural Volume) or as otherwise required by the New Zealand Transport Agency. The vehicle crossing shall be sealed to match the existing road surface for the full width of the crossing and for the first ten metres (as measured from the edge of the existing formed carriageway towards the property) or to the property boundary, whichever is the lesser.
- 7.2 The new vehicle crossing and associated road upgrading works shall be completed prior to the holiday park operating.



- 7.3 Following the installation of the new vehicle crossing as per Condition 7.1, the 2 existing vehicle crossings for the subject property shall be closed and fenced across.
8. Performing Stage
- There shall be no amplified equipment used as part of any performance on the stage located at the tepee camping area.
9. Fire Fighting Requirements
- 9.1 That a firefighting connection that complies with the New Zealand Fire Service Firefighting Water supplies Code of Practice SNZ PAS 4509:2008 be located within 90 metres of the proposed buildings (accommodation blocks, ablution block, the clubhouse and manager's residence). In order to ensure that connections are compatible with New Zealand Fire service Equipment the fittings are to comply with the following standard:
- (a) Either: For flooded sources- 70mm instantaneous Couplings (Female) NZS 4505, or for suction sources- 100mm Suction Coupling (Female) NZFS 4505 is to be provided
  - (b) Flooded and suction sources must be capable of providing a flow rate of 25 litres/sec at the connection point/coupling. The Fire Service connection point/coupling must be located so that it is not compromised in the event of a fire.
  - (c) The connection shall have a hardstand area adjacent to it to allow for a New Zealand Fire Service appliance to park on it. The hardstand shall be located in the centre of a clear working space with a minimum width of 4.5 metres. Access shall be maintained at all times to the hardstand area.
  - (d) Underground tanks or tanks that are partially buried (provided the top of the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank whereby couplings are not required. A hardstand area adjacent to the tank is required in order to allow a fire service appliance to park on it and access to the hardstand area must be provided as above.
  - (e) A firefighting water supply may be provided by means other than the above if the written approval of the New Zealand Fire Service is obtained for the proposed method.
  - (f) Whichever method is used to provide the firefighting water supply, the supply and firefighting access should be readily identifiable by the use of signs, marker posts or other suitable identifiers.
10. Engineering, Servicing and Roothing
- 10.1 Landowners are responsible for maintaining any private drains and gullies on this property. The property shall receive and pass through all existing discharges and flow paths shall be maintained at all times.
- 10.2 All work shall comply with the Engineering Code of Practice, except as agreed with Council.
- 10.3 That the plans and specifications of all works, including water, irrigation, sewer, roading, stormwater and landscaping, shall be submitted to the Council for approval. Engineering approval of complying documents shall be given in writing and work shall not commence until this has been received from the Council. Any subsequent amendments to the plans and specifications shall be submitted to Council for approval.

- 10.4 The consent holder shall forward with the engineering plans and specifications, copies of any other consents required and granted in respect of this land use consent, including any certificate of compliance or consent required by Canterbury Regional Council.
- 10.5 That accurate 'as built' plans of all services be provided to the satisfaction of the Asset Manager. All assets being vested in Council shall be provided in an appropriate electronic format for integration into Council's systems. Actual costs involved in provision and transfer of this data to Councils systems shall be borne by the consent holder.

*Water*

- 10.6 That the lateral lines be laid within the net area of the subject site. Each lateral shall be fitted with an appropriately sized restrictor and in accordance with the approved engineering plans.
- 10.7 That the connection to the Castle Hill water supply shall be in accordance with the Engineering Code of Practice.
- 10.8 That the reticulated water supply shall not be used to irrigate the golf course.

*Sewer*

- 10.9 That connection to the Council sewer be arranged by the applicant, with the work to be done by a registered drainlayer.
- 10.10 That dumping of effluent from campervans who do not use the facility for overnight camping is not permitted.

*Stormwater*

- 10.11 Where stormwater discharges are to be undertaken as a permitted activity, a certificate of compliance or calculations shall be supplied to Council to demonstrate compliance condition 5 of S5.72 of the PL&W Plan and WQL6 of the NRRP.

NOTES TO THE CONSENT HOLDER

- a. Pursuant to Section 125 of the Resource Management Act 1991, if not given effect to, this resource consent shall lapse five years after the date of this decision unless a longer period is specified by the Council upon application under Section 125 of the Act.
- b. In accordance with section 36 of the Resource Management Act 1991, the Council's standard monitoring fee has been charged.
- c. This consent is not an authority to build, and building consent will be required before any building construction begins.
- d. The performing stage shown as part of the tepee camping area is intended to be used for impromptu and low key performances by camping ground guests etc.
- e. Prior to any work commencing on SH73, the consent holder will need to liaise with NZ Transport Agency being the controller/administrator of the state highway network.
- f. More information on how to comply with Condition 9, or how to provide for NZFS operational requirements, refer to the New Zealand Fire Service Fire Fighting Supplies Code of Practice SNZ PAS 4509:2008 can be obtained from <http://www.fire.org.nz/business-fire-safety/building-design/documents-nzfc-firefighting-water-supplies-code-of-practice.pdf>. In particular, the following is noted:
  - For more information on the suction sources see Appendix B, SNZ PAS 4509:2008, Section B2.

- For more information on flooded sources see Appendix B, SNZ PAS 4509:2008, Section B3.
- g. Please note that you will also require approval from New Zealand Transport Agency to work on the road pursuant to Section 51 of the Government Rounding Powers Act 1989. Please contact the New Zealand Transport Agencies State highway network consultants, Opus International Consultants, at least 3 weeks prior to undertaking work on the road.
- h. The consent holder is to ensure that stormwater/drainage discharges from the subdivision will not cause ponding or nuisance to neighbouring land.
- i. Where a specific discharge consent is issued by Canterbury Regional Council (Environment Canterbury), any consent or associate conditions imposed by them will be subject to Council acceptance where these obligations will be transferred to Selwyn District Council.
- j. Where the collection and disposal of roof/surface water is to ground, the suitability of the natural ground to receive and dispose of the water without causing damage or nuisance to neighbouring property, shall be determined by a suitably qualified person/engineer
- k. Where the collection and discharge of roof/surface water is to a watercourse or drain, the discharge shall be managed in terms of both water quality and quantity. The system shall be designed by a suitably qualified person/engineer who confirms that the downstream system has capacity to accept the additional flow without causing nuisance. The applicant should consult with Environment Canterbury regarding the discharge.
- l. Engineering Approval – All applications for Engineering Approval shall be uploaded electronically to the Selwyn District Council Website at the following address: [www.selwyn.govt.nz/services/subdivisions/engineering-approval/](http://www.selwyn.govt.nz/services/subdivisions/engineering-approval/)  
The application shall include:
  - a. Design specifications
  - b. Design drawings
  - c. Design calculations
  - d. Relevant Resource Consents or Certificates of Compliance.
  - e. All correspondence regarding engineering approvals is to be directed to:  
[Development.Engineer@selwyn.govt.nz](mailto:Development.Engineer@selwyn.govt.nz)

**DATED THIS 28<sup>TH</sup> DAY OF MAY 2015**



**JUSTINE ASHLEY**

**COMMISSIONER**