

**BEFORE A HEARING COMMISSIONER APPOINTED BY THE
WESTLAND DISTRICT COUNCIL**

S42A PLANNING OFFICER REPORT

APPLICATION FOR RESOURCE CONSENT

TUFFY INVESTMENTS LIMITED

In The Matter of the
Resource Management Act 1991 ("**the Act**") and

Resource Consent Application:
RC160034

By Tuffy Investments Limited

Prepared by: Jessica Hollis, Senior Planner
Opus International Consultants Ltd

For: Westland District Council

Date: 2 February 2017

Applicant: Tuffy Investments Ltd
Subject Site: Davie Street, Hokitika
Legal Description: Lot 1 Deposited Plan 349111, CFR 201437
Zoning: Residential Mixed Zone - Westland District Plan
Consents Sought: **RC160034** - Land Use consent to establish and operate a commercial campground facility. The proposal includes a manager's residence, reception area and camp shop, entertainment and utility buildings and areas, 19 cabins/units of varying configurations, 22 powered camp sites and 26 non-powered camp sites. The proposal also includes the construction of two free-standing signs, one at the site entrance and one 'off-site' sign located within road reserve on the corner of Davie and Park Streets.

1.0 Foreword

1.1 I request the opportunity to provide an addendum or additional evidence if necessary at the time the S42A planning report is presented to the hearing. The addendum will not materially change the report or the position adopted with regard to the analysis of the application in considering the Westland District Plan. It may however provide further information regarding the assessment of the actual and potential effects or address matters raised in the evidence of the applicant or the submitters. As detailed in this report, it is likely that an addendum will be presented to the hearing which addresses stormwater management for the site and the applicants' proposed consent conditions.

2.0 Introduction

2.1 My name is Jessica Hollis and I hold a Bachelor in Resource Studies, majoring in Environmental Management, from Lincoln University, and I am an Associate Member of the New Zealand Planning Institute.

2.2 I have been employed in resource management planning roles within local government in Auckland, Nelson and Westport over the past 13 years, and operated as an independent resource management consultant based in Westport from April 2012 until January 2016. I am currently employed as a Senior Planner with Opus International Consultants Limited.

2.3 I have read and understood the Code of Conduct for Expert Witnesses detailed in the Environment Court of New Zealand Practice Note 2014. This report is within my area of planning expertise and where I have relied upon, or drawn conclusions based on, the information and opinions of other technical experts, this is stated.

3.0 Application Description

- 3.1 This application is for land use consent to develop Lot 1 Deposited Plan 349111, located at the north eastern end of Davie Street, Hokitika, for use as a commercial campground facility.
- 3.2 The application was formally received by Westland District Council (“**Council**”) on 4 May 2016, and a revised application (dated 1 September 2016) was submitted to Council on 1 September 2016 following a request by the Council for additional information. The application was limited notified on 20 September 2016 with submissions closing on 21 October 2016.
- 3.3 Details of the proposed campground facility are contained in the application and it is not intended to repeat these in full here. However, in summary, the proposal involves the following key components:
- Construction of a manager’s residence, and a camp shop/reception/utilities buildings. These are labelled as ‘shop’, ‘utilities’, and ‘house’ on the applicants’ site plan with a combined floor area of 157m² for the shop and utilities buildings, and 247m² for the house. All buildings will be a maximum height of 5.0m above finished ground level.
 - Construction of 19 cabins/units of varying configurations. These are labelled as ‘double units’, ‘cabins’, ‘super standard cabins’, and ‘ensuite units’ on the site plan and account for a total combined floor area of approximately 556m². All cabins/units will be a maximum height of 5.0m above finished ground level.
 - Establishment of 22 powered, and 22 non-powered, camp sites, labelled as ‘powered sites’ and ‘tents’ on the site plan. The applicant is seeking flexibility to interchange these two types of sites if required in the future.
 - Construction of an entertainment and amenities area. This is located centrally on the site and labelled as ‘playground’, ‘games/BBQ/dining/TV’, and ‘amenities’ on the site plan, with a total floor area of buildings at 425m² and a maximum building height of 5.0m above finished ground level.
 - Construction/establishment of hard standing areas within the site for access and car parking purposes.
 - Establishment of on-site lighting, including up to nine lights for the main loop road fitted on 5.0m tall lighting columns/poles.
 - Replacement of existing and/or construction of new boundary fencing and the establishment of on-site landscaping involving sporadic perimeter planting.
 - Construction of two free-standing signs advertising the campground. The first sign will have a face of a maximum of 3m² in area, will be a maximum of 1.4m in total height, and will be located at the site entrance as indicated on the site plan. The second sign is proposed to be located on the corner of Davie and Park Streets and will be mounted above an existing low street sign. The sign will have a face of 0.6m² (1m x 600mm) in area, and will sit at a total overall height of approximately 1.55m. The sign will be setback approximately 4.0m from the formed carriageway of Park Street and the applicant has advised that the sign will contain the name of the campground and a directional arrow only.

- Upgrading of Davie Street to meet the relevant design requirements of New Zealand Standard 4404:2010.
- Due to the nature of the business, being travellers accommodation, the 'opening hours' of the business are 24 hours, seven days per week, as guests may be present at all times on the site. The application however does detail the hours of 7am to 9pm as 'opening hours' for the on-site shop and office. The intended purpose of the shop is to service guests.
- The maximum capacity of the proposed campground will be 252 guests. One camp manager will be employed permanently to manage the site and additional shop, office, cleaning and grounds staff are likely to be employed dependant on demand. The applicant anticipates staffing levels to be 1-2 permanent full time staff, and up to 8 part time and seasonal staff.

The applicants' site plan and concept sketches showing the proposed campground development are attached to this report as Appendix One.

3.4 With respect to servicing of the development, the applicant proposes to provide reticulated connections to electricity, telecommunications, water and sewerage. The applicant is proposing to manage stormwater within the site via on-site soakpits and soakage trenches, and is not proposing to discharge stormwater to the reticulated system. A stormwater assessment, dated 1 September 2016 and prepared by Stiles and Hooker Architects and Engineers, has been provided which detail the stormwater management proposal.

3.5 Prior to the notification decision being made under Section 95 of the Act, the applicant provided written approval in support of the proposal from the following properties:

- 169 Jollie Street
- 173 Jollie Street
- 1 Heenan Place (Flat 2 at the rear)
- 3 Heenan Place
- 5 Heenan Place
- 184 Rolleston Street
- 186 Rolleston Street
- 190 Rolleston Street
- 192 Rolleston Street

On 9 October 2016 the Council received a letter from Ms Keenan, of 169 Jollie Street, advising that she wished to withdraw her written approval to the proposal. As the notification decision had already been made, under Sections 95A and 95B of the Act, on 13 September 2016, Mrs Keenan was not deemed to be an adversely affected person, was not served with notice of the application, and was therefore unable to make a submission. However, the effects of the proposal on Mrs Keenan and her property at 169 Jollie Street can, and should, still be considered under Section 104 of the Act as the written notice withdrawing her written approval has been received prior to the hearing being held.

- 3.6 The locations of the properties who have given written approval to the proposal are shown on the aerial map attached to this report in Appendix Two.
- 3.7 As a result of concerns raised by submitters, and feedback received from Council's District Assets Department, the applicant was requested (on 23 December 2016) to provide additional information in relation to stormwater management and the potential effects on adjoining properties. A copy of the further information request letter is attached to this report as Appendix Three. The applicant has responded to this request in writing on 31 January 2017 (being within the 15 working day timeframe) and has agreed to supply the requested information no later than 7 February 2017. Whilst this does not allow sufficient time to consider the further information and respond via this s42A report, it is envisaged that the applicants' pre-circulated evidence will address the matters in detail and I am therefore likely to provide an addendum to this s42A report at the hearing which refers to these matters.

4.0 Application Site and Existing Environment

Application Site

- 4.1 I have completed three site visits in relation to this application. The first was on 26 April 2016 and was prior to the application formally being lodged. The site visit was at the request of the applicants' agent, Ms Watson, and provided an introduction to the proposed development. The second site visit was undertaken on 13 December 2016. This site visit included a meeting with two of the submitters, Mr Kerridge and Mr Pearce, and viewing the application site from a number of adjoining properties. The third site visit was on 19 December 2016 and involved a meeting with another submitter, Mr Dixon, and viewing the application site and Davie Street area from his property.
- 4.2 I note that extensive physical works appear to have been undertaken on the site over a period of at least the last 12 months. At the time of my initial site visit in April 2016 the bulk of the site was nearly completely clear of any vegetation or grass that may have previously existed and the applicant was in the process of compacting a gravel surface across the site. I am aware that a number of the submitters have raised concerns both with the Westland District Council and the West Coast Regional Council regarding the extent of physical works that has been undertaken on the site, however I understand that the official position of both Councils is that all works undertaken to date are lawful with respect to the Resource Management Act 1991 and the Building Act 2004. I therefore have not addressed this further in this report.
- 4.3 As at 19 December 2016, the site was completely cleared of any vegetation with the exception of the north eastern end which retains a relatively thick and mature vegetative cover. Boundary fencing is in place along nearly all boundaries (with the majority of this being newly constructed) however the entrance/boundaries with the Davie Street legal road reserve remains open to view from Davie Street. The fencing at the north eastern end of the site is not on the legal boundary but is positioned at the proposed outer extent of the campground tent sites. There are concrete foundations in place on the site which appear to be in the locations of the

proposed buildings and a number of large pipes and other construction materials are being stored on the site.

- 4.4 There is an existing gravel driveway into the site from Davie Street, however the location of this driveway is proposed to be amended in conjunction with the upgrading to the Davie Street formation.

Existing Environmental Context

- 4.5 The application site and immediately surrounding area is located within the Residential Mixed Zone, however there is little evidence of 'mixed use' in the immediate vicinity to the site. Nearly all of the adjoining properties appear to be developed with residential dwellings only, and the applicant notes that one property operates as a commercial holiday home. There are two areas of Council administered recreation reserve adjoining the bush area which is proposed to be retained at the north eastern end of the site.
- 4.6 The size of the surrounding residential lots are typically in the range of 600-1000m² in area. The density of built development also appears to be relatively standard with most lots containing one dwelling and a stand-alone garage, and there is limited evidence of multi-dwelling developments or infill development. Building forms include both single and two storey buildings and the area generally displays the character and visual amenity expected in a residential neighbourhood. The exception to this currently is the application site given the large area of vacant gravelled land.

5.0 Westland District Plan

- 5.1 The rules of the Westland District Plan ("**the Plan**") (operative June 2002) that are relevant to this application are as follows:
- Rule 5.2.2.1 – Any activity which does not fall within the permitted, controlled or discretionary categories is deemed to be a non-complying activity. The proposed campground facility does meet the discretionary activity standards relating to gross ground floor area and signs (as detailed in Table 5.2 of the Plan), and therefore the proposal falls to be a non-complying activity.
 - Rule 8.2 Signs – The proposed free-standing sign on the corner of Davie and Park Streets does not meet all of the requirements of Rule 8.2, specifically the sign will not be erected on the property to which it relates. It is not stated in Part 8 of the Plan or under Rule 8.2 what the activity classification is for a breach of the rule, therefore the proposed signage is considered to be a discretionary activity under Rule 8.2
- 5.2 The overall status of the application is a Non-Complying Activity, this being the most stringent classification under the relevant planning rules.

6.0 Notification and Submissions

- 6.1 Notice of this application was served on potentially affected persons in accordance with Section 95B of the Act on 20 September 2016 with submissions closing on 21 October 2016. A list of those persons who were served with notice of the application is attached as Appendix Four to this report.
- 6.2 A single submission document, made on behalf of 25 separate official submitters, was received in opposition to this application. It is noted that three additional persons signed the submission, however they were not served with notice of the application and therefore are unable to submit, and that two submitters' names appear twice due to multiple property interests. The location of the submitters' properties in relation to the application site are shown on the aerial map included in Appendix Two to this report, and the following are the names and property interests of the submitters:

	Submitter	Address	Interest in Property
1	Jamie Marc & Rachel Kay Evans	148 Davie Street	Owner
2	Gary David Schroder	180 Park Street	Owner
3	Zoran Sever & Bei Wang	182 Park Street	Owner
4	Jackie Davidson	155 Davie Street	Owner
5	Grace Stephen	159 Davie Street	Occupier
6	Eli Brooking	159 Davie Street	Owner
7	Phillip Jones	178 Rolleston Street	Owner
8	Robyn & Lionel Gage	188 Rolleston Street 188a Rolleston Street	Owner Owner
9	Melanie McGrane & Murray Dijon	159 Jollie Street	Occupier
10	Jean Nelson	157 Jollie Street	Owner
11	Helen Pilcher	161 Jollie Street	Occupier
12	Angela Murtha	175 Jollie Street	Owner
13	Chris Bergman	150 Davie Street	Owner
14	Diane & Mark Dixon	163 Davie Street	Owner
15	Marie Mahuika-Forsyth	182 Rolleston Street	Occupier
16	Tineke Craig	159 Jollie Street	Owner
17	Ella Hurley	165 Jollie Street	Owner

18	Kevin Pearce	167 Jollie Street	Owner
19	Lelia De La Mare	171 Jollie Street	Owner
20	Paul Kerridge	9 Heenan Place	Owner
21	Trevor R Esson	8 Airport Drive 161 Jollie Street	Owner Owner
22	Murray Fleming	4 Airport Drive	Owner
23	David Bates	2 Airport Drive	Occupier
24	Pamela Byrne	6 Airport Drive	Owner
25	Dayle McMillan	163 Jollie Street	Owner

6.3 The concerns raised by the submitters relate to what they believe to be:

- Failure of the developer to adequately consult prior to commencement of works
- Effects on amenity value, including residents' wellbeing
- Visual dominance, particularly at Davie Street entrance
- Disruption of pre-existing drainage
- Noise effects during construction and operation
- Increased traffic generation typical of a commercial nature
- Lighting spill and glare
- Cumulative effect of multiple commercial buildings
- Signage
- Insufficient setbacks to boundaries
- Hours of operation with increased vehicle and foot traffic
- Loss of privacy
- Security (including crime prevention through environmental design)
- Formation standards of proposed upgrade to Davie Street
- Insufficient planting plan
- Unlimited further development requested
- Nature and scope of additional commercial activities
- Enforcement of imposed conditions
- Consequences should the business fail

- 6.4 Further discussion with respect to the matters raised in the submissions is contained in Section 7.0 of this report. Four of the submitters – Mr Dixon, Mr Kerridge, Mr McMillan and Mr Pearce, have indicated that they wish to appear at the hearing in support of their submissions, and on behalf of the other submitters.

Section 100 of the Act

- 6.5 Due to the nature of the proposal, its status within the Plan and that a number of submitters wish to be heard, a hearing is necessary pursuant to Section 100 of the Act.

7.0 Section 104 of the Act - Assessment of Application

- 7.1 Under Section 104 of the Act:

(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—

(a) any actual and potential effects on the environment of allowing the activity; and

(b) any relevant provisions of—

(i) a national environmental standard:

(ii) other regulations:

(iii) a national policy statement:

(iv) a New Zealand coastal policy statement:

(v) a regional policy statement or proposed regional policy statement:

(vi) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

- 7.2 As the application is for a Non-Complying activity, Sections 104B and 104D of the Act are relevant:

104B. Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

(a) may grant or refuse the application; and

(b) if it grants the application, may impose conditions under section 108.

104D. Particular restrictions for non-complying activities

(1) Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—

- (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) *the application is for an activity that will not be contrary to the objectives and policies of—*
 - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*
- (2) *To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.*

Permitted Baseline

- 7.3 Under Section 104(2) of the Act, when forming an opinion for the purposes of considering any actual and potential effects on the environment of allowing an activity, a consent authority *may* disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect. This statutory baseline is known as the permitted baseline and it is a discretionary consideration rather than a mandatory one. The baseline has been defined by case law as comprising the 'existing environment' and non-fanciful (realistic) activities that would be permitted as of right by the plan.
- 7.4 It is generally accepted in the planning discipline that any activity that is permitted by the Plan, but is considered fanciful, does not provide a realistic indication of what is permitted and a proper point of comparison. The term fanciful refers to the imaginary or an imagined concept, being something that is unrealistic, and therefore determining what a non-fanciful activity is, must be a practical fact specific assessment.
- 7.5 As a guideline for determining the appropriateness, or not, of considering the permitted baseline when assessing an application, the following questions may be asked:
- What activities are permitted by the Plan on the site, and are there permitted activities from which a reasonable comparison of adverse effects can conceivably be drawn?
 - What adverse effects would the permitted activities have?
 - Are the adverse effects of the permitted activities similar in kind and purpose to those proposed?

What activities are permitted on the site?

- 7.6 Within the Residential Mixed Zone the Plan allows for any residential, recreational or agricultural activities which comply with the standards for permitted activities in Table 5.1, and the general rules in Part 8, as permitted. In addition, commercial or

industrial activities may be permitted where they are performed entirely within a dwelling or building accessory to a dwelling by one or more members of the household residing in the dwelling and not more than one other person (the activity being a secondary use of the site to the primary residential use). Essentially this provision allows for small scale commercial or industrial activities as home occupations with restrictions on staffing and (via Table 5.1) on hours of operation and bulk and location of buildings.

- 7.7 With respect to permitted residential activities, the Plan does not restrict the total number of dwellings permitted on an individual site, however the minimum area of allotment required per dwelling is 300m² and there are limitations, in particular, on yard setbacks, building height, site coverage, and recession planes. The application states that establishment of 40-50 residential dwellings on the site falls within the permitted baseline, as would a three-storey apartment complex. The applicant has not gone so far as to demonstrate what such a development could look like, however I do not agree that it is realistic to consider the establishment of 40-50 dwellings or 40-50 apartment units on a single certificate of title on this site. The development may be realistic in association with a subdivision consent application, however then such a development would not be a permitted activity. I do acknowledge that a lesser number of stand-alone residential dwellings, or even an apartment complex providing permanent rental accommodation, is a realistic use of the site and falls within the baseline. In terms of a permitted baseline analysis, the relevant consideration is of the effects of such permitted residential activities, and these would relate to the specific bulk, location and design details which could vary greatly depending on a developer/individual's design preferences.
- 7.8 Recreational activities are permitted on the site and the Plan, under Part 9, defines such activity as "*any use of land for the purposes of sport, recreation or the assembly of people where this is not a commercial activity*". Examples of such an activity may be a community squash/indoor games facility, BMX bike track, community arts facility, etc. A building associated with such an activity would be limited to 250m² gross ground floor area and subject to other bulk and location, and operating hours restrictions. The applicant has not considered recreational use of the site in terms of a permitted baseline analysis and I therefore have not given detailed consideration as to whether a recreational use would be fanciful. The example however does demonstrate another type of activity which should be anticipated in the Residential Mixed Zone but which may not be readily apparent to people who reside in the area. However I would note that such activities, and their consequent effects, are likely to be more readily accepted in a residential environment due to their community benefit.

What adverse effects would the permitted activities have?

- 7.9 As discussed above, it is acknowledged that multiple separate residential activities in permitted locations on the subject site could potentially alter the outlook of surrounding properties which are currently afforded clear views by the vacant site. The residential buildings would increase the 'dominance' of buildings on the site, with coverage being permissible up to 40%. Given the large size of the site it is considered that site coverage across the entire site (from a number of residential dwellings) is however unlikely to reach the upper limits.

- 7.10 The establishment of residential activities on the subject site would be consistent with the general character of the surrounding area. The establishment of multiple dwellings, or a multi-storey apartment complex, as a permitted activity, would clearly result in a change to the scale of built development in the immediate area and this would have an effect on the existing visual amenity of the neighbourhood, albeit a permitted effect.
- 7.11 The addition of multiple residential dwellings, and/or small scale home occupations, could give rise to a range of environmental effects including noise, traffic generation, and effects on privacy and security, simply by way of adding additional people and activity onto the site. There may also be effects on the existing character and amenity of the area due to a combination of all of these factors. All of these effects are permitted by the Plan when associated with the establishment of multiple residential activities on the subject site, however the type and degree of each effect is largely determined by the behaviour of the individual residents.
- 7.12 In reality, regular residential activity provides a place for people to reside (eat, sleep, relax, etc.), and usually residential neighbours can co-exist with minimal intrusion on each other's daily lives. The key difference with travellers' accommodation is the term of stay, being short term and variable versus permanent occupation.
- 7.13 In conjunction with increased resident numbers potentially living on the site, there would also be an increase in traffic movements to and from the site. Based on traffic generation rates contained in the Plan, an estimate of ten residential dwellings would create 80 vehicle trips per day. Additionally, small scale home occupations on the site could contribute further vehicle movements. The only formed access to the site is via Davie Street and therefore this additional traffic would be within the existing Davie Street cul-de-sac.

Are the adverse effects of the permitted activities similar in kind and purpose to those proposed?

- 7.14 This question is a very difficult one as it requires one to make assumptions on the behaviours of the guests proposed to be accommodated at the campground, and is dependent on the intensity of use of the campground at any given time. It is also reliant on the success or otherwise of the management of the campground.
- 7.15 Travellers' accommodation does have a residential component and is therefore, in my opinion, unlikely to generate some less desirable effects which may arise from other commercial activities such as odour, dust, vibration, and excess waste generation. However in this instance, with the exception of some sporadic (and unspecified) trees/plantings around the perimeter of the site, and the exclusion of the existing bush area at the north eastern end, the subject site is generally being developed to its maximum capacity with minimal efforts, in my opinion, made to internalise the potential effects from guests on the site. This is particularly relevant in relation to the open 'camping' sites where the occupants are not contained within a building.
- 7.16 It is acknowledged that the traffic generation patterns for travellers' accommodation (e.g. time of day and frequency) may differ from residential activities, and the

applicant has estimated that the site could generate up to 272 vehicle movements per day at full capacity. While this is well in excess of the potential traffic generation levels associated with a permitted multiple residential development on the site (detailed above at approximately 80), it is acknowledged that the expected average occupancy levels of the campground (outside of the peak periods) are likely to generate approximately 66 vehicle movements per day.

- 7.17 With respect to the design and location of the proposed buildings associated with the campground, I am satisfied that the potential adverse visual effects of the buildings will be similar to those that may result from the establishment of multiple residential dwellings on the site. Individually the buildings will be modest in size and all below a maximum of 5.0m in height.
- 7.18 Multiple residential dwellings on the site could have adverse effects on the privacy of surrounding neighbours, particularly if outdoor living areas on the site for example were constructed on second, or even third, storeys. However, in my view, such effects on privacy are not similar in kind to those that may result from guests who are staying at a travellers' accommodation facility. I acknowledge that both a permanent resident or a travelling guest on the site may have similar views (in a physical sense) towards neighbouring properties, however the distinction arises because permanent residents are likely to have a familiarity with their neighbours, whereas short term guests who are effectively strangers could change on a nightly basis. In my opinion, for neighbouring residents to the application site there is more likely to be a feeling of privacy invasion from travelling guests, rather than a sense of neighbour interaction from permanent residents.

Conclusion

- 7.19 In my opinion, given the discussions above, application of the permitted baseline is only of limited assistance for this application. I consider that the average traffic generation of approximately 66 vehicle trips per day, and the associated effects on the adjoining road network, should be accepted as falling within the baseline. I also consider that the visual effects of the proposed buildings fall within the permitted baseline and therefore may be disregarded.
- 7.20 However, in my opinion, there are a number of residual effects which require further consideration and should not be considered as falling within the permitted activity baseline. These are discussed in detail below.

Section 104(1)(a) - Actual and Potential Effects on the Environment

- 7.21 Following a site visit and consideration of matters addressed in the application and raised by submitters, I consider that an assessment of allowing the proposal can be usefully categorised into the following:
- Servicing
 - Access, Traffic Generation and Parking
 - Visual Effects
 - Signage
 - Noise Effects

- Privacy and Security
- Lighting Effects
- Character and Amenity
- Positive Effects

7.22 In accordance with s104(3)(a)(ii) of the Act, when considering an application a consent authority must not have regard to any effect on a person who has given written approval to the application. For this application any effects from the proposal on the properties located at 173 Jollie Street, 1 Heenan Place, 3 Heenan Place, 5 Heenan Place, 184 Rolleston Street, 186 Rolleston Street, 190 Rolleston Street, and 192 Rolleston Street, must therefore be disregarded.

Servicing

7.23 The applicant has provided details of the proposed servicing for the development, including the provision of reticulated connections to electricity, telecommunications, water and sewerage. With respect to stormwater, the applicant is proposing to manage stormwater within the site via on-site soakpits and soakage trenches, and is not proposing to discharge stormwater to the reticulated system. As previously noted, a stormwater assessment, dated 1 September 2016 and prepared by Stiles and Hooker Architects and Engineers, has been provided with details of the stormwater management proposal. Council's Group Manager District Assets undertook an initial review of the applicants' stormwater assessment prior to the notification decision being made by the Council. At that time the feedback from the Group Manager was that the proposal to dispose of stormwater to ground was acceptable in principle, and that a peer review of the calculations and assumptions was to be undertaken by a consultant on behalf of the Council. Council's Group Manager District Assets advised that the peer review could potentially lead to some modifications relating to soakage area design and maintenance requirements, however he was satisfied that based on the information provided there was unlikely to be any adverse effects on the reticulated public stormwater system as the proposal provides for stormwater to be managed on site.

7.24 As previously noted, a number of concerns were raised by submitters regarding the stormwater management proposal, and as a result an on-site meeting was held with Ms Watson (on behalf of the applicant), Council's Group Manager District Assets, Mr Strange (an engineer from MWH who is contracted by the Council to provide comment), two of the submitters – Mr Pearce and Mr Kerridge, and myself on 13 December 2016. Following this, the applicant was requested (on 23 December 2016) to provide additional information in relation to stormwater management and the potential effects on adjoining properties. To date, no response has been provided from the applicant and Council's Group Manager District Assets has therefore been unable to provide detailed feedback on the potential effects relating to stormwater management on adjoining properties. Subject to the applicants' pre-circulated evidence providing a sufficient response to the further information request, I envisage that I will be in a position to provide an assessment of the potential stormwater related effects in an addendum to this s42A report at the

hearing. However, at the time of writing this report there is insufficient information available to comment further.

- 7.25 Setting aside servicing issues related to stormwater, there have been no other concerns raised by Council's District Assets Department with respect to water or sewerage services and I am therefore satisfied that, subject to appropriate conditions to be placed on any granted consent, the effects of these components of servicing the proposed development will be no more than minor.

Access, Traffic Generation and Parking

- 7.26 The application details that at maximum capacity the anticipated traffic generation will be approximately 272 vehicle movements per day ("**vmpd**"), allowing for 8 vmpd for the dwelling and an average of 4 vmpd per unit/cabin/site. Whilst no expert traffic evidence has been provided in support of this calculation, I have reviewed traffic evidence for other campground proposals (albeit not in the Westland District) and I consider the figures used by the applicant to be reasonable.
- 7.27 The applicant is proposing to upgrade Davie Street to achieve a standard in accordance with New Zealand Standard 4404:2010 (Table 3.2, E12), and this standard is appropriate for typical maximum traffic volumes of approximately 2,000 vmpd. It is noted that the current formed carriageway width is approximately 7.0m, narrowing to approximately 4.0m once past 159 Davie Street. Council's District Assets Department have reviewed the application and have raised no concerns regarding the roading standard being proposed. Subject to the upgrade taking place in accordance with NZS4404:2010 it is considered that the roading network will be of a sufficient design to safely accommodate the additional traffic generated by the proposal. The road upgrade will also provide for a formed footpath to be installed which will be an improvement on the current situation.
- 7.28 It is noted that the submissions have highlighted the "upgrade and enhancement of upper Davie Street" as a concern and a number of matters are listed in the submission such as road alignment and width, drainage and road camber, etc. It is unclear what changes the submitters seek in this regard, however I have spoken to one of the submitters, Mr Dixon, and I understand he may provide further specific details on this matter at the hearing. Specific concerns of Mr Dixon, which Council's District Assets Department have provided comment on, include the lack of a turning head at the end of Davie Street, no kerb and channel in place, and inadequate street lighting. Council's District Assets Department have advised that they do not consider that a turning head is necessary at the end of Davie Street as there will be clearly delineated access points to all properties and that the existing street lighting in place is sufficient and consistent with other urban streets in the District. Council's District Assets Department has recommended that the seal on the eastern side of Davie Street be extended to meet the proposed footpath, with provision made for kerb and channel and the appropriate conveyance of stormwater to the reticulated system.
- 7.29 Should consent be granted by the Commissioner, specific conditions should be included to require the Consent Holder to submit a Corridor Access Request ("**CAR**") to Council for approval. The CAR will be required to address the proposed

design details of the road and any necessary traffic management matters during physical works.

- 7.30 Under Part 7.7.1 of the Plan, financial contributions relating to roading may be imposed where the traffic related effects of the proposal necessitates the upgrading of roads, the provision of new roads, and/or the provision of suitable formed access to a site. A financial contribution is therefore considered applicable, and appropriate, for this application. The application details that the applicant proposes to make a financial contribution of \$20,000 “as outlined in the conditions of tender when the applicant purchased the site from Council”. To date, no evidence of such prior agreement has been presented with this application and should consent be granted a condition should be included requiring a financial contribution towards the upgrade of Davie Street in accordance with Part 7.7.1 of the Plan. The financial contribution is recommended to be 50% of the upgrading works required as allowed for in the Plan.
- 7.31 The application provides for the establishment of on-site car parking in accordance with Part 8.10 of the Plan and I agree with the applicant that this can be achieved within the site boundaries. Taking this into account it is acknowledged that there will be no need for overflow parking on Davie Street.

Visual Effects

- 7.32 The submitters have raised a general concern regarding the ‘dominance of the development overall and its visual impact of the Davie Street entrance’, and the ‘cumulative impact of multiple commercial buildings and the effect on neighbouring residences’.
- 7.33 The application details that all of the proposed buildings on the site will be single storey with a maximum height of 5.0m. The applicant is proposing to fully enclose the site with fencing (and this is now effectively complete) and the immediate views into the site from the majority of immediately adjoining properties will therefore be largely obscured. However it is noted that a small number of adjoining properties are located on elevated sections (in comparison to the subject site) and will have views down into the site, as may those properties which contain two level dwellings.
- 7.34 It is acknowledged that the proposal provides for a relatively small percentage of built coverage on the site and the buildings will be individually modest in size. When taking into account the permitted activity baseline, which would allow for built development associated with residential activities to a scale comparable to that which is proposed, the potential adverse visual effects of the proposed buildings themselves are considered to be no more than minor.
- 7.35 Setting aside the visual effects of the individual proposed buildings, given the large size of the site and the open nature of the site development as proposed, another issue to consider relating to visual effects is the appearance of the site as a whole. Taking into account the proposed perimeter fencing and sporadic planting this is really only a relevant effect for those properties which have views down into and across the site from higher sections or two storey dwellings. Based on my site visits, and disregarding those persons whom have provided written approval to the application, I consider these properties to be located at 9 Heenan Place (Mr Kerridge), 4 Airport Drive (Mr Fleming), 171 Jollie Street (Ms De La Mare), and to a more limited extent at 2 Airport Drive (Mr Bates), 188 Rolleston Street (Mr and Mrs

Gage), and 163 Davie Street (Mr Dixon). In my opinion, the ability of these properties, particularly the former, to view the site more or less in its entirety, gives rise to more than minor adverse visual effects due to the large scale of the development and the lack of mitigation provided to soften or 'break-up' the site development. I believe that the scale of the development will be out of character with the surrounding visual environment and in my opinion further consideration should be given to design, potentially via the incorporation of additional formalised landscaping and planting areas, to mitigate the adverse visual effects of the site development on the aforementioned properties.

Signage

- 7.36 The proposal includes the construction of two free-standing signs, one at the site entrance and one 'off-site' sign located within road reserve on the corner of Davie and Park Streets. The signs will make it obvious that the site is used for a commercial activity, however for the immediately surrounding properties within Davie Street this is likely to be readily apparent due to the site configuration.
- 7.37 The sign at the campground entrance will not be mounted high (it will only be 400mm above ground level), however it is relatively large in area with a face of 3m² (being 1m high x 3m wide). The sign is proposed to be lit by up-lighting. Given the locality within a residential cul-de-sac, it is my opinion that the large size of the proposed sign is unnecessary and will give rise to a more than minor adverse visual effect on the streetscape and surroundings. I do however accept that some degree of on-site signage is anticipated in the Residential Mixed Zone (for example a home-occupation is permitted to have a sign/s totalling 1m² in area), and in my opinion a reduced sign size could therefore be accommodated on the site resulting in only minor visual effects.
- 7.38 The smaller proposed sign to be located on the corner of Davie and Park Streets will be mounted above an existing low street sign. The sign will have a face of 0.6m² (1m x 600mm) in area, and will sit at a total overall height of approximately 1.55m. The sign will be setback approximately 4.0m from the formed carriageway of Park Street. The applicant has advised that the sign will contain the name of the campground and a directional arrow only, and it is accepted that the adverse visual effects on the streetscape from the sign will be minor. There is a potential concern that granting consent for the proposed off-site sign for commercial advertising purposes could create a precedent and will be contrary to the policy direction of the Plan, however this is not an 'effect' per se and the issue of precedence is discussed further in Sections 7.81 – 7.83 of this report.

Noise Effects

- 7.39 The submitters have raised concerns regarding the potential noise effects from the proposal both during the construction and operation of the campground. I am satisfied that any noise generated during the construction phase will be temporary and not dissimilar to construction noise that would be associated with residential development of the application site. With respect to noise during operation of the campground, whilst the submitters have not provided much detail on potential noise issues, the anticipated sources of noise from the proposal will primarily be people

noise, e.g. talking, socialising, playing, etc., vehicle noise, including vehicles coming and going and car/van doors closing, and music/radio noise.

- 7.40 The applicant has located the communal areas of the campground in the centre of the site and it is acknowledged that perimeter fencing and sporadic planting is proposed to further provide some form of buffer to the site boundaries. I also note that the applicant does not seek to exceed the noise rules in the Plan, and subject to appropriate and effective on-site management it is accepted that noise from camp guests *could* be able to be controlled to levels that are within the Plan rules. The applicant is also proposing an 8pm curfew for excessive noise to be enforced by the on-site manager, however it is noted that the applicants' proposed consent conditions contain no reference to this, or no specific direction regarding noise (or site in general) management, and no expert evidence with respect to potential noise effects has been provided.
- 7.41 A particular area of concern with respect to the potential generation of noise is the location of the 'open-air' camping sites (both tent and powered sites) located at the north eastern end of the site and along the north western boundary of the site. It is noted that these sites appear to have a buffer of approximately only 6.0m-8.0m from the adjoining residential neighbours, and the applicant is not proposing any formal landscaping or planting in the setback areas which could potentially assist with noise attenuation. Additionally, the furthest of these sites are located approximately 140m away from the manager's residence, which could create a difficulty in terms of being aware of, and addressing noise generation in a timely manner.
- 7.42 One of the submitters located at 9 Heenan Place, Mr Kerridge, has a high potential to be adversely affected by noise from the open-air camp sites located within close proximity to the boundary and without sufficient buffering. This is due to the location of his outdoor living area/deck located on the second level of his dwelling and oriented directly towards the tent sites. An additional two submitters in opposition, located at 182 and 188 Rolleston Street, are located adjacent to the 'open-air' sites on the north western boundary with no formalised buffer area proposed. Without formal buffer and planting areas, it is possible that campers could utilise the areas right up to boundary fencing.
- 7.43 It is likely that a number of potential mitigation measures could be considered by the applicant to address potential noise effects, and incorporated into conditions of consent (should the consent be granted). These may relate to the hours of vehicle movements within the site, a curfew on noise (and specifically music/radio noise), and detailed requirements regarding site and noise management. However, in my opinion a significant issue in terms of the application as proposed is the lack of a formalised, and sufficiently sized, buffer area to adjacent residential properties, which could be landscaped/planted to provide noise attenuation and assist with internalising the potential effects of the proposal.
- 7.44 In my opinion the noise from guests staying at the campground is very unpredictable. At maximum capacity the proposed campground could accommodate 252 guests within 67 separate units/cabins/sites. The applicant has provided information from Statistics New Zealand which indicates that the actual regular occupancy of the campground, even in the peak season, is likely to be

significantly lower than this. The applicant estimates occupancy to be at approximately 45% during January and February, or a total of 30 units/cabins/sites occupied. However, it is also unknown what the actual peak demand may be during popular events such as the Wild Foods Festival. During peak occupancy times the adequate control of noise will be entirely dependent on the management of the campground, which may or may not be effective.

- 7.45 Finally with respect to noise, I am mindful that simply achieving compliance with the noise rules of the Plan does not mean that the noise is acceptable in terms of protecting the amenity of the area. This is highlighted in *Mobil Oil New Zealand Ltd v Taupo District Council*¹ below:

“The test is not whether the plan’s noise levels are met, but are the potential adverse effects of noise going to detract from the residential amenity of the neighbourhood, and will the noise be reasonable”

- 7.46 This requires a much broader assessment of the proposal and is discussed further in relation to the effects on character and amenity in Sections 7.54 – 7.62 of this report below. In my opinion this aspect is at the heart of the assessment of this application, being whether the scale and intensity of the proposal (taking into account the mitigation put forward by the applicant to date), is appropriate for the receiving environment.

Privacy and Security

- 7.47 The submitters have highlighted concerns that the proposal will result in a loss of privacy. It is unclear which submitters believe that their privacy will be affected, however I agree that the proposal has the potential to impact on the privacy of some residential properties. The proposed boundary fencing should provide privacy for the majority of adjoining residential activities, however guests within the campground may still retain some views beyond the site boundaries towards specific adjoining properties. In my opinion these properties would primarily be 9 Heenan Place and 171 Jollie Street where the dwellings contain outdoor areas located on the second storey.
- 7.48 The applicant contends that any privacy effects on neighbours will be similar or less than a residential development. However, I disagree that such a comparison can and should be made and the distinction is highlighted in *Doolan and Doolan v Queenstown Lakes District Council*² as follows:

“Visitor accommodation is different from normal residential activity in that a level of interaction across a boundary that could be perfectly acceptable, even desirable, when dealing with neighbours you know, could be quite intrusive when it involves strangers”

- 7.49 I acknowledge that sufficient buffers and formalised planting areas may go some way to address the potential effects on privacy, however to date such mitigation has not been advanced by the applicant.
- 7.50 Another matter raised by submitters is security, including Crime Prevention Through Environmental Design (“**CPTED**”). CPTED is not an area which I am experienced

¹ [1998] NZEnvC A149/98

² [2006] NZEnvC C4/2007

in, however the submitters appearing at the hearing may wish to provide further information for the benefit of the Commissioner. The proposal has the potential to increase the security risks to surrounding residential properties through the introduction of high numbers of tourists (effectively strangers) to an established residential area. The proposed boundary fencing will however provide a barrier to direct access to the adjoining residential properties, and whilst it is acknowledged that an increase in people numbers within the campground may slightly increase the *risks* to individual property security, I do not believe it is a reasonable assumption that guests to the campground pose an actual threat to security.

Lighting Effects

- 7.51 The applicant has provided a concept design for the proposed exterior lighting on the site prepared by Micon Engineering (1995) Ltd. Lighting includes both wall and surface mounted LED bulkheads on the proposed buildings, whilst the internal road lighting will be mounted on 5.0m high columns and mounted horizontally without any tilt from the horizontal.
- 7.52 The assessment from Micon Engineering notes that the proposed exterior lighting will not create light spill in excess of 10 lux at any adjacent residential boundary, and the applicants' proposed consent conditions go further and restrict the maximum lux spill to any adjoining residential properties to 5 lux. The wall and surface mounted bulkheads are described as "low power and low output only", with the ability to illuminate areas directly adjacent to the fitting only. As the road lighting will be mounted on 5.0m high columns, in my opinion this will be comparable to lighting fixtures expected with residential street lighting and is therefore acceptable in this established residential area.
- 7.53 It is noted that the lighting layout plan is based on an earlier version of the site configuration than that currently under consideration and the applicant will therefore need to provide an updated lighting plan. I anticipate that this will likely only affect the location of one 5.0m high road light at the Davie Street end of the development, however it does need to be confirmed to ensure that the light spill will not extend closer to the neighbouring residences than expected.

Character and Amenity

- 7.54 To a large degree the character of the application site and surrounds has already been discussed in this report, in that it is derived from the landscape and visual elements of the site in addition to the current activities established in the immediately surrounding area. The amenity of the area is somewhat more debatable as precisely what amenity is, and how a proposal will affect an environment's existing amenity, is a subjective matter which can only be determined after consideration of many values.
- 7.55 The term 'amenity values' arises in Part 2 of the Act, being a matter that particular regard must be had to in the determination of a resource consent application. The definition in the Act refers to "*those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes*". Therefore an assessment of the effects of the proposal on character and amenity values relies on a number of

variables. These variables are summarised in broad terms in *Road Metals Company Ltd v Selwyn District Council*³ as:

- [a] An assessment of the character of the existing environment.
- [b] The character of activities expected in the area.
- [c] The degree of compliance with environmental standards relevant to the area.
- [d] An overall judgment as to the effects associated with the proposal in the context of these matters.”

7.56 The above case records two key points as follows:

“The first point is that simply meeting the environment standards prescribed for permitted activities in the area does not mean that the proposal is necessarily consistent with the character and amenity of the area. The second point is that the existing environment may not necessarily reflect the anticipated outcome of a particular zoning regime.”

7.57 In my opinion the character and amenity of this particular area within the Residential Mixed Zone is influenced by predominately residential activities with little evidence of ‘mixed use’ in the immediate vicinity to the site. As previously discussed, nearly all of the adjoining properties appear to be developed with residential dwellings only, and the applicant notes that one property operates as a commercial holiday home. There are two areas of Council administered recreation reserve adjoining the bush area which is proposed to be retained at the north eastern end of the site. The density of built development appears to be relatively standard with most lots containing one dwelling and a stand-alone garage, and there is limited evidence of multi-dwelling developments or infill development. Building forms include both single and two storey buildings and the area generally displays the character and visual amenity expected in a residential neighbourhood.

7.58 The decision in *Road Metals Company Ltd v Selwyn District Council* discusses the relevance of identifying the scale of what can be expected in an area, and the legitimate expectations of amenity of those who choose to live there. The Residential Mixed Zone provides for residential, recreational and agricultural use as permitted activities subject to compliance with specific performance standards which essentially assist with maintaining the desired character and amenity of a residential area. Additionally, the zone allows for small scale commercial or industrial activities as home occupations with restrictions on staffing, hours of operation and bulk and location of buildings. The Plan provisions acknowledge that small scale non-residential activities, including travellers’ accommodation facilities, can be compatible with the character and amenity of a residential area.

7.59 With respect to the degree of compliance with relevant environmental standards, concerns raised by the submitters (as relevant to character and amenity values), relate to traffic generation, visual effects, lighting, signage, privacy, security and noise effects. Taking into account the information provided by the applicant, and that Council’s District Assets Department have not raised any concerns, I am satisfied that any potential effects relating to traffic will be acceptable. It is acknowledged that the proposal will result in an increased level of traffic within the Davie Street cul de sac, however given the large size of the application site and the underlying residential zoning, it is my view that additional traffic generation should be expected, and cannot be avoided, with any future development of the site.

³ [2012] NZEnvC 214

However, in my opinion there are issues that have not been adequately addressed in terms of visual effects, signage, privacy and noise effects.

- 7.60 In my opinion the overall view of the proposed site development, as can be achieved by the residents of 9 Heenan Place, 4 Airport Drive, and 171 Jollie Street, is currently of a scale and design which will detract from the character and visual amenity of the area. It is also my opinion that the 3m² sign proposed at the entrance to the campground will give rise to a more than minor adverse visual effect on the streetscape and surroundings, and will be incompatible with the existing character and amenity of the residential cul de sac. I also consider that the proposal will have potential adverse effects on the privacy of 9 Heenan Place and 171 Jollie Street due to these dwellings being two storey.
- 7.61 In terms of potential noise effects, I acknowledge that the audibility of noise in itself does not equate to an adverse effect. I also accept that with appropriate management controls in place the proposal *could* likely operate within the noise limits of the Plan. However, given the lack of formal mitigation measures proposed by the applicant, and the absence of formalised and sufficiently sized buffers to adjoining residential properties, I have concerns over the appropriateness of the intensity of the campground on the application site. The applicant has provided minimal assessment with respect to noise effects and refers to campgrounds being “self-regulatory” with respect to noise. In my opinion this approach is not sufficient to ensure that the amenity values of surrounding residential neighbours will be maintained.
- 7.62 In concluding on this matter, an overall judgement is required on the effects of the proposal on the character and amenity of the area in the context of the above discussion. In my view, the applicant has failed to demonstrate that the effects of the proposal can be avoided, remedied or mitigated to levels which are compatible with the existing character and amenity of the area. The area is dominated by existing residential activities and the scale of the current proposal is considered incompatible with the existing environment.

Positive Effects

- 7.63 The proposal will provide a modern and conveniently located travellers' accommodation facility for up to 252 visitors (at maximum capacity) at any one time to the Hokitika area. The campground is also expected to provide a range of accommodation options to suit different budgets.
- 7.64 The application details that there is currently a 'gap' in the accommodation market in Hokitika following the closing of the Hokitika Holiday Park. However, it is noted that a holiday park located approximately 2.5km to the north of Hokitika and providing accommodation for up to 248 people, has also recently been granted by the Council and I understand has opened for business. The application also details that the West Coast region is experiencing an increase in guest nights, up by 8% in 2016 compared to 2015, however the exact demand and supply relationship for campground accommodation in the Hokitika township has not been analysed. I am therefore unable to comment on whether there is a shortage of such accommodation which will be specifically addressed through this application.

- 7.65 It is accepted that an increase in tourists to the district will have positive flow on effects for the local economy and the applicant has provided some information regarding typical tourist expenditure. What is currently not supported with evidence in the application is the intimation that the establishment of the proposed campground will directly result in an increase in tourist numbers to the area. The application states that “if there is nowhere to stay in town the tourists will carry on to the next town, and spend their money there”, however as detailed above the relationship between demand and supply for this form of accommodation is not detailed in the application. The applicant may wish to provide further information to clarify this at the hearing.
- 7.66 A clear positive effect from the application is the creation of additional job opportunities. The proposal is expected to provide employment for 18-20 people during a 4-5 month construction period, and ongoing employment during operation for 1-2 permanent full-time staff and up to 8 part-time seasonal staff.

Conclusion

- 7.67 Taking into account the assessment above, on balance I consider that the adverse effects of the proposal will not be avoided, remedied or mitigated to a level which is acceptable for, and compatible with, the surrounding environment. The proposal will have some positive effects in terms of employment and making a contribution to the local tourism economy, however it is unclear whether there is a current shortage of such accommodation, and it is noted that the campground itself is not a tourist ‘attraction’ which would increase tourist numbers per se. It is my opinion that the positive effects of the proposal will be outweighed by the adverse effects on neighbouring residential properties, specifically as they relate to wider visual effects, privacy, potential noise disturbance, and the combined effects on the character and amenity of the area. At the time of writing this report there is also insufficient information available to make a complete assessment of the potential effects on adjoining properties relating to stormwater management.

Section 104(1)(b) - Relevant provisions of standards, policies and plans

West Coast Regional Policy Statement

- 7.68 The West Coast Regional Policy Statement has been incorporated into the policies, objectives and rules of the Westland District Plan. An assessment of the Plan will therefore be consistent with an assessment of the Regional Policy Statement and in my opinion there is little value added to this assessment by going into a further discussion of this policy statement.
- 7.69 It is noted that the West Coast Regional Council (“**WCRC**”) has notified a new Proposed Regional Policy Statement in March 2015 and it is a relevant consideration whether to evaluate the application against the Proposed Regional Policy Statement and determine how much weight should be given to it (taking into account the submissions and further submissions received). Further submissions closed on 20 November 2015, however the WCRC is yet to prepare a recommending report on all submissions received. Given the stage that this process is still in, I have not undertaken an assessment of the application against the Proposed Regional Policy Statement.

- 7.70 I would comment that the Proposed Regional Policy Statement has moved towards an increased focus on economic, social and cultural aspects of activities, and providing for sustainable and resilient communities on the West Coast. However I would also note that the WCRC's summary of decisions requested (excluding further submissions) highlights a significant number of parties in strong opposition to the Proposed Regional Policy Statement with a common theme of concern amongst opposition submitters being that the document appears to give primacy to economic development over all else, including the environment and conservation in general. There are 36 submitters who have requested to be heard in support of their submissions.

Westland District Plan

- 7.71 Part 3 of the Plan identifies key resource management issues and objectives that are specific to the District and Part 4 details policies, methods, outcomes and monitoring to address the key issues and objectives. The key relevant objectives and policies of the Plan are discussed below:

3.2 - Sustainable Communities

Objective 3.2.1 - To establish levels of environmental quality for Westland which enable people and communities to provide for their social, economic and cultural wellbeing, while meeting the principles of sustainable management of natural and physical resources.

- 7.72 The application highlights Objective 3.2.1 as relevant to the proposal, making specific reference to providing "an important accommodation option to allow more tourists to stay in Hokitika, and therefore to spend money on meals, fuel and activities". As previously detailed, no evidence has been provided regarding the current supply and demand of such accommodation, and it is noted that a new holiday park catering for up to 248 guests has recently been granted, and is operating, on the northern outskirts of Hokitika. However I do acknowledge that some travellers may have a preference to be more centrally located within the Hokitika township itself. It is also noted that the principles of sustainable management also require avoiding, remedying or mitigating adverse effects on the environment (which includes people and communities, and amenity values). In my opinion the proposal only partially meets the above objective and can therefore not be considered consistent with it.

3.9 – Image of the District

Objective 3.3.1 – To recognise and promote Westland's image as a clean, green District.

- 7.73 The application details Objective 3.3.1 as being relevant to the proposal, stating that having "a well-presented camp ground as an accommodation option will enhance the image of Westland District". I disagree that Objective 3.3.1 is relevant to this proposal as I do not consider the establishment of a commercial campground facility in the middle of the Residential Mixed Zone as promoting a clean, green image of the District. Whilst I do not doubt that the campground would be a modern and tidy facility, I do not consider that Objective 3.3.1 is relevant.

3.4 - Infrastructure and Services

Objective 3.4.1 – To ensure that all servicing activities are carried out in a manner, and in locations, which avoid, remedy or mitigate adverse environmental effects.

Objective 3.4.2 – To ensure that activities located adjacent to infrastructure resources do not adversely affect the safe and efficient use of those resources.

4.6 – Infrastructure and Servicing

Policy A – The efficient provision and development of all future services and infrastructure within the District shall be encouraged.

Policy B – The roading hierarchy shall be used as a factor in determining the acceptability of activities (including subdivision) which affect traffic flows or the road resource; and the standards of access required.

- 7.74 The proposed development will be connected to Council’s reticulated sewer and water services and Council’s District Assets Department have confirmed that they are satisfied that the site is able to be adequately serviced via the existing reticulated system. With respect to stormwater management, Council’s Group Manager District Assets has agreed in principle to the design concept of discharging stormwater to ground, however to date insufficient information has been provided regarding the detailed design measures required to ensure there will be no adverse effects on adjoining properties.
- 7.75 I have concluded that subject to the upgrade of Davie Street taking place in accordance with NZS 4404:2010, it is considered that the roading network will be of a sufficient design to safely accommodate the additional traffic generated by the proposal. I am also satisfied that the proposal provides sufficient on-site manoeuvring and car parking areas.
- 7.76 Whilst an overall conclusive assessment cannot be made until further information regarding stormwater is provided by the applicant, it is my opinion that the proposal, at the least, will not be *contrary* to these objectives and policies.

3.9 - The Built Resource

Objective 3.9.1 – To identify, protect and enhance the distinctive Westland character of the District’s settlements.

Objective 3.9.2 – To provide for the “intermingling” of land use activities within Westland’s settlements and towns, where this does not detrimentally impact on the amenities, health and safety of residents and workers.

4.2 – Settlement Character

Policy A – A range of activities should be able to locate in the urban areas provided that any adverse effects on the environment or neighbouring land uses are avoided, remedied or mitigated.

4.4 – Amenity

Policy A – The effects of activities which can have significant adverse effects on amenities and the well being of residents shall generally be avoided, remedied or mitigated.

7.77 Objective 3.9.2 and Policy A under Section 4.2, both highlight the effects-based approach of the Plan and re-iterate the policy direction that mixed use environments are acceptable subject to the subordinate uses being compatible with the protection of amenity values. Travellers' accommodation, whilst being a commercial activity, does have a residential component and is therefore, in my opinion, unlikely to generate some less desirable effects which may arise from other commercial activities such as glare, vibration, odour, dust, and excess waste generation. However the proposal presents concerns relating to wider visual effects, privacy and potential noise disturbance which in my view have not been sufficiently avoided, remedied or mitigated. I consider that the application is inconsistent with the objective and policy.

7.78 I accept that travellers' accommodation per se is not a form of inappropriate development within the Residential Mixed Zone. The issue is at what scale does such an activity become inappropriate and at risk of detracting from the existing and anticipated level of amenity within the zone. I am of the view that the scale and intensity of the current proposal, particularly in the absence of sufficient buffering and formal planting/landscaping, and the reliance on untested management and campers' self-regulation, does not provide enough certainty to ensure that the activity will not detrimentally impact on the amenities of the surrounding permanent residents.

Policy F – To ensure that signs are appropriate to the character of the area and do not detract from the amenity values of that environment.

Policy G – To avoid a proliferation of signs which have the potential to result in cumulative adverse effects on amenity values.

7.79 It is my opinion that the proposed campground entrance sign will have a more than minor adverse visual effect on the streetscape and surroundings due its large size. I consider that the sign will not be appropriate to the character of the area and therefore is inconsistent with Policy F above. I do however acknowledge that a reduced sign size could be accommodated on the site should the applicant be amenable to such an amendment.

7.80 With respect to the proposed off-site sign on the corner of Davie and Park Streets, the explanation to Part 4.4 of the Plan provides some guidance stating that a restriction on remote signs throughout the District "is necessary to avoid visual clutter associated with excessive and unnecessary signage and to protect traffic safety". Whilst the need for advance directional signs on the state highway is recognised (and provided for by the NZ Transport Agency), the Plan is not generally supportive of off-site signs. In my opinion the proposed sign on the corner of Park and Davie Street is unnecessary and could give rise to future off-site signage in the District increasing. I would be supportive, as is the Council's District Assets

Department, of a standard motorist service sign (blue and white) being placed on the corner of Davie and Park Street to provide directions for the campground into Davie Street.

Section 104(1)(c) – Other Matters

Precedent

- 7.81 In my view the precedent effect of granting the proposal needs to be considered in relation to this application. A precedent effect is not an effect on the environment but rather it is a consideration of how a decision to allow the proposed activity may subsequently lead to subsequent similar applications being granted (in the sense of like cases being treated alike).
- 7.82 In my opinion there are no special factors or circumstances in this case that distinguish this proposal from other potential proposals for off-site signage. The policy direction of the Plan is to avoid a proliferation of signs and there is specific reference to excessive and unnecessary signage. The application site has direct access from a formed legal road and the application includes the provision of a sign at the entrance to the site which will be clearly visible from Davie Street. The granting of an off-site sign for an activity which has clear access, and visibility, to an alternative legal road, may set a precedent for the granting of future off-site signs and potentially lead to cumulative adverse effects relating to visual amenity and the image of the District as a whole.
- 7.83 Should the Commissioner be of mind to grant consent to the off-site sign (as currently proposed) on the corner of Davie and Park Streets, he will need to be satisfied that the decision will not set a precedent for future applications.

Section 104D – Non-Complying Activity Assessment

- 7.84 Section 104D(1) sets a gateway test for non-complying activities which Consent Authorities must consider prior to undertaking an assessment under Section 104. The gateway test is an “either, or” test, meaning that if an application passes either gateway, it may proceed to an assessment under Section 104. It does not require both tests to be met.
- 7.85 The first test requires the hearing commissioner to consider whether the effects of the activity will be minor. The second gateway test is to consider whether the application is not contrary to the objectives and policies of the relevant plan. There are two aspects to consider when making this assessment. The first is that being ‘contrary’ means something more than just non-complying, it means being opposed in nature, different to or opposite. The second is that when assessing whether a non-complying activity is contrary to the objectives and policies of a plan, a broad judgement should be made. This requires more than just isolating out one or two policies with which the activity is contrary, so they must be considered in a holistic, overall way.

Test 1 - Adverse effects on the environment

- 7.86 The effects of the proposal have been discussed in detail in this report and on balance the adverse effects are considered to be more than minor. It is my opinion that the proposal will have negative effects on neighbouring residential properties, specifically as they relate to wider visual effects, privacy, potential noise disturbance, and the combined effects on the character and amenity of the area. It is also noted that insufficient information has been provided by the applicant to allow a complete assessment of the potential effects on adjoining properties relating to stormwater management to be undertaken. Even in the absence of the stormwater information, overall it is considered that the effects of the proposal will be more than minor and hence the application fails the first gateway test.

Test 2 - Objectives and Policies

- 7.87 An assessment of the proposal against the provisions of the Plan has been undertaken and whilst the proposal is consistent with some provisions relating to infrastructure and servicing, I have concluded that the proposal is inconsistent with a number of objectives and policies. Although there are concerns relating to effects on character and amenity values, which require careful consideration under Section 7 of the Act, given that the planning framework provides for the intermingling of activities and mixed use environments, and is not necessarily opposed to travellers accommodation per se within the Residential Mixed Zone, I do not consider that the proposal should be considered *contrary* to the relevant objectives and policies of Plan. I am therefore satisfied that the second test in Section 104D(1)(b) is passed and the application can be considered under the broader requirements of Section 104 and Part 2 of the Act.

Section 37

- 7.88 An extension, under Section 37 of the Act, will be required for the time in which this hearing has been held. The delay in proceeding to a hearing for this application has arisen due to the applicants' availability and the applicant is therefore aware of the delay and has agreed to an extension being applied.

8.0 Part 2 of the Act

- 8.1 This application has to be considered, subject to Part 2, on its merits in accordance with the provisions of Section 104 of the Act (as outlined and discussed in Section 7.0 of this report above).

- 8.2 Section 5 sets out the Purpose of the Act, and states:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

8.3 Section 6 details matters of national importance to be recognised and provided for. In my view there are no matters of national importance relevant to this application.

8.4 Section 7 provides other matters to which Council shall have particular regard. Of relevance to this application are:

(c) the maintenance and enhancement of amenity values:

(f) maintenance and enhancement of the quality of the environment:

8.5 A discussion regarding the effects of the proposal on amenity values is included in Section 7.0 of this report. My conclusion on this is that in its current state the proposal will not maintain or enhance the amenity values for a number of adjoining residential neighbours to the application site. With respect to the maintenance and enhancement of the quality of the environment, this requires an all-encompassing view of both the existing environment and the environment as it is perceived in the Plan. Again I consider that the proposal will not maintain or enhance the quality of the environment.

8.6 Section 8 relates to the principles of the Treaty of Waitangi which shall be taken into account when considering matters under the Act, including resource consent applications. I am unaware of any relevant issues for this application.

8.7 It is my understanding of the Act that the words 'subject to', in reference to Part 2 when considering an application for resource consent, are used to indicate that the provisions of Part 2 are to prevail in the event of conflict. It is clear from the planning framework provided by the Westland District Plan that there is a balance to be achieved between managing population and economic growth in the district and protecting and preserving the character and amenity of environments.

8.8 It is clear that the Plan does not preclude mixed use environments within the Residential Mixed Zone and a specific objective aims to "*provide for the "intermingling" of land use activities within Westland's settlements and towns, where this does not detrimentally impact on the amenities, health and safety of residents and workers*". However, in my opinion the scale of the current proposal is incompatible with the existing environment and the applicant has failed to demonstrate that the adverse effects on a number of adjoining residential neighbours will be avoided, remedied or mitigated to an acceptable level. I therefore consider that the application does not promote the sustainable management of natural and physical resources, being the purpose of the Act as presented in Section 5.

9.0 Areas of Disagreement

- 9.1 The Commissioner has issued a Direction/Minute (#2) on 18 January 2017 which requested (under point 9) that all parties calling expert witnesses liaise amongst themselves in order to facilitate expert conferencing as relevant to their areas of expertise. With respect to planning evidence, I contacted those submitters who wish to be heard and they all confirmed that they do not intend calling an expert planning witness. A phone conference was then held on 24 January 2017 between myself, Ms Watson (surveyor/planner for the applicant), and Ms Russell (legal counsel for the applicant), to clearly identify the areas of disagreement in relation to planning matters. I note that during the phone conference both Ms Watson and Ms Russell indicated a desire, subject to feasibility and further discussion with the applicant, to address any outstanding concerns.
- 9.2 The phone conference on 24 January 2017 has confirmed the following areas of disagreement between myself and Ms Watson:
- i) I disagree with Ms Watson that the effects of 40-50 residential dwellings on the subject site should be considered as falling within the permitted baseline.
 - ii) I disagree with Ms Watson's assessment of privacy effects, particularly as they relate to 9 Heenan Place and 171 Jollie Street.
 - iii) I disagree with Ms Watson's assessment of noise effects, particularly her opinion that the provision of an on-site manager, in combination with 'self-regulation' (and no specific consent conditions relating to noise/site management), will provide sufficient assurance of the likely noise effects from the proposal.
 - iv) I disagree in part with Ms Watson's assessment of the effects on visual character and amenity, particularly for those properties with wide sweeping views across the site such as 9 Heenan Place, 4 Airport Drive and 171 Jollie Street.
 - v) I disagree with Ms Watson's assessment of the effects of the proposed sign at the entrance to the site and the off-site sign.
- 9.3 Ms Watson and Ms Russell have indicated that they are likely to update the application, including the proposed consent conditions, to address some of the above matters. I anticipate that such amendments will be detailed within the pre-circulated evidence of Ms Watson.

10.0 Recommendation

- 10.1 In my opinion the application, in its current format, should not be granted. However, this is a recommendation only and the Commissioner is required to determine the application once submissions and evidence on the application, both from the applicants and submitters, have been heard. The Plan provisions are identified in the above assessment and these, in conjunction with matters raised at the hearing, should form the basis of any decision reached.

- 10.2 Where possible if concerns raised can be mitigated through conditions of consent, these conditions should be imposed in order to maintain the character and amenity of the area, or to ensure that an acceptable level of adverse environmental effects results from the activity.
- 10.3 The applicant has indicated that an updated suite of proposed consent conditions is likely to be provided with the pre-circulated evidence of Ms Watson. Rather than pre-empting this process, or any potential amendments that the applicant may make following the expert conferencing held on 24 January 2017, I intend on providing an addendum to the hearing which provides my opinion on the suitability of the applicants' revised proposed consent conditions.



Reporting Officer:Date: 2 February 2017
Jessica Hollis
Senior Planner, Opus International Consultants Ltd



Peer Reviewer: Date: 2 February 2017
Jim Ebenhoh
Group Manager: Planning, Community and Environment,
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