



RESPONSEPLANNING
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APPLICATION TO Hurunui District Council

Land Use Consent and Reserves Act Permission

**Gravity Based Recreation Activity
Conical Hill, Hanmer Springs**

February 2021

**APPLICATION FOR RESOURCE CONSENT
SECTION 88, RESOURCE MANAGEMENT ACT 1991**

**APPLICATION FOR PERMISSION TO ESTABLISH ACTIVITY
RESERVES ACT 1977**

**TO HURUNUI DISTRICT COUNCIL
PO BOX 13
AMBERLEY**

- 1. Hanmer Springs Thermal Pools and Spa (HSTPS)** *(please note different address for service) applies for:*
 - a. a land use consent under section 9 of the Resource Management Act 1991 and**
 - b. a licence (permission) under the Reserves Act 1977**

- 2. The activity to which the application relates (the proposed activity) is as follows:**

To install and operate a Gravity-Based Recreation Activity (the proposal or 'Flyride') within the Conical Hill Reserve, Hanmer Springs.

- 3. The site at which the proposed activity is to occur is as follows:**

A property situated at 54 Lucas Lane, Hanmer Springs being an 11.19ha property legally described as N32081 GAZ 81-2429 RES 3661 3802 HANMER PLAINS RES BLKS I II LYNDON SD - CONICAL HILL - TNA

- 4. The full name and address of each owner or occupier (other than the applicant) of the site to which this application relates are as follows:**

Hurunui District Council

- 5. The other activities that are part of the proposal to which the application relates are as follows:**

Not applicable

- 6. No additional resource consents are needed for the proposal to which this application relates.**

- 7. I attach an assessment of the proposed activity's effect on the environment that—**
 - (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and*
 - (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and*
 - (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.*

- 8. I attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.**

- 9 I attach an assessment of the proposed activity against any relevant provisions of a document referred to in Section 104(1) (b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.**
- 11 I attach the following further information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act**
- 12 I attach any information relevant to consideration of the proposal under the Reserves Act 1977.**



Graeme Abbot
Executive General Manager Hanmer Thermal Pools

Signature of applicant (or person authorized to sign on behalf of applicant).

26 February 2021

Address for service of applicant

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Address for billing:

Hanmer Springs Thermal Pools and Spa
42 Amuri Avenue
Hanmer Springs
email: ben@hanmersprings.co.nz
Attention Ben Smith

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

Introduction

1. This assessment of actual and potential effects on the environment (AEE) is provided in support of a land use application under the Resource Management Act 1991 (RMA) and a licence (permission) sought under the Reserves Act 1977 (Reserves Act) to establish and operate a Gravity-Based Recreation Activity on a recreation reserve on Conical Hill, Hanmer Springs.
2. The AEE has been prepared in accordance with the Fourth Schedule of the RMA and addresses relevant matters under the Reserves Act.
3. The following appendices are attached in support of, and form part of, the application:
 - Appendix One – Assessment of Landscape and Visual Amenity Effects Report
 - Appendix Two – Graphic Attachment to Assessment of Landscape and Visual Amenity Effects Report (Graphic Attachment)
 - Appendix Three – Recreation Assessment
 - Appendix Four – Noise Assessment

Description of the Proposal

4. The proposal is to establish a gravity-based recreation activity (Flyride) on an existing reserve at Conical Hill, Hanmer Springs. The activity is proposed to be located on the western face of Conical Hill Reserve.
5. The proposal is a ride experience. The ride experience consists of a cable track system, which is erected on seven poles (labelled T1-7 in the Graphic Attachment) situated on the ride route. The gravity ride changes direction at each of the seven poles which also provide tension and anchoring for the ride. The proposal includes two additional platforms that provide for rider access – being a start station and stop station.
6. The ride experience is provided by suspended trolleys which hang from the cable track. The ride extends over a distance of approximately 500m from start to stop. The ride will have potential for three different ride speeds being fast, medium and slow. The fastest ride will be approximately 70 seconds long and the slowest approximately 120 seconds.
7. As the trolleys drive down the cable, they generate their own charge meaning that they can power themselves back to the top following a downward trip. Trolleys will be returned to the start station once a group of customers has reached the lower station. The number of cycles of return trolleys that will occur per day will depend on the total number of trolleys that are available. The number of trolleys that will be provided will remain flexible over the implementation and operation of the proposal.
8. Access to and from the ride experience for participants and spectators is by accessible pedestrian focussed tracks. There is no customer car access proposed or provided to any part of the site.

9. Vehicle access will be needed during construction of the site. Access will occur from formed forestry roads on land adjacent to the site that are managed by Rayonier Forestry. These access roads will enable access to the site from the north of Conical Hill.
10. Once the construction is complete, the ability for vehicle access for staff and operational requirements will be continued over the same formed forestry roads. Continued staff and operational access will only continue by agreement with the forest managers. Any access within the reserve, other than walking or the ride itself, will be managed in accordance with any lease arrangement and will accord with the Reserve Management Plan.
11. The key physical components of the proposal are described in more detail below and in the assessments supporting this application.

Start and Stop Stations

12. The start station is located near the top of Conical Hill at 547.534 masl. Riders will begin the gravity ride at this location.
13. The stop station will be located at 487.534 masl on the south face any clearing towards the bottom of the hill. Riders will end the gravity ride at this location.
14. Both the start and stop structures provide gated access to ensure the safety of users and the also provide security of access outside operating hours. Both platforms are fully covered to provide weather protection for riders and staff. A lockable storage bench is provided along the side of each platform which will be used for equipment storage. Solar panels provide power for the ride operation system and for battery recharge which will be mounted on the roof of each structure.
15. Both structures will have a timber deck measuring 8.1 x 3.2m (28.3 m²) with colour steel post and roof, timber balustrade and timber gates. The storage cabinet/bench located on each structure will be 3.2 x 1.1m (3.5m²) and will be finished with vertical timber patterns (other than the proposed storage). The structures will be open near with timber balustrade but no walls. The timber will either be left to weather naturally or will have a transparent coat that will not change the timbers natural colour. The proposed roof structures will be colour steel roofing and a dark recessive colour. The roof will be a gabled form though will be asymmetrical so as to maximise any North facing section for affixing solar panels. A minimum roof pitch of 20° will be provided.
16. An accessible toilet will be installed near the start station platform.
17. Access to the start station will be by accessible tracks via existing walking tracks on Conical Hill Reserve, or by way of existing walking and cycle tracks on commercial forestry land which surrounds the reserve to the west, north and east. From the stop station, riders have the option of leaving the area of the ride by link tracks to existing tracks within the reserve whereby persons will either leave the proposal area of the proposal to access other parts of the reserve or will return via the existing walkway to the start station.

18. Ride trolleys will be returned to the Start Station by returning up the cable when riders are not on it.

Poles and Cables

19. The poles and cable providing the ride will consist of seven¹ poles (labelled T1-T7 on the Graphic Attachment in Appendix Two) which will support one ride line. The poles will be one of three different designs which will have a painted finish of a recessive colour. The poles will have guy lines.
20. The location of the seven poles is shown within the Graphic Attachment attached to this application. Primarily the poles are located within forested areas. It is noted that the location of the poles is identified but the consent seeks the ability for detailed micro-siting to occur, subject to detailed on site geotechnical of each site. The extent of micro-siting sought in this application is that it pole may be relocated within ten metres of the location shown, for T1-T7 on the plans supporting this application (in Appendix Two). The micro-siting allowance is sought to enable the exact location of the poles to be refined to ensure the most appropriate location for each pole addressing ground conditions and also enabling options for avoiding and managing any skink and gecko habitat areas.
21. The height of each pole varies (depending on its location) but are between 6.0 to 10.2 metres in height. The final pole locations will be subject to micro-siting, if necessary. The height of the poles is described below:
 - (a) Pole 1 (T1) – 6.0m
 - (b) Pole 2 (T2) – 10.2m
 - (c) Pole 3 (T3) – 7.4m
 - (d) Pole 4 (T4) – 8.7m
 - (e) Pole 5 (T5) – 7.3m and 7.3m
 - (f) Pole 6 (T6) – 6.8m
 - (g) Pole 7 (T7) – 7.3m.
22. The installation of the poles will require selective tree removal. A minimum clearance is also required between any trees and riders on the gravity ride. Preliminary investigation indicates that a minimum of eight trees will need to be removed. However, it is recognised that this is subject to detailed siting and micro-siting of each pole, including any changes relating to micro-siting. The quantum of any additional trees that would be removed would not be substantially increased, rather it is more likely that substitution of trees in a different location would occur. Any removal of trees will be done selectively and will seek to remove the minimum trees possible.

Earthworks

23. Earthworks will be involved during the construction of the activity.
24. The earthworks required are related to:
 - (a) Start Station (approximately 96m² area with volume to 24m³ cut and 2m³ fill) including:
 - i. Providing the foundations for the start station platform,
 - ii. Providing access to the platform

¹ Pole 5 structure may include two poles.

- iii. Providing a small flat area for rider briefing and waiting adjacent to the platform
 - iv. Providing an area for the installation of a toilet.
- (b) Construction of the Poles (the final volume for the pole construction is dependent on the contractor and their final method of construction²) – but will address:
- i. Providing access to the pole locations
 - ii. Levelling around the pole bases to provide for installation of poles and anchors (approximately a 2m radius)
 - iii. Excavation for the pole foundations (requiring a minimum of 800mm by 800mm by 800mm hole per pole).
- (c) Stop Station (approximately 176m² with volumes of 71m³ of cut and 2m³ of fill).
- i. To provide accessible path connection from the proposed stop station to the existing Conical Hill walking track
 - ii. To provide for the foundations of the platform.
25. Revegetation of areas disturbed during construction will occur using indigenous plants from the Conical Hill Landscape Concept Revegetation Plan.

Level of Activity

26. The proposed ride is an all year operation, other than Christmas Day. There will be days when operation will not occur for reasons of weather, such as unfavourable winds or if the level of fire risk will mean that the operation cannot occur safely. There may also be times when the operation ceases for planned or unplanned maintenance. This will occur on an as needed basis.
27. The proposed hours of operation consist of core hours being between 10am to 6pm. The consent seeks the opportunity to extend these hours during summer with the potential to start at 9am and finish at 7pm. In the future there may be an opportunity for special events to include evening rides. If this occurs it will be subject to further assessment of the effects of any longer hours at that time and would likely be addressed as a change in condition.
28. The level of activity proposed is based on a proposed target of 50-60 passengers per hour. The typical operation will have a capacity of 50 riders per hour, however with the ability for some tandem rides, this could enable up to 60 persons per hour. Each trolley has a load capacity of 150kg. This provides the opportunity for both single rider and tandem riders as long as the combined weight of any tandem riders is less than 150kg.
29. On average the number of staff associated with the operation of the activity will be three. At slower times there may be only two staff on site and at peak times there may be four. There will also be a manager who may be on site on an intermittent basis this would be in addition to the staff numbers described.
30. The activity is an accessible non-car focussed activity. Primarily access will be walking access via accessible paths and tracks. No private vehicle access or use is associated

² The overall quantum of earthworks will be as limited to the extent possible in liaison with the appointed Contractor.

with the any riders or spectators of the gravity ride. Any staff vehicle access will occur via existing vehicle tracks on the land adjacent to the reserve and will solely be available by agreement between the manager of the adjacent land and the operator of the ride.

31. Hanmer Springs Thermal Pools and Spa will be the consent holder and licence/lease holder associated with the activity.

Description of the Site and Surrounds

32. The description of the site, its surrounds and historical and cultural context is addressed in detail in the Landscape and Visual Assessment in Appendix One of this application. The recreation setting of the site and surrounding environment is described in the Recreation Assessment in Appendix Three.
33. In summary the application site is part of an existing reserve on Conical Hill. The proposal site is entirely bordered by the Conical Hill Reserve. The proposal site is partially forested and is adjacent to the existing walkway on Conical Hill.
34. The site is the northern-most extent of the Hanmer Springs Urban Area. The Conical Hill Reserve is surrounded by land owned by Ngāi Tahu forestry land, managed Rayonier Matariki Forests to the north, east and west. To the south, at the base of Conical Hill, are existing residential activities that are part of Hanmer Springs village.

Statutory Assessment

Hurunui District Plan

Rules

35. The site is zoned Open Space in the Hurunui District Plan. The provisions relating to the Open Space Zone are contained within Chapter 4 Settlements.
36. Rule 4.20 lists Permitted Activities. Relevant listed permitted activities are:
 - (a) Reserves and recreation activities and facilities;
 - (b) Recreational activities; and
 - (c) Buildings and structures, signs and earthworks ancillary to permitted activities.
37. The proposal activity is a recreational activity and involves buildings, structures and earthworks ancillary to the recreational activity.
38. To be a permitted activity the standards for permitted activities must be met. The relevant standards are set out below.

Open Space Standards for Permitted Activities	<i>Evaluation</i>
<i>Standards</i>	
1. Height	Poles T2 and T4 are greater than 8m being 10.2 and 8.7m respectively.

<p>The maximum height of any building or structure is 8 m.</p>	<p>The other poles and the start and stop stations do not exceed 8m.</p>
<p>2. Access to sunlight Any new building shall not project beyond a building envelope constructed by recession planes from points 2.3m above a shared boundary with a Residential or Open Space Zone in Accordance with Appendix 4.1</p>	<p>The start and stop station buildings do not breach this rule. This rule is met.</p>
<p>3. Landscaping All parking areas of four or more spaces adjoining a property zoned as Residential or Open Space shall be screened by either: (a) Trees and/or shrubs planted a maximum of 2m apart that, on maturity, provide a solid screen up to a height of at least 1.8m; or (b) A solid wall or fence to a height of at least 1.8m</p>	<p>No carparking areas are proposed. This rule not relevant.</p>
<p>4. Noise (a) All activities shall be designed and conducted so as to ensure that the following noise limits are not exceeded, at or outside the boundary of the site: 55 dB LAeq (1-hr) 7am-7pm daily; 45 dB LAeq (1-hr) 7pm-7am daily; and 75 dB LAFmax all days between 10pm and 7am. (b) Airport and heliport noise – noise associated with use of land for aviation purposes, including circuit, take-off and landing approach flight operations shall not exceed 50dB Ldn and 70 dB LAFmax, when assessed in accordance with the provisions NZS 6807: 1994 "Noise Management and Land Use Planning for Helicopter Landing Areas". (c) Measurement of sound shall be in accordance with NZS 6801:2008 "Acoustics-Measurement of Environmental Sound". (d) Vibration due to blasting – at any point at, or within the boundary of, any Residential Zone, or the notional boundary of any habitable residential building in any other zone, any vibration from</p>	<p>The noise assessment provided in Appendix Four identifies that construction noise will be able to comply with the rule. The rule applying to the boundary of the site means that there will be circumstances where the noise rule is not met at the boundary of the site. Noise is addressed within the application.</p>

<p>a site due to blasting shall not exceed a peak particle velocity of 5mm/sec provided this level may be exceeded on up to 5% of the total number of blasts over a period of 12 months. The level should not exceed 10 mm/sec at any time.</p> <p>(e) Construction noise – construction noise shall not exceed the recommended limits in, and shall be measured and assessed in accordance with, the provisions of NZS 6803:1999 "Acoustics - Construction Noise".</p> <p>(f) Exemptions – the above noise limits shall not apply to activities within roads.</p>	
<p>5. Temporary Activities</p>	<p>The activity is not a temporary activity. This rule is not relevant.</p>
<p>6. Building Length In Open Space Zones, no wall of any building shall be more than 20 m long without having an offset in plan of at least 2 m or an offset in height of at least 2 m.</p>	<p>The building length of both the start and stop platforms are less than 20m.</p> <p>This rule is met.</p>
<p>7 Signs</p> <p>(a) Any sign must be erected wholly within the site to which it relates.</p> <p>(b) One sign is permitted per site provided that the sign:</p> <p>(i) is no greater than 3 m² in display area on sites adjoining any State Highway, and no greater than 0.6 m² in display area on all other sites; and</p> <p>(ii) does not protrude above the roof-line or veranda of any building to which it is attached;</p> <p>(c) Temporary signs up to 2.4 m² in display area are permitted for up to 2 months provided that the sign:</p> <p>(i) is in conjunction with a temporary or one-off activity;</p> <p>(ii) is removed within 48 hours of the activity to which the sign related ceasing; and</p> <p>(d) All signs must meet the minimum visibility, minimum separation distance, and lettering/design standards listed in Rule 3.4.3.14 of the Rural Chapter of this District Plan.</p> <p>(e) Cars, trailers and other vehicles shall not be used as signs or for the purpose of displaying signs other than vehicles</p>	<p>No specific signs are proposed as part of the proposal. Any signage will be related to identification signs that will be the same as directional signage already within the reserve.</p> <p>Any signs provided will meet the permitted activity standard or a separate resource consent will be obtained.</p> <p>This rule is not relevant.</p>

<p>used in and as part of the normal course of businesses.</p> <p>(f) Signs erected within the road reserve are permitted provided they meet the size requirements of Rule 4.6.12(b) and have the written approval of the road controlling authority.</p>	
<p>8 Carparking and access</p> <p>a) The following standards for on-site parking shall apply where an activity is established on a site, there is a change of activity or a building is constructed or substantially reconstructed, altered or added to.</p> <p>(i) On-site car parking requirements:</p> <ul style="list-style-type: none"> - Events: 1 per 3 licence d or design visitor capacity; and 1 per 2 employees; and - Sports grounds without permanent seating: 1 per 3 players. 	<p>No on-site or off-site car parks are provided.</p> <p>This is addressed in this application.</p>
<p>9. Vehicle movements</p> <p>The maximum number of vehicle movements shall be as follows:</p> <p>(a) Heavy vehicles – 4 movements per day.</p> <p>(b) Other vehicles – 20 movements per day.</p> <p>Exceptions: These limits shall not apply to the movement of vehicles associated with primary production activities or the construction of structures.</p>	<p>The only heavy vehicle movements will be related to the construction of the structures including the start and stop station and the poles. Construction vehicles are exempt.</p> <p>Any vehicles associated with the activity will meet the standard.</p>
<p>10. Coverage</p> <p>The maximum coverage by buildings in the Open Space Zone shall be 15% of the total site area.</p>	<p>The site coverage of buildings is below 15%.</p> <p>This rule is met.</p>
<p>Earthworks</p> <p>(a) Earthworks may not be carried out within 20 m of the bank of any river, 50 m of any wetland, or 100 m of any lake with the following exemptions:</p> <ul style="list-style-type: none"> (i) Earthworks carried out for reasons of public or personal safety; (ii) Maintenance of existing fence-lines, tracks, roads, firebreaks, drains, ponds, dams, crossings or utilities; (iii) Tracks providing foot access; 	<p>Earthworks are not being carried out within proximity of any river, lake or wetland.</p> <p>This rule is met.</p>

<p>(iv) Domestic gardens and amenity planting.</p>	
<p>12 Containers</p>	<p>No containers are associated with the activity. This rule is not relevant.</p>
<p>13 Demolished Buildings</p>	<p>The proposal does not involve demolishing any building. This rule is not relevant.</p>
<p>14 Additional Design Standards for Hanmer Springs</p> <p>In addition to all other Open Space rules, any building in the Hanmer Springs Settlement Area shall comply with:</p> <p>(a) Window orientation: at least 60% of the total area of windows on each building elevation shall comprise window panes each of which has minimum vertical to horizontal dimensions of 2 to 1, or window frames with minimum vertical to horizontal dimensions of 2 to 1.</p> <p>(b) Roof Pitch:</p> <p>(i) 80% of the roof area of the principal building shall have a pitch of at least 25 degrees;</p> <p>(ii) Accessory buildings shall have a roof pitch of at least 20 degrees.</p> <p>(c) Cladding material (excluding Old Town area): At least 70% of the exterior cladding of the building shall comprise one or more of the following materials:</p> <p>(i) Natural unpainted timber.</p> <p>(ii) Painted timber or fibre cement weatherboard.</p> <p>(iii) Boulders or large stones.</p> <p>(iv) Cob (adobe blocks or rammed earth).</p> <p>(v) Timber battens fixed over plywood or cement board sheets, provided that:</p> <ul style="list-style-type: none"> - The battens are laid vertically; - The batten size is 75 mm wide by 25 mm deep; - The battens are placed at 200 mm centres; and - The battens and plywood or cement board sheets are painted or stained in 	<p>The start and stop station may be considered as a building.</p> <p>No windows or cladding is included in the start and stop stations.</p> <p>Both stations have a roof pitch of at least 20 degrees.</p> <p>This rule is met.</p>

<p>accordance with Rule 4.6.19(h); and</p> <p>(vi) Shiplap of the minimum dimensions of 150 mm x 25 mm and the maximum dimensions of 200 mm x 25 mm;</p> <p>(vii) Rusticated cement weatherboard, "Triclad" weatherboard or boards of equivalent profile, provided that the maximum exposure of each weatherboard is 175 mm or less;</p> <p>(viii) "Frontier" weatherboard, or a board of equivalent profile, with a maximum visible exposure of 200 mm;</p>	
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39. Rule 4.22 provides that any activity not specified as a permitted or non-complying activity, including any permitted activity that does not comply with one or more of the standards for permitted activities under Rule 4.21 is a discretionary activity.
40. The proposal is a permitted activity that does not comply with all permitted standards and so is a discretionary activity.
41. As a discretionary activity the relevant assessment criterion specified in 4.24 are to be considered as are the relevant objectives and policies.
42. The assessment criteria relating to height, noise, recreation activities and those relating to the Hanmer Basin are most relevant and consideration of these matters has occurred as part of the evaluations undertaken in support of this application. With respect to the objectives and policies those relating to recreation, activities, amenity and the quality of the environment and noise are most relevant.

Objectives and Policies

43. An assessment of the relevant objectives, policies and other provisions of the District Plan have been undertaken.
44. Those provisions relating to character, amenity values, qualities of the environment and special qualities of the environment are described in detail in the landscape assessment in Appendix One of this application. Objectives 4 and 4.1 and Policies 4.3, 4.19, 4.20, 4.21, 4.22, 4.32, 4.23 and Policy 4.24 have been considered in Appendix One.
45. Further assessment of these provisions relating to landscape and visual amenity are not undertaken here. The landscape and visual amenity assessment does not identify any areas of conflict or tension with the relevant objectives and policies identified.
46. Policies 4.3 and 4.20 also address matters wider than landscape and visual amenity.

47. Policy 4.3 also relates to managing potentially conflicting activities to ensure environmental standards are maintained while not diminishing the value or detracting from the primary purpose of the zone. Policy 4.6 also contains matters relevant to environment standards and environmental effects and is:

Policy 4.6

To control site-specific environmental effects, such as noise emissions, light spill and traffic generation, to levels appropriate to the zone.

48. Relevant to Policies 4.3 and 4.6 specific consideration has been given to noise effects of the proposal. An assessment of actual or potential effects of the activity on noise has been undertaken and is included in Appendix Four. The conclusions in the noise assessment are that environmental qualities relating to noise will be maintained and that any noise impacts will not detrimentally affect people undertaking other recreational activities within the zone itself or in adjacent residential zones.
49. Also relevant is consideration of lighting and traffic. The activity is not a vehicle focused activity. No provision has been made for car access to the site for riders or spectators associated activity. This is consistent with the current focus for pedestrian including accessible pedestrian access within the Conical Hill Recreation Reserve. The applicant is giving consideration to whether the ride can be made totally accessible. This will be a matter that would be developed over time and is not part of the initial operation phase. Any additional requirements needed to make the ride fully accessible would be addressed as part of any lease arrangement within the reserve management requirements. If any additional resource consent requirements arose that would be addressed at the time. Overall traffic generation associated with the proposal is consistent with the expectations of this Open Space Zone.
50. In considering lighting the proposal will not introduce artificial lighting at a level that will impact on people within the site, within the zone or within any adjacent residential area. The hours of operation relate to daytime hours when natural light is available. There is no lighting associated with the proposal that would impact on the anticipated environmental quality of the zone.
51. No conflict or tension is identified with policies 4.3 or 4.6.
52. Policy 4.20 is to provide for open space zones to meet recreational requirements within settlements. The proposal is a recreation activity being undertaken within a recreation reserve. The proposed activities along with the existing activities will meet the recreational requirements of people within settlements.
53. Consideration of any potential recreation impacts through introducing a new recreational activity into the existing Conical Hill Reserve has been undertaken, with a particular focus on the Reserves Act considerations. This is included in Appendix Three. This report addresses matters that are relevant to considering the objectives and policies of the District Plan. This includes the compatibility of activities within reserves and providing for activities within reserves. The conclusions of the recreation assessment are that the new recreational activities will be compatible with and will not dominate the existing recreation activities occurring in the area.

54. In addition to those identified above two further policies are relevant. These are:

Policy 4.2

To ensure zoning is derived from existing patterns of development and investment of resources and provides opportunities for adaptation and consolidated development.

Policy 4.4

To provide for and manage subdivision, land development and use in the tourism and holiday focussed settlements such as Hanmer Springs and the coastal settlements in a manner that protects and enhances the special character and environmental qualities of those settlements.

55. The proposal is consistent with Policy 4.2 as the recreation activity is occurring within an appropriate Open Space. The introduction of an additional recreation activity and recreational opportunity within this zone does utilise an opportunity for adaptation and consolidated development of recreational activities within an existing recreational area within the Hanmer Springs settlement. No conflict or tension with Policy 4.2 has been identified.
56. Policy 4.4 recognises that Hanmer Springs is a tourism and holiday focussed settlement and seeks to provide for and manage development in a manner that protects and enhances the special character and environmental qualities of those settlements. The special character and environmental qualities of the Hanmer Springs in described in the Landscape and Visual Assessment in Appendix One. The proposal will provide for the use and development of land within Hanmer Springs in a manner anticipated in the zone, being a recreation activity occurring in an Open Space Zone. The proposal is an activity that will provide another recreational offering for those people who are tourists, visitors or residents in Hanmer Springs.
57. The proposal is consistent with these policies.

Overall Conclusion

58. In considering the objectives and policies overall it is concluded that the proposal is consistent with and positively achieves the relevant objectives and policies.

Reserves Act

59. Section 54 of the Reserves Act provides the ability for leases to be granted in respect of recreation reserves.
60. 54(1)(d) of the Reserves Act allows an administering body, in the case of a recreation reserve that is vested in the administering body, (in this case the Hurunui District Council) the ability to
- (d) grant leases or licences for the carrying on of any trade, business, or occupation on any specified site within the reserve, subject to the provisions set out in Schedule 1 relating to leases or licences of recreation reserves issued pursuant to this paragraph:*

provided that the trade, business, or occupation must be necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve..."

61. Section 54(2) of the Reserves Act provides that:
- (2) *Before granting any lease or licence under subsection (1) (other than a lease or licence to which the second proviso to paragraph (d) applies), the administering body shall give public notice in accordance with section 119 specifying the lease or licence proposed to be granted, and shall give full consideration in accordance with section 120 to all objections and submissions in relation to the proposal received pursuant to the said section 120.*
 - (2A) *Nothing in subsection (2) shall apply in any case where the proposal—*
 - (a) *is in conformity with and contemplated by the approved management plan for the reserve; or*
 - (b) *is made following the granting of a resource consent under the Resource Management Act 1991 where the application for the resource consent was notified in accordance with section 93(2) of that Act.*
62. For this proposal a resource consent is being sought for the activity. The application for resource consent is sought to be granted. If granted, the conditions in clause 2A will be met and clause (2) would not apply. However, to be clear and transparent as to what this application intends the application has addressed both the matters of relevance to the RMA and relevant matters under the Reserves Act. The applicant will be seeking a lease to undertake the activity and the applicant is aware and acknowledges that it will need to comply with all requirements of any permission granted under both the Resource Management Act and the Reserves Act.
63. The proposal is an outdoor recreation activity and is by its nature consistent with the underlying status of the Reserve under the Reserves Act 1977. There is a Management Plan for the reserve and the proposal has been considered under the relevant provisions of the Reserve Management Plan.

Reserve Management Plan

64. The proposal is located within the Conical Hill Reserve. The Conical Hill Reserve is a Recreation Reserve. Recreation reserves are described in the Reserves Act (Section 17(1)) as being "...for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreation activities, including recreational tracks..."
65. The proposal is an outdoor recreation activity and therefore is consistent with the underlying status of the Reserve under the Reserves Act.
66. The Hurunui District Council administers and manages the Conical Hill Reserve. The Council has a Reserve Management Plan for this reserve. The Reserve Management

Plan has district-wide matters which sets out a goal, aims, objectives and policies. Following these general matters the Management Plan addresses individual reserves. In the case of this proposal, it is the Conical Hill Reserve that is relevant.

67. Several the objectives and policies in the Reserve Management Plan are not relevant to the proposal, which is seeking a licence for a commercial recreation activity. Those provisions that are relevant from landscape and visual amenity and recreation perspectives are set out and evaluated in the Landscape and Visual Assessment and in the Recreation Assessment, respectively. Matters addressed in these assessments are only briefly addressed in this section of the application as the full assessments are contained in Appendices One and Three.
68. The relevant provisions of the Reserve Management Plan are:

Goal

To manage the reserves of the Hurunui District in a manner that meets the needs and expectations of the community, providing for recreational needs and ensuring the preservation of natural and physical resources.

69. The proposal is consistent with this Goal. It will result in an activity that provides for the recreational needs while ensuring the preservation of natural and physical resources.

Aims

- 2 The development and maintenance of reserve land and facilities to the appropriate standard which reflects their value, character, and use and to enable maximum public use, enjoyment, and safety consistent with preservation of natural values.*
- 3 To implement reserve development and maintenance on a sustainable basis in accordance with the Hurunui District Plan, Reserves Funding Policy and priority based budgeting approach.*
- 5 To provide opportunities for the people of the Hurunui District to have input into the management of reserve land through formal communication processes, taking into account the Principles of the Treaty of Waitangi and the provision and recognition of Tangata Whenua traditional relationships with their lands, water, waahi tapu, and other taonga.*
- 6 The integration of kaitiakitanga (the guardianship of resources) into the management of natural and physical resources on reserve land.*

70. The proposal is consistent with these Aims. The proposal is establishment of a facility of an appropriate standard on a recreation reserve. In particular, the introduction of a new recreational offering will positively contribute towards enabling maximum public use and enjoyment and safety consistent with the preservation of the natural values that exist within the recreation reserve.
71. The proposal is a development activity that will occur on a sustainable basis in accordance with the Hurunui District Plan. The activity being a recreational activity is

anticipated to occur within the Open Space Zone and the proposal through this consent is being considered under the District Plan and the Reserve Management Plan. This consent process also provides for input into the management of the reserve land by considering the proposal through a formal communication processes, being this consent.

Objectives

- b Developed and maintained recreation reserves for public enjoyment, protection of the environment, and retention of principal tourism features.*
- e Protection and preservation of natural or historic features on reserve land.*
- i Preservation of the natural character of indigenous vegetation and native wildlife habitat on the reserves and open spaces within the district.*
- o Management in coordination with adjoining lands where the values within the reserve are also found on the adjoining lands.*

72. The proposal does not create tension with the objectives. This proposal will provide a recreation activity on a recreation reserve. The activity will provide for public enjoyment, in a manner that provides for protection of the environment and will ensure that principal tourism features, including the well-used walkway is retained. The iconic nature of Conical Hill is recognised and considered in both the landscape and visual amenity assessment and the recreation assessment attached as Appendices One and Three of this application. The relationship between the proposal and the natural historic features on the reserve land are addressed in Appendix One.
73. With respect to indigenous vegetation the proposal will not result in any disturbance of indigenous vegetation within the reserve.
74. It is acknowledged that the reserve does provide habitat for gecko and skinks, including the Rough Gecko, South Marlborough Grass skink, Southern Alps Gecko and Pygmy Geckos. The Rough Gecko is ranked as being nationally vulnerable and the South Marlborough Grass Skink is at risk declining. The other species are not identified as threatened species.
75. The key focus of the gravity ride activity occurring above ground and therefore the operation of the activity once established should not impact on habitat area. The potential for Gecko and Skinks (especially the Rough Gecko and South Marlborough Grass skinks) to exist within the construction footprint has been considered by the applicant and will continue to be addressed throughout the project to ensure that native habitat and wildlife on the reserve are protected.
76. In the first instance the approach will be to seek to avoid known habitat areas of Rough Gecko and South Marlborough Grass skinks. Preliminary site investigations by a suitably qualified and experienced Herpetologist has occurred of test anchor sites potentially affected by construction. Further site investigations of all potential construction locations are also continuing.

77. However, it is acknowledged that given the nature of the species and their potential habitat the applicant is taking an approach of assuming that within the construction envelope that there may be species present. The assumption is therefore that there are likely Gecko and Skinks within the construction and operation area and on this basis and approach to avoid, remedy or mitigate any effects on these species has been adopted.
78. The key management approach for Gecko and Skinks will be through the Wildlife Act administered by the Department of Conservation. The applicant has and will continue to actively engage with the Department of Conservation on the potential impacts of the project on lizard habitat. The applicant will also liaise with Iwi regarding habitat of Geckos and Skinks.
79. Through the project design consideration has been, and will continue to be, given to seeking that the construction activity where possible avoids any known Rough Gecko, South Marlborough Grass skink habitat areas, along with any other species. This is one of the reasons why opportunities for micro-siting of the poles and the area disturbed by the construction footprint is sought. The micro-siting will provide opportunity to further avoid any habitat that is not currently known, by moving poles up to 10m from the locations identified.
80. While known habitat is sought to be avoided in the first instance, out of the abundance of caution, the applicant is proposing to implement a management regime to address potential impacts that may occur in areas not yet known to be gecko or skink habitat. While any disturbance of geckos and skinks will be managed under the Wildlife Act in relation to this resource consent the applicant is offering conditions so that any effects on lizards near or in any area subject to construction disturbance will be avoided, remedied and mitigated.
81. The approach is to continue surveys of the areas affected by construction and develop a lizard management plan that will accompany a wildlife act permit application made to the Department of Conservation.
82. To link the resource consent consideration with the Wildlife Act matters the applicant is proposing that in addition to the ability to micro-site that a condition be imposed on the resource consent that prior to any physical construction works occurring on site the applicant advises the consent authority and provides confirmation that either:
 - (a) That no Rough Gecko habitat or South Marlborough Grass skink habitat will be disturbed as a result of construction of this proposal (this will be done in liaison with the Department of Conservation), or
 - (b) if there is potential for Rough Gecko habitat, South Marlborough Grass Skink habitat, or other lizards to be affected the applicant will not undertake physical works associated with the construction of this proposal unless any permit required under the Wildlife Act has been obtained from the Department of Conservation.
83. This provides one of three potential outcomes for the applicant. The first is that that habitat will not be disturbed. The second is that habitat, and any geckos and skinks could only be disturbed in accordance with a specific permit provided under the Wildlife Act in accordance with the requirements of the Department or of Conservation. The third outcome is that works associated with the proposal will not be able to proceed.

The applicant accepts that it is its risk should habitat be identified as being potentially disturbed and it not being able to gain a permit under the Wildlife Act.

84. The above approach will ensure that native wildlife habitat will be appropriately managed.
85. The proposal will not result in any tension or conflict with the objectives due to the approach that will be taken with respect to final design and construction of the activity.

Policies

86. The policies in the Reserve Management Plan are addressed on a topic basis. Those topics relevant to the proposal are considered below:

Policy 1: Public Access and Use

- 1.1 Reserves and associated facilities will be made available for use by individuals, groups and organisations on a casual basis.*
- 1.4 Where practicable Council will endeavour to cater for disabled persons in its design of reserve access and facilities.*

87. The proposal will provide an additional recreational opportunity on site, it will not impact on the ability for the existing recreation reserve to be utilised on a casual basis by individuals or groups and organisations. The specific location within the reserve selected for the gravity ride has been selected as it enables access to be managed and maintained for existing users.
88. It is acknowledged this proposal does not provide private vehicular access for people entering the site. However, all paths leading to and from the start and stop stations and the start and stop stations themselves are designed to ensure they are accessible tracks and structures.

Policy 2: Vehicular Access and Parking

- 2.1 Motorised vehicles other than maintenance vehicles and emergency services will not be permitted to drive onto reserves other than on areas designated as roadway or parking. Physical barriers to vehicles will be used to achieve this where necessary.*
- 2.3 Where required, car parks and access roads may be created within a reserve to serve the users of that reserve.*
- 2.4 Non-motorised vehicles such as bicycles will be permitted on reserves as long as they cause no damage to surfaces, and do not endanger other reserve users.*

89. The proposal is consistent with Policy 2.1 as the only motorised vehicles permitted on the reserve will relate to maintenance vehicles or emergency services vehicles. The proposal deliberately does not and has not incorporated car access or the provision of car parking on or near the proposed site. The intention is to provide a recreation activity that is consistent with the recreation focus of the reserve. The proposal provides access to the activity by accessible paths, not vehicle access.
90. It is recognised that there is potential tension between the Reserve Management Plan policies not permitting motorised vehicles and the District Plan requirements requiring

car parking. This proposal seeks to be consistent with the intent for the recreation reserve by not providing on site car parking.

Policy 3: Leases and Licences

- 3.1 *The granting of a lease confers rights of exclusive use to the lease area with associated maintenance and insurance responsibilities. A licence to occupy confers rights of exclusive use only when the area is actually in use by the organisation for recreational purposes. Responsibility for maintenance and insurance is to be negotiated. Any lease of a Historic Reserve must comply with section 58A of the Reserves Act.*
- 3.2 *In general, existing leases and licences may be renegotiated on expiry. Exceptions to this may occur where:*
 - a) *Council is dissatisfied with a lessee's performance, or for any reason does not consider a new lease to be appropriate.*
 - b) *The lessee does not wish to renew the lease.*
 - c) *The lease area is subject to redevelopment in which case renewal of an existing lease may be inappropriate.*
 - d) *The lease is for grazing purposes, in which case it may be tendered upon expiry.*
- 3.3 *Council reserves the right to transfer grazing leases to new owners of rural property when the existing grazing lease has not expired.*
- 3.4 *Where a lessee wishes to surrender a lease, or does not renew it, and intends to sell the improvements e.g. buildings, to a prospective new lessee, each party to the transfer must have Council approval to prevent the sale of buildings on reserve land to unsuitable tenants. If approval is not sought or given, Council is under no obligation to grant a lease.*
- 3.5 *All occupiers of reserve land and/or buildings will be subject to a lease or licence agreement.*
- 3.6 *Lease rentals shall be set in accordance with Council Lease Policy (Appendix A).*
- 3.7 *Council may enter into lease agreements on reserve land to sports organisations, recreational organisations and community groups when suitable and if appropriate classified reserve land is available.*
- 3.8 *In application for a lease agreement, applicants must demonstrate a clear requirement for consistent use of facilities.*

91. This proposal seeks to be fully consistent with this policy. A licence and a lease will be required for the activity to establish and this application process represents a key step towards securing a lease and licence.

Policy 5: Commercial Activities

- 5.1 *Commercial activity will not be permitted on reserve land unless specifically allowed for in an individual reserve policy or otherwise licence d by Council.*
- 5.2 *Where permitted, the activity must be of a recreational nature, or enhance the recreational use of the reserve and be considered to benefit the community.*
- 5.3 *If a commercial lease is terminated, or expires with no provision for renewal, the lease shall be tendered on the open market. However, if it expires with both the lessor and lessee wishing to continue with the lease, a new lease may be entered into without tendering.*
- 5.4 *Individual licence s may be granted on application. Licensees can enhance recreational experiences by providing food, drink, equipment etc. and are*

permitted in limited areas under carefully controlled conditions to ensure that no activity is contrary to the Reserves Act.

5.5 Commercial activities will incur a charge as outlined in the Council's annual Schedule of Fees and Charges.

5.6 Renewable licences will be granted for an annual period expiring 30 June each year. The licence fee will be reviewed each year.

5.7 Individual licences will be monitored to assess the impacts of the activity and these impacts will be taken into consideration in the renewal process.

Justification - Some recreational experiences can only be provided by commercial entrepreneurs e.g. golf driving ranges, and provided the activity is carefully controlled, the use of reserves in this way is not contrary to the Reserves Act. Licensees can also enhance recreational experiences by providing food, drink, equipment etc. and will be permitted in limited areas under carefully controlled conditions.

Unnecessary tendering of leases can be counterproductive {in canonically} that lessees may lose a business that they have carefully built up over the years. Because of this, provision is made to enter into new leases without tendering.

92. This proposal introduces a commercial recreation activity into an area where there is currently no commercial activity.
93. Policy 5.1 and 5.2 are key considerations. This recognises that commercial activity will not be permitted on reserve land unless specifically allowed for in an individual reserve policy or otherwise licenced by Council. Policy 5.2 states that where permitted the activity must be of a recreational nature or enhance the recreational use of the reserve and be considered to benefit the community. This very application seeks to provide for an activity that will be licenced by Council. This application is the first step towards securing this licence and as such should the consent be granted the proposal will be consistent with Policy 5. The activity is of a recreational nature and this is consistent with the recreation reserve is to be established upon. This policy and the implications of it are also addressed within the Recreation Assessment in Appendix Three of this application.
94. The proposal is not contrary to the Reserves Act and is consistent with the approach the Reserves Management Plan takes in managing the establishment of commercial activities.

Policy 10: Walkways

10.1 All legal accessways that are currently developed and all existing walkways will be maintained to a safe standard with regular vegetation clearance and surface repair.

10.2 Where appropriate, boundaries between walkways and private property will be clearly marked using marker posts along the boundary.

95. The proposal will utilise existing walkways and where necessary to connect the start station and stop station will establish new paths to provide accessible access to and from the proposal. Any new areas of track established will be done to a high and safe standard consistent with the policy.

Policy 12: Signs on Reserves

12.1 Signs will be erected at reserve entrance points in accordance with approved design standards. Signs will provide the name of the reserve and any relevant reserve information. 12.2 Signs may be erected on reserves in order to inform the public of access points or regulations or to educate the public and provide interpretation of site features.

12.3 In accordance with the Council's Smokefree Outdoor Strategy, where appropriate, smokefree signage may be displayed at certain Council recreation reserves, including playgrounds and sportsgrounds.

12.4 Any sign erected on a reserve must be site related, meet all other required consent processes, and be approved by the appropriate committee.

12.5 The New Zealand Standard for Design and Application of Outdoor Recreation Symbols NZS 8603:2005 will be used as a source of graphic symbols in relation to outdoor recreation for signs erected on reserves.

96. No advertising signage is proposed as part of the activity. Identification signage, consistent with other signage within reserve and consistent with the Reserve Management Plan, will be provided. This would consist of directional signage. The proposal is consistent with the policy relating to signage.

Policy 13: Clubrooms and Other Buildings

13.1 The design of any building will be subject to Council approval. Proposed colour schemes must be submitted with building proposals. The design will aim to create an attractive building, which is sensitive to the surrounding environs.

13.2 All buildings on reserve land will be subject to a lease between Council and the occupiers. (Refer General Policy 3- Leases and Licences.)

97. The start and stop station are classified as buildings. The landscape and visual assessment in Appendix One addresses the design requirements of the buildings including ensuring the structure design and the materials that will be used to build the structures are appropriate to the location. The proposal creates buildings that are sensitive to the surrounding environment. Any buildings and the area of occupation for the proposed activity will be subject to a lease. The proposal is consistent with this policy.

Policy 16: Structures on Reserves

16.1 The design of reserve structures shall take into account the natural or physical character of the environment and be in keeping with its use. All structure design shall work with each site rather than against it.

16.2 Designers should be aware of the interplay between their designs and the environment. Effort should be made to put some of the context into their design, whether it is geological landforms reflected in the roofline or the colours relating to the landscape.

16.3 All structures shall comply with Council policy and consent procedures.

98. The poles that the ride will be established on are structures. The landscape and visual assessment include consideration as to the design requirements of these structures including their location and colour to ensure that they are appropriately located. These matters are addressed in detail and the landscape and visual amenity assessment in Appendix One. No conflict with this policy is identified.

Policy 20: Landscaping and Amenity Planting

20.1 Landscaping and amenity planting will be undertaken on reserves in accordance with Council's tree policy (Refer to General Policy 19).

20.2 Where landscaping and planting is being carried out on reserves the eradication of noxious weeds must first be undertaken. Where landscaping occurs adjacent to play equipment:

- a) No poisonous or fruit bearing vegetation shall be included.*
- b) Non deciduous trees will be kept to a minimum due to shading problems in the winter months.*
- c) Vegetation will be kept clear of equipment.*

20.3 Native species will be used wherever possible for planting on reserves, making up at least 60% of new amenity plantings, in accordance with the Council's Biodiversity Strategy. The use of exotic species will be restricted to areas where exotics predominate and/or the recreational use of the reserve would be enhanced by the use of exotics, e.g. for shade.

99. The landscape and visual amenity assessment in Appendix One details that any planting proposed is minimal and primarily relates to just reinstating areas of land disturbed during construction of the project. This assessment has not identified any conflicts with this policy.

Policy 23: Conservation and Restoration of Environment

23.1 No action will be permitted on a reserve, which directly or indirectly damages natural vegetation or wildlife habitat. In particular, this refers to wetlands (natural or artificial), stream banks and areas of native vegetation. However, where compromise is seen to be desirable, for instance to allow for walkway development, advice will be sought from the Minister of Conservation, the Regional Council, or Fish and Game where appropriate.

100. The structures associated with the proposal are sought to be located, where possible, to avoid any areas of habitat of wildlife (gecko and skinks) on the site. This approach is consistent with this policy. As outlined earlier in this application, out of the abundance of caution, the applicant is proposing a condition of consent be imposed that addresses circumstances where construction might potentially affect gecko and skink habitat, and through the process of micro-siting may enable that area to be avoided. If habitat is affected then no works could occur unless permission was secured under the Wildlife Act meaning that the habitat and any gecko and skinks, will be managed in accordance with requirements of the Department of Conservation in a manner consistent with this policy.

Policy 29: Noise Control

29.1 Users of reserves must comply with Section 16 of the Resource Management Act (1991) with regard to noise control and adopt the best practicable option to ensure that unreasonable noise does not disturb other users, nearby residents and wildlife.

101. Appendix Four contains a noise assessment which shows that any noise will be appropriate within the context of the site and adjacent residential activities and as such can be considered consistent with the policy.

Policy 30: Public Security and Safety

30.2 No permission will be given for the construction or erection of a structure on a reserve that under normal use could result in injury. (See also General Policy 11- Play Equipment and 16- Structures on Reserves.)

30.3 Where hazards to public safety have been identified, such as fallen trees etc. immediate action to rectify the hazard shall be taken.

102. The proposal will be constructed and managed in a way that ensures that public security and safety are maintained consistent with this policy.

Policy 34: Reserves Act

34.1 Where there is a conflict between this management plan and the Reserves Act, the Reserves Act will take precedence.

103. The key considerations of the Reserves Act are addressed in the Recreation Assessment contained in Appendix Three of this application. That evaluation addresses the potential impact on other reserve users and potential conflicts between activities. That evaluation and the evaluation undertaken in this application AEE identifies no conflict between the Reserve Management Plan and the Reserves Act. Therefore, there is no need for any provisions in the Reserves Act to take precedence over the Reserve Management Plan.

104. That part of the Reserve Management Plan specific to the Conical Hill Reserve identifies the history and contains several specific policies. Those relevant are:

- *That the forest on Conical Hill be actively managed and maintained to a high standard in accordance with the Forest Management Programme 2012- 2022, including the encouragement of native species regeneration.*
- *That the Hanmer Springs Gardener manage the implementation of this programme.*
- *That the walking tracks to the Conical Hill summit be maintained to a high standard.*
- *That the Conical Hill summit lookout be enhanced and kept in a tidy condition, including the removal of weeds and exotic tree species blocking the view to the Hanmer Basin, and the installation of an interpretation panel detailing surrounding place names which can be seen from the summit.*
- *That weed and pest control is regularly undertaken.*
- *That the eroded short cuts to the summit be closed or stabilised with steps as appropriate.*
- *That mountain bikes and other wheeled vehicles be prohibited from the reserve.*
- *That a toilet be installed.*
- *That educational panels are installed along the walkway as appropriate to inform walkers of relevant flora and fauna.*

105. The proposal does not result in any conflict with these policies. Importantly the proposal will not impact on the ability to actively manage the forest to a high standard in accordance with the Forest Management Programme 2012-2022. The proposal will not affect the ability for the reserve to be maintained to a high standard nor will it impact on the ability for the Conical Hill summit lookout to be enhanced and kept in a tidy condition.

106. It is recognised that mountain bikes and other wheeled vehicles are prohibited from the reserve and that a toilet be installed. This proposal does not provide for vehicle access other than those required for maintenance or health and safety reasons that is consistent with the current vehicle use. Staff access and operational vehicle access will occur from land adjacent to the reserve. Importantly, the proposal does not include any on-site car access or on-site car parking, which if provided on site, would not be consistent with the site-specific policies. The proposal does provide for the installation of a toilet adjacent to the top station.
107. The proposal is consistent with the relevant goals, aims, objectives and policies, including the reserve specific policies of the Reserve Management Plan.
108. If a licence is provided under the Reserves Act, which the management plan envisages can happen, the proposal will be consistent with the Reserve Management Plan.

Actual and Potential Effects on the Environment

109. When considering the effects of the activity it is not fanciful to consider that if the activity met the permitted activity standards those effects would be determined to be appropriate under the District Plan.
110. This means that the effects of establishing a new recreation activity on the site, the establishment of buildings and structures associated with that activity, and earthworks, land and vegetation disturbance associated with the establishment of the activity and the buildings and the structures are all activities that are anticipated by the District Plan. In addition, the generation of noise that complies with the District Plan rules is also anticipated to occur.
111. While the permitted baseline is discretionary to apply it is appropriate to consider the application of the permitted baseline with respect to the above effects on the environment, meaning that effects that fall within the permitted standards may be disregarded.
112. This provides that the key focus for the effects to be considered relate to the height of those two poles that exceed 8m in height being T2 and T4; not providing carparking on site and noise from the operation where the exceedance may occur at the site boundary. These matters are considered and assessed as part of the application.
113. Having expressed the above, it is recognised that consent is needed for a discretionary activity and as such there is no limitation on the matters that can be considered. Also, the application of the permitted baseline is up to the discretion of the decision maker. For these reasons, while the focus of the assessment of effects is on those matters not permitted, other matters have been considered. The assessment of effects addresses all the matters relevant to the proposal.
114. Overall, the assessment of effects shows that the actual or potential effects of the proposal are appropriate, and any adverse effects are no more than minor.

Built Form, Visual Amenity and Landscape Character

115. The activity proposed being a recreation activity is consistent with the purpose that the land is managed for being a Recreation Reserve under the Reserves Act and an Open Space Zone under the District Plan.
116. The design, scale and nature of the proposed buildings and any potential impact of the structures and activity occurring on the site are important considerations. If the permitted baseline is applied the focus would only be on the height of the two Poles (T2 and T4) that exceed 8m in height.
117. However, given the nature of the proposal, and its location, compatibility with surrounding activities, including other activities occurring both within and adjacent to the reserve is a key consideration and all buildings structures and works on the site are included any evaluation of the proposal.
118. The landscape and visual amenity evaluation in Appendix One has addressed all aspects of the built form (including buildings and structures), visual effects and landscape amenity in detail. This evaluation has also considered related management documents including those pertaining to forestry management and landscape enhancement of the reserve itself.
119. Having addressed all of the relevant matters when considering the scenic quality of the site and surrounding area the proposed built form is not out of character with the setting and will not result in adverse effects that are not appropriate within the environment.
120. The report notes that while the zone is Open Space it is not a zone with a sense of open character. It recognises that the site is predominantly forested and enclosed except for clearings on the south face of the hill and around the summit. The assessment recognises that while it is proposed to undertake selective tree removal of mature trees to enable construction of the ride poles and provide the required clearances for the ride track the forested character of the site will be maintained.
121. It is noted that any removal of trees will occur in a manner consistent with best practice and will be approached in a manner consistent with the forest management approach that is implemented by Hurunui District Council as the reserve manager. The relationship between the applicant and the Council in this regard will likely be addressed in detail through the provision of the licence under the Reserves Act.
122. The landscape effects experienced from the township are assessed as including a slight reduction in the naturalness. This effect is assessed as very low and is mainly attributed to the presence of built form an activity on the south face of the hill. The assessment concludes that the built form itself is in keeping with the character of the locality and as a result is not likely to detract from the scenic quality of Conical Hill as experienced from the township.
123. Within the site it is anticipated there will be effects of a moderate and low nature as experienced from the existing lookout and hilltop area which are anticipated to include a reduction in tranquility experienced from the lookout as well as reduced naturalness

from the landform due to the proposed earthworks and introduction of a built form at the second highpoint.

124. The assessment of visual amenity has considered several different viewpoints within Hanmer Springs, both near and further from the site. The evaluation undertaken concludes that in the short term, adverse effects on visual amenity range from moderate to very low, with a lesser effect experienced when the proposal is viewed at a greater distance.
125. From most viewpoints within the township adverse effects in the short term are primarily associated with the visibility of the stop station platform within the clearing that is on the south face of the site. The evaluation shows that against the bright green, although sensitively designed, is not settled into the landscape. It is noted however that in time as the existing revegetation planting becomes established adverse effects on visual amenity will be reduced as the platform will be nestled amongst mature native planting and will become visually discrete from most locations. The key adverse effects are temporary until the revegetation is established.
126. The evaluation in Appendix One identifies that the proposed activity is appropriately designed and sited within the reserve and within the context of the township. It has taken into consideration the landscape character and values of the application site and surrounds. The proposal is not considered to be at odds with surrounding environment and will represent a level of change that is acceptable within this setting.
127. Overall, with respect to landscape values, visual amenity and character while there will be a change, the activity being a recreational activity in a recreation reserve is not at odds with the environment that should be anticipated to occur.

Type and Level of Activity and Recreation Character

128. Matters relating to character are also important from a recreational use and user perspective. This includes consideration of the type of activity and the level and intensity of activity that will occur. The District Plan anticipates recreation activities occurring within the Open Space Zone and the Reserve Management Plan provides the opportunity for licences for activities to be obtained for commercial recreation activities. Irrespective of the permitted baseline the potential recreation effects are considered and are assessed in the recreation assessment contained in Appendix Three of this application.
129. Consideration is given to any implications of introducing a commercial recreation opportunity within an existing recreation reserve and any impacts this may have.
130. When addressing recreation activities in the recreation character it is recognised that Conical Hill is probably the most popular walking destination in Hanmer because of:
 - (a) Its proximity to the township,
 - (b) It being a well-graded track,
 - (c) It being an achievable walk to the top,
 - (d) The views available from the summit, particularly to the south over the Hanmer Plain.

131. Walking only is permitted on the track on the Hill's southern face, while mountain bikers are able to ride via its northern face (largely outside the reserve boundary). The quality of the entrance area and the facilities at the summit are in poor condition and do not match the stated status of the Hill as an icon destination.
132. The setting is urban or urban fringe and there is no impression of having departed Hanmer Springs village for a natural or remote experience. Such experiences would be sought beyond the boundary of production forestry surrounding Hanmer Springs on for example, the Mount Isobel, Jollie Saddle, Waterfall and the Chatterton River Tracks.
133. The recreation assessment considers the key matters relevant are:
 - (a) Will the proposed activity represent a significant change in existing activity modes - it concludes there will be no mode shift on the access tracks;
 - (b) Will the commercial component of the activity be sufficiently evident to change the experience of existing users - it concludes that the ride will not dominate the Conical Hill experience, but will be an obvious feature of it;
 - (c) Will a new activity increase patronage of Conical Hill to the point where crowding becomes an issue or overwhelms the capacity of facilities leading to more conflict between visitors - the report notes that near the summit, several short sections of track are narrower and widening may be needed to reduce the potential for conflict. Otherwise, there appears to be substantial capacity for the paths to cater for increased use;
 - (d) Is the current visitor experience on Conical Hill dependent on specialised resource that will be compromised by a commercial development - the report concludes it is unlikely that conflict in the setting could be ascribed to effects on the specialist recreation opportunities; and
 - (e) will commercial recreation on Conical Hill be considered as generally incompatible – the report concludes that Conical Hill is a local reserve for Hanmer Springs village. There is no apparent reason to assume that the setting is removed or remote from the village. Services for tourism are part and parcel of the Hanmer Springs experience, and the presence of commercial recreation services will not be unexpected in this setting.
134. The recreation assessment considers that only one of the matters raises the potential for concern and that is whether the ride will dominate the recreation experience on Conical Hill. The report notes that the track to the summit from both the north and the south are well-separated from the Flyride by the contours of the Hill and by mature vegetation, and the walking experience will largely remain as it is. The start station will be obvious from the summit, but will not dominate the key experience, which is the view to the south from the viewing structure. Vegetation may be used to screen the start station but sounds of activity will likely be heard. Considering that the main visitor experiences on the Conical Hill walk are the track and the view to the south from the summit, the Flyride is unlikely to 'dominate'.
135. With respect to recreation values while there will be a change in the type and nature of activities occurring on the site the proposal is a recreational activity occurring in a recreation reserve. The activity does not result in a change in recreation modes, as the proposed activity will be accessed in the main by walking on accessible tracks. The proposed activity is not at odds with the environment that should be anticipated to occur within a recreation reserve and within an Open Space Zone.

136. While the activity introduces a commercial activity into the reserve the nature of the activity will not dominate the current use of the reserve and the overall level of activity, including level of staffing and the types and nature of structures mean that the activity proposed is a relatively low key and is consistent with the environment anticipated within the Conical Hill Reserve.

Noise

137. The actual or potential effects of noise associated with the proposal are considered. A noise assessment is included in Appendix Four of this application. This identifies that the main source of noise from the activity to be the peak effort vocal sounds created by users of the ride (screams and shouts).
138. For the purposes of determining compliance with the requirements in the Hurunui Operative District Plan section 4.21.4 and considering the nature of the source of the noise the noise assessment a 5 dB penalty for special audible characteristics has been added to the source level in compliance with NZS 6802:2008. While this is appropriate from a technical noise assessment perspective the noise assessment identifies that for the purposes of assessing the effects of the activity, that the District Plan noise limits are not suitable for quantifying the potential for annoyance and other adverse community impacts for nearby residential properties.
139. In completing the noise assessment (having reviewed international guidance) and considering the existing ambient noise environment the noise assessment has concluded that if noise from ride users is typically less than 45 dB LAFmax at the nearest residential properties, the effects will be minimal.
140. The analysis undertaken for this proposal indicates that noise levels at the nearest dwellings due to rider users will typically not exceed 45 dB LAFmax provided that the design and operation of the Conical Hill Switchback ride is conducted so as to limit, as far as practicable, the likelihood of users generating high levels of noise as they traverse the final two spans (7 and 8) of the ride. These limitations may involve exercising control of the speed of the trolleys, or other aspects of ride design.
141. Based on the proposed operating conditions, the assessment shows that noise will comply with the relevant District Plan noise limits at all residential properties, with some non-compliances to unoccupied neighbouring sites to the north and west. It concludes that the expected adverse noise effects of the proposal to be minimal.
142. The applicants will through the establishment and operation of the activity monitor its operation to ensure it is working as expected. While the applicant has confidence that the activity will operate as proposed, it is identified that a review condition can be imposed on the resource consent that will enable the conditions to be reviewed should the effects on the environment occurring not be as expected. This includes the ability to consider noise associated with the proposal.

Traffic and car parking

143. With respect to traffic, the number of vehicle movements associated with the proposal on the site meet the District Plan permitted activity levels and are not considered further.
144. With respect to carparking as stated earlier in application the proposal does not include the provision of any carparking on or near the application site. As identified when addressing the provisions of the Reserve Management Plan vehicle access and provision of car parking is not encouraged or considered desirable within the Conical Hill Reserve. On this basis providing car parking on site, as required by the permitted standards in the District Plan, would be at odds with the stated intent of the Reserve Management Plan.
145. The proposed activity is directed towards providing an additional recreational opportunity for people already in Hanmer Springs. The activity itself is not anticipated to generate new car movements or new visitors to Hanmer Springs. This activity seeks to provide an additional recreational offering for parties living within or visiting Hanmer Springs township and/or visiting the Conical Hill reserve. The public access to the ride is via an accessible path meaning that all the riders and spectators to the proposed ride will arrive at the site under their own steam.
146. The approach to car parking for this proposal is consistent with how current recreational activities within the Conical Hill Reserve and in the wider environment, such as the mountain biking tracks on the adjacent site is provided for, in that specific car parking areas are not provided.
147. The Conical Hill Recreation Reserve is in easy walking distance from the centre of Hanmer Springs, including many of the accommodation offerings including motels and holiday houses, and this is how many people currently access the reserve area. This is anticipated to continue with the proposal and walking to the reserve will be encouraged by the applicant.
148. For those persons who do seek to drive to the Conical Hill Reserve, as occurs now, roadside car parking on the streets around the reserve is available.
149. With respect to roadside parking the applicant recognises that should more visitors choose to drive, or should the activity be more popular than anticipated, this could result in increased pressure occurring on existing roadside parking outside of the Conical Hill reserve. The applicant proposes that this be monitored through the early stages of the operation of the activity and if necessary, should adverse effects on adjacent roadways and conflict for car parking on nearby roadsides occur in a manner that is not anticipated, conditions of consent could be reviewed to revisit the issue of car parking. The applicant is seeking that a review condition imposed on the resource consent, that will enable the re-consideration of this matter should adverse effects that are different to those anticipated result. This approach is consistent with the Reserve Management Plan and the District Plan does anticipate consent as a discretionary activity can be sought should on-site car parking not be provided. Should adverse effects not anticipated result then an appropriate timeframe to review any consent conditions could be after two years of operation.

150. With respect to the provision of car parking any adverse effects associated with the establishment and operation of the activity is consistent with the reserve management plan where onsite vehicle access and parking is not provided. Any adverse effects of not providing onsite carparking are no more than minor. However, should the operation of the activity show this is not the case then a review condition will enable these effects to be reconsidered and further mitigation be required through changing conditions of consent if this is shown to be necessary.

Gecko and Skink Management

151. As addressed when considering the relevant provisions of the Reserve Management Plan it is acknowledged that there is habitat of the Rough Gecko, South Marlborough Grass skink, Southern Alps Gecko and Pygmy Geckos within parts of the Conical Hill Reserve.
152. The level and type of earthworks proposed to be undertaken fit within the permitted activity standards. However, as a discretionary activity consideration is given to the existence of Gecko and skinks within parts of the Conical Hill Reserve, and potentially within the area affected by construction.
153. As stated earlier the applicant has sought to, where possible, avoid areas of known Rough Gecko and South Marlborough Grass skink habitat when selecting the location of physical works necessary to establish the activity will occur.
154. As addressed earlier in the application out of an abundance of caution the applicant is also proposing a condition of consent be imposed that address circumstances of construction affecting as yet unknown areas of habitat. If any changes occur in a manner that could impact on gecko or skinks, then no works can occur unless permission is secured under the Wildlife Act meaning that the habitat of the gecko and skinks, will be managed in accordance with requirements of the Department of Conservation.
155. The applicant is offering a condition that will ensure that any effects on any gecko's and skinks, should they be found to be in areas where they are not known, or are found within or near any area subject to disturbance for construction will be avoided, remedied and mitigated.
156. The approach that will be undertaken, and is sought to be imposed as a condition of any resource consent, is that prior to any physical construction works occurring on site the applicant will either:
 - (a) confirm, in liaison with the Department of Conservation, that no Rough Gecko habitat or South Marlborough Grass skink habitat will be disturbed as a result of construction of this proposal, or
 - (b) if there is any potential for Rough Gecko habitat or South Marlborough Grass skink habitat, or other lizards to be affected to be affected will not undertake any physical works associated with the construction of this proposal unless any permits required under the Wildlife Act have been obtained from the Department of Conservation.

157. As stated earlier the condition approach provides one of three potential outcomes firstly (and the expected outcome) that habitat will not be disturbed, secondly habitat could only be disturbed in accordance with a specific consent provided under the Wildlife Act by and in accordance with the requirements of the Department of Conservation or thirdly works associated with the proposal will not be able to proceed. The applicant accepts that it is its risk should habitat be disturbed, and an appropriate permit is not able to be obtained.
158. The above addresses matters relating to the construction and development of the activity. Once established the key focus of the gravity ride activity occurring is above ground and therefore the operation of the activity once established should not impact on any habitat area. Any maintenance activities will only occur on areas that have already been disturbed and will not likely involve new land disturbance. While not anticipated, any disturbance of gecko or lizards occurring as part of maintenance would need to be done in accordance with the requirements of the Wildlife Act.
159. The above approach will ensure that native wildlife habitat will be appropriately managed so that adverse effects are avoided, remedied or mitigated so that they are no more than minor.

Monitoring

160. There is no need for special monitoring of this proposal. The application incorporates measures that will enable any adverse effects of the proposal not known at this time to be addressed. This is primarily addressed through the condition offered in relation to the habitat of the Rough Gecko and through a review condition.

Consultation

161. The applicant has undertaken community consultation within Hanmer Springs regarding this proposal, by way of meetings. This involved consideration of the proposal design and the location of the ride on Conical Hill.
162. The discussions with the local community have resulted in a number of changes to the proposal. The most significant is that the location for the ride has changed from that initially proposed. The proposal originally consulted on was focused further east on the reserve. Feedback received has resulted in the proposed location for the ride being reconsidered and amended with the ride location now oriented in the western area of the reserve. The discussions between the applicant and the community are anticipated to continue throughout the development of the project.
163. The applicant has also had discussions with the Department of Conservation. This has involved discussion on the whole project and recently has addressed matters relating to the Rough Gecko and other skinks. The applicant has sought to address potential future effects of construction on the Rough Gecko habitat and other skink habitat, by firstly seeking to avoid areas of known habitat and then from an abundance of caution approach to propose a condition to address the location of any construction activities. The condition proposed will involve further liaison with the Department of Conservation, and potentially a specific permission being required under the Wildlife Act.

164. The applicant has engaged with Te Runanga o Kaikoura and Ngai Tahu Property regarding the proposal. No specific concerns have been raised to date. The applicant will continue to liaise and engage with Iwi regarding matters relating to Rough Gecko and other lizard habitat.
165. The applicant has also liaised with Rayonier Matariki Forests regarding the project as construction vehicles will access the site over existing forestry roads. No concerns regarding the project have been raised to date.

Conditions Offered

166. The applicant is seeking that a condition be imposed on the resource consent, if granted to address potential future effects relating to Rough Gecko habitat. Draft wording of a conditions is provided being:

Prior to any physical construction works occurring on site the applicant will provide the consent authority with either:

- (a) confirmation, in liaison with the Department of Conservation, that no Rough Gecko habitat or South Marlborough Grass Skink habitat will be disturbed as a result of construction of this proposal, or*
- (b) if there is potential for Rough Gecko habitat or South Marlborough Grass skink habitat, or other lizards to be affected the applicant will not undertake physical works associated with the construction of this proposal unless any permit required under the Wildlife Act has been obtained from the Department of Conservation.*

167. The applicant is also seeking that a review condition be imposed on the resource consent to address any effects that may occur other than as anticipated. Such a condition could be:

That pursuant to section 128 of the Resource Management Act 1991, the Council may review the conditions by serving notice on the consent holder within 1 month of any 24-month period following the date of this decision, in order to deal with any adverse effects on the environment that may arise from the exercise of this consent.

Notification

168. While the assessments show that the effects of the proposal are appropriate and are able to be avoided, remedied or mitigated so that they are no more than minor the application is sought on the basis that it is notified. This will provide the opportunity for parties to consider the proposal and provide their views on relevant Resource Management and Reserves Act matters.

Part II RMA

169. In addressing Part II of the Resource Management Act it is considered that all of the matters have been addressed within the District Plan through the objectives, policies, rules and assessment matters. This means specific consideration of Part II is not

essential for the consideration of this application. However, for completeness relevant matters have been addressed.

170. Part II of the Resource Management Act 1991 contains the purpose and principles of the Act. The purpose of the Act is to promote the sustainable management of natural and physical resources. The proposal will enable people and communities to provide for their social, cultural and spiritual wellbeing while ensuring that adverse effects on the environment are avoided, remedied or mitigated.
171. The granting of consent for the activity proposed will achieve the purpose of the Act since it will enable the use and development both natural and when developed physical resources (buildings, structures) in a manner that will not result any significant adverse effects on the environment. The activity will provide enhanced recreation opportunity within Hanmer Springs.
172. With respect to Section 6 while the area of the Conical Hill reserve is not identified as a significant habitat of indigenous fauna – the applicant has recognised and addressed any actual or potential effects of the activity on the Rough Gecko and the South Marlborough Grass Skink.
173. Section 7 of the Act sets out “other matters” that the consent authority is to have particular regard to in achieving the purpose of the Act. In the context of the present application the following matters are relevant:
 - (b) the efficient use and development of natural and physical resources
 - (c) maintenance and enhancement of amenity values
 - (f) maintenance and enhancement of the quality of the environment.
174. The proposal addresses this section by ensuring that land and building are used in an efficient and effective manner while ensuring that the amenity values and quality of the environment are enhanced.
175. With respect to Section 8 of the Act the applicant is seeking continuing to liaise and engage with Iwi regarding the Rough Gecko on the site.
176. Based on the assessment of effects on the environment above, it is concluded that the proposal will meet the purpose and principles of the Act.

Reserve Act Licence

177. It is recognised that the applicant will require a licence for the activity from the Hurunui District Council. Obtaining a licence will likely involve consideration of whether the activity proposed represents an appropriate activity in the Reserve and in the specific location it is proposed.
178. This process provides the opportunity for input of parties through a notified process. This is relevant under for the resource consent but it will also inform the consideration of the licence to be sought under the Reserves Act. While the licence itself will be a matter between the applicant and the Hurunui District Council the outcomes of this process will inform the terms and conditions that are likely to be applied to any leasing and licensing arrangement of the activity. For the activity to occur it will need to

comply with both with any conditions of the resource consent and any terms of the licence and lease.

Conclusion

179. As discussed in the material provided the proposal being a gravity based recreation activity represents an appropriate activity to occur in the Conical Hill Reserve.
180. The proposal is compatible with the current and future uses anticipated to occur in the area.
181. The proposal is in keeping with the relevant objectives and policies in the District Plan.
182. The proposal is in keeping with the relevant goal, aims, objectives and policies in the Reserve Management Plan.
183. The assessments show that the proposal will not result in adverse effects on the environment that are more than minor.
184. Based on the assessment of effects on the environment above, it is concluded that the proposal will meet the purpose and principles of the RMA and does not result in conflict with the Reserves Act.
185. On the basis of the above, there are sufficient and satisfactory grounds for the resource consent to be granted and that there is no impediment to a licence being granted under the Reserves Act.

APPENDIX ONE
Landscape and Visual Amenity Assessment

APPENDIX TWO
Graphic Attachment

APPENDIX THREE
Recreation Assessment

APPENDIX FOUR
Noise Assessment