

Form 13



Submission on application concerning resource consent that is subject to public notification by Hurunui District Council

Sections 95A Resource Management Act 1991

Please do not hesitate to phone the planning section at the Hurunui District Council (ph 03 314 8816) if you require any assistance.

To: Hurunui District Council

This is a submission on an application from Hanmer Springs Thermal Pools and Spa (the applicant) for a resource consent to install and operate a gravity-based recreation activity (flyride) on the western face of the Conical Hill Reserve at 54 Lucas Lane, Hanmer Springs.

Submitter details

1. Name of Submitter *

Gavin Martin

Please provide your full name

2. For the purposes of Section 308B of the Resource Management Act 1991: *

- I am a trade competitor
- I am not a trade competitor

3. I am or I am not directly affected by an effect of the subject matter of the submission that:

- a) adversely affects the environment; and
- b) does not relate to trade competition or effects of trade competition

*

- I am affected
- I am not affected

4. The specific parts of the application that my submission relates to are: *

The entire application. Refer to the separate submission document attached dated 5 August 2021.

5. My submission is in *

- SUPPORT
- OPPOSITION

*

Include whether you support, oppose or are neutral to specific parts of the application or wish to have them amended and provide reasons for your views. This may be provided on a separate sheet if you need more space.

Refer to the separate submission document attached dated 5 August 2021.

6. I seek the following decision from the consent authority: *

give precise details, including the general nature of any conditions sought

Decline the application.

6.1 Additional information regarding my submission

If you have any additional information please attach the files here.

SUBMISSION ON RC210098 - 32 Acheron Heights - 5 August 2021 - FINAL.pdf	366.78KB
SUBMISSION ON RC210098 - 32 Acheron Heights - Appendix A - 5 August 2021.pdf	679.76KB

7. Do you wish to be heard in support of your submission *

- I do wish to be heard
- I do not wish to be heard

8. If others make a similar submission, I will consider presenting a joint case with them at the hearing. *

- Yes
- No

9. In pursuant to Section 100A of the Resource Management Act 1991: I request / do not request that the council delegate their functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority. *

- I request
- I do not request

11. Contact details for the submitter:

Address for service: *

32 Acheron Heights
Hanmer Springs

Phone Number: *

0274493800

Email: *

gtmartin@xtra.co.nz

Date *

05/08/2021

Note to submitter

- o By using this electronic form, a copy of the submission will be sent to the address for service of the applicant automatically.
- o The closing date for serving submissions on the consent authority is 5pm on the 20th working day after the date on which public notification is given (5th August 2021).
- o If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.
- o If you make a request under [section 100A](#) of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.
- o Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
 - it is frivolous or vexatious:
 - it discloses no reasonable or relevant case:
 - it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
 - it contains offensive language:
 - it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

5 AUGUST 2021 - SUBMISSION ON RC210098 - HANMER SPRINGS FLYRIDE

Introduction

This submission has been prepared on behalf of Gavin Martin, the owner of 32 Acheron Heights, Hanmer Springs, in relation to the publicly notified Hanmer Springs Flyride application (RC210098).

32 Acheron Heights is legally described as Lot 140 DP 49223, CB 28A/773 and is 2,749m² in area. A copy of the Title is attached as **Appendix A**. The site is zoned Residential 1H under the Hurunui District Plan.



Figure 1 - Location Plan

34 Acheron Heights is an adjoining property to the west, which is owned by the Hurunui District Council. This site is legally described as Lot 142 DP 49223 and is 1,360m² in area. This site is also zoned Residential 1H and is designated by the Council for water supply (D99 - Conical Hill Reservoir). The site is a fee simple land parcel and is not held as reserve land. This lot is served by a right of way which also provides access to 32 Acheron Heights (Lot 140 is a dominant tenement) and 36 Acheron Heights.

34 Acheron Heights is currently being used by Council as a public access to the adjoining Conical Hill Reserve, which is zoned Open Space.

The Flyride application proposes to utilise this existing access at 34 Acheron Heights as a walking/biking track to the Reserve, as shown on the application plan below.

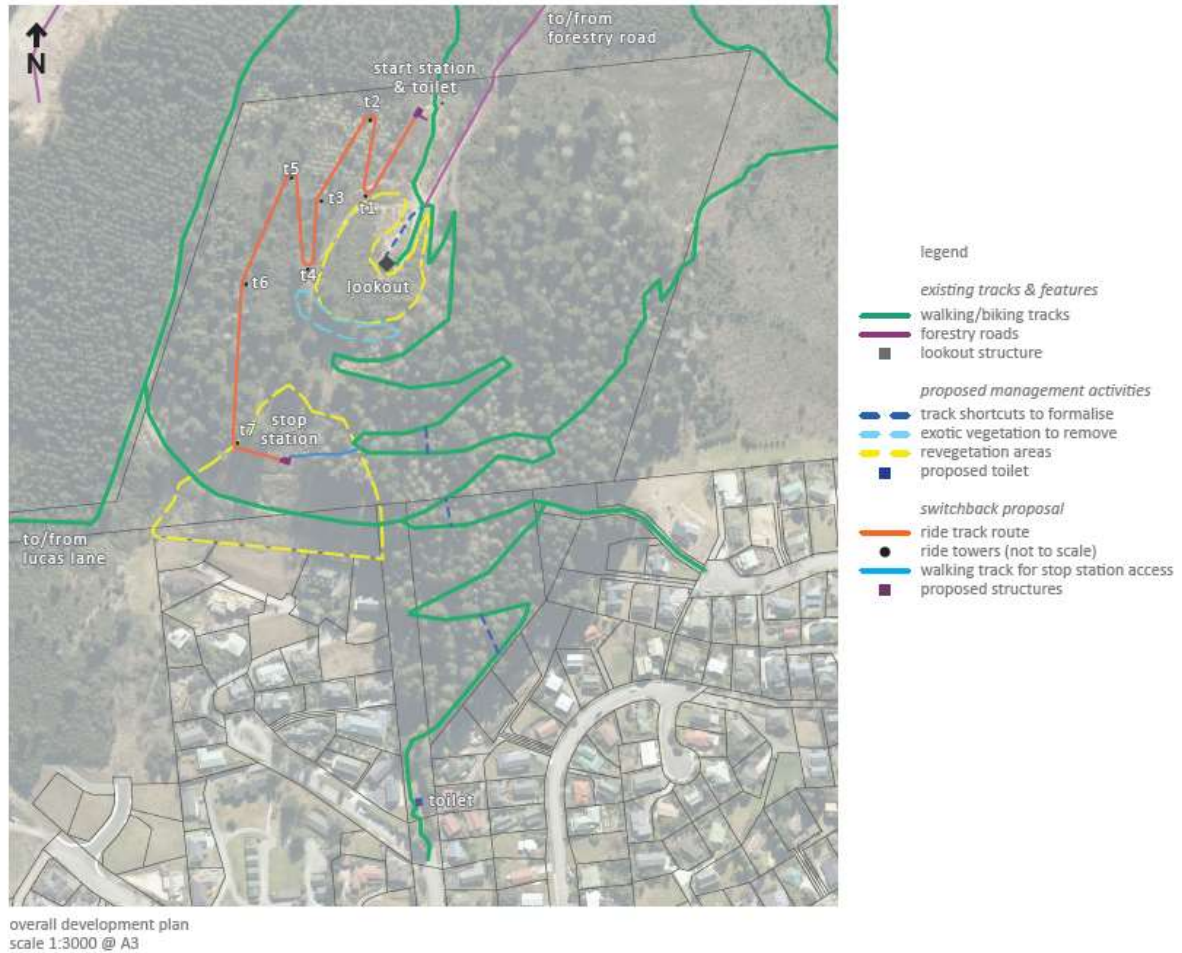


Figure 2 - Flyride Application Plan

Mr Martin has expressed his opposition to the use of 34 Acheron Heights as a public access to the Council on previous occasions due to the impact on his residential amenity. The Council advice has been that the Council is entitled to use this land as it wishes and that it will continue to be used for public access purposes.

Mr Martin also submitted in relation to the original notified resource consent application (RC210029).

Mr Martin is concerned at the increasing number of people using the access and how that is and will continue to impact on his residential amenity, which will only be exacerbated by the Hanmer Springs Flyride proposal should it proceed.

Specific submission points are detailed in the table below.

Specific Submission Points		
Specific Part of Application Submission Relates To	Oppose/Support/Neutral	Reasons for the submission

<p>Utilisation of 34 Acheron Heights as a public access to Conical Hill Reserve - Loss of residential amenity value</p>	<p>Oppose</p>	<p>34 Acheron Heights is currently being used as a public access to Conical Hill Reserve and includes associated signage encouraging this use. The access is also included as an existing 'walking/biking' track to the Reserve as part of the Flyride proposal.</p> <p>The use of 34 Acheron Heights as a public access has adverse effects on the residential amenity of 32 Acheron Heights, which is expected to increase as a result of the Flyride proposal and the increased number of people seeking to access the reserve.</p> <p>In particular, Oregon and Acheron Heights are both cul de sacs and are already subject to traffic congestion during busy times. The applicant expects increasing significant numbers of people will experience the Flyride. This is in addition to the approximate 50,000 that currently walk Conical Hill. These numbers of people will impact on residential amenity and put tremendous parking pressure on surrounding streets.</p> <p>There has been a noticeable increase in pedestrians using the access following COVID and the increase in local recreation, which has resulted in adverse noise and privacy effects in particular, as well as trespass and anti-social behaviour.</p> <p>On occasion, cars also use the access and there is nothing preventing them doing so, which has the potential to conflict with pedestrians, and results in additional vehicle movements to and from the site.</p> <p>The use of the 34 Acheron Drive by an increasing number of people (and cars) is also impacting on the use of the right of way for legal access by 32 Acheron Heights.</p> <p>There is also concern that providing public access to the site is a health and safety risk due to the loose terrain. The access does not appear to be in accordance with the Council's Development Engineering Standards 2017 as they relate to right of ways and access tracks. The water reservoir and water supply are also at risk by encouraging public access.</p>
<p>Car parking</p>	<p>Oppose</p>	<p>The Addendum dated June 2021 makes no changes to the Traffic and Car Parking section of the application documentation.</p> <p>The District Plan requires on-site car parking and none is proposed.</p> <p>The activity will generate car parking demand which will impact on residential streets and residents living in proximity to the reserve, including 32 Acheron Heights, especially given the existing access at 34 Acheron Heights is proposed to be utilised as an access to the Flyride.</p>

		<p>No car parking assessment was provided with the original application, and an assessment was subsequently undertaken by Novo Group dated 12/5/21.</p> <p>The Council commissioned a peer review of the car parking assessment which was undertaken by Abley dated 8 June 2021 (it appears that this peer review is no longer available on the Council website). The peer review was a desktop assessment only.</p> <p>The findings of the car parking assessment (and in some instances peer review) are strongly opposed for the following reasons:</p> <ul style="list-style-type: none"> - Acheron Heights predominantly consists of holiday homes and parking is utilised by many past and current occupants who have become aware of the 'short cut' to Conical Hill. The findings in the Traffic Assessment that the use of Acheron Heights is only by 'locals' is speculative. The locals using the walkway are a minority as observed by the submitter; - There is a substantial increase in people using the Acheron Heights access during weekends and public and school holidays. A pedestrian counter has been installed to count the number of people using the access. A total of 754 people walked past the counter in a 11-day period. Given Hanmer Springs has a permanent population of approximately 1,000, this would indicate, should Novo Group's data be relied upon, that 75% of the population have used this access in an 11-day period. The Novo Group assessment is incorrect based on actual counts. Visitor's cars regularly access the hillside streets and visitors do drive to the end of Acheron Heights to access the walkway. - The predicted spare car parking capacity of 22 spaces on Acheron Heights is considered incorrect and misleading. - The Acheron Heights 'public footpath access' is residential zoned land that Council is allowing to be used as a public access. The land is owned by the Council but is not part of any HDC administered reserves, walkways, or footpaths. - No dedicated car parking areas have been considered. - The applicant has not taken into account the recommendations of the peer review with respect to installing a crossing or an additional monitoring condition. The Addendum states that the Car Parking and Traffic Assessment section of the application is unchanged, despite the findings of the peer review. In particular the peer review found that: <i>"From a parking supply perspective the proposal is generally considered acceptable, however there is a risk that parking demands exceed those stated at peak times."</i> This is a clear concession that car parking demand may exceed supply, which has not been addressed by the application, nor has the
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		<p>Addendum proposed any conditions of consent to address the concerns raised.</p> <ul style="list-style-type: none"> - Neither the Novo Group assessment or peer review have considered the conditions of the hillside streets in winter and the safety issue that presents. The hillside streets of Oregon Heights, Acheron Heights and Alpine Avenue suffer from frost and ice coverage in winter. The Council employs a local contractor (Coughlan Contracting) to spread fine grit on the affected areas early in the mornings to mitigate hazardous conditions. The worst affected areas happen to be the popular upper reaches that are shaded by Conical Hill. During busy periods i.e.; weekends and public holidays, it is not possible for the contractor to access these areas due to parked cars on either side of the road. <p>The application states that the adverse effects as a result of providing no car parking are no more than minor (paragraph 150). Disagree with this statement for the reasons provided above and without any dedicated on-site car parking being provided.</p> <p>Long-term full accessibility to the site is discussed in brief in the application as something that will be looked at in the future subject to being able to lease land within the Reserve. This issue should be considered now and not left to see what car parking issues eventuate as a lack of car parking will have an immediate impact on residents.</p> <p>The proposed draft monitoring condition of consent to revisit car parking in 2 years is unreasonable given the anticipated immediate adverse effects on residential amenity once the proposal is operational, and the concerns raised by the peer review.</p> <p>The cumulative effect of another adventure activity in the vicinity without car parking has also not been addressed in the application.</p>
Vehicle movements	Oppose	<p>The application states that the 20 vehicle movements per day on the site is met and therefore vehicle movements are permitted and are not considered further. However; in addition to on-site movements, there will also be off-site vehicle movements generated by the activity.</p> <p>As the application is a discretionary activity resource consent application all potential adverse effects can be considered and it is considered off-site traffic generation effects should also be considered, especially given no dedicated car parking is proposed.</p> <p>Both the Novo Group Assessment and Abley peer review do not specifically address traffic generation.</p>
Noise	Oppose	<p>There has been no consideration of the noise of visitors accessing the site by way of the surrounding residential streets and each access</p>

		<p>point. The assessment has focussed on the noise from the operation of the zipline and people on the ride only.</p> <p>A significant number of people are expected every hour and every day, including weekends. These people accessing the subject site by car and foot will generate noise effects and impact on residential amenity, especially with respect to 32 Acheron Heights given 34 Acheron Heights is proposed to continue to be used as a public access.</p>
Hours	Oppose	The extensive operating hours and seven day a week operation, except Christmas Day, is considered excessive without any dedicated on-site car parking area and given access is proposed to the Reserve via residential streets and sites, particularly 34 Acheron Heights.
Fire risk and access for fire appliances	Oppose	<p>Fire and Emergency NZ (FENZ) require a 4.0 metre gap for access for fire appliances to preserve property and life. Currently this is often not possible along portions of Acheron Heights when cars are parked both sides as there is no limitation on parking as compared to other nearby streets that have yellow lines.</p> <p>Much of the Hanmer township is down wind with the predominant wind being Nor West. This is an unacceptable risk to Hanmer Springs, bringing risk to the town's tourism and overall economy, as evidenced by the devastating results of the Lake Ohau fires.</p> <p>This matter has not been taken into account and presents serious risk to people and property in the event of fire.</p>
Tree Removal and Land Instability	Oppose	A significant number of trees, many of which are desirable and established specimens, are to be removed to accommodate the towers and infrastructure at the risk of land subsidence, which is potentially increased given that the area is a known earthquake and erosion area.
Gecko & Skinks	Oppose	The application identifies that the Reserve provides habitat for Gecko and Skinks. No assessment has been undertaken to identify the ecological effects of the proposal on these animals and their habitat.
Threatened species	Oppose	<p>No consideration has been given to the New Zealand Falcon or Karearea that is listed as a threatened species due to population decline that <u>live and nest within the reserve</u>.</p> <p>DOC have identified risks in NZ. https://www.doc.govt.nz/nature/native-animals/birds/birds-a-z/nz-falcon-karearea/</p>
Objectives and Policies	Oppose	The proposal is not considered to meet the Objectives and policies of the District Plan, specifically Objective 4.1 - The protection and enhancement of the special qualities of the Hanmer Basin.

No consideration of Residential Zoning in application	Oppose	The access at 34 Acheron Heights is zoned Residential and has not been assessed in the application in accordance with the Residential Zone District Plan provisions and therefore the application is incomplete.
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Overall, it is sought that the application be declined as the proposal:

- i. *Will have more than minor adverse effects on the residential amenity values of local residents and will result in other more than minor adverse effects;*
- ii. *Does not meet the relevant objectives and policies of the Hurunui District Plan; and*
- iii. *Is inconsistent with the provisions of the Reserve Management Plan.*



Vicki Barker

Resource Management Consultant M: 021 354366



Appendix A: Title



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**



R.W. Muir
Registrar-General
of Land

Identifier **CB28A/773**
Land Registration District **Canterbury**
Date Issued 07 January 1986

Prior References
CB28A/147

Estate Fee Simple
Area 2794 square metres more or less
Legal Description Lot 140 Deposited Plan 49223

Registered Owners
Gavin Terrance Martin-Leverson

Interests

Subject to Section 59 Land Act 1948

555510 Proclamation pursuant to Section 89 Statutes Amendment Act 1945 declaring the within land to be a thermal water area - 13.7.1961 at 9.00 am

539396.3 Easement Certificate specifying the following easements

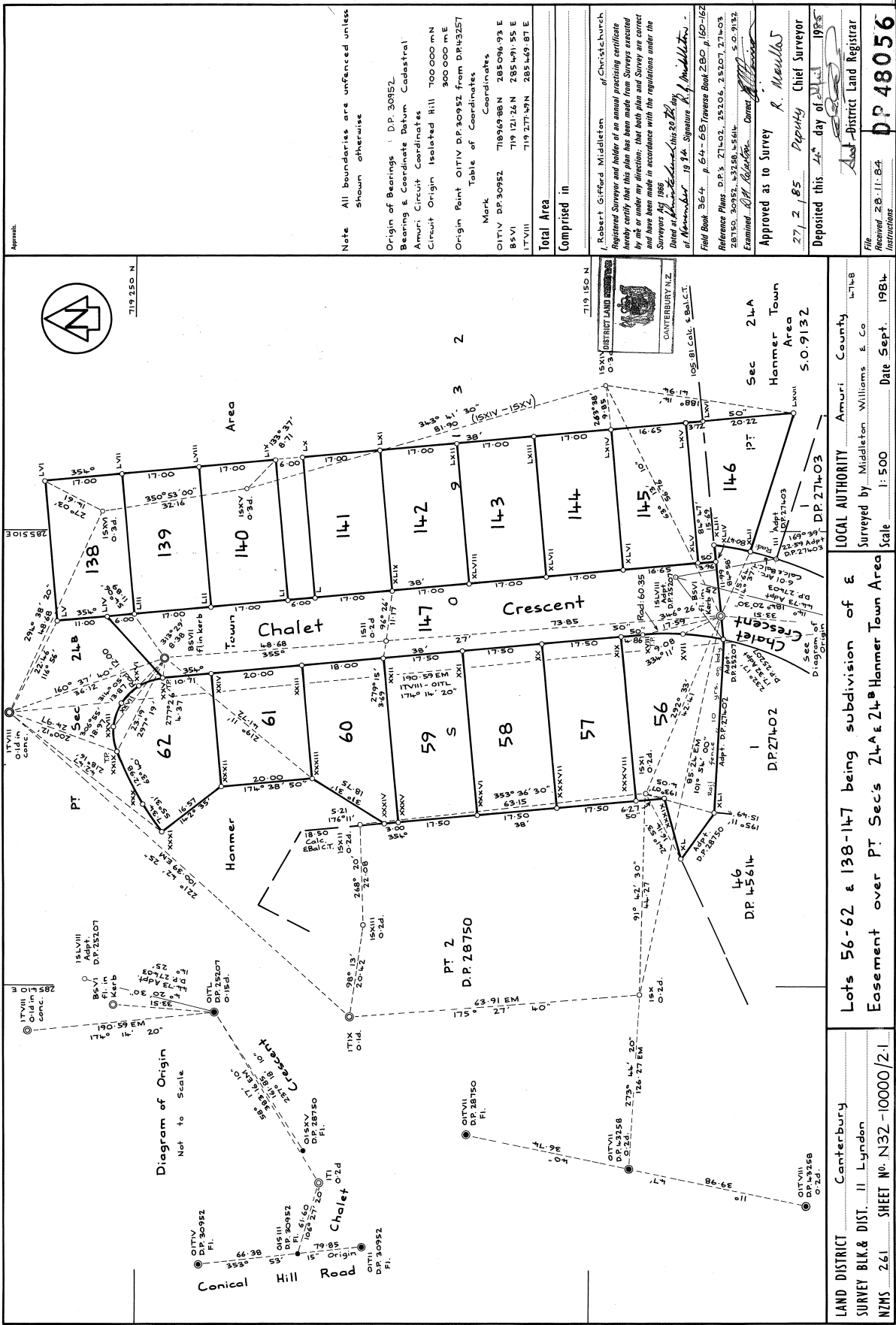
Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Drain sewage	Lot 141 Deposited Plan 48056 - CT CB27A/1161	Part	Lot 140 Deposited Plan 49223 - herein	
Drain sewage and stormwater	Lot 61 Deposited Plan 48056 - CT CB27A/1123	Part	Lot 140 Deposited Plan 49223 - herein	

582920.2 Easement Certificate specifying the following easements - Produced 20.12.1985 and entered 7.1.1986 at 9.00 am

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Right of way right to drain sewage & water & right to convey water electric power and telephonic communications	Lot 142 Deposited Plan 49223 - CT CB28A/775	PP DP 49223	Lot 140 Deposited Plan 49223 - herein	

The easements specified in Easement Certificate 582920.2 when created will be subject to Section 309 (1) (a) Local Government Act 1974

11137758.2 Mortgage to Westpac New Zealand Limited - 12.6.2018 at 3:28 pm



Approved: _____

Note: All boundaries are unfenced unless shown otherwise.

Origin of Bearings: D.P. 30952
 Bearing & Coordinates Datum: Cadastre
 Amuri Circuit Coordinates
 Circuit Origin: Isolated Hill 700000 m N
 3000000 m E
 Origin Point: OITV D.P. 30952 from DP43257
 Table of Coordinates
 Mark Coordinates
 OITV D.P. 30952: 718549.88 N 285094.93 E
 85VI: 719 021.26 N 285491.55 E
 ITVIII: 719 271.49 N 285449.81 E

Total Area: _____
 Comprised in: _____

I, Robert Gifford Middleton, of Christchurch, Registered Surveyor and holder of an annual practising certificate hereby certify that this plan has been made from surveys executed by me or under my direction; that both plan and survey are correct and have been made in accordance with the regulations under the Surveyors Act 1969.
 Dated at Christchurch this 20th day of November 1984. Signature: *R. G. Middleton*

Filed Book 364 p. 64-65. Fee Book 280 p. 160-162
 Reference Plans: D.P.'s 271403, 25306, 25207, 271403, 28750, 30952, 43258, 4544.
 Examined: *R. Mulla* District Registrar

Approved as to Survey: *R. Mulla* Chief Surveyor
 27/2/85 Deputy
 Deposited this 27th day of 2/1985

File: _____
 Received: 28.11.84
 Instructions: **DP 48056**

LAND DISTRICT: Canterbury
 SURVEY BLK. & DIST.: II Lynden
 NZMS: 261 SHEET NO. N32-10000/24

LOCAL AUTHORITY: Amuri County
 Surveyed by: Middleton Williams & Co
 Scale: 1:500 Date Sept. 1984

Lots 56-62 & 138-147 being subdivision of & Easement over PT Sec's 24 & 24 Hammer Town Area

IF Striking, Surveyor-General, Department of Lands and Survey, Wellington

8/27/85 Hammer Springs T 17 (2)

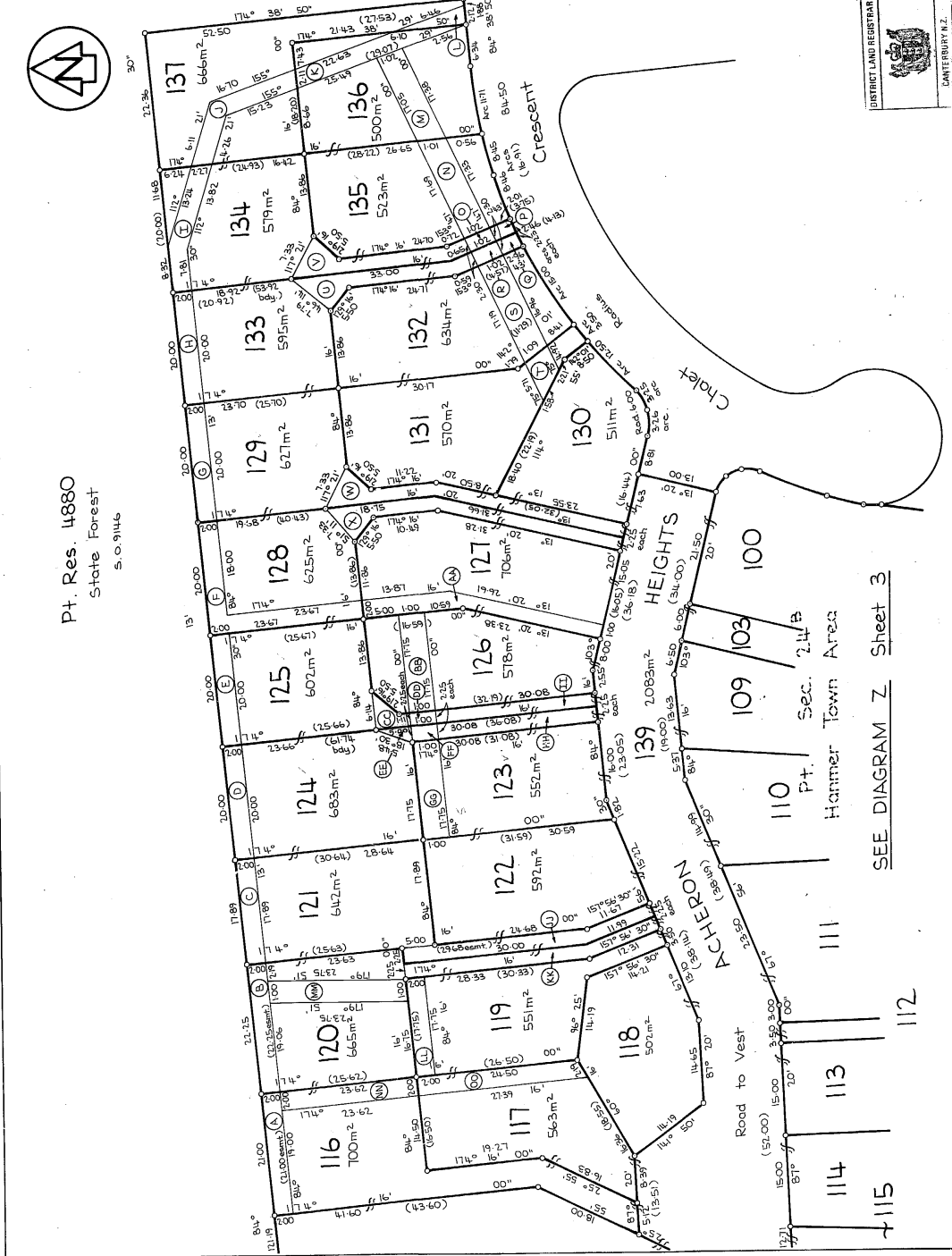
Approvals	MEMORANDUM OF EASEMENTS	Grantee
Nature	Survey Instrument Lot No. Shown	
Right to drain sewage in grass	116 121 124 125 128 133 134 137 138 141	Amuri County Council
Right to drain sewage	136 135 134 132 131 130 129 128 127 126 125 124 123 122 121	Dormant Ten. Lots 130-132 Lots 130-132 Lots 130-131 Lots 130 Lots 122, 123 Lots 121, 122 Lots 121, 123 Lot 119 Lots 117, 118 Lot 118
Right of way right to drain sewage & convey water	134 135 136 137 138 139 140 141	Lot 135 Lot 134 Lot 133 Lot 132 Lot 131 Lot 130 Lot 129 Lot 128
Right to drain water	121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141	V.O.P Q.R.U X Y Z CCODII EEFFHH JJ KK LL
Right to drain water	120 119	B, MM Lots 117, 119 Lot 117

Total Area
Comprised in

I, Robert Gifford Middleton, of Christchurch Registered Surveyor and holder of an annual practicing certificate (for who may act as a registered surveyor pursuant to the proviso to section 33(2) of the Surveyors Act 1988) hereby certify that this plan has been made from surveys conducted by me or under my authority and in accordance with the Regulations 1972 and have been made in accordance with the Survey Act 1988 and the Survey Regulations 1972.
Dated at Christchurch this 28th day of August 1985. Signature *R.G. Middleton*
Field Book Traverse Book
Reference Plans
Examined *R. Meuller* Coroner
Approved as to Survey
..../..../85
Chief Surveyor
Deposited this 7th day of January 1986
Asst District Registrar
DP 49223
Rev. Received 20.9.85
Instructions

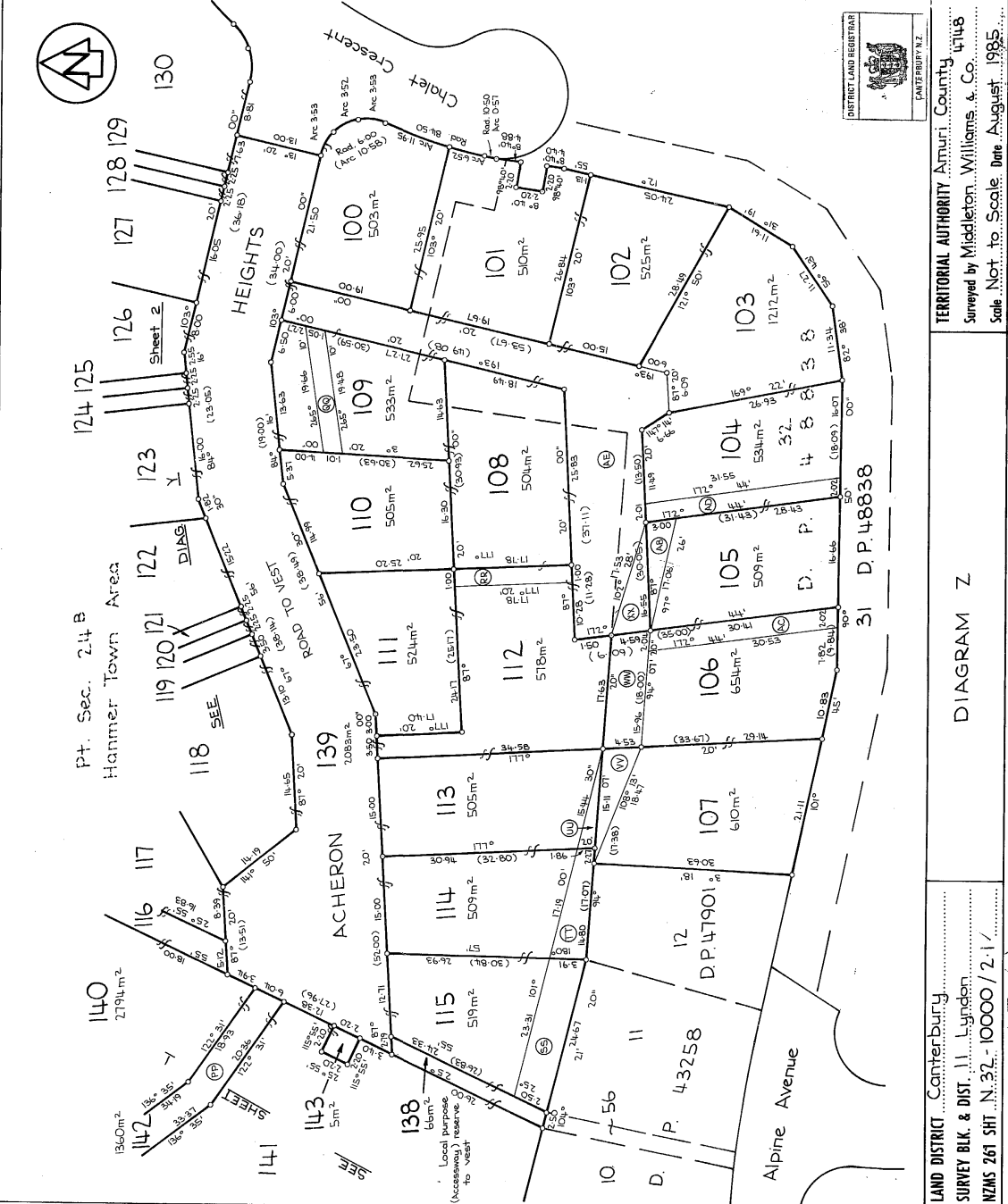
TERRITORIAL AUTHORITY Amuri County 4148
Surveyed by Middleton Williams & Co
Scale Not to Scale Date August 1985

Sheet 2 of 3 Sheets
1 & S FORM NZP



LAND DISTRICT Canterbury
SURVEY BLK. & DIST. 11 Lyndon
NZMS 261 SHT. N. 32 - 10000 / 2.1 ✓
Printed by MapInfo Wellington, New Zealand

MEMORANDUM OF EASEMENTS	
Nature	Standard Easement Lot No. / Sublot
Right of way, right to drain sewage & water	102, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130
Right to convey water electric power & telephonic communications	102, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130
Right to drain urban sewage	109, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130
Right to drain Sewage & Waste in grass	115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130
Right to drain sewage in grass	103, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130
Right to drain water in grass	106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130



Distance added to boundary between Lots 112 and 113
R. Neulter
 Deputy Chief Surveyor
 23 / 1 / 1986

Total Area.....
 Comprised in.....

R. Neulter
 Registered Surveyor and holder of an annual practicing certificate for who is a member of the Surveyors Act 1985. I hereby certify that this plan has been made from surveys executed by me or under my direction, that both plan and survey are correct and have been made in accordance with the Survey Regulations 1985.

R. Neulter
 District Land Registrar

Field Book.....
 Reference Plans.....
 Examined.....
 Approved as to Survey.....
 Deposited this..... day of January, 1986

File No. 20995
 DP 49223

Sheet 3 of 3 Sheets
 REMICROFILMED 23/1/86

DISTRICT LAND REGISTRAR
 PALMERSTON NORTH

TERRITORIAL AUTHORITY AMURI COUNTY 4148
 Surveyed by Middleton Williams & Co.
 Scale Not to Scale Date August 1985

DIAGRAM Z

31 D.P. 48838

LAND DISTRICT Canterbury
 SURVEY BLK. & DIST. 11 Lynden
 NZMS 261 SHIT N.32-10000/2.1

Printed by G. H. Walker, Wellington, New Zealand