

# ASSESSMENT OF ENVIRONMENTAL EFFECTS

PURSUANT TO PART 3B OF THE CONSERVATION ACT 1987

GARY RUSSELL SELLARS AND LANE NEAVE TRUSTEES  
LIMITED

266 ESPLANADE, KAIKOURA

APPLICATION FOR LEASE

PURSUANT TO PART 3B OF THE CONSERVATION ACT 1987

To:

The Minister of Conservation

Gary Russell Sellars and Lane Neave Trustees Limited of 266 Esplanade, apply for the following type(s) of leases:

A lease for:

1. A Rock Protection Structure
2. Carparking
3. Driveway and Vehicle Manoeuvring
4. Motel Maintenance Area
5. Ancillary Garage and workshop

at the rear of the property and on the adjacent Department of Conservation land

The property descriptions are:

**Conservation Area - Kaikoura in favour of:**

	<b>266 Esplanade</b>
<b>Legal Description</b>	Part Lot 1 DP 7678 and Lot 2 DP 7678
<b>Area</b>	2400m <sup>2</sup>
<b>Valuation No</b>	2108045900/A/B
<b>Title</b>	MB5C/722
<b>Owners</b>	Gary Russell Sellars and Lane Neave Trustees Limited

4) There are no other activities that are part of the proposal to which this application relates.

5) No additional leases are needed for the proposal to which this application relates.

6) We attach an assessment of the proposed activity's effect on the environment that—

a) Includes the information requested by the Department of Conservation in the letter of 14 November 2022

c) Includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

7) We attach an assessment of the proposed activity against the matters set out in Part 3B of the Conservation Act.

*M. C. Lake .*

Signed by Christine Lake, on behalf of the Applicants:

Gary Russell Sellars and Lane Neave Trustees Limited,  
P O Box 79 064, Avonhead, Christchurch 8446

Date: 28 November 2022

ADDRESS FOR SERVICE:

Rachel Vaughan  
Smart Pathways  
850a State Highway One  
Kaikoura  
Phone: 0274550346  
Email: [rachel@smartpathways.co.nz](mailto:rachel@smartpathways.co.nz)

ADDRESS FOR INVOICE

Gary Russell Sellars and Lane Neave Trustees  
P O Box 79 064  
Avonhead  
Christchurch 8446  
Att: Christine Lake

PART B – SUPPORTING INFORMATION



## INTRODUCTION

This lease application is to allow:

1. Building of a structure to protect the motels and dwelling at 266 Esplanade, hereafter *the property*.
2. Retention of carparking
3. Retention of Driveway and Vehicle Manoeuvring
4. Retention of Motel Maintenance Area
5. Relocation of the Ancillary Garage (including workshop)

Protection is required due to the risk from rock fall from the cliff above the property. The property is located below an area that was identified as potentially unstable after the 2016 Hurunui Kaikoura Earthquake series.

A restriction was placed on occupying the property after the 2016 Hurunui Kaikoura Earthquake series. To allow the property to be occupied by the owners and used for commercial accommodation, it is recommended that a protection structure should be built. This application is to allow that structure to be built to protect the property and allow occupation.

The structure is to be partially located on Department of Conservation land. Permissions are being sought under the Resource Management Act, concurrently with this lease application.

The applicant is also seeking to legalise carparking, vehicle manoeuvring, driveway and motel maintenance areas at the rear of the site. This area has been occupied for these activities for some time, and the applicant is seeking to include these activities in the lease application. The existing garage is 6m x 7.2m, and is configured as a single garage and workshop. This garage and another wooden garage will be removed as part of the rock fall protection works. The garage to be relocated will be 6m x 6m, also configured as a single garage and workshop.

## ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

### BACKGROUND

On 14 November 2016, Kaikoura was subject to a 7.8 magnitude earthquake. Residents and business along the coastal strip below the limestone cliffs along the Kaikoura Peninsula, were particularly affected by the earthquake due to risk of loose rocks falling from the limestone cliffs and the risk of tsunami from the ocean.

An assessment of the limestone cliffs around the residential areas in the Kaikoura township occurred shortly after the earthquake event. Kaikoura District Council issued a dangerous building notice, pursuant to Section 124 of the Building Act, 2004, preventing use of the buildings on the property. The notice required:

- 266 Esplanade had a yellow sticker, so partial occupation was allowed (about 5 motel units),
- Safety concerns meant restricted access to the rear of the property, until the rock fall hazard was mitigated.

Section 124(2)(c) states that except in the case of an affected building, the Council may issue a notice that complies with section 125(1) requiring work to be carried out on the building to—

- (i) reduce or remove the danger; or
- (ii) prevent the building from remaining insanitary:

The owners placed containers behind the buildings, as a temporary measure to mitigate the hazard to allow operation of the Motels.

To comply with the provisions of Section 124-128 of the Building Act, the owners wish to install a permanent structure to comply with the notice issued under Section 124 of the Building Act, 2004 for Panorama Motels, in this case ongoing mitigation of the rock fall hazard, as stated in the notice issued in 2016.

#### SITE AND SURROUNDS

##### SUBJECT SITE

The site is located in Kaikoura, and is bound to the north by the Esplanade and Torquay Street, the east and west by neighbouring residential property, and the south by a cliff face with a steep gully. The Panorama Motel at 266 Esplanade contains 22 one- to two-bedroom motel units and a manager's residence. The property is situated at the base of a limestone cliff face (termed the 'Esplanade Escarpment') which is up to approximately 60 m in height. The cliff is Conservation Area - Kaikoura administered by the Department of Conservation.

The geotechnical investigation<sup>1</sup> reports widespread rockfall debris and talus slopes were observed during a site walkover and drone survey, the unstable areas are evident in aerial photography along the base.

Geologists define talus as the pile of rocks that accumulates at the base of a cliff, chute, or slope. The formation of a talus slope results from the talus accumulation.

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<sup>1</sup> Detailed Design - Rockfall Protection Structure. 266 Esplanade & 200 Torquay Street, Kaikoura. ENGEO Limited



FIGURE 1: MOTEL AND MANAGERS RESIDENCE



FIGURE 2: MOTELS LOOKING TOWARD TORQUAY STREET





FIGURE 3: EXISTING CONTAINER PROTECTION



FIGURE 4: EXISTING GARAGE AND CONTAINER PROTECTION



**FIGURE 5: EXISTING CONTAINER SHOWING VEGETATION ON CLIFF**

ENGEO Ltd previously undertook a conceptual design for the proposed Rock Protection Structure, this work included:

- Review of the report and risk assessment completed by Fraser Thomas;
- Additional quantitative assessment of AIFR to the properties;
- Review of possible rockfall protection works; and
- Conceptual design of rockfall protection structure options.

While the risk to loss of life for the properties was considered lower than that assessed by Fraser Thomas, it was assessed as being greater than the tolerable risk threshold of  $1 \times 10^{-4}$  suggested by the Australian Geomechanics Society, 2000 and Massey et al, 2012a and adopted by The Christchurch City Council (CCC) for planning purposes.

Following the conceptual design completed in 2018, a rockfall bund in the form of a gabion wall was considered the most practical solution to reduce the level of risk from rockfall to the properties. The intent of the rockfall protection structure design is to reduce the AIFR of rockfall to the properties to below the tolerable risk threshold of  $1 \times 10^{-4}$ .

#### SURROUNDING LAND USES

The site is located on Torquay Street and the Esplanade, a residential area comprising large sections at the base of the limestone cliff. The area is zoned residential A in the Kaikoura District Plan, and while sections in this zone may be as small as 500m<sup>2</sup>, generally sites are larger than the minimum in this locality.

Behind the site, the area is zoned rural in the Kaikoura District Plan. The land is steep cliff face, ending on a platform approximately 60m above, which forms Scarborough Street and the properties along Dover Terrace. Dempsey's track, a local walking track is cut into the cliff in an approximate southwest direction above the property. The land forming the cliff above the property is administered by the Department of Conservation and is Conservation Area - Kaikoura, backing on to properties on Scarborough Street. There is not considered to be any vegetation of ecological or cultural value within the site.



FIGURE 6: AERIAL PHOTO SHOWING SITE LOCATION

#### ZONING AND OVERLAYS

The site requiring protection is zoned Residential A in the Kaikoura District Plan, the protection structure will be partially located on the sites and partially on the adjacent Conservation Area - Kaikoura zoned Rural in the Kaikoura District Plan.

There is an 11m height restriction for buildings on the Residential A properties. The height control seeks to ensure that buildings do not break the skyline when viewed from the mean high water tide mark along the Esplanade foreshore, between Memorial Gardens and the New Wharf.

The Conservation Area - Kaikoura land to the rear of the property is a significant landscape area. The proposed structure is located partly with the property of 200 Torquay St, 266 Esplanade and Conservation Area - Kaikoura.

## DESCRIPTION OF THE PROPOSAL

This application is to install a freestanding gabion wall along the length of the property at the base of the cliff.

ENGEO Limited, in their detailed design report state:

*A number of mitigation works including scaling, mesh and cables, a rockfall fence and a reinforced earth bund were considered in our Conceptual Design. Based on the results of our site assessment, rockfall modelling, site constraints (space and constructability), and discussions with the client, a free-standing gabion wall along the length of the base of the cliff has been considered as a suitable alternative to a reinforced earth bund. A gabion wall design provides an aesthetic and low visual impact rigid RPS and a cost effective solution in terms of construction, serviceability and maintenance. The wall is expected to be quicker to construct and significantly lower cost than a reinforced earth embankment and have a smaller footprint thus reducing the loss of amenity of carparking areas.*



**FIGURE 7: INDICATIVE PHOTO OF GABION STRUCTURE** NOTE: PROPOSED STRUCTURE IS TWO ROWS IN HEIGHT

The proposed rockfall protection structure (RPS) will be 1.5 m wide, 1.8 m high free-standing rigid barrier gabion wall constructed along the length of the base of the cliff and talus slopes (approximately 115 m in length), with angled areas between the eastern boundary of the Panorama Motel Complex and western boundary of 266 Torquay Street.

The wall will be largely located within Conservation Area - Kaikoura land to the southeast of the property, approximately 1.5 m from the toe of the cliff / talus slopes.

The proposed location of the wall is shown on Drawing 14744/1 (Appendix X).

The wall is proposed to be constructed approximately 1.5 m minimum distance from the base of the cliff to allow a catch area and access for maintenance. This will involve periodic removal of debris.

The wall will be two rows of stacked 1 m by 1 m by 1.5 m Macafferri PVC coated gabion baskets (or approved equivalent) filled with 250/80 gabion rock (or engineer approved equivalent, including site won material).

#### ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

The application is not considered to largely affect neighbouring properties. The site is surrounded by exotic vegetation upslope and to the south of the property. There may be some positive value in removing this vegetation, as much of it comprised invasive weed species. There is driveway access and an existing carpark at the rear of the motels. All construction will take place from the rear of the motels.

The report in Appendix 1 suggests the risk to the area from rock fall hazard should be mitigated to continue to use the land. The applicant is suggesting mitigation through this application. Without the proposed mitigation, the risk would make the area unable to be accessed for any purpose. The applicant is suggesting mitigation from rock fall hazard risk through this application.

This proposal is seeking to continue to use the land which is being used as ancillary to visitor accommodation activities on the adjacent site. It is considered use of the proposed lease area is consistent to the value and outcome of Conservations Areas generally. There is no specific management strategy or plan for the area

It is considered that no recreational opportunities are available on the site due to the rock fall hazard risk. The proposed mitigation allows use of the area.

The applicant is proposing to continue to use part of the area for carparking and driveway purposes. The area is sealed and this is considered appropriate use as it is ancillary to existing visitor accommodation activities on the adjacent site.

#### NOISE

Noise effects will be limited to construction timeframe, which will be of limited duration. To ensure effects on amenity of surrounding properties is less than minor, it is recommended that the noise standard of Appendix Q of the Kaikoura District Plan is adopted which states:

##### *Appendix Q*

*Construction noise within any zone shall not exceed the recommended limits in, and shall be measured and assessed in accordance with, the provisions of NZS 6803: 1999 "Acoustic - Construction Noise", or any subsequent replacement or amendment to those provisions.*

NZS 6803:1999 *Acoustics – Construction noise* allows for the production of significant noise between the hours of 7.30am to 6pm during weekdays. The standard also contains provisions relating to:

- the measurement of noise from construction, maintenance, and demolition work
- the assessment of such noise to determine whether action is required to control those noise emissions.

NZS 6803:1999 sets out recommended upper limits in dB(A) for construction work noise in residential areas:

	Weekdays			Saturdays			Sundays/public holidays		
	L10	L95	Lmax	L10	L95	Lmax	L10	L95	Lmax
6.30am–7.30am	60	45	70	*	*	*	*	*	*
7.30am–6pm	75	60	90	75	60	90	*	*	*
6pm–8pm	70	55	85	*	*	*	*	*	*
8pm–6.30am	*	*	*	*	*	*	*	*	

- L10 is the noise level exceeded for 10% of the time of the measurement period. For example, a noise limit of L10 75 dB(A) means that, over a period of 1 hour, the noise from construction activities can only exceed 75 dB(A) for a total of 6 minutes or 1 minute over a period of 10 minutes.
- L95 is the level exceeded for 95% of the time and represents the background level without any construction noise present.
- Lmax is the maximum level measured over a time period, but it is not the same or not as high as an individual peak level

It is recommended to help reduce noise of construction activities that the following conditions are imposed:

- limiting work hours from 7.30am – 6pm, Monday to Saturday,
- neighbours are notified before construction commences,
- all neighbours are provided with a contact number for complaints.

#### TRAFFIC

Some construction traffic is anticipated as part of the proposal. The construction traffic is considered to be similar to any other construction in the residential zone, i.e., limited trucks for delivery of goods onto site, then smaller construction vehicles.

The existing carpark will contain all the construction activity and given the limited duration of construction, it is not considered there will be any impact on the neighbouring properties above which is anticipated by permitted construction activity, such as a house renovation, building of a permitted fence or retaining wall.

#### VISUAL AND LANDSCAPE

The site is within the residential zone of the Kaikoura Township, and is surrounded by residential activity. In terms of visual amenity, this proposal is an extension of that existing residential activity. Built form can be expected in the residential zone, and this proposal does not differ in appearance to a fence or a retaining wall.

The structure is low in height, and will be built from natural river rock which will blend with the surrounding landscape.

The structure will be barely visible outside the site. The structure is to be erected behind the existing property.

The structure will not be visible from the residential property adjacent to the west, 198 Torquay Street. The property to the east is a similar visitor accommodation building, it is not considered the works will have any adverse effect on the adjacent property given the location behind the buildings and limited nature of construction works.

The existing motels and residential dwelling will largely obscure the structure from the street. There is not considered to be any impact on visual amenity of the surrounding properties.

The perception of the landscape has changed considerably in Kaikoura with the Kaikoura earthquake series and this needs to be considered when assessing this application. The Kaikoura District Council has begun a rolling review of the Kaikoura District Plan. The website states:

*Starting with Natural Hazards*

*Natural hazard planning is undertaken by Councils to help protect people, property and infrastructure from a wide range of natural hazards (e.g. flooding, landslides, earthquakes, tsunami) as well as building stronger more resilient communities.*

*The natural hazards provisions are found in the Natural Hazards chapter of the plan, as well as in some other chapters such as Subdivision.*

*Natural hazards provisions identify where it is development is or isn't appropriate and what we should consider when developing in areas subject to natural hazard risk.*

*The natural hazards provisions (except coastal hazards) in the District Plan will be reviewed first because some areas of the district level of hazard risk changed following the 2016 earthquake events.*

*Council is using the standard plan change process under the Resource Management Act (RMA) to review the natural hazards provisions. Specifically the RMA 'Schedule 1' process.*

*Research has been completed to help Council gain a better understanding of a number of natural hazard issues in the District.*

While decisions on the plan change are yet to be released, no weight can be given to the provisions. However, the Council has signalled in their planning framework that thought is being given to the issue. For this application, the fundamental question becomes if the structures are appropriate in terms of the wider rebuild landscape of the Kaikoura District. Consideration needs to be given to the changed environment after the significant earthquake event.

There will also be some regeneration of the vegetation behind the structure, however, this will take up to 10 years to reach maturity. In addition, the structure will weather to blend in with the surrounding environment. The structures will not be visually prominent against the slope as built form. The dominant built form will still be the motel and existing dwelling. The structure will not be readily visible against the cliff backdrop as it will be partially obscured by the existing property. Given the scale of the cliff, there will be no effect of the structure against the skyline.

#### VEGETATION CLEARANCE

There is no significant vegetation or trees to be cleared as part of this proposal other than weed control. The vegetation to be cleared at the rear of the property is shown in Figure 3 and 4, above. The vegetation is predominantly weeds and vines, and no vegetation is deemed ecologically or culturally significant to the site or the area.

#### HERITAGE AND CULTURAL

The District Plan does not identify any archaeological features on the site. Given the proximity to other historic finds in the area, it is considered that additional care should be taken during earthworks. All contractors should comply with the Kaikoura District Plan's Archaeological Site Management Protocol and Accidental Discovery Protocol.

The bottom row of gabion baskets will be embedded approximately 0.2 m below adjacent ground level to provide sliding resistance in the event of impact. Gabion baskets will be tied to ensure a secure connection between the baskets and maintain internal stability in the event of impact

The location of the underlying geology is described in the appended report, Detailed Design - Rockfall Protection Structure, 266 Esplanade and 200 Torquay Street, Kaikoura by ENGEO and states:

Given the depth to clear is 200mm, and the site has been well developed along this area. It is not considered it is necessary to have a cultural monitor present on the site. The contractor is well aware of archaeological requirements during the auguring process and has been recommended by the Engineers ENGEO. It is considered that an accidental discovery protocol is sufficient for earthworks to be carried out on site. It is unlikely that any archaeological remains are present in a geologically active area and therefore it is unlikely that the proposal will have any impact on the heritage value of the site.

#### SERVICING

There is no water or wastewater services required as part of this application. Drainage is existing on the site. All existing drainage is compliant with the New Zealand Building Code.

#### NATURAL HAZARDS

The site is located outside any additional natural hazard areas aside from rockfall risk. The Rockfall Mitigation report outlines the risk to the structure in the event of a future earthquake event. This has been anticipated in the design of the structures and the modelling for rockfall risk.



## POSITIVE EFFECTS

An assessment of a lease outlines the following measures proposed by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.

This proposal will provide the following positive effects:

- Reduce risk from rockfall to allow the property to be occupied,
- Provide safe housing for the owners of the property,
- Provide additional protection in a future earthquake event,
- Removal of some weed species to allow construction to occur.

## STATUTORY CONSIDERATIONS

## CONSERVATION ACT 1987

TABLE 1: PART 3B CONCESSIONS

Section	Conditions	Proposal
17O	No activity shall be carried out in a conservation area unless authorised by a concession.	The application is seeking authorisation
17P	Except as provided in subsection (2), this Part does not relieve any person from any obligation to obtain a resource consent under the <a href="#">Resource Management Act 1991</a> .	Resource consent has been sought
17Q	Subject to this Part, the Minister may grant a concession in the form of a lease, licence, permit, or easement in respect of any activity.	This application is for a lease
17R	The Minister has exercised a power under <a href="#">section 17ZG(2)(a)</a> to initiate a process that relates to such an application for a concession; and <b>(B)</b> the application would be inconsistent with the process.	Does not apply to this application
17S	Every application for a concession must include the stated information:	This assessment and application form include information requested

Section	Conditions	Proposal
17SB	May decline application	It is considered this application may be granted as proposal is not inconsistent with the Act
17SC	The Minister must publicly notify every application for— (a) a lease; or (b) a licence for a term (including renewals) of more than 10 years.	Notification is required
17SD	Minister may require applicant to provide further information	This document fulfils a request for further information date 14 November 2022
17T	Minister To Consider Applications (1) The Minister must consider an application for a concession if the application— (a) complies with section 17R(2); and	Complies with section 17R
17Z	Term of concession	A term of 50years of sought

## CONSERVATION GENERAL POLICY

The application is considered to be consistent with Conservation General Policy, see Appendix 2.

## OTHER PLANS AND STRATEGIES

There does not appear to be any conservation strategy for the Conservation Area – Kaikoura.

## RESOURCE MANAGEMENT ACT 1993

## Kaikoura District Plan

Zoning:	Residential	Rural
Overlay:	Height Restriction Area B	Significant Landscape Area

The Canterbury Regional Policy Statement states:

*The Canterbury region has experienced and remains vulnerable to a wide range of natural hazards – including earthquakes, tsunamis, extreme weather events, landslips and subsidence. Examples of natural hazards since European settlement include: tsunamis in 1868, 1877, 1960 and 2010; extreme high winds in 1975; flooding in South Canterbury in 1986; drought in the late 1980's; and heavy snowfalls in 1992 and 2006. In 1868 there was widespread flooding throughout Canterbury, and the Waimakariri River flooded the centre of Christchurch. Significant earthquakes have occurred in North Canterbury in 1888 and 1901, at Arthur's Pass in 1929, at Darfield in 2010, and Christchurch in 2011. The spire of the Christchurch Cathedral has been felled three times by earthquakes.*

*The hierarchy approach that this chapter sets out for dealing with natural hazards is threefold. In order of priority:*

- 1. Avoidance – Keeping assets away from hazard prone areas, this includes land-use planning to avoid new development in hazard prone areas, and matching land-use to anticipated changes in climatic conditions. If avoidance is not possible, then:*
- 2. Mitigation – Managing or reducing the effects of natural hazards while acknowledging that there will be some residual adverse effects from natural hazards, and that some development (particularly infrastructure) may have to be located in areas prone to natural hazard events. This includes constructing physical works such as stop-banks, retaining walls and sea walls; retaining natural features such as dunes and wetlands; constructing resilient buildings and infrastructure; developing and implementing warning systems; and developing community To manage residual risk, then:*
- 3. Response and recovery – Responding to the consequences of natural hazard this includes immediate response and longer term rebuilding and restoration of communities and infrastructure, and insurance.*

## AFFECTED PARTIES AND CONSULTATION

Section 17SC States that the application must be notified, the applicant agrees that the Application must be notified.

The lease will not result in any additional activity on Conservation land, as the site currently has containers as protection structures and existing ancillary activities on the site. The granting of the lease will result in a more aesthetic environment and will provide protection for existing activities on the adjacent sites.

The net effect of this proposal is less than minor on the surrounding environment.

## SUMMARY

- 6.1 This proposal is a lease application to enable the installation of a rock protection structure to protect the property at 266 Esplanade.
- 6.2 The activity is consistent with built form in the residential zone.
- 6.3 The proposed activity will not have any adverse effects on the environment that are minor or more than minor.
- 6.4 Conditions are suggested to ensure effects from construction are minimised.
- 6.5 The application is considered consistent with Section 3B of the Act.



Appendix 1:

ENGEO Detailed Design of Debris Flow  
Protection Structure.  
266 Esplanade & 200 Torquay Street,  
Kaikoura. Submitted to: McIntyre Family  
Trust



Appendix 2:

Assessment of Objectives and Policies of  
the District Plan and the Canterbury  
Regional Policy Statement



## Conservation General Policy

## Conservation Areas

Policy	
1 (a) – (d)	Proposal is not inconsistent
1 (e) Planned outcomes at places should be consistent with the intrinsic values of an area identified as a place in a conservation management strategy or plan.	Area has high geological value, the proposal will seek to maintain that value
1(f) – (H) Interpretation of policies	There is no Strategy or Management Plan for this area
2(a)-(j) Treaty of Waitangi Responsibilities	Nothing in the application will affect the partnership with Tangata Whenua or derogate from Treaty responsibilities
3(a)- (g) Public Participation in Conservation Management	This proposal is to be publicly notified to promote public participation
4(a)-(i) Terrestrial and freshwater species, habitats and ecosystems	The proposal will enhance any conservation value of the area by removing weed species. The geological value of the site will remain unchanged There is no significant ecological habitat in the area
4.2(a)-(g) Biosecurity and management of threats to indigenous species, habitats and ecosystems	The invasive weeds and vines in the area will be removed as part of the proposal
4.3 Fire management	Superseded
Policies 4.4(a)-(l) Marine species, habitats and ecosystems	The proposal will not affect the marine environment
Policies 4.5 Geological features, landforms, and landscapes	
4.5 (a) Conservation management strategies and plans should identify landscapes, landforms, and geological features of international, national, or regional significance or of significance to tangata whenua.	The limestone scarp are significant landforms, this proposal will not affect the geological value of the area
4.5 (b) Activities which reduce the intrinsic values of landscape, landform and geological features on public conservation lands and waters should be located and managed so that their adverse effects are avoided or otherwise minimised.	The intrinsic value of the landscape is considered unchanged by the proposal
4.6 Ecosystem services	The proposal will not alter any ecosystem value on the Conservation Area



5 (a)-(g) Historical and Cultural Heritage	There is not considered any sites of historical or cultural value will be affected by the proposal. Given the unstable nature of the site.
6. Changes to Public Conservation Lands	There is no proposed change to the land status, the land will remain Conservation Area with a lease in favour of the applicant
7 (a)-(e) Conservation Beyond Public Conservation Lands and Waters	The applicant is seeking to work with the Department to provide protection to their site which is at risk of rock fall hazard from the adjacent Conservation Area.
8. Natural Hazards	
8 (a) Management for natural hazards on public conservation lands and waters: i. should be undertaken with minimal interference to natural processes, natural resources, and historical and cultural heritage; ii. should be consistent with the purpose for which the land is held; and iii. will include an assessment of the risks to people, places and property.	It is not considered this proposal will have an interference with geological value of the area, ii. The proposal is not inconsistent with the purpose for which the land is held, ii. an assessment of the risk to people, places and property is included in Appendix 1.
8 (b) When a high level of risk to people, places or property from a natural hazard on public conservation lands and waters has been identified, a hazard and risk management plan should be developed by the Department, identifying options to address risks, and interested people and organisations will be informed of any proposed actions.	The applicant has provided risk assessment and the mitigation plan as part of this application
8 (c) The Department should provide information to enable people to assess the risks from natural hazards that may occur on public conservation lands and waters.	No information has been provided, the applicant has provided risk assessment and the mitigation plan as part of this application
8 (d) People will be responsible for their own decisions on the risks that they are prepared to take arising from natural hazards on public conservation lands and waters.	The applicant has taken responsibility for the risk
8 (e) The Department may notify the closure of any part of public conservation lands and waters to public entry when it considers there to be imminent danger to people and property that cannot be reasonably avoided by other means.	The report in Appendix 1 suggests the risk to the area should be mitigated in order to continue to use the land. The applicant is suggesting mitigation through this application
9. People's Benefit and Enjoyment	

9.1 (a) Recreational opportunities will be provided on public conservation lands and waters. Where provided, they should be consistent with the values of and outcomes planned for places.	This proposal is seeking to continue to use the land which is being used as ancillary to visitor accommodation activities on the adjacent site. It is considered use of the proposed lease area is consistent to the value and outcome of Conservations Areas generally
9.1 (b)-(d) The recreational opportunities and the outcomes planned for different places will be identified in conservation management strategies and plans and will be consistent with the statutory purposes for which the place is held.	There is no management strategy or plan for the area
9.1 (e)-(h)	It is considered that no recreational opportunities are available on the site due to the natural hazard risk if no mitigation was in place
9.2 (a)-(b) Information including interpretation	No interpretation is proposed
Policies 9.3 (a)-(b) Hazards to people	It is considered that no recreational opportunities are available on the site due to the natural hazard risk if no mitigation was in place
Policy 9.4 Sport fishing	Not applicable
Policies 9.5 (a)-(d) The use of vehicles and other forms of transport	The applicant is proposing to continue to use part of the area for carparking and driveway purposes. The area is sealed, and this is considered appropriate use as it is ancillary to existing visitor accommodation activities on the adjacent site
Policy 9.6 Animals	No animals are proposed as part of this proposal
10. Accommodation and Related Facilities	This proposal is seeking to create a lease for activities which are an ancillary to visitor accommodation carried out on the adjacent site. These activities include rock fall protection and existing ancillary activities, that are located on public conservation land. The existing activities are carparking, vehicle manoeuvring, driveway and ancillary garage activities. There is no additional visitor accommodation proposed as part of this activity. It is considered that these activities are historic and will not derogate from any conservation purposes.

11. Activities Requiring Specific Authorisation (not covered elsewhere)	Not relevant covered in Policy 10. above
12. Research and Information Needs	The applicant has contributed to research and information needs through the commissioning of the report in Appendix 1 and the supporting information to this report. This report gives valuable information regarding the Conservation Area and has been made freely available to the Department.
13. Conservation Management Strategies and Plans	There is no known Conservation Strategy for this area
14. International Agreements and Cooperation	There is no affect on any International agreement or protocol from this application

Canterbury Regional Policy Statement

11.2.2 Adverse effects from hazard mitigation are avoided or mitigated Adverse effects on people, property, infrastructure and the environment resulting from methods used to manage natural hazards are avoided or, where avoidance is not possible, mitigated.	It is considered the application will seek to avoid adverse effects as much as practicable and is not contrary to this policy
11.3.6 Role of natural features The role of natural topographic (or geographic) and vegetation features which assist in avoiding or mitigating natural hazards should be recognised and the features maintained, protected and restored, where appropriate.	The application is seeking to retain natural features as much as possible