

**BEFORE THE INDEPENDENT HEARING PANEL
APPOINTED BY THE MACKENZIE DISTRICT COUNCIL**

UNDER The Resource Management Act 1991

IN THE MATTER OF RM230149 – An application for land use consent to establish and operate a commercial tree-climb ropes course and picnic facilities on a site at Lakeside Drive, Takapō/Lake Tekapo.

BY **QUEENSTOWN COMMERCIAL
PARAPENTERS LIMITED**

Applicant

Statement of Evidence of Kimberley Anne Banks

On behalf of Tekapo Landco & Godwit Leisure Ltd

Submitter

20 August 2025

Professional Details

1. My full name is Kimberley Anne Banks. I am an Independent Resource Management Planner based in Wanaka. I hold the qualifications of Bachelor of Science (Geography) and Masters in Planning from the University of Otago. I am a full member of the New Zealand Planning Institute | Te Kokiringa Taumata.
2. I have 16 years' experience as a resource management planner. My experience includes the preparation of resource consent applications and policy planning for both local authorities and private clients, in addition to provision of a broad range of feasibility and statutory advice.
3. As an independent planner for the past 7 years, I have obtained a number of land use and subdivision consents primarily within the Queenstown and Wanaka areas. Since 2021 I have acted on behalf of the submitter in obtaining several resource consents within the Mackenzie District associated with the Station Bay residential subdivision and the ongoing development of the Tekapo Holiday Park.
4. Prior to this I was employed by QLDC as a senior policy planner between 2015-2018, primarily involved with the development of the first stages of its Proposed District Plan, including policy drafting, preparation of s32 and s4A analysis and reporting, and representation at Council hearings.

Code of Conduct for Expert Witnesses

5. While this is a Council hearing, I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. This evidence has been prepared in accordance with it and agree to comply with it. I confirm that this evidence is within my area of expertise, except where I state that I have relied on material produced by others, and that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of evidence

6. A thorough description and analysis of the proposal has been undertaken by Council's reporting officer Mr Boyes, and within the application and evidence submitted by the applicant, which I will not repeat in this evidence. Instead, my evidence will identify particular areas of support, supplementary information or areas of disagreement. To that end, the matters covered in my evidence are as follows:
 - a. The site and receiving environment

- b. The proposal and application material
- c. Statutory framework
- d. Resource consents required
- e. Assessment of environmental effects
- f. S104(1)(b) matters
- g. RMA s104(1)(c) Other Matters
- h. Part 2 of the RMA
- i. Potential conditions of consent

7. In the preparation of this evidence, I have had regard to:

- a. the Resource Management Act 1991 (the Act);
- b. the Operative Mackenzie District Plan 2004 (ODP);
- c. Stages 1-3 of the Mackenzie District Plan Review, contained within the 'EPlan'
- d. Stage 4 of the District Plan Review, being Plan Changes 28-30
- e. the application as notified;
- f. submissions received;
- g. the Council's s42A report and supporting information;
- h. the applicant's evidence, comprising:
 - i. The Landscape Evidence including the Graphic Attachment, prepared by Mr Andrew Craig, dated 13 August 2025.
 - ii. The Recreation and Open Space Evidence, prepared by Ms Samanta Strong, dated 10 August 2025.
 - iii. The Planning Evidence, prepared by Mr Mark Geddes, dated 12 August 2025.
 - iv. The Acoustic Evidence, prepared by Mr Rob Hay, dated 13 August 2025.
 - v. The Transport Evidence, prepared by Andrew Leckie.

vi. The Corporate Evidence of Mr McMurtrie.

8. I have also had the assistance of the Landscape evidence prepared by Mr Paul Smith on behalf of the submitter.

Executive summary

9. I have been instructed by Tekapo Landco & Godwit Leisure Ltd (TL&GL, the submitter) to give expert planning evidence in respect of RM230149. RM230149 is an application made by Queenstown Commercial Parapenters Ltd (QCP) seeking a land use consent to establish and operate a commercial tree-climb ropes course at Lakeside Drive, Takapō/Lake Tekapo.
10. TL&GL are the landowners of the Lakes Edge Holiday Park and the Station Bay residential area. TL&GL's submission opposed the proposed activity on the basis that it will give rise to more than minor adverse effects on landscape character, visual amenity, and recreational values as experienced from the Tekapo lakefront and adjacent areas including the Station Bay residential subdivision. TL&GL sought that the resource consent application be refused by Council.
11. Mr Boyes has undertaken an assessment of the proposal on behalf of the Council and recommends that the proposed activity should be declined as it, will result in adverse effects on visual amenity and the character of the Lake Takapō/Tekapo foreshore area, and is an inappropriate activity in the proposed location and does not accord with Part 2 of the RMA¹.
12. The evidence of the applicant discusses that commercial recreation is provided for to a degree in the OSZ, and that such activities already exist and can be anticipated within this area. Additionally, several positive recreational economic and social effects are noted.
13. While I do not disagree with these comments, I consider that the fundamental issue with the proposal is not the nature of the activity, or the zone it is proposed within, but the particular location and the extent of occupation of the site. The location within what could be considered the margins of Lake Tekapo, on public land that is well used and within public and private views experienced of the ONL, gives rise to adverse effects on landscape, views, amenity, natural character, public access that cannot be mitigated.

¹ Para 201 of the s42A report.

14. Additionally, the limited visual detail provided as to the course and proposed limbing of trees, and the wide flexibility sought by the applicant within the revised set of conditions² may result in even greater adverse effects.
15. I consider the examples and images of other climbing/obstacle courses presented by the applicant are typically in more remote locations away from residential areas, and generally within a 'forested' area' being surrounded by large groups of trees that provide physical separation and visual screening from sensitive activities and locations. These typical forested surroundings associate the activity with its environment.
16. As a result of the proposed location, I consider that the adverse effects outweigh the positive effects that the activity could create, and that such effects may not be experienced to the same degree on an alternative site.
17. I agree with Mr Boyes' recommendation to decline the application.

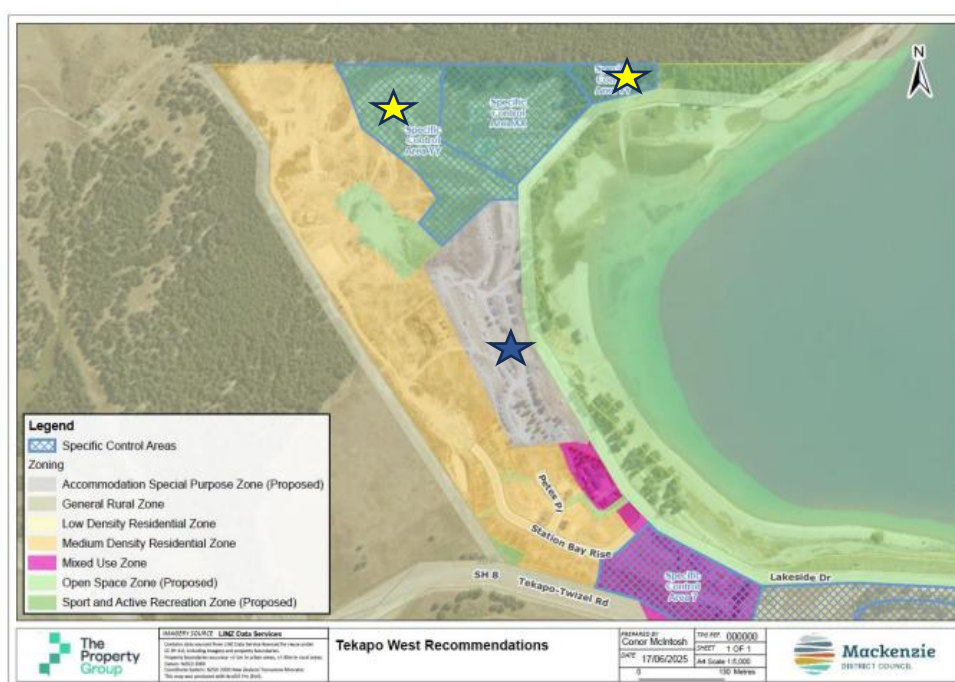
The site and receiving environment

18. A detailed site description is contained in the applicants AEE, landscape assessment and evidence and the Councils s42A report. For the purposes of this evidence, I adopt those descriptions of the application site and locality and provide the following additional information.
19. The Station Bay residential area is located above and west of the site on land zoned as MRZ. The s42A references Stage 1 of the development, at Station Bay Rise and Pete's Place, comprising 47 lots. TL&GL have also obtained subdivision consents for 'Stages 2-6' which enable the development of a further 88 residential lots extending to the northern end of Lot 401 DP 560853 adjacent to the Tekapo Springs. The relevant subdivision consent references are RM210098 and RM210135. This consented development also forms part of the receiving environment and includes legal road and areas of open space in the form of local reserves. As noted in the evidence of Mr Smith, this subdivision has been designed as a series of terraces, step up the hillside to the highest point at the northern end of Lot 401 DP 560853 to gain views of Takapō / Lake Tekapo, Mt John and the surrounding mountains. Accordingly, whilst these future lots are not directly opposite the site, it can be anticipated that the proposal will be visible

² Evidence of Mr Geddes, Appendix 2.

from some of these more elevated future dwellings in their lower broad landscape views.

20. TL&GL have also recently participated in making submissions on Stage 4 of the District Plan review, being plan changes 28-30. The Stage 4 decisions have now been notified and have been considered in the evidence of Mr Geddes and Mr Smith. Of relevance to the site context is the recommended rezoning of parts of Lot 401 DP 560853 (the submitters land) behind the Tekapo Springs site, and Lot 6 DP 455053 east of the Tekapo Springs to 'Sport and Active Recreation Zone' (SARZ) (indicated by yellow stars in below image). Additionally, the Lakes Edge Holiday Park has been rezoned to 'Accommodation Special Purpose Zone' (ASPZ) (indicated by blue star in below image). The image below reflects the mapping changes resulting from the Stage 4 decisions. As noted in the s42A report, the Stage 4 decisions remain in the appeal period until September 4th 2025, and are not yet operative.



21. Lot 5 DP 455053, the main land parcel making up the application site, is subject to a licence in favour of TLGL to allow its use for overflow camping during periods in which the holiday park is at or near full capacity which stems from the historic use of this site for overflow camping in association with the holiday park. I agree with Mr Boyes³ that this is a matter separate to the consideration of the proposal under the RMA, and any

³ Para 10-11 of the S42A report.

amendment or further lease/licence required to give effect to the proposal would be required to be resolved by the applicant separately.

22. The application site also contains a sealed public pedestrian and cycle pathway running through it, which is a part of the wider connection extending from Mt John, running along the lakefront to the Town Centre. Importantly, in this location there is presently no footpath on the opposite side of Lakeside Drive, and as such this walkway provides a crucial connection along the lake and from the holiday park, Tekapo Springs and the Station Bay residential area. This pathway was recently upgraded by Council in 2023 as part of the 'Tekapo Lakefront Improvement Project' seeking to provide improved integrated connections between the Springs and the town centre.
23. Further landscape evidence has been prepared by Mr Paul Smith of RMMLA on behalf of TLGL. Mr Smith notes that *"views to Takapō / Lake Tekapo and the surrounding mountains, from within the receiving environment are highly valued"*⁴ and that *"the simple view consisting of a pine tree foreground, a crisp blue lake midground and alpine mountain backdrop is quintessential of the area. This outlook provides a high degree of amenity to these residents and guests at the campground and lodge"*⁵. Mr Smith and Mr Craig agree that the site is not pristine however has a moderate-high degree of natural character.
24. I understand that in the summer the site is a popular location for boating and swimming, being accessible and with the ability to park directly on the site facing the lake, and that the existence of the trees is also a valued part of the natural character and associative values of the site, providing valuable shade and shelter from the southerly wind which is limited in other locations. As noted by Mr Smith, the site has transient associative values that vary with seasonal changes, and that *"there is moderate to moderate-high degree of quietude located along the foreshore, specifically when boating activities and the boat ramp are not being used"*.⁶

The proposal and application material

25. The application proposes to establish a commercial tree-climb ropes course on the Tekapo lakefront over Lot 2 DP 562455 and Lot 5 DP 455053. The land is owned by

⁴ Evidence of Mr Smith para 33

⁵ Evidence of Mr Smith para 36

⁶ Evidence of Mr Smith para 33

Mackenzie District Council and zoned 'Rec P' under the Operative District Plan, and 'OSZ' as per the Stage 4 PC29 decisions.

26. The application material indicates that the course would include an adults ropes course and a children's ropes course established within the existing mature pine trees, and would contain a series of climbing wires, ropes, wire bridges, platforms and zip lines. The activity will be established approximately between the Powerboat and Water Ski Club and an existing playground across a length of approximately 240m.
27. I understand that the proposal also includes a base building with a footprint of 61m² (increased slightly from the application submitted and now incorporating a deck and access ramp) signage, landscaping and five additional picnic tables which have been incorporated post-lodgement as mitigating elements to encourage public use of the space underneath the course. The proposal also includes a set of volunteered conditions, should consent be granted, and these are contained in Appendix 5 to the S42A report, being further revised in the evidence of Mr Geddes.
28. Examples given of the nature of the proposal are the existing 'TreeClimb Adelaide' and 'Adrenaline Forest' developments in New Zealand, images of which were included in the landscape and visual assessment prepared by DWG and are also included in the corporate evidence of Mr McMurtrie. Other examples of the potential visual appearance of such an activity are available on the associated websites⁷.
29. I consider that, when compared with the examples referenced, it is evident that the plans and visualisations submitted for approval lack a necessary level of detail as to the visual predominance of built/structural elements that might be required across the course. This is further apparent by the amendments proposed to the draft conditions (conditions 10-12)⁸, that now introduce some parameters around the extent of structures and enable "periodic" changes to be made to the course or "to address operational requirements".
30. As noted above, I consider the examples and images of other ropes courses presented are typically in more remote locations or well separated from residential areas, typically being 'forested' within and surrounded by large groups of trees which provide screening. I am not aware of any other ropes courses being located within a receiving

⁷ <https://www.treeclimb.com.au>; <https://www.adrenalin-forest.co.nz>

⁸ Evidence of Mr Geddes, Appendix 2

environment which is in the foreground of an ONL or within the margins of a lake or river.

31. I consider that the applicant should specify the full extent of anticipated built elements including the number and appearance of timber platforms and clarify how many other climbing ropes, nets, stairs or ladders are also proposed, or would be necessary, to meet health and safety requirements. The revised conditions detail, and the videos and photos of examples provided show, that additional support wires are likely to be necessary for health and safety reasons. However, the visual and landscape impressions provided include only a single line spanning between trees and in my view appear to be misrepresentative.
32. Additionally, the evidence of Mr Geddes and Mr Craig refer to the limbing of trees being required. This does not appear to have been part of the notified application, and nor has it been specified what extent of limbing is required in the volunteered conditions. Mr Smith notes that pine trees limbed to 10m / half their height will appear peculiar and inconsistent with other pine trees along the lakefront and will not provide the same amount of shade⁹. I also question whether an additional resource consent is required for the proposed limbing, as vegetation clearance is not a specified activity in the rules of either the operative Rec P zone, or the PC29 OSZ and therefore may fall under the default activity status for “activities not otherwise listed”. It does not appear there is a district wide rule enabling such clearance either. I note that TLGL were required to apply for a similar consent in 2022 when the pine trees were cleared from the Rec P zone within their land, Lot 401 DP560853.
33. I consider that the limited visual detail provided as to the course and proposed limbing of trees, and the wide flexibility sought by the applicant within the revised set of conditions may result in even greater adverse effects.
34. The s42A report notes that the proposal was amended since lodgement to ensure that no zip lines will finish at ground level, and access to both adults and children’s courses would therefore be obtained from the base building with all lines/ropes located at a minimum height of 3m above ground. However, the location of course access points are not specified within proposed conditions, and the ‘Ropes Course Conceptual Plan’ included within the evidence of Mr Geddes currently indicates that the adults’ ropes course starts at the southern end of the site near the playground. Additionally, it is

⁹ Mr Smith para 64

unclear whether the full capacity of users across the adults and children's courses (stated as being 60 people at any one time) can be safely accommodated all accessing the course from the single base building at one time. If an alternative adults course access is proposed, then it should be clarified how this is to be undertaken, and if any additional structures of buildings are required. Furthermore, the suggested 10m maximum height and the minimum height for the finish of zip lines above ground level is also not is also not mentioned on the plans or conditions.

35. I note that Mr Geddes for the applicant presents a revised design of the base station building, which has increased in size slightly since the application submitted and now includes a deck and larger access ramp. Mr Geddes does not specify the revised maximum height of the building and this does not appear to be detailed on the plans or updated renders (which was previously stated to be 2.6m). I consider these aspects of the proposal should also be clarified by the applicant, to the extent that they may raise a scope concern and/or affect the design details of the course or the size of the base building.
36. The application also states the operating hours would be 9am and 7pm, 365 days of the year, and also states that no exterior lighting is proposed. It should be clarified if any lighting would be required across the course during the months where these operating hours extend beyond sunset or for health and safety purposes. Additionally, it is assumed that an internal light and possibly security lighting would be required within the base station building at times of the year. I note the proposed condition restricting exterior lighting is limited to "the ropes course" only and does not apply to the base building. The visual and landscape effects of this possible lighting on the lakefront are not considered by the application or the evidence of Mr Geddes or Mr Craig and according to the plan provisions outdoor lighting is permitted to 10pm at night (LIGHT-R1) and security lighting is also permitted provided they are controlled with a motion sensor (LIGHT-R2).
37. Whilst this is not my area of expertise, I would also question if the applicant can provide information as to any restrictions that may be required to prevent people accessing the course outside of the stated operating hours (at night) for health and safety reasons. I acknowledge that these are not strictly RMA matters, however, if public exclusion is required to prevent access and potential risk of injury outside of the stated operating hours, then this may further exacerbate effects of the proposal on public access. As this is a popular location for visitors and recreational activity, I consider this location (as compared to other more remote locations where such activities are typically

located) is highly accessible and has a greater potential for issues associated with unintended access to the course.

38. Furthermore, as currently shown, seven sets of ropes cross overhead of the public footpath, including the children's course which can be assumed to be set at the lower 3m minimum height. This raises a further safety question as to potential additional restrictions of the course occurring overhead of the general public, walkers and cyclists (such as potential of items falling from users of the course).

39. The evidence of Mr Geddes¹⁰ and Mr Craig¹¹ considers that the structures and building can be removed and the landscape character potentially returned. However, a land use consent is ongoing, the conditions proposed do not have a limited duration and the activity is proposed to operate 365 days a year. Mr Smith also notes the proposed limbing of trees is irreversible and will adversely affect the overall outlook gained from the Station Bay Development and lodge to a more than minor degree¹².

Statutory framework

40. The Mackenzie District Plan is currently subject to review which is being undertaken across several stages. The rules of Stages 1-3 of the review, that are not subject to appeal, can be considered as operative. Decisions have been notified on Stage 4 of the review and remain in the appeal period until the 4th of September 2025.

41. I agree with Mr Boyes that the rules of Stage 4 cannot yet be treated as operative, however the rules of Stage 4 do have legal effect under s86B and therefore apply in addition to the rules of the operative plan. In relation to the objectives and policies of the Stage 4 decisions, these now form part of the proposed plan in accordance with Schedule 1 clause 10 but are not yet operative. Therefore, at the time of writing the objectives and policies of the Operative District Plan retain some relevance, and a weighting exercise is required (s86A). I note that the applicant discusses the implications of the changes incorporated within the decisions version of the OSZ provisions, and I also address these later.

42. The Section 42A report outlines the various consents that are required and notes that the activity status is determined by the provisions applicable at the time of lodgement, in this case being the rules of the Operative District Plan. Mr Geddes presents an

¹⁰ Evidence of Mark Geddes, Para 104

¹¹ Evidence of Andrew Craig, Para 26

¹² Evidence of Mr Smith, Para 64

alternative view that where the status of an activity becomes less restrictive as a result of a plan change, the less restrictive activity status should be applied. I consider that s88 is clear and aligns with Mr Boyes' view. However, the matter is relatively immaterial as under the Stage 4 OSZ provisions, the activity status is DIS and therefore both NC and DIS status provide broad scope, and Mr Boyes and Mr Geddes consider that the proposal can pass the s104D test (to which I agree with).

Resource Consents Required

43. I agree with the list of consents required as outlined in the S42A report and the evidence of Mr Geddes, with one additional comment. As noted above, I question whether a further resource consent is required for the proposed limbing of trees, as this is not a specified activity in the rules of either the operative Rec P zone, or the PC29 OSZ, and also does not appear to be captured by any other district wide rule. I note that TLGL were advised to obtain such a consent in the past under the Rec P zone provisions, for the removal of pine trees within the Rec P zone within Lot 401.

Assessment of Environmental Effects (s104(1)(a))

44. The s42A report identifies the following adverse effects of the proposal, with their scale:

- a. Transport/Parking – less than minor
- b. Natural Character – at least minor
- c. Noise – less than minor
- d. Visual amenity/outlook – more than minor
- e. Landscape character – more than minor
- f. Positive effects

45. Mr Geddes, Mr Craig and Ms Strong consider that all potential effects are less than minor, with the exception the diminished natural character for which Mr Craig considers would be at the low end of minor¹³.

46. It is my view that it is not the activity or necessarily the zone, but the location proposed and the extent of occupation that is inappropriate, and the site and surrounding environment cannot absorb the development without resulting in adverse effects that

¹³ Evidence of Mr Craig, para 108.

are more than minor and cannot be mitigated. My comments focus on the effects of most significance, being the adverse effects to landscape, visual, amenity, natural character, and public access.

Assessment of alternative locations or methods

47. Schedule 4 Clause 6(1)(c) of the RMA states that an AEE must include an assessment of alternative locations or methods “...if it is likely that the activity will result in any significant adverse effect on the environment”. I note that Mr Boyes, Mr Milne, Ms Faulkner and Mr Smith consider that the proposal will result in adverse effects that are ‘more than minor’. If such effects are considered to be “significant” then such an assessment of alternatives is required.

48. Mr Geddes considers that the effects are not at the scale of being “significant”. However, he identifies that a review of alternative sites was undertaken prior to progressing with the current site. The evidence of Mr McMurtrie outlines the sites considered and the factors that were important to the site selected. I note that the criteria included in this review is relatively narrow and appears to be aligned with commercial preferences and objectives.

49. Mr McMurtrie states that the Mt John and Tekapo Dog Park sites were discounted because Environment Canterbury (ECan) advised that the pine trees were to be removed. However, comments from Environment Canterbury are not provided. The ECan website¹⁴ outlines that the pines are to be progressively removed from the Tekapo Regional Park over a 25-year period, with replanting of fast-growing non-pest species.

50. Whilst I understand that a less remote location would be more desirable for accessibility, as noted previously, I understand that many such existing tree climb or adventure course sites are also remote or located away from residential areas or with more physical separation or forest screening.

Natural Character

51. The preservation of the natural character of lakes and their margins is a matter of national importance under Section 6(a) of the RMA. I interpret that the margins of lakes

¹⁴ <https://www.ecan.govt.nz/your-region/living-here/regional-parks/lake-tekapo-regional-park>

are therefore anticipated to be preserved in a state that is more natural, with limited built elements.

52. The comments provided by Gensis Energy indicate a maximum 'design' level for the lake of 713.05masl, however the maximum permitted control level is lower at 710.9masl. The proposed course extends from approximately 711.5masl to 715masl. I understand therefore that the ropes course is above the "bed" of the lake (as defined by Section 2 of the RMA) however I consider the site is within the margins. Accordingly, I consider the proposed built structures, human elements and commercial activities would not preserve the natural state of the lake margins and is contrary to s6(c).
53. Ms Faulkner, in her 3 May peer review, notes that the original DWG ALVE assessment *did not recognise the qualities and amenity values that the group of pine trees offers such as shade in the summer for relaxation, picnics and enjoyment of the lake views.* I consider that this comment indicates the presence of the pine trees contributes to the natural character values. Mr Craig also considers that *"Because the activity area is largely free of physical structures it exhibits a reasonably high level of natural character."*¹⁵
54. Ms Faulkner & Mr Boyes comment that the scale of the proposed built elements in the existing trees is small in the context of the lake and its margin. Mr Craig¹⁶ and Mr Geddes¹⁷ also consider that the course is "largely transparent nature" and has an "extremely low visual bulk". I disagree with these statements. As I have noted earlier, the application material lacks some detail and certainty over the full extent of built elements and structures within the course, and the visual simulation presented does not appear realistic. In my opinion the degree of effects of built structures in the context of the lake margin, or the cumulative effect of these across the full width of the course could be even greater than presently assessed. This is further apparent by the amendments proposed to the revised suggested conditions, seeking to add greater flexibility as to the extent of structures and enable changes to the course over time.
55. Furthermore, these conclusions give limited consideration to the additional effects of the constant visibility of persons on the course (up to 60 at one time and across 10 hours of the day) which is unexpected in terms of their elevated location.

¹⁵ Evidence of Mr Craig, para 40.

¹⁶ Evidence of Mr Craig Para 17

¹⁷ Evidence of Mr Geddes Para 195

56. I agree with Ms Faulkner and Mr Boyes that the base station building is small in scale and will have limited effect, but instead it is the commercial aspect of the proposal which is not appropriate use or development of the lake margin under s6(a). The commercial aspect introduces elements that are more *unnatural*, including the need for built form, climbing structures, lines and platforms, and the ‘busyness’ of the airspace between the trees. In addition, Mr Smith notes the proposed limbing of trees will appear peculiar and inconsistent with the other stand of pine trees along the lakefront¹⁸ and that it will reduce the shade and shelter from wind that they provide. Limbing will also diminish the natural character and amenity for people walking, cycling, or recreating within the site, as the removal of lower branches will reduce greenery from their field of view.

57. Mr Craig provides a definition of natural character from the New Zealand Landscape Assessment Guidelines which states ‘*Natural character is an area’s distinctive combination of characteristics and qualities, including degree of naturalness.*’¹⁹ I consider this includes the experiences and amenity that people derive which contribute to natural character. I consider that the proposed limbing, linking ropes and platform structures between the trees, in addition to the constant presence of users on the course, reduces the natural character values of this site. In my view, these elements and multiple lines crossing the walkway will reduce the experience of users of the walkway and reduce the naturalness of views looking through the trees towards the ONL

Visual Amenity

58. The effects of the proposal on visual amenity are a relevant consideration under Section 7 of the RMA. Additionally, the District Plan includes several references to the importance of views of the lake, evidenced by the following provisions:

- a. Section 9 ‘Rec P’ Policy 2 Recreation and Open Space - *To ensure that built form is minimised, and the open spaces and visual amenity of the lakeside areas are safeguarded.*
- b. Section 9 ‘Rec P’ Assessment Matter 4.8.6 - *In respect of the Recreation P zone along the lake shore of Lake Tekapo, the effect of the development*

¹⁸ Evidence of Mr Smith para 64.

¹⁹ Evidence of Mr Craig para 226

on the natural character, visual amenity, retention of views and open space values.

- c. *Section 9 'Rec P' Assessment Matter 4.8.9 - The proposed development shall not be visually prominent such that it detracts from public or private views otherwise characterised by natural landscapes.*

- d. *OSZ-P4 "Limit the scale of built form within the Open Space Zone to:*

- 1. retain a clear predominance of open space; and*

- 2. maintain uninterrupted views from urban areas to any lake and maintain the visual amenity of lakeside areas.*

- e. *Takapo Lake Tekapo Precinct PREC1-P1 Adverse Effects - Control the scale, appearance and location of buildings to ensure that:*

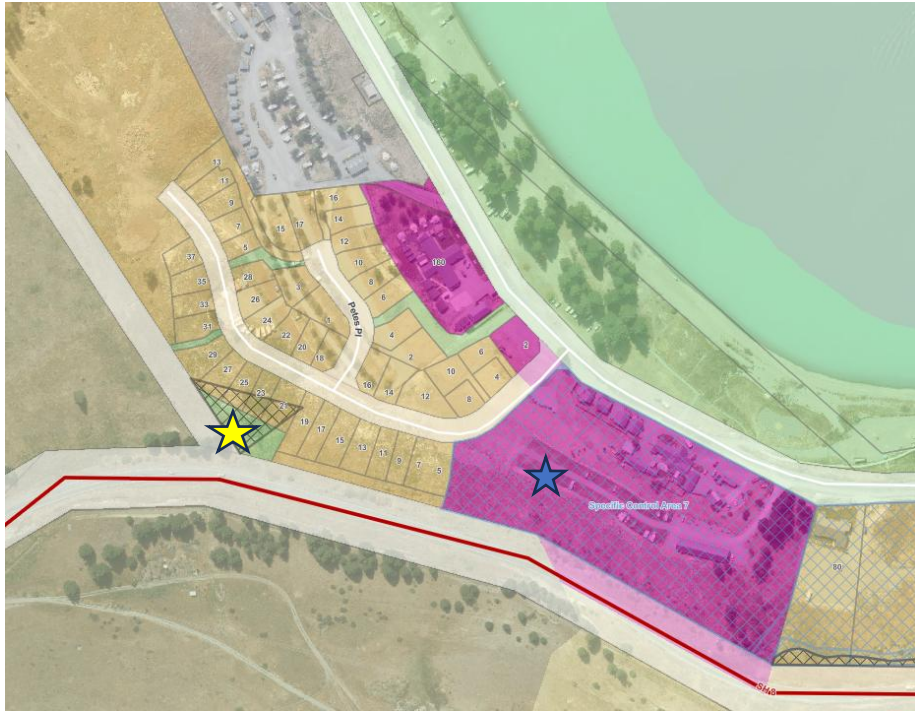
- 1. the built form character of the Township is maintained and enhanced;*

- 2. development is integrated with the landscape setting, including the topography, landform, and views to and from the area;*

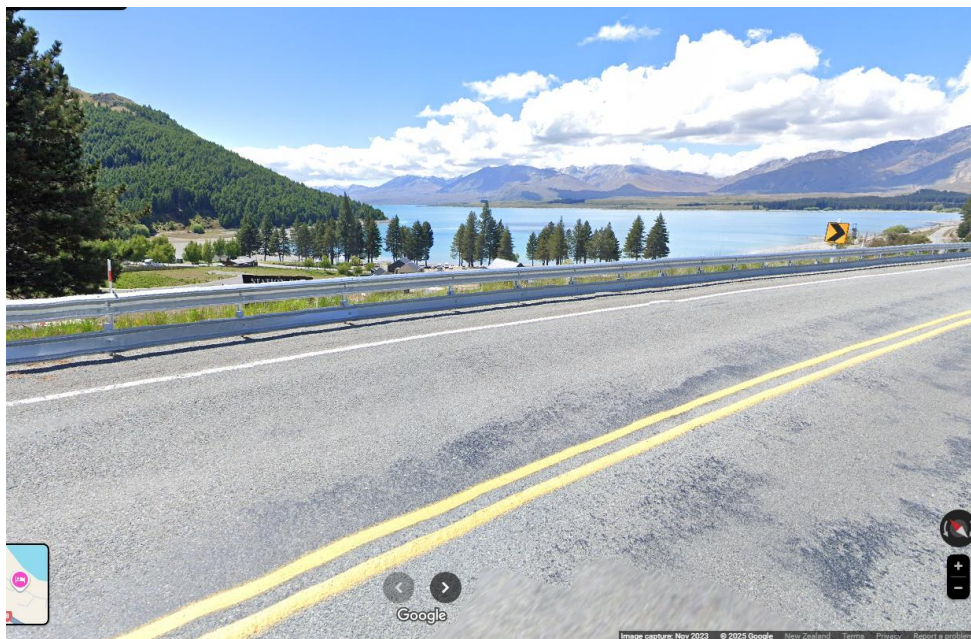
- 3. key viewshafts within and through land on the south side of State Highway 8 are protected, and accessibility to the Domain and lake are maintained; and*

- 4. views to the lake from properties on the north side of State Highway 8 are maintained.*

59. With regard to Takapo Lake Tekapo Precinct PREC-P1 specifically, I note that additional overlays have been included in the District Plan specifically to protect views of the lake from SH8. This includes the 'No Build Area' at the rear of the Station Bay development adjacent to SH8 (shown by the yellow star) and 'Specific Control Area 7', which has the purpose to limit building heights to ensure it does not extend above the terrace top (PREC1-S4) (shown by the blue star).



60. An indication of the present view experienced from the highway at this location is below (sourced from Google Maps, 2023 image) and demonstrates that the proposed course, obstacles and people within the course would likely be visible in this view.



61. Mr Smith considers that *“the built form and resulting busyness within these trees will interrupt and detract from the current views gained to Lake Tekapo from the Station Bay Development. Also, it will reduce the current degree of amenity that is experienced*

*along the footpath and foreshore. Therefore, I consider the proposal will interrupt views to the lake and the amenity of the lakeside area will not be maintained”.*²⁰

62. I do not agree with Mr Craig that the ropes course is “inherently transparent” and “exhibits very little visual bulk”²¹. In this statement he refers to Graphic Attachment Figures 10a, 10b, 10c photographs and Figure 9 photo-montage. However as noted, these images are not representative of the full cumulative extent of structures, ropes, platforms, ladders etc enabled through the proposal and suggested conditions. Additionally, Figure 12b (copied below) includes only a single line and does not include any supporting lines and nor does it reflect the maximum extent of other structures that condition 10 could enable.



Figure 12b A photo-montage showing the ropes course as viewed from Station Bay subdivision.

Photograph and Photo-montage
prepared by DWG Landscape
Architecture

63. I rely on the assessment of Mr Smith and consider that the proposal is contrary to the above provisions and will detract from the views towards the lake experienced from public and private locations west of the site.

Landscape Character

64. I have reviewed the ALVE assessment provided with the application, and the evidence of Ms Faulkner, Mr Milne, Mr Smith and Mr Craig with regard to the effects of the proposal on landscape matters.

65. Mr Craig considers that the landscape character of the site itself is fundamentally simple. He also discusses the features which contribute to landscape character within the site and wider receiving environment; however, he does not appear to consider the broader landscape character and values that are obtained from views towards the lake

²⁰ Evidence of Mr Smith para 76

²¹ Evidence of Mr Craig para 125

at different scales as viewed from the residential and urban areas, as well as SH8 and beyond.

66. Mr Smith has further considered the effects of the proposal on the wider receiving environment and is of the opinion that it will interrupt and detract from the current views gained to Takapō / Lake Tekapo, reduce the perception of openness and predominance of open space, and the amenity of the lakeside area will not be maintained²².

67. The experts also discuss that landscape values are derived from the attributes existing in the landscape of the setting that people hold in particular regard²³, and that the components of the landscape character and the amenity values are closely interrelated and contribute to peoples' appreciation and enjoyment of the area²⁴. Considering this, I concur with the opinion of Mr Boyes & Ms Faulker that the proposal will result in more than minor adverse effects to landscape character.

Passive recreation and public access

68. The maintenance of public access of lakeside margins is established is a matter of national importance under Section 6(d) of the RMA and is also reflected in the Canterbury Regional Policy Statement and the Mackenzie District Plan.

69. I consider that this site has several features which contribute to it increasingly being one of the more accessible and frequented locations for experiencing and 'connecting' (physically or spiritually) with the lake and its margins. Such features include its width, gentle grade, opportunity for parking with orientation to views of the lake, the location immediately opposite and accessible to visitors within the holiday park, the presence of the trees which provide valued shade in summer, in addition to the playground and pathway amenities. The recently upgraded pathway running through the application site also presently *encourages* access through the site and integrates with adjacent areas along the lakefront and provides the only off-road pedestrian access in this area as discussed above.

70. Ms Faulkner describes the effect of the aspects of the proposal that are not of a physical nature, and which impact on the experience of the site and landscape. This

²² Evidence of Mr Smith para 70, 76

²³ Evidence of Mr Craig para

²⁴ Para 136 of the S42A report, & para 8 Ms Faulkner Further Peer Review.

includes the presence of increased activity, persons, and noise which will change the currently mostly passive environment.

71. I consider that the site is valued for its passive recreational attributes, and I therefore agree with and rely on Ms Faulker and Mr Smith that the presence of the proposed activity is likely to make the area less attractive for the passive recreation activities and lake shore experience that the area currently provides. The applicant's proposal to utilise the existing street parking will potentially reduce accessibility for other vehicles seeking to access the site as a rest stop or for passive recreational purposes. Additionally, it is apparent from the images provided that people typically access the reserve by parking right up to the pathway, oriented to the lake views. I consider the multiple crossing points will push this parking back further towards the legal road reserve and affect the view and amenity such that parking in that location will be sufficiently deterred.
72. Whilst the applicant considers that access will remain available under the course and proposes the provision of additional picnic tables to encourage this, I consider that the picnic tables will likely be used by users of the activity, and irrespective of these it may discourage people from walking or cycling through the site along the public walkway .
73. I also note that the plan demonstrates that some the tables have been positioned not directly under the ropes course, and an earlier version of the plan showed these within the maximum operating level of the lake and therefore within its "bed". This is indicative that the presence of overhead ropes may deter public access of the space underneath and instead encourages access around the margins of the course. I agree with Mr Boyes that picnic tables are not unanticipated, however I consider, if there is scope to include the picnic tables then the proposed position of the tables should be agreed with Council and that these should be suitably above the maximum operating level of the lake.
74. I also consider that the proposed minimum height of 3m for the lines, particularly if this were to be the height above the existing path, would not leave sufficient height separation to encourage use of the space underneath and may have adverse effects on the user of the walkway.
75. Ms Strong and Mr Geddes consider that the course would have the benefit of 'activating' an underused space. However, this firstly assumes that is underused and secondly in my view the 'activation' of lake margins and immediately adjacent areas is

not typically anticipated in the commercial context suggested, and this is indicated by the statutory framework which seeks to maintain natural character and public access to lake margins, and within the District Plan this is evidenced by the existence of open space, rural zoning and lakeside protection areas in all other margins of the lake. The proposal will, in my view, have the effect of making 'active' and unnatural elements predominant and consequently reducing the passive values that the site provides.

76. Ms Strong, Mr Craig and Mr Geddes also consider that commercial recreation activities presently occur in this location and will not be unexpected. Mr Geddes further expands on the consistency of commercial recreation in relation to the OSZ provisions. However, whilst I agree that the zone does provide for commercial recreation to a degree, this does not necessarily anticipate the combined scale of built form and structures that is proposed (which I note have a DIS status under OSZ-R5). Commercial recreation also often includes activities without built elements, such as tours, sporting or fitness activities. Mr Smith notes that the presence of congregating people, proximity of the base building to the path, and overhead ropes *will physically and perceptually hinder the ease of access along this primary accessway*²⁵.

77. For these reasons, I agree with the conclusions of Mr Boyes and prefer the evidence of Mr Smith that the proposal will have at least minor effects on recreation values and maintenance of public access.

Positive effects

78. The RMA definition of effect includes positive effects. I agree that there will be positive effects from the proposed activity. However, it is my opinion that the location proposed is inappropriate and these positive effects do not outweigh or offset the adverse effects.

Conclusion of effects

79. In summary, I adopt the assessments of Ms Faulkner, Mr Milne and Mr Smith and agree with the conclusions of Mr Boyes that the proposal will result in more than minor effects to natural character, landscape character, visual amenity and public access.

RMA s104(1)(b) Matters

80. S104(1)(b) of the RMA requires the consent authority to have regard to any relevant provisions of—

²⁵ Evidence of Mr Smith Para 63

- (i) a national environmental standard:
- (ii) other regulations:
- (iii) a national policy statement:
- (iv) a New Zealand coastal policy statement:
- (v) a regional policy statement or proposed regional policy statement:
- (vi) a plan or proposed plan.

81. These matters are canvassed in the s42A report to which I generally agree with the findings. I provide supplementary comment on District Plan provisions below.

Plan Change 23 Natural Features and Landscapes

82. The Natural Features and Landscapes (NFL) Chapter was established as part of Stage 3 of the District Plan review. These provisions have legal effect, and all rules that are not subject to appeal can be treated as operative. This chapter contains provisions to recognise and provide for the protection of outstanding natural landscapes and features as a matter of national importance under the RMA.

83. Mr Boyes at para 39 of the s42A report notes that Lake Tākapō/Tekapo is identified as being within a mapped Outstanding Natural Landscape (ONL) and states that this overlay does not extend to the subject site and therefore has no impact on the consideration of the activity. I question these comments. In my view, as a Non-Complying (or Discretionary) Activity, the consent authority has wide scope to consider all relevant provisions of the district plan, and activities located outside of, but adjacent to or within the setting of an ONL, can still result in adverse effects on the landscape within the overlay area. Whilst I agree that the *rules* of the NFL chapter only apply within the mapped overlay area, I consider that the objectives and policies are not limited in their application to the mapped overlay and remain a relevant consideration to a resource consent proposal, where it has the potential to affect the overlay area. Accordingly, I provide brief comment on these below.

84. **NFL-O2 Te Manahuna/Mackenzie Basin ONL (**subject to appeal).** *1. To protect and enhance the outstanding natural landscape of Te Manahuna/the Mackenzie Basin ONL, in particular the following characteristics and/or values:*

- a. the openness and vastness of the landscape;*
- b. the tussock grasslands;*
- c. the lack of houses and other structures;*

- d. *residential development limited to small areas in clusters;*
- e. *the form of the mountains, hills and moraines, encircling and/or located in, Te Manahuna/the Mackenzie Basin; and*
- f. *undeveloped lakesides and State Highway 8 roadside.*

85. Again, whilst the site is not within the mapped ONL, this objective seeks to ‘protect and enhance’ the listed characterises of the ONL, which includes *undeveloped lakesides*. I consider the proposal would be inconsistent with this.

86. **‘NFL-P1** Protection of Outstanding Natural Features and Landscapes’ states:’

“Recognise the values of the identified ONF and ONL overlays on the Planning Maps and protect these values from adverse effects by:

1. *avoiding inappropriate subdivision, use and development in those parts of outstanding natural features and landscapes with limited capacity to absorb such change;*
2. *avoiding inappropriate use and development that detracts from extensive open views, or detracts from or damages the unique landforms and landscape features;*
3. *managing building density, scale and form to ensure it remains at a low level, maintains a predominance of vegetation cover and sense of low levels of human occupation;*
4. *avoiding buildings and structures that break the skyline;...*

87. In my view subclause 2, 3 and 4 of NFL-P1 are relevant, and I consider that the presence of a ropes course and the presence of 60 persons on it at one time within the immediate foreshore of the lake and across a length of 240m of the vista will detract from the unique landscape features of Lake Tekapo as experienced from the lakefront including the public walkway and adjacent residential areas west of the site, as well as from within the ONL, east of the site; and from more distant locations on the state highway. Additionally, the proposal introduces high levels of human occupation in the foreground of the ONL and could also be considered to break the skyline. Therefore, I consider the proposal is inconsistent with this “avoid” policy.

88. **NFL-P5** ‘Lakeside Protection Areas’ states:

1. *“To recognise the significance of the lakes of Te Manahuna/the Mackenzie Basin, their margins and settings to Kāi Tahu and to recognise the special importance of Te Manahuna/the Mackenzie Basin’s lakes, their margins, and their settings in achieving NFL-O2.*
2. *Subject to 3, to avoid adverse impacts of buildings, structures and uses on the landscape values and character of Te Manahuna/the Mackenzie Basin lakes and their margins...”*

89. Whilst the heading of this policy suggests it applies only to Lakeside Protection areas only, the matters addressed by the policy are broad. This policy recognises the importance of lakes and their margins and seeks to avoid the adverse impacts of buildings and structures. I consider this policy also applies to activities undertaken on adjacent land, that have the potential to effect landscape values. The landscape assessment of Ms Faulkner and Mr Smith consider the proposed activity, and structures will have adverse impacts on the existing landscape character of the Tekapo lakefront that are more than minor. I therefore consider the activity would be at least inconsistent with NFL-P5.

Plan Change 29 Open Space Zone (OSZ)

90. The provisions of the OSZ were amended through the District Plan hearings process, in response to submissions made by the applicant. Relevantly, the zone purpose of the decisions version now recognises that the OSZ may also provide for ‘active’ recreation, as well as ‘passive’ recreation. I provide comment on the Stage 4 decisions version below.

91. **OSZ-01 Zone Purpose** - *The Open Space Zone provides areas of open space which predominately provide for a range of passive and active recreational activities.*

92. I consider that the proposal is for an ‘active’ recreation activity and the ‘active’ component of the proposed use would be consistent with this provision. However, the active component is the physical activity of climbing. In my view this does not extend to commercial activity, or the proposed physical and built elements that are required to enable the ‘active’ recreation proposed, with these buildings and structures being addressed by other provisions and having a DIS status under OSZ-R5. Additionally, the active component may detract from the ability to passively use the site, reducing the predominance of passive recreation. I consider the proposal is partly provided for under this objective.

93. **OSZ-02** *Zone Character and Amenity Values - The Open Space Zone contains limited facilities and structures which support the purpose of the zone and maintain the predominance of open space.*
94. OSZ-02 indicates that facilities and structures within the zone should be limited, with open space being *predominant*. For this particular location within the OSZ, I consider that the activity occupies a significant length of the site such that it would alter the perception of the function of the land and detracts from the predominance of open space between and under the trees. The proposal would result in a shift to active or human/unnatural elements being instead the predominant features, with these bisecting the open space. This is supported by the evidence of Mr Smith considers that *while the proposal will physically maintain a predominance of open space, the proposal will deter the general public from spending time under these trees reducing its perception of openness*²⁶. I consider the proposal is not consistent with this objective.
95. **OSZ-P2** states *Compatible activities provide for community facilities and commercial recreation activities which are of a nature and scale that is complementary ~~complimentary~~⁵ to, and does not detract from,⁶ the passive recreational focus of the zone.*
96. The Council's decision to remove the word 'passive' from this policy again reflects that the zone can accommodate active recreation. I consider that recreation would remain the focus of the site, however the nature of this proposal is likely to result in active recreation being predominant. This policy does enable commercial recreation, if complementary to the recreational focus. However, I note that commercial recreation does not necessarily require permanent built form or structures. I consider that the active component, being the physical activity of walking or climbing, and the commercial operation of this, is consistent with this provision. However, the commercial element in this instance introduces the need for extensive additional built elements and structures.
97. Mr Smith notes that *commercial recreation activities are unlikely to always be complementary with the varied character within the zone*²⁷, and additionally, *that the proposal has very limited associative values with Takapō / Lake Tekapo or its foreshore. Therefore, perceptually, it will always appear out of place*²⁸.

²⁶ Evidence of Mr Smith, para 70.

²⁷ Evidence of Mr Smith, para 71

²⁸ Evidence of Mr Smith para 41

98. I consider that this particular activity is not complementary to the existing values of the site and the effects of this 'busyness', noise and visual effects associated with the scale of built form and lines proposed within the trees is not anticipated by this policy.

99. **OSZ-P4 Built Form - Limit the scale of built form within the Open Space Zone to:**

1. *retain a clear predominance of open space; and*
2. *maintain uninterrupted views from urban areas to any lake and maintain the visual amenity of lakeside areas.*

100. Paragraph 2 of Introduction of the OSZ provides context to this policy and indicates that the limited built form that is anticipated in the OSZ is considered to include *"seating, picnic and barbeque facilities, toilets, shelters and playground or sporting equipment, reflecting the dominance of open space"*.

101. I consider that the ropes and structures proposed, and the length of the course reduces the predominance of open space and introduces interruption to views of the lake that are presently available between the trees. Mr Smith has noted that the current outlook *"consisting of a pine tree foreground, a crisp blue lake midground and alpine mountain backdrop is quintessential of the area"*²⁹ and provides a high degree of amenity to residents of Station Bay and visitors within the campground and lodge. Additionally, the site is known to have a range of passive and natural values and 'quietude' which contribute to the overall amenity of the site.

102. Mr Smith considers that at the broader receiving environment scale a predominance of open space will be retained, however the built form and resulting busyness within these trees will interrupt and detract from the current views gained to Takapō / Lake Tekapo from the Station Bay Development.

103. I agree with Mr Smith that the proposal will interrupt views and will not maintain the amenity of this lakeside location. I consider the proposal is inconsistent with this policy.

RMA s104(1)(c) Other Matters

104. Section 104(1)(c) sets out that when considering an application for a resource consent the consent authority must, subject to Part 2, have regard to any other matter the consent authority considers relevant and reasonably necessary to determine the

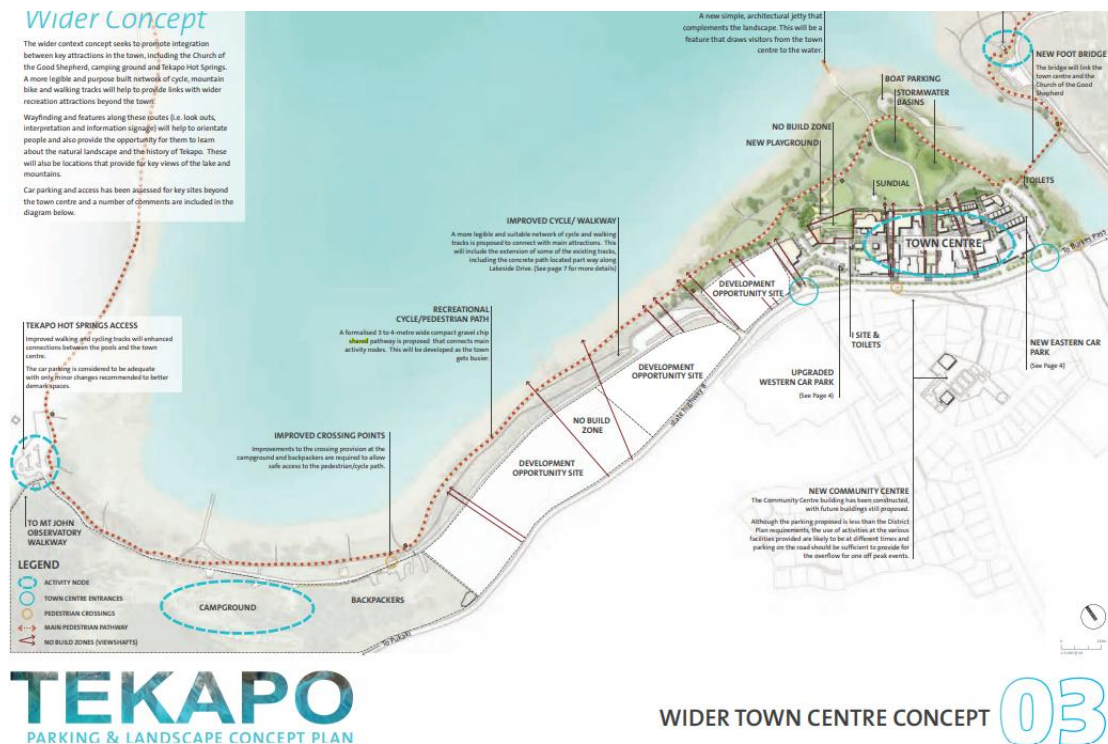
²⁹ Mr Smith para 36.

application. In addition to the matters addressed in the s42A report, I consider that the recent projects undertaken by Council to enhance the amenity of the Tekapo Lakefront have some relevance. This includes the '*Tekapo Lakefront Development Plan*' and a prior '*Tekapo Parking and Landscape Concept Plan*.'

105. The Tekapo Lakefront Development Plan resulted in the upgrade to parts of the walkway along the Tekapo lakefront, including the sealed pathway that runs through this site. The Council website states: "*The Takapo/Tekapo Lakefront Minor Improvements Project will deliver on the community's desire to improve the public space along the Takapo lakefront. The addition of well-connected high-quality paths and other landscaping improvements will make this high-profile area more attractive and accessible for locals and visitors....*" Whilst I am not aware of the specific background to this project, I anticipate from this description that the project arose because of community desire for **improvements to the space** and to make the area through the site and to adjacent areas **more accessible**.

106. Further evidence of the importance of the pathway through the site can be found in an earlier study, that is also available on the Councils website, referred to as the '*Tekapo Parking and Landscape Concept Plan Report*³⁰' which is also discussed in the landscape evidence of Mr Smith. This project details objectives to provide greater integration between the town centre and recreational areas, with a key element identified being the development of a more legible and purpose-built networks of cycle and walking tracks to provide links with wider recreation attractions beyond the town. This walkway is demonstrated by the red dashed line on the figure below.

³⁰ Tekapo Parking and Landscape Concept Plan Report. Prepared for The Mackenzie District Council by Aurecon Group and Boffa Miskell Ltd. 11 November 2014.



107. The potential for the proposal to reduce or deter accessibility, particularly where no alternative off road walkway exists along Lakeside Drive, has the potential to undermine the objectives of these projects.

RMA s104D 'Gateway test'

108. Mr Boyes considers that the proposal will result in adverse effects on natural character, landscape character, visual amenity and public access that are more than minor. I agree with this assessment and that as a result the proposal does not pass limb (1)(a) of s104D.

109. Having reviewed the s42A report and the evidence of Mr Geddes, I also agree that the proposal is not entirely contrary to the objectives and policies of the District Plan. I also consider that the activity considered alone is not entirely in conflict with the purpose and anticipated outcomes of the OSZ, but rather it is the particular site location, the cumulative extent of built form and structures and the resulting adverse environmental effects that make this particular part of the OSZ not able to absorb the effects of the development. Accordingly, I would agree the proposal meets the S104D gateway test.

PART 2 of the RMA 1991

110. I agree with the comments made in the s42A that reference to Part 2 of the RMA should not be necessary if the relevant plans (both operative and those introduced through plan changes) have been competently prepared and those provisions are coherent and comprehensive. I note that the District Plan is subject to review and subject to some appeals.

111. I consider that as this application raises matters of national importance, including natural character and maintenance of public access to the margins of lakes, consideration to Part 2 may be relevant in this instance. As the proposal has identified adverse effects that are more than minor and noted as being unable to be completely mitigated consider the proposal does not meet Part 2 of the Act, as it does not preserve natural character of lakes and margins, maintain or enhance public access along the lake, or maintain and enhance amenity values.

Proposed Conditions

112. The applicant proposes a set of volunteered conditions. While I remain of the view that this activity should be declined, I provide comments on these conditions in the event that the Commissioner reaches a different view and be of a mind to approve the application. I consider that the conditions should be amended as follows:

- a. Condition 1 General:
 - i. clearly specify the extent of built structures, ropes and platforms across the course, either through the conditions or additional detail added to the 'approved plans',
 - ii. include detailed elevations and including a floor plan and elevation of the base building;
 - iii. include detail over the specific locations and height of proposed tree limbing.
- b. Condition 2 Arborist Assessment – include a requirement for this to be repeated every 2 years (for example) or as recommended by a relevant technical or health and safety expert.
- c. Condition 10 Ropes Course:

- i. Clearly identify the 'bounds' of the ropes course that is subject to this condition.
 - ii. Specify the maximum height of the ropes course in addition to the minimum height.
 - iii. Specify the minimum height of the finish of ziplines above ground level, or that these must start and finish from a platform attached to a tree.
 - iv. Limit the extent of built structures and types of obstacles permitted to specified items only.
 - v. Specify that all structures, platforms and obstacles must be attached to an existing tree. i.e. No other structures or poles are permitted.
 - vi. Modify the extent of the course to ensure no ropes cross over the existing walkway through the site.
 - vii. Modify the course to ensure lines do not span the largest gap between the trees, demonstrated in Figures 14a & 14b of Mr Craigs' Graphic Attachment.
- d. Condition 19 Noise – Include an ongoing monitoring requirement to this condition.
- e. Condition 26 - Confirm and specify that no outdoor lighting shall be included, including security lighting on the base building or ropes course and within the trees;
- f. Consider the inclusion of a limited consent duration to enable the landscape character and views to be restored.
- g. Consideration to development contributions requirements to address the additional demand on public services resulting from the development, as the proposal relies entirely on public resources.
- h. Specify that if the activity ceases and is removed the consent holder shall remediate the site to a standard agreed with Council.

- i. Include a review condition under s128 of the RMA, to deal with any adverse effect on the environment which may arise from the exercise of the consent.

113. Even in the event that these suggestions were included, I would still be of the view that the effects of the proposal are more than minor and the proposal is not appropriate in this location.

Conclusion

114. I have considered the proposal against the relevant statutory matters, the application material, the Councils s42A assessment and the evidence submitted.

115. Overall, I consider that the proposal is not anticipated or compatible in this location, and that the extent of built form, horizontal lines within the skyline and increased activity and persons within the site at elevated locations will result in more than minor adverse effects on natural character, detract from existing views, and reduce the amenity of the site as experienced by public users and from adjacent areas within Station Bay and the Tekapo Holiday Park.

116. I consider that extent of occupation of the course across the site will also decrease the existing passive recreation and natural values that the site currently provides and instead result in a shift to 'active' and unnatural human elements being more predominant. I consider this shift to be at odds with the purpose of the OSZ, and that the proposal is not consistent with *OSZ-02 Zone Character and Amenity Values* which seeks to maintain a predominance of open space, and *OSZ-P4 Built Form* as it will interrupt views of the lake from urban areas and reduce the amenity of this lakeside area.

117. Accordingly. I agree with Mr Boyes that the proposal is an inappropriate activity in the location proposed. For these reasons I consider that the application should be declined.



Signature of Kimberley Anne Banks

20 August 2025
