



## **DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**

### **NOTIFICATION UNDER s95 AND DETERMINATION UNDER s104**

#### **RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	Mt Cardrona Station Limited
<b>RM reference:</b>	RM161141
<b>Application:</b>	Application under Section 88 of the Resource Management Act 1991 (RMA) for land use consent for earthworks associated within upgrading an access track that breach volume and cut height, and for a breach of access gradient
<b>Location:</b>	Cardrona Valley Road, Cardrona
<b>Legal Description:</b>	Lot 5 Deposited Plan 344432 and Lot 1 Deposited Plan 445633 held in Computer Freehold Register 560896
<b>Zoning:</b>	Rural General
<b>Activity Status:</b>	<b>Restricted Discretionary</b>
<b>Date</b>	<b>29 May 2017</b>

#### **SUMMARY OF DECISIONS**

1. Pursuant to sections 95A-95F of the RMA the application will be processed on a **non-notified** basis given the findings of Section 6.0 of this report. This decision is made by Erin Stagg, Senior Planner, on 29 May 2017 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of this decision imposed pursuant to Section 108 of the RMA. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Erin Stagg, Senior Planner as delegate for the Council.

## 1. PROPOSAL AND SITE DESCRIPTION

Consent is sought to undertake earthworks associated within upgrading, realigning and extending an existing farm access track. The earthworks breach volume and cut height and part of the track gradient will exceed 1:6.

The lower part of the access track off Cardrona Valley Road is well formed and is not part of this application. The upper part of the track is eroded in parts and in poor condition. The track will be realigned to avoid the existing steep slopes and will be extended further west into the upper slopes of the site. The track would be 3.5m wide and is for farm purposes.

The applicant has provided a detailed description of the proposal and the site and locality in Section(s) 1.0 – 1.3 of the report entitled 'Mt Cardrona Station Ltd Earthworks', prepared by Nick Geddes of Clark Fortune McDonald Associates, and submitted as part of the application (hereon referred to as the applicant's AEE and attached as Appendix 2). This description is considered accurate and is adopted for the purpose of this report with the following additions:

- The site is identified on Council's hazard maps as being subject to landslide areas and alluvial fans.
- The track passes near an ephemeral stream in a gully.
- The site is not considered an archaeological site but the Accidental Discovery Protocol should be applied in case something is found (confirmed by Dr Matthew Schmidt from Heritage New Zealand).
- The original track location was amended to avoid crossing the stream and to avoid an area of wetland, resulting in a steeper gradient (up to 1:5.5) and additional volume of earthworks than originally proposed.

### *Relevant Site History*

Resource consent RM060973 was granted on 28 February 2007 and granted a time extension on 21 December 2010 for earthworks, reservoir and treatment plant. The lower part of the access track (that is not proposed to be upgraded) passes by these buildings ('tank farm').

Resource consents RM060995 and RM100494 were approved for boundary adjustments.

Resource consent RM110660 was granted on 15 March 2012 for a subdivision to create nine bulk titles associated with the adjacent Mt Cardrona Special Zone.

A number of instruments are registered on the title for the subject property, none of which are relevant to the application.

## 2. ACTIVITY STATUS

### 2.1 THE DISTRICT PLAN

#### OPERATIVE DISTRICT PLAN

The subject site is zoned Rural General and the proposed activity requires resource consent for the following reasons:

- A **restricted discretionary** activity pursuant to Rule 22.3.2.3 (a) as the proposal breaches site standard 22.3.3 i in regard to the maximum volume of earthworks of 1000m<sup>3</sup>. A total volume of 3,745m<sup>3</sup> is proposed.
- A **restricted discretionary** activity pursuant to Rule 22.3.2.3 (a) as the proposal breaches site standard 22.3.3 ii in regard to no track having an upslope cut or batter greater than 1m in height. It is proposed to exceed 1m in parts of the track. Council's discretion is restricted to:
  - (i) The nature and scale of the earthworks
  - (ii) Environmental protection measures
  - (iii) Remedial works and revegetation
  - (iv) The effects on landscape and visual amenity values

- (v) The effects on land stability and flooding
- (vi) The effects on water bodies
- (vii) The effects on cultural and archaeological sites
- (viii) Noise.

- A **restricted discretionary** activity pursuant to Rule 14.2.2.3 ii as the proposed development breaches Site Standard 14.2.4.2 iii (a) in regard to maximum gradient for any private way used for vehicle access shall be 1 in 6. The access track will have sections that will be 1 in 5.5. The Council has restricted its discretion to this matter.

Overall, the application is considered to be a **restricted discretionary** activity.

## PROPOSED DISTRICT PLAN

Council notified the Proposed District Plan on 26 August 2015. There are no rules with immediate legal effect that apply to this proposal.

## 2.2 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

Based on the applicant's review of Council records, the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

## 3. SECTION 95A NOTIFICATION

The applicant has not requested public notification of the application (s95A(2)(b)).

No rule or national environmental standard requires or precludes public notification of the application (s95A(2)(c)).

The consent authority is not deciding to publicly notify the application using its discretion under s95A(1) and there are no special circumstances that exist in relation to the application that would require public notification (s95A(4)).

A consent authority must publicly notify an application if it decides under s95D that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)).

An assessment in this respect follows.

## 4. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

### 4.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95D)

- A: *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- B: *The activity is a **restricted discretionary** activity, so that adverse effects which do not relate to a matter of **discretion** have been disregarded (s95D(c)).*
- C: *Trade competition and the effects of trade competition (s95D(d)).*

### 4.2 PERMITTED BASELINE (s95D(b))

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case the following earthworks are permitted in the Rural General zone:

- Up to 1000m<sup>3</sup> in volume.
- Upslope cut or batter height no greater than 1m.
- Cuts and batters no more than 65 degrees.

- Maximum fill height 2m.
- Earthworks associated with the maintenance of the existing farm track access.

The permitted baseline is relevant and will be applied to this proposal.

### **4.3 ASSESSMENT: EFFECTS ON THE ENVIRONMENT**

Taking into account sections 4.1 and 4.2 above, the following assessment determines whether the activity will have, or is likely to have, adverse effects on the environment that are more than minor.

The relevant assessment matters are found in Sections 5.4.22 (*Rural Areas*), 14.3.2iv (*Transport*) and 22.4 (*Earthworks*) of the Operative District Plan and have been taken into consideration in the assessment below.

The Assessment of Effects provided within the applicant's AEE, is considered accurate. It is therefore adopted for the purposes of this report, along with the additional summary.

#### Landscape

Council's Landscape Architect, Mr Richard Denney, has assessed the application and his report is adopted for the purposes of this report (attached as Appendix 3). Mr Denney considers that the site is within an Outstanding Natural Landscape.

Mr Denney observes that the earthworks would be visible briefing from the Cardrona Valley Road, and potentially from the Snow Farm and Cardrona Ski Field access roads, and concludes that the earthworks and track would not be prominent or distract from views, or affect the openness of the landscape, subject to re-grassing and avoiding side tipping.

The track has been realigned to avoid areas of wetland identified onsite. Mr Denney recommends that an ecological comment be sought in regard to any values associated with the wetlands. This is not considered necessary as the track no longer crosses into that area of the site and therefore is not considered to have potential adverse effects on the wetland area and associated ecological values.

Mr Denney considers that the upgraded track would support easier access to control wilding species and weeds within the property that would be a positive ecological outcome.

Overall it is considered that the earthworks will not result in adverse effects in regard to landscape and rural amenity values, or nature conservation values, that would be more than minor.

#### Earthworks

The proposed earthworks are associated with farming activities and will enhance operational efficiency including maintenance and improvement of track access.

Council's Consultant Resource Management Engineer, Mr Tim Dennis, has assessed the application and concludes that the earthworks are feasible. Mr Dennis's report is adopted for the purposes of this report (attached as Appendix 4), noting that whilst Mr Dennis refers to the crossing of an ephemeral stream, it is no longer proposed for the track to cross this watercourse. Mr Dennis provides recommended conditions of consent in regard to access to meet Council Standards. Mr Denney recommends conditions of consent in regard to re-grassing and finish of the track and reinstatement of the redundant track to a natural slope, to avoid a 'double line' on the landscape.

The applicant accepts these conditions.

Overall it is considered that the earthworks will not result in adverse effects in regard to nature and scale, environmental protection measures, land stability and flooding, and water bodies, that would be more than minor.

### Natural hazards

The site is identified on Council's hazard maps as being subject to catchment gully erosion, areas of fine grained soils susceptible to sliding, and alluvial fan – regional scale. Mr Dennis considers that gully erosion is relevant, and is satisfied that the proposed track is unlikely to lead to an increased risk of gully erosion, that the track is unlikely to be at risk from regional instability, and that the works are unlikely to result in instability within the site.

Overall, effects relating to natural hazards will be less than minor.

### Access gradient

The track will be formed with some sections at a gradient of 1:5.5. Mr Dennis considers that the breach of gradient is acceptable for a farm track.

Overall, effects relating to gradient will be less than minor.

## **4.4 DECISION: EFFECTS ON THE ENVIRONMENT (s95A(2))**

Overall the proposed activity is not likely to have adverse effects on the environment that are more than minor.

## **5.0 EFFECTS ON PERSONS**

Section 95B(1) requires a decision whether there are any affected persons (under s95E) in relation to the activity. Section 95E requires that a person is an affected person if the adverse effects of the activity on the person are minor or more than minor (but not less than minor).

### **5.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95E)**

*A: The activity is a **restricted discretionary** activity, so that adverse effects which do not relate to a matter of **discretion** have been disregarded (s95E(2)(b)).*

### **5.2 PERMITTED BASELINE (s95E(2)(a))**

The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect. In this case the permitted baseline is found within section 4.2 above.

### **5.3 ASSESSMENT: EFFECTS ON PERSONS**

Taking into account sections 5.1 and 5.2 above, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

The proposed track will be partially visible from the Cardrona Valley Road and ski field access roads, but would be viewed in the context of a working farm. Conditions in regard to the finish of the works and reinstatement of the redundant track will ensure that views of the wider landscape will not be adversely affected. The earthworks will be temporary in nature and will not result in instability on adjacent sites. Any adverse effects of the access gradient will be internalised within the site and the gradient is considered to be appropriate for a farm track.

Overall, effects on people will be less than minor.

### **5.4 DECISION: EFFECTS ON PERSONS (s95B(1))**

In terms of Section 95E of the RMA, no person is considered to be adversely affected.

## 6.0 OVERALL NOTIFICATION DETERMINATION

Given the decisions made above in sections 4.4 and 5.4 the application is to be processed on a non-notified basis.

## 7.0 S104 ASSESSMENT

### 7.1 EFFECTS (s104(1)(a))

Actual and potential effects on the environment have been outlined in section 4 of this report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects.

### 7.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

The relevant objectives and policies are contained within Parts 3 (*District Wide*), 5 (*Rural Areas*), 14 (*Transport*) and 22 (*Earthworks*) of the Operative District Plan.

The assessment provided at section 3.0 of the applicant's AEE, is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report, with the following additions.

The gradient breach is considered to be minor in scale and will be consistent with Objective 2 (Safety and Accessibility) and relevant policies within Part 14.

The proposed earthworks are considered to be consistent with Objectives 1, 2, 3 and 4, and associated policies within Part 22 for avoiding adverse effects on Outstanding Natural Landscapes, ensuring earthworks do not adversely affect stability, and enabling earthworks that improve the efficiency, safety and economic viability of farming operations.

#### Proposed District Plan

Council notified the Proposed District Plan on 26th August 2015, which contains objectives and policies with immediate legal effect, pursuant to section 86A(2) of the RMA. In this case, objective 21.2.1 and policies contained in Part 12 (Rural) are relevant in regard to farming activities. It is considered given the minimal extent to which the Proposed District Plan has been exposed to testing and independent decision-making, minimal weight will be given to these provisions at this stage. Notwithstanding, it is considered the proposal would be in accordance with these objectives and policies.

### 7.3 PART 2 OF THE RMA

It is considered that the proposed activity would promote sustainable management and is in keeping with the purpose and principles of the RMA.

### 7.4 DECISION ON RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA

Consent is **granted** subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 108 of the RMA.

## 8.0 OTHER MATTERS

#### *Local Government Act 2002: Development Contributions*

This proposal is not considered a "Development" in terms of the Local Government Act 2002 as it will not generate a demand for network infrastructure and reserves and community facilities.

#### *Administrative Matters*

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or if all conditions have been met.

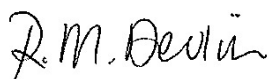
This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the Resource Management Act 1991.

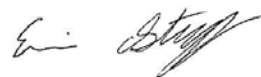
If you have any enquiries please contact Sarah Picard on phone (03) 441 0499 or email [sarah.picard@qldc.govt.nz](mailto:sarah.picard@qldc.govt.nz).

Report prepared by

Decision made by



Rosalind Devlin  
**CONSULTANT PLANNER**



Erin Stagg  
**SENIOR PLANNER**

**APPENDIX 1** – Consent Conditions

**APPENDIX 2** – Applicant's AEE

**APPENDIX 3** – Landscape Report

**APPENDIX 4** – Engineering Report

## **APPENDIX 1 – CONSENT CONDITIONS**

### **General Conditions**

1. That the development must be undertaken/carried out in accordance with the plans:
  - 'Clark Fortune McDonald & Associates: Run 3 access track option 2 @ 1 in 5.5, drawing 04a Sheet 001' dated 03.05.17

**stamped as approved on 29 May 2017**

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$145. This initial fee has been set under section 36(1) of the Act.

### **Earthworks**

#### ***General***

3. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

*Note: The current standards are available on Council's website via the following link:*  
<http://www.qldc.govt.nz/planning/resource-consents/qldc-land-development-and-subdivisioncode-of-practice/>

4. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (3), to detail the following engineering works required:
  - a) The provision of a farm track. The track shall meet the following requirements:
    - i) The gradient of the access way shall not exceed 1:5.
    - ii) The access way shall have a formed carriageway width of 3.5 metres.
    - iii) The carriageway shall have a minimum cross-fall of 4% to prevent stormwater ponding on the carriageway surface.
    - iv) Drainage swales shall be provided for stormwater disposal from the carriageway. The invert of the water channel shall be at least 200mm below the lowest portion of the subgrade.
    - v) Culverts shall be provided for stormwater drainage to ensure that overland flows are not altered as a result of the new track. Culverts shall avoid altering the site conditions of the adjacent wetland areas.



5. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council. These measures shall be implemented prior to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.

***To be monitored throughout the earthworks***

6. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
7. No earthworks, temporary or permanent, are to breach the boundaries of the site.
8. No permanent batter slope within the site shall be formed at a gradient that exceeds 1V:2H.
9. Side casting of excavated material shall be avoided on all areas not required as fill for the track formation.

***On completion of earthworks***

10. On completion of the earthworks, the consent holder shall complete the following:
  - a) The completion of all works detailed in Condition (4) above.
  - b) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.
  - c) All earthworks shall be contoured to follow the natural form and blend seamlessly into the surrounding natural landform. All areas of earthworks beyond the gravel surface of the carriageway shall be re-sown in grass consistent with the surrounding land within three months of completion of earthworks and shall be maintained to achieve a healthy and continuous sward of grass.
  - d) The unused section of the existing farm track shall be reinstated to a natural slope using excess fill to reduce the doubling up of cut tracks across the slope.

**Accidental Discovery Protocol**

11. If the consent holder:
  - a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder shall without delay:
    - (i) notify Council, Tangata whenua and Heritage New Zealand Pouhere Taonga and in the case of skeletal remains, the New Zealand Police.
    - (ii) stop work within the immediate vicinity of the discovery to allow a site inspection by the Heritage New Zealand Pouhere Taonga and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall recommence following consultation with Council, the New Zealand Pouhere Taonga, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder shall without delay:
  - (i) stop work within the immediate vicinity of the discovery or disturbance and;
  - (ii) advise Council, the Heritage New Zealand Pouhere Taonga and in the case of Maori features or materials, the Tangata whenua and if required, shall make an application for an Archaeological Authority pursuant to the New Zealand Pouhere Taonga Act 2014 and;
  - (iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may only recommence following consultation with Council.

#### **For Your Information**

If your decision requires monitoring, we will be sending an invoice in due course for the deposit referred to in your consent condition. To assist with compliance of your resource consent and to avoid your monitoring deposit being used before your development starts, please complete the "[Notice of Works Starting Form](#)" and email to the Monitoring Planner at [RCMonitoring@qldc.govt.nz](mailto:RCMonitoring@qldc.govt.nz) prior to works commencing.

You may also have conditions that require you to apply for Engineering Acceptance. To apply for Engineering Acceptance, please complete the [Engineering Approval Application form](#) and submit this completed form and an electronic set of documents to [engineeringapprovals@qldc.govt.nz](mailto:engineeringapprovals@qldc.govt.nz) with our monitoring planner added to the email at [RCMonitoring@qldc.govt.nz](mailto:RCMonitoring@qldc.govt.nz).

If your decision requires a development contribution (DC) charge, we will be sending a notice in due course. To answer questions such as what is a DC charge, when a DC charge is triggered and timing of payments, please refer to this link. <http://www.qldc.govt.nz/planning/development-contributions/> If you wish to make a DC estimate calculation yourself, please use this link: <http://www.qldc.govt.nz/planning/development-contributions/development-contributions-estimate-calculator/> And for full details on current and past policies, please use this link: <http://www.qldc.govt.nz/council-online/council-documents/policies/policy-on-development-contributions-and-financial-contributions/>

**APPENDIX 2 – APPLICANT’S AEE**

## **ATTACHMENT [A]**

### **Information & Assessment of Environmental Effects**

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***Mt Cardrona Station Ltd***

***Earthworks***



**November 2016**

**Prepared by:** Nick Geddes

**CLARK FORTUNE MCDONALD & ASSOCIATES**  
REGISTERED LAND SURVEYORS, LAND DEVELOPMENT & PLANNING CONSULTANTS

## 1.0 A DETAILED DESCRIPTION OF THE PROPOSAL:

### 1.1 Site Description

The subject site is a hillside farm block which extends from the west of the Cardrona Village to the ski field road as pictured below: The site is currently in pasture land which is significantly degraded by rabbits and is used for grazing purposes.

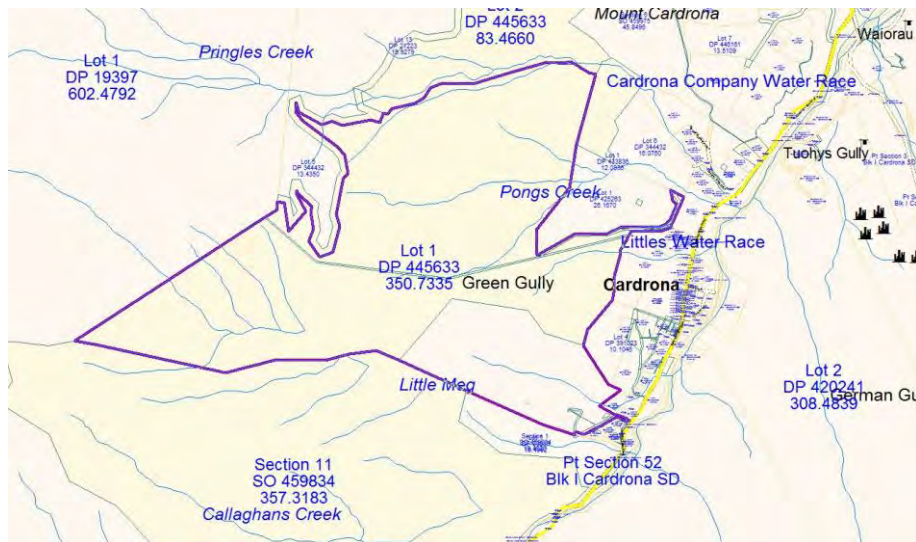


Figure 1: Quick Map, Subject Site

The site is contained in one certificate of title being Lot 1 DP 445633 comprising of 364.1685ha. The certificate of title is contained in Attachment [B] to this application.



Figure 2: QLDC GIS, Existing Track

A site location plan is contained in Attachment [C] to this application.

### 1.3 The Proposal

The proposal is to upgrade, realign and extend the existing farm track that runs through the site from Cardrona Valley Road. The track is currently degraded and unsafe and requires a consent for the degree of earthworks required to bring this up to a suitable standard. The nature and location of the proposed works are outlined on the Proposed Track Plan contained in Attachment [D] to this application.

The top section of the existing track is positioned in places which are subject to considerable erosion during heavy rain events resulting in a considerable maintenance burden on the land owner requiring machinery to regularly work on the upper slopes of the hillside.

The current application seeks consent to realign the track to a gradient which promotes better access and a location which is less susceptible to erosion processes. This will result in less ongoing maintenance of the track being required.

The lower section of the track provides access to a 'tank farm'. This section of track has been appropriately located and requires only superficial works to ensure working drainage channels and swales are installed .

### 1.4 Statutory Provisions

#### 1.4.1 Operative Queenstown Lakes District Council District Plan

##### Earthworks – Permitted Activities [22.3.2.1]

- (b) The following earthworks activities are exempt from Rule 22.3.3(i) Volume of Earthworks and Rule 22.3.3(ii) Height of cut and fill and slope:
  - (i) Earthworks associated with the maintenance of farm track access, fencing, firebreaks and public recreational tracks.

The proposed works are to upgrade and re-locate the existing track. The proposed final location of the track is shown in the Plan contained in Attachment [D]. Where work is undertaken on the existing track this is considered to be "*earthworks associated with the maintenance of farm track access*". This volume of earthworks is permitted by the Rules of the Plan (600m<sup>3</sup>) and has been removed from the total specified below for which consent is now sought.

The subject site is located within the Rural General Zone of the Operative District Plan. The site contains no known protected items or areas of significant vegetation. The proposal requires consent for the following reasons:

- Pursuant to Site Standard 22.3.3(i) the maximum volume of earthworks in the Rural General Zone is 1000m<sup>3</sup>. The proposal includes a total volume of 2402m<sup>3</sup>.
- Pursuant to Site Standard 22.3.3(ii)(a)(i), no track shall have an upslope cut or batter greater than 1 metre in height. The proposal includes an upslope cut in places which exceeds 1m.
- Pursuant to Site Standard 22.3.3(ii) (a)(iii), the maximum height of any fill shall not exceed 2 metres. The proposal includes fill areas which exceed 2 metres in height.

Overall, the application is a **restricted discretionary** activity.

#### 1.4.2 Proposed Queenstown Lakes District Council District Plan

The subject site is located within the Rural General Zone of the Proposed District Plan and contains no known protected items or areas of significant vegetation. Submissions on the earthworks ?? section of the Proposed Plan closed on the 23<sup>rd</sup> of October and are currently being heard. Therefore, it is considered unnecessary to undertake a weighting exercise.

#### 1.4.3 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2012.

While the proposal includes a volume of earthworks in excess of 25m<sup>3</sup> it does not include a change of use nor seek to establish any residential activity on the subject site.

### **1.5 Classes of activities**

A number of instruments are registered on the title for the subject property and these are contained in Attachment [B] and summarised as follows:

Land Covenant, 8079074.1: Relates to a number of non-objection clauses.

Land Covenant, 8079074.2: Relates to a number of non-objection clauses.

Consent Notice, 8100093.3: Contains consent notice restrictions which relate *“the time a dwelling is erected”*, water supply, occupancy of accommodation, building design controls, planting requirements and fencing.

Land Covenant 8100093.8: Relates to a number of non-objection clauses.

Consent Notice, 8574798.6: Contains consent notice restrictions which relate *“the time a dwelling is erected”*, no further subdivision, occupancy of accommodation, landscaping, hazard identification and archaeological awareness.

Land Covenant 8920006.4; Relates to a non-objection clause and vesting of roads.

Land Covenant 8920006.10; Relates to building works only.

Land Covenant 9244805.2; Relates to a non-objection clauses pertaining to subdivision, land transfer and water scheme agreements.

Land Covenant 5246992.7; Relates to water scheme agreements.

Land Covenant 8920006.5; Relates to a non-objection clause and vesting of roads.

Land Covenant 9244805.2; Relates to water scheme agreements.

In summary, nothing in this application effects nor necessitates any change to any instruments listed above.

## **2.0 ASSESSMENT OF THE ACTIVITY'S EFFECTS ON THE ENVIRONMENT**

### **2.1 If it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:**

It is considered that the proposal will not result in any significant adverse effect on the environment and the location proposed is considered appropriate.

### **2.2 An assessment of the actual or potential effect on the environment of the activity:**

#### **2.2.1 Permitted Baseline**

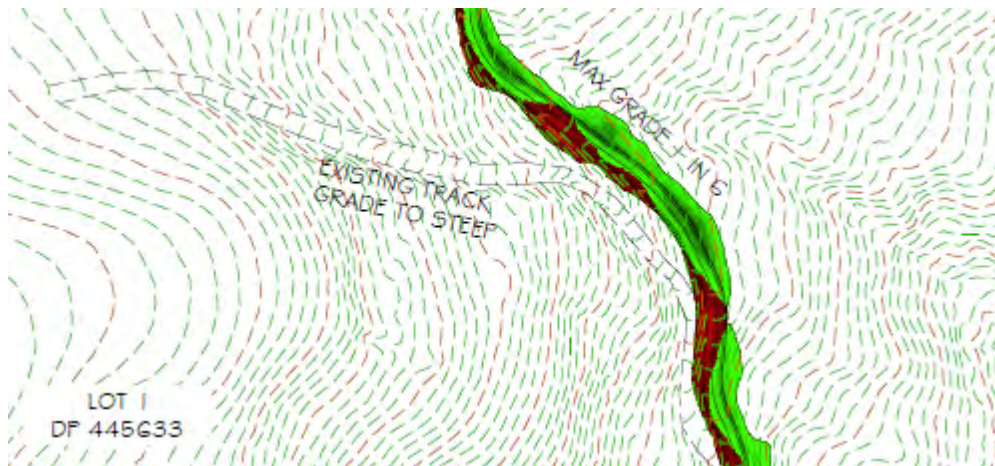
Section 104 of the Resource Management Act 1991 provides that a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect. A number of activities are permitted on the site and therefore form part of the permitted baseline for the site:

- Earthworks up to 300m<sup>3</sup> over 1000m<sup>2</sup> every 12 months.
- Fencing where fences are less than 2m in height.
- Planting, subject to limitations related to area, proximity to roads or other boundaries and wilding species.
- Farming is a permitted activity. Accepted farming practices can reasonably include: Ploughing, drilling, topdressing, hay baling, fencing and the construction of stock yards. All of these often require the use of heavy machinery and at times for prolonged periods.
- Routine repair and maintenance of operational tracks often undertaken by heavy machinery and/or hydraulic excavator.
- Mineral exploration (mining) is a controlled activity. Exploration by drilling is often undertaken by heavy machinery and/or hydraulic excavator.



- Clearance of exotic plants.
- Clearance of indigenous vegetation subject to limitations on scale and proximity to other indigenous vegetation.

As identified in Part 1.4.1 above the works associated with maintenance of the existing track have been removed from the total volume applied for under this consent application.



**Figure 3: Existing track to step over escarpment edge.**

The existing farm track traverses over the edge of the hillside escarpment in a position which makes it clearly legible from public places including Cardrona Valley Road as pictured in the photograph set contained in Attachment [E].

### 2.2.2 Any physical effect on the locality, including any landscape and visual effects

The proposed track alignment has been primarily chosen to facilitate a better track gradient, more effective drainage and less overall maintenance. A secondary virtue of the relocated track is it is considered to be positioned where it is less visible from public places.

The proposed track will be less visible than the existing due to its relocation onto a slope with a more relaxed gradient reducing cut faces and batter slopes on both sides of the track and providing a finished surface which will support a vegetation cover.

A suite of conditions are offered as part of the application and these are contained in Attachment [F]. This includes a condition to secure vegetation cover on exposed surfaces following the completion of works. The applicant has agreed to extend grass seeding to the works which could otherwise be undertaken as-of-right and are not part of the current application.

It must be accepted that the existing track could be continually maintained in its current location which would likely result in the continuation of the existing scar. Therefore, the adverse effect associated with the existing track in this location must be attributed to an activity which is permitted in the zone.

Add a sentence in here about a small portion of the rack going over a bank which may be able to be seen from the Cardraon Valley Road, but given the existing appearance of the track in this location the small additional area that will be visible is considered to have a negligible effect on the overall visual quality of the area which is farmed.

Based upon the above, any adverse effects of the proposal above or beyond that of permitted development in terms of landscape or visual amenity are considered to be de minimis.

### 2.2.3 Any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:

#### *Traffic Generation: Construction*

The proposed works will be undertaken by a hydraulic digger. Any adverse effects associated with the construction of the proposed track must be equal in magnitude to those associated with the permitted activity of maintaining the existing track with the exception of an extended timeframe for the works to be completed which would not otherwise be reasonably anticipated in the maintenance works programme.

The proposed works period is anticipated to extend no longer than four weeks where two weeks of this is associated with maintenance works.

Based upon the above, any adverse effects from the proposal in terms of additional vehicle movements to and from the site is considered to be nil to negligible.

Notwithstanding the above, a condition appears in Attachment [F] which restricts works within normal working hours along with the reinstatement of any damage to road surfaces and removal of any material that may be deposited onto any road surface.

#### *Dust*

Any adverse effects in terms of dust nuisance must be equal in magnitude to those associated with the permitted activity of maintaining the existing track with the exception of an extended timeframe for the works to be completed. However, it is not fanciful to consider that a farm activity could occur on this site which generates the same (or greater) dust nuisance for a period of time which far exceeds the proposed four week timeframe to construct the proposed track. As such, any adverse effects associated with dust nuisance are considered to be de minimis.

#### *Noise*

The proposed excavation period for works is 4 weeks in duration and the hours of work have been restricted as set out in a condition of consent contained in Attachment [F].

Any adverse effects in terms of acoustic nuisance must be equal in magnitude to those associated with the permitted activity of maintaining the existing track with the exception of an extended timeframe for the works to be completed which results in additional acoustic nuisance.

It is not fanciful to consider that a farm activity could occur on this site which generates the same (or greater) acoustic nuisance for an period of time which far exceeds the proposed four week timeframe to construct the proposed track. As such, any adverse effects associated with acoustic nuisance are considered to be de minimis.

#### *Vibration*

The proposed earthworks will not result in any adverse effects on any adjoining properties in terms of vibration. It is noted that the proposed works do not include any blasting of rock.

#### 2.2.4 Any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:

No significant or unique ecosystems have been identified within the proposed works area on the site.

#### 2.2.5 Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:

The proposed works area is not recognised as containing any significant natural or physical resources.

#### 2.2.6 Any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:

The proposal does not include the discharge of contaminants.

#### 2.2.7 Any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations:

Due to the nature and location of the proposed works in relation to adjoining properties it is considered that there is little or no risk to the neighbourhood, the wider community, or the environment through natural hazards.

The proposed activity does not include the use of hazardous substances or installations.

#### **2.3 If the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use:**

Refer to Part 2.2.7 above.

#### **2.4 If the activity includes the discharge of any contaminant, a description of—**

- (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
- (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:

Refer to Part 2.2.6 above.

**2.5 A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:**

A number of conditions are contained in Attachment [F].

**2.6 Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted:**

No persons are considered affected by the activity.

**2.7 If the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved:**

No monitoring above or beyond standard consent conditions is considered necessary.

**2.8 If the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).**

The proposed activity will not have any adverse effect on the exercise of a protected customary right.

**3.0 DISTRICT PLAN: OBJECTIVES AND POLICIES ASSESSMENT**

**3.1 District Wide - Objectives and Policies - Natural Environment**

**3.1.1 Objective 1 - Nature Conservation Values**

The subject site is a pastoral block. The area over which the proposed track is intended to be located is not considered to contain a high level of natural character. As such, the proposal is not considered to be inconsistent with Objective 1 and any associated policies.

### 3.1.2 Objective 2 – Air Quality

*“Maintenance and improvement of air quality.”*

**Policies:**

- 2.1 To ensure that land uses in both rural and urban areas are undertaken in a way which does not cause noxious, dangerous, offensive or objectionable emissions to air.

The proposal does not include any land uses that will result in noxious, dangerous, offensive or objectionable emissions to air.

### **3.2 District Wide - Objectives and Policies - Landscape and Visual Amenity**

Landscape and visual amenity has been discussed in Part 2.2.2 above where it is considered that any adverse effects in this regard will be de minimis.

### **3.3 District Wide - Objectives and Policies: Tangata Whenua, Open Space and Recreation, Energy, Surface of Lakes and Rivers, Solid and Hazardous Waste Management**

Objectives and Policies under this section have been assessed and are not considered to be relevant due to the nature of the proposal.

### **3.4 District Wide - Objectives and Policies: Natural Hazards**

The subject site is not recognized as being susceptible to any natural hazards and the proposed activity does not include the use of hazardous substances or installations.

### **3.5 District Wide - Objectives and Policies: Urban Growth, Affordable and Community Housing, Earthworks, Monitoring Review and Enforcement.**

Objectives and Policies under this section have been assessed and are not considered to be relevant due to the nature of the proposal.

### **3.6 Rural General and Ski Area Sub-Zone - Objectives and Policies**

#### 3.6.1 Objective 1 - Character and Landscape Value

Landscape and visual amenity has been discussed in Part 2.2.2 above where it is considered that any adverse effects in this regard will be de minimis.

#### 3.6.2 Objective 2 - Life Supporting Capacity of Soils

*“Retention of the life supporting capacity of soils and/or vegetation in the rural area so that they are safeguarded to meet the reasonably foreseeable needs of future generations.”*

**Policies:**

- 2.1 Avoid, remedy or mitigate adverse effects of subdivision and development on the life supporting capacity of the soils.
- 2.2 Enable a range of activities to utilise the range of soil types and microclimates.
- 2.3 Encourage the long-term retention of the capabilities of the District's soils through research and dissemination of relevant information to the community.
- 2.4 Encourage land management practices and activities, which avoid, remedy or mitigate adverse effects on soil and vegetation cover.
- 2.5 Encourage land users to monitor the condition of vegetation on their land by providing information and assistance, where practicable.

The proposal is considered to be consistent with policies 2.1-2.5 above for the following reasons:

- The proposal results in a very limited portion of the site being used for vehicle access.
- Due to the size of the proposed works area it is not considered to represent a unique rural resource which if lost would damage the inventory of the District's soils.
- The proposal promotes the continued use of the remainder of site for a rural use.

### 3.6.3 Objective 3 - Rural Amenity

Due to the scale and nature of the proposal it is considered that there will be no loss of rural amenity.

### 3.6.4 Objective 4 - Life Supporting Capacity of Water

*“To safeguard the life supporting capacity of water through the integrated management of the effects of activities”*

**Policies**

- 4.1 In conjunction with the Otago Regional Council:
  - To encourage activities, which use water efficiently, thereby conserving water quality and quantity.
  - To discourage activities, which adversely affect the life supporting capacity of water and associated ecosystems.
- 4.2 To encourage buildings, earthworks and landscaping to be located or carried out a sufficient distance from irrigation infrastructure.
- 4.3 To encourage the piping and filling of existing open channel irrigation races where there is potential for buildings, earthworks or landscaping to interfere with the irrigation infrastructure.

Due to the scale and nature of the proposal it is considered that there will be no impact upon the life supporting capacity of water.

### 3.6.5 Other Objectives and Policies:

Objective 5 - Mineral Extraction

Objective 6 -Ski Area Sub-Zone

Objective 7 - Buffer Land for Airports

Objective 8 – Building Line Restriction Area

Objectives and Policies referenced under 5-8 above have been assessed and are not considered relevant due to the nature and scale of the proposal and the subject site.

## **3.8 Proposed Queenstown Lakes District Council District Plan**

Relevant Objectives and Policies of the Proposed District Plan are contained within Attachment [G] to this application. Submissions towards the Proposed District Plan close on the 23<sup>rd</sup> of October and it is considered unnecessary to undertake a weighting exercise. While assessment cannot be made under the Proposed District Plan consideration of the Proposed District Plan can be made with a view to the direction Council policy makers intend for the Proposed Zone.

The Objectives and Policies of the Proposed District Plan are considered to be largely consistent with those contained in the Operative District Plan in relation to the proposed development.

## **4.0 OPERATIVE DISTRICT PLAN: RULES AND ASSESSMENT CRITERIA**

### **4.1 Earthworks (Part 22.4)**

#### (i) Nature and scale of the Earthworks

- (a) *Whether the earthworks are a necessary part of subdivision, development or access construction and the extent to which the subdivision engineering works, building or finished project will remedy the effects of the earthworks.*
- (b) *Whether the design of the finished earthworks is sympathetic to natural topography, provides safe and stable building platforms and access with suitable gradient.*
- (c) *Whether the earthworks will be completed within a short period, reducing the duration of any adverse effects.*
- (d) *Whether the mitigation measures proposed, reflect the level of environmental effects from the project.*

The proposal is considered to be consistent with the criteria (a) – (d) above for the following reasons:

- Any physical effect on the locality, including any landscape and visual effects have been considered in Part 2.2.2 of this application where any physical effect on the locality, including any landscape and visual effects would be de minimis.
- Mitigation measures and a number of conditions of consent have been provided to ensure that any adverse effects from the proposed earthworks will be minimal. A reduction in the construction timeframes results in an increase in construction intensity which does not automatically suggest a reduction in adverse effects.
- A number of conditions of consent require remedial works (grassing) to the existing earthworks which is considered to ensure that any adverse effects in terms of landscape and visual amenity will be de minimis.
- The proposed earthworks period required is considered equal to a temporary activity. As such, this is considered to ensure that there will be no lasting adverse effects and any adverse effects during the works period will be de minimis.

In addition, in the Rural General Zone, Rural Visitor Zone and Gibbston Character Zone:

- (e) Whether the proposed earthworks are associated with farming activities and will enhance operational efficiency including maintenance and improvement of track access and fencing.
- (f) Whether the earthworks are to create a fire break and whether the area is identified on the Natural Hazards Register as a high fire risk.
- (g) Whether the earthworks are associated with public recreation trails that enhance recreational opportunities and access.

The proposed works are earthworks associated with farming activities. The operational efficiency of the farming activity on the site is increased by virtue of a reduction in maintenance of the track and more reliable track access.

(ii) Environmental Protection Measures

- (a) *Whether, and to what extent proposed sediment and erosion control techniques are adequate to ensure sediment remains on-site.*
- (b) *Whether appropriate measures to control dust emissions are proposed, including from associated transport on and off the site.*
- (c) *Whether the earthworks will adversely affect stormwater and overland flows, and create adverse effects off-site.*
- (d) *Hours of operation, including whether the activity will generate noise and vibration effects, which detract from the amenity values of the surrounding area.*

The proposal is considered to be consistent with the criteria (a) – (d) above for the following reasons:

- No active overland flow paths have been identified over the area of proposed works and the proposal will have not exacerbate the movement of material.



- The applicant is aware of obligations to contain material and restrict any sediment movement from the subject site. A suite of conditions are offered in Attachment [F] which ensure that all sediment remains on the subject site. With the mitigation measures required by conditions of consent any adverse effects from the proposal in terms of sediment runoff from the site will be de minimis.
- The applicant will implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the applicant shall take immediate action to clean the roads. A number of conditions appear in the suite of conditions contained in Attachment [F] to this application.
- Works will be no longer than four weeks. Conditions of consent ensure that works occur during the working day.
- No blasting is required and the breaking of rock is not anticipated.
- The site is zoned Rural General where it is permitted to undertake a range of agriculturally based activities. These activities often involve the use of hydraulic machinery for prolonged periods with effects of noise, vibration and dust emission. It is noted that the District Plan does not restrict the duration or frequency of these activities in the Zone.

(iii) Remedial works and re-vegetation

- (a) *The proposed rehabilitation of the site and to what extent re-vegetation will mitigate any adverse effects.*
- (b) *The timeframes proposed for remedial works and re-vegetation.*
- (c) *The effectiveness of the remedial works and re-vegetation taking into account the altitude and the alpine environment.*

The proposal is considered to be consistent with the criteria (a) – (c) above for the following reasons:

- Re-vegetation will commence immediately on the existing earthworked areas that will not be used for vehicle passage.
- Proposed earthworks requires surfacing suitable for vehicles while swale areas will be re-vegetated.

(iii) Effects on rural landscape and visual amenity values, including on Outstanding Natural Features and Outstanding Natural Landscapes.

- (a) *Whether, and to what extent, the scale and location of any cut and fill will adversely affect:*
  - (i) *The visual quality and amenity values of the landscape;*
  - (ii) *The natural landform of any ridgeline or visually prominent area;*
  - (iii) *The visual amenity values of surrounding sites.*
- (b) *Whether the earthworks will take into account the sensitivity of the landscape.*

- (c) *The potential for cumulative effects on the natural landform of the existing landscape.*
- (d) *Whether and to what extent the earthworks create an area that is consistent with the character of the surrounding landscape.*
- (e) *Whether the location and/or design of any new tracking can be modified in order to decrease the effects on stability, visual quality and amenity values of the landscape.*

The proposal is considered to be consistent with the criteria (a) – (e) above for the following reasons listed within Part 2.2.2 of this application.

(v) Land Stability and Flooding

- (a) *Where earthworks are proposed on a site with a gradient >18.5 degrees (1 in 3), whether a geotechnical report has been supplied to assess the stability of the earthworks.*
- (b) *Whether the earthworks will adversely affect the stability of neighbouring sites.*
- (c) *Whether cut, fill and retaining are done in accordance with engineering standards.*
- (d) *Whether the earthworks will change surface drainage, and whether the adjoining land will be at a higher risk of inundation, or a raised water table.*
- (e) *Whether and to what extent earthworks are necessary in order to undertake flood protection works recognising the long-term benefits of effective flood mitigation measures on the surrounding environment.*

The proposal is considered to be consistent with the criteria (a) – (e) above for the following reasons:

- Exposed excavation faces will be limited, battered and grassed where possible.
- Active overland flow paths have not been identified within areas of proposed earthworks.
- No works are considered necessary towards flood protection.
- The existing and proposed works are located on the site where they will not result in adjoining land being at a higher risk of inundation, or raised water table.
- Due to the scale and nature of the proposed works no retaining is required.

(vi) Water bodies

- (a) *The effectiveness of sediment control techniques.*
- (b) *Whether any groundwater is likely to be affected, and if any mitigation measures are proposed address likely effects.*
- (c) *The effects of earthworks on the natural character of wetlands, lakes and rivers and their margins.*

The proposal is considered to be consistent with the criteria (a) – (c) above for the following reasons:

- There is no water body within the proposed works area.
- Groundwater will be appropriately directed in trackside swales.

(vii) Impacts on Sites of Cultural Heritage Value:

- (a) *The extent to which the activity modifies or damages waahi tapu or waahi taonga, and whether tangata whenua have been notified.*
- (b) *The extent to which the activity affects Ngai Tahu's cultural, spiritual, historic and traditional association with a Statutory Acknowledgment Area having regard to the relevant provisions of the Kai Tahu ki Otago and Te Ao Marama Incorporated Natural Resource Management Plans.*
- (c) *Whether the subject land contains a recorded archaeological site, and if so the extent to which the proposal would affect any such site and whether any necessary archaeological authority has been obtained from Heritage New Zealand.*
- (d) *The extent to which earthwork activities adversely affect values within Heritage Landscapes of the District.*
- (e) *The extent to which earthwork activities have the potential adversely affect heritage buildings or structures located in close proximity to the site of the proposed earthworks and the adequacy of any avoidance or mitigation measures put forward to address such risks or effects.*

The proposal is considered to be consistent with the criteria (a) – (e) above for the following reasons:

- The subject site is not recognised as a site of any archaeological, cultural or heritage significance.

(vii) Bulk Earthworks

The proposed earthworks are not considered to constitute bulk earthworks.

(ix) Cleanfill Facilities and Cleanfill Material

The subject site is not a cleanfill facility and the proposed earthworks do not include any cleanfill.

## **6.0 RESOURCE MANAGEMENT ACT 1991: PART 2**

The proposal aligns with the Rural General Zone requirements. Future development will promote sustainable management of natural and physical resources within the site, whilst ensuring that social, economic, and cultural well-being is provided for. The proposal will avoid, remedy, and mitigate adverse effects of activities on the environment.

Overall, the proposal is in keeping with the purpose and principles of the RMA.

Prepared by **Nick Geddes**

CLARK FORTUNE MCDONALD & ASSOCIATES

**APPENDIX 3 – LANDSCAPE REPORT**

## MEMO

**FILE REF:** RM161141 Mt Cardrona Station Ltd

**TO:** Rosalind Devlin - Planner

**FROM:** Richard Denney - Landscape Architect

**DATE:** 24<sup>th</sup> May 2017

**SUBJECT:** Landscape Assessment

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1. An application has been received for landuse consent for earthworks associated with a farm track on site on the Cardrona Valley Road, Cardrona. The site is legally described as Lot 1 DP 445633 and is 364.1685 hectares. In terms of the Queenstown Lakes District Council District Plan (the District Plan) the site is zoned Rural General and within the proposed District Plan, Rural with an Outstanding Natural Landscape (ONL) classification. I understand from council's planner that the status of the activity is restricted discretionary.
2. The proposed earthworks would cover an area of 5180m<sup>2</sup> over an approximate length of 560m of existing (310m) and proposed new track (250m). Maximum cut would be up to 3m in depth and fill depth to 2m with the majority of cuts below 2m and fills below 1.5m. Maximum cut volume would be 1830m<sup>3</sup>, and fill of 1945m<sup>3</sup> over an area of 5180m<sup>2</sup>. Track width would be 3.5m. Retaining structures, barriers or concrete kerb and channelling are not proposed and it is understood the works are for a standard farm track only.
3. There are no previous consents of direct relevance to this application that I am aware of.



*Images 1 to 3 clockwise.  
Seepage/springs on slope.  
Eroded steep section of existing track.  
Wetland bog plants within site.*

*All photos taken within subject site for context and information only, 10<sup>th</sup> May 2017.*





*Image 4: Subject site and approximate location of existing track marked as viewed from Cardrona Valley Road (2402), 9<sup>th</sup> December 2016, 50m lens.*



*Image 5: Upper site as viewed from within the site, 9<sup>th</sup> December 2016.*

4. The subject site is located on eastward facing slopes on the western side of the Cardrona Valley approximately 500m southwest of the Cardrona Village boundary. The land rises on a moderate slope from the valley floor at around 600masl up to a broad natural bench at about

730masl. Above this the bench rises as part of broad spur that tapers up towards the summit ridges of Mt Cardrona 1810masl to 1936masl. The existing farm track follows the open face of the slope overlooking a cluster of rural lifestyle properties on the valley floor to the west of the Cardrona Valley Road. The track ascends the slope towards the north and enters a slight basin with a small creek that drains the slope and bench above. The upper piece of land to the north east of the existing track has a number of natural springs and scalloped shaped depressions with a finer pattern of what appears to be ephemeral watercourses and wetland areas leading into the small creek. Each scallop depression has a distinct wetland/bog community of mosses, sedges and herbaceous plants etc. The upper part of the site has no formed track and is relatively gentler terrain. A natural bog occupies the slight depression that flows from the bench and into the basin valley below. The balance of the land is open dry rough upland pastoral land with mixed exotic and indigenous grasses, scrub predominantly of scattered brier rose, exotic broom, gorse, lupin, and a few wilding pines.

5. The landscape is relatively open, with sparse scrub vegetation and boulder field across much of the slope and upper bench. The springs and seepages are a distinct natural feature on the landscape with a low rolling finer grained undulating landform. The site is clearly part of the broader landscape dominated by the dramatic natural landforms of the Cardona Valley, and naturalistic patterns of vegetation. I concur with *Proposed District Plan Map 24 – Cardrona, Albert Town* that the site is within an Outstanding Natural Landscape (ONL).

## ASSESSMENT

6. The appropriate assessment matters within the District Plan are within sections:

*5.4.2.2 Assessment Matters (2) Outstanding Natural Landscapes (District Wide)*  
*22 Earthworks*

### ***Outstanding Natural Landscapes (District Wide)***

#### *Effects on natural and pastoral character*

7. The proposed works would be visible:
  - briefly as travelling along from the Cardrona Valley Road from a distance of over 250m just south of the village,
  - potentially from the Snow Farm access road at over 2.5km distant,
  - and the Cardrona Ski Field Access Road a private road accessible to the public from a distance of over 1.5km.

The majority of the works are relatively contained within the slight basin as to have a confined viewing catchment.

8. The existing track would create a double line on the landscape that potentially would accentuate modification of the landform and it is recommended that the unused portion of the track is reinstated to natural slope using excess fill from the proposed works to minimise cut lines across the slope. Beyond this I consider the nature of the works would be consistent with the character and nature of existing farm tracks within the landscape and the existing farm track of the subject site. I consider proposed earthworks would not be visually prominent as to dominate or distract on views otherwise characterised by natural landscapes subject to standard rural earthworks controls for re-grassing and avoiding side tipping, and the above recommendation.
9. The site includes areas of natural springs and seepages supporting a biodiversity of indigenous low wetland plants that differs to the dryer open slopes adjacent. Determination of the ecological value and sensitivity of such communities I suggest should be carried out by a qualified ecologist to ensure if such values, if any, warrant further assessment or conditions to avoid or mitigate adverse effects. I do not consider a full ecological report is required at this stage rather just a comment to confirm if further assessment would be required. I recommend that the track crossing points of the waterway should be piped as to ensure the track extension does not impede water flow or alter the existing wetland environment to ensure impacts are minimised on adjacent wetland areas.

10. The proposed earthworks would have negligible adverse effects on the openness of the landscape, as the nature of the works is farm track upgrading and extension rather than the introduction of built forms etc.
11. The proposed development is for upgrading and extension of an existing farm track to access the open pastoral land. The likelihood of adverse cumulative effects, subject to the recommended conditions above I consider would be negligible. The proposed works would not cross a threshold for this landscape to absorb such development. I am not aware of any other development or potential for development such as existing consents or zoning that may lead to further degradation of natural values or inappropriate domestication of the landscape.
12. The proposed improved farm access would support easier access to control wilding species and weeds within the property that would be a positive ecological outcome. There may be potentially adverse effects on indigenous plant communities within the wetland areas but as above an ecologist should review this.
13. The proposed development would provide an opportunity to reinstate the unused part of the degraded farm track to a natural slope as recommended above.

## **22 Earthworks**

14. The proposed track works would follow the line of the existing track where required. Where it deviates from the existing track to form a new extension it would follow the slope and generally avoid the more sensitive areas with springs/seepages except for a small area near the upper part of the proposed track where it crosses over, and back over the main watercourse.
15. Proposed earthworks are understood to be for upgrading an existing farm track to provide farm vehicle access to grazing land and stock as per existing landuse.
16. Areas of exposed earth beyond the gravel track are proposed to be grassed which I consider would be adequate in this location and nature of the site, and no further mitigation planting would be required.
17. The scale and location of areas of cut and fill would accentuate modification and lines across the landscape but once re-grassed would blend into the surrounding landscape. As above I recommend the steep unused section of the track should be reinstated to a natural slope using fill from the proposed works and re-grassed to avoid multiple cut faces across the slope in association with the proposed track extension.
18. Other adverse effects on the ONL have been discussed above.


## **RECOMMENDED CONDITIONS.**

19. Should consent be granted I consider that the following conditions should be included:
  - i. All earthworks shall be contoured to follow the natural form and blend seamlessly into the surrounding natural landform. All areas of earthworks beyond the gravel surface of the carriageway shall be re-sown in grass consistent with the surrounding land within three months of completion of earthworks and shall be maintained to achieve a healthy and continuous sward of grass.
  - ii. All crossover points of the small waterway shall be sufficiently piped to not impede the existing water flow or alter the site conditions of the adjacent wetland areas.
  - iii. Side casting of excavated material shall be avoided on all areas not required as fill for the track formation.
  - iv. The unused section of the existing farm track shall be reinstated to a natural slope using excess fill to reduce the doubling up of cut tracks across the slope.



Advice note: I suggest a comment from an ecologist be obtained to determine if there are indigenous ecology values of note within areas of wetland and potential adverse effects if any from the proposed works.

Memo prepared by

Richard Denney

**LANDSCAPE ARCHITECT**

**APPENDIX 4 – ENGINEERING REPORT**



## ENGINEERING MEMO

**TO:** Rosalind Devlin

**FROM:** Tim Dennis

**DATE:** 12/12/2016

APPLICATION DETAILS	
REFERENCE	RM161141
APPLICANT	Mt Cardrona Station Ltd
APPLICATION TYPE & DESCRIPTION	Land Use consent is sought to construct a farm track
ADDRESS	2402 Cardrona Valley Road, Cardrona
ZONING	Rural General
LEGAL DESCRIPTION	Lot 1 DP 445633
SITE AREA	350ha
ACTIVITY STATUS	Restricted Discretionary

### Location



Site Visit 6/12/16

Comments		
	<b>Existing Use</b>	Farm land
	<b>Neighbours</b>	Not relevant to this assessment
	<b>Topography/Aspect</b>	The site slopes moderately down towards the Cardrona Valley Road
	<b>Water Bodies</b>	An ephemeral stream runs across the site – refer to NZTopo50 maps
	<b>Requested Areas of Comment</b>	All relevant areas

ENGINEERING			COMMENTS	Condition
EARTHWORKS	Extent	<b>Description</b>	Earthworks for the reconstruction of an existing track and formation of new tracking	
		<b>Cut /Fill Volume (m<sup>3</sup>)</b>	The Clark Fortune McDonald & Associates (CFM) 'Run 3 Access Track' earthworks plan ref 12696 dated 19.10.16 details 1,250m <sup>3</sup> of cut and 1,152m <sup>3</sup> of fill	
		<b>Total Volume (m<sup>3</sup>)</b>	Total volume from the CFM earthworks plan is 2,500m <sup>3</sup> as all cut will be placed as fill within the site	
		<b>Area Exposed (m<sup>2</sup>)</b>	The CFM plan details 5,560m <sup>2</sup>	
		<b>Max Height Cut/Fill (m)</b>	The CFM earthworks plan details cuts up to 3m and fill up to 2m.	
		<b>Prox. to Boundary</b>	None of the proposed cuts or fills breaches the height in relation to boundary ratio. I am satisfied that instability is unlikely to result from the earthworks and do not recommend any conditions in this regard	
		<b>Prox. to Water</b>	An ephemeral stream runs across the proposed new track and is clearly visible on Council aerial imagery. This is also shown on NZ Topo50 1:50,000 scale maps. Where the new track crosses the gully it will generate cuts >20m <sup>3</sup> in volume within 7m of the stream alignment. As the stream is ephemeral (a stream that flows only briefly during and following a period of rainfall in the immediate locality). I am satisfied that if the earthworks are undertaken outside periods of significant rainfall then effects on the stream are likely to be less than minor. This is in line with the Council's earthworks brochure	
	Stability	<b>Geotech assessment by</b>	None supplied. Having reviewed the site topography and CFM design plans/cuts/fill I am satisfied that instability is unlikely to result from the proposed works.	
		<b>Report reference</b>	N/A	
		<b>Rock breaking</b>	Not anticipated	
		<b>Rock blasting</b>	As above	
		<b>Preconstruction survey</b>	Not required	
		<b>Retaining</b>	None proposed	
		<b>Recommendations on cut/batter slopes</b>	Based on similar sites I recommend a maximum permanent batter angle of 1V:2H and recommend a condition in this regard. Steeper batters are very hard to permanently stabilise	X
		<b>Fill certification/specific foundation design required</b>	Not required	

		<b>Engineers supervision</b>	Not required	
		<b>Uncertified fill covenant</b>	N/A	
		<b>Schedule 2a Certificate</b>	N/A	
		<b>Clean fill only</b>		
	<b>Site Management</b>	<b>Report reference</b>	A Guide to Earthworks in the Queenstown Lakes District brochure	<b>X</b>
		<b>Specific sedimentation management</b>	The majority of the earthworks are located within well grassed farm land. The earthworks are spaced a significant distance from the site boundaries allowing sufficient reserve area to install and maintain effective controls. I am satisfied that the earthworks can be undertaken and sediment managed within the site provided the works are undertaken in accordance with A Guide to Earthworks in the Queenstown Lakes District brochure	<b>X</b>
		<b>Specific stormwater management</b>	As above	<b>X</b>
		<b>Neighbours</b>	The site is set apart from any dwellings and it is unlikely nuisance effects will arise from this project. I do not recommend any conditions in this regard.	
		<b>Traffic management</b>	No work required in any legal roads. I do not recommend a condition in this regard	
		<b>Construction crossing</b>	The existing farm track has an access that is suitable for the proposed track works. I am satisfied that a construction crossing is not required and do not recommend any conditions in this regard	
		<b>Revegetation</b>	I recommend that all earthworked areas are stabilised at completion of the earthworks. This is recommended in the consent application promoted conditions.	<b>X</b>

### Stormwater Management

The proposed new track crosses an ephemeral stream. The upstream catchment is approximately 10ha based on a measure using 1:50,000 topo maps. While the stream is typically dry (thus ephemeral) in times of significant rain the gully will convey a significant flow and the creation of a new track across this flow path will likely result in adverse effects particularly increased erosion or potential diversion along the new track. I recommend that detailed design information is supplied that allows for continuation of the flow path together with some standard long section and cross section information. Further the applicant has supported this approval instead of providing all the detail design during the consent stage. I recommend a prior to work design condition in this regard.

### Hazards

The Council's hazards layer lists the following matters of interest in relation to the site:

- Alluvial Fan - ORC Catchment Gully Erosion
- Areas of Fine Grained Soils Susceptible to Sliding
- Alluvial Fan – Regional Scale

Gully erosion is relevant and the proposed overland flow path provisions included within the design conditions recommend above address this matter. I am satisfied that the proposed track is unlikely to lead to an increased risk of gully erosion.

Soils susceptible to sliding and regional scale alluvial fan hazards highlights the physical processes that have formed the site. As the scale of the works is minor in relation to the large scale issues identified, I am satisfied that the proposed track is unlikely to be at risk from regional instability and the construction is unlikely to result in instability within the site. I do not recommend any conditions in regards hazards.

### **Recommended Conditions**

#### ***General***

1. All engineering works shall be carried out in accordance with the Queenstown Lakes District Council's policies and standards, being QLDC's Land Development and Subdivision Code of Practice adopted on 3rd June 2015 and subsequent amendments to that document up to the date of issue of any resource consent.

*Note: The current standards are available on Council's website via the following link: <http://www.qldc.govt.nz/planning/resource-consents/qldc-land-development-and-subdivision-code-of-practice/>*

#### ***To be completed prior to the commencement of any works on-site***

2. Prior to the commencement of any works on the site the consent holder shall provide to the Principal Resource Management Engineer at Council for review and certification, copies of specifications, calculations and design plans as is considered by Council to be both necessary and adequate, in accordance with Condition (1), to detail the following engineering works required:
  - a) The provision of a farm track. The track shall meet the following requirements:
    - i) The gradient of the access way shall not exceed 1:6.
    - ii) The access way shall have a formed carriageway width of 3.5 metres.
    - iii) The carriageway shall have a minimum cross-fall of 4% to prevent stormwater ponding on the carriageway surface.
    - iv) Drainage swales shall be provided for stormwater disposal from the carriageway. The invert of the water channel shall be at least 200mm below the lowest portion of the sub-grade.
    - v) Culverts shall be provided for stormwater drainage to ensure that overland flows are not altered as a result of the new track. Where the track crosses the ephemeral stream, culverts shall be adequately sized to cater to a 1% AEP storm event in the upstream catchment
3. The consent holder shall install measures to control and/or mitigate any dust, silt run-off and sedimentation that may occur, in accordance with QLDC's Land Development and Subdivision Code of Practice and 'A Guide to Earthworks in the Queenstown Lakes District' brochure, prepared by the Queenstown Lakes District Council. These measures shall be implemented **prior** to the commencement of any earthworks on site and shall remain in place for the duration of the project, until all exposed areas of earth are permanently stabilised.

#### ***To be monitored throughout the earthworks***

4. The consent holder shall implement suitable measures to prevent deposition of any debris on surrounding roads by vehicles moving to and from the site. In the event that any material is deposited on any roads, the consent holder shall take immediate action, at his/her expense, to clean the roads. The loading and stockpiling of earth and other materials shall be confined to the subject site.
5. No earthworks, temporary or permanent, are to breach the boundaries of the site
6. No permanent batter slope within the site shall be formed at a gradient that exceeds 1V:2H

***On completion of earthworks***

7. On completion of the earthworks, the consent holder shall complete the following:
- a) All earthworked and/or exposed areas shall be top-soiled and grassed/revegetated to achieve permanent stabilisation.
  - b) The completion of all works detailed in Condition (2) above.
  - c) The consent holder shall remedy any damage to all existing road surfaces and berms that result from work carried out for this consent.

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Prepared by:



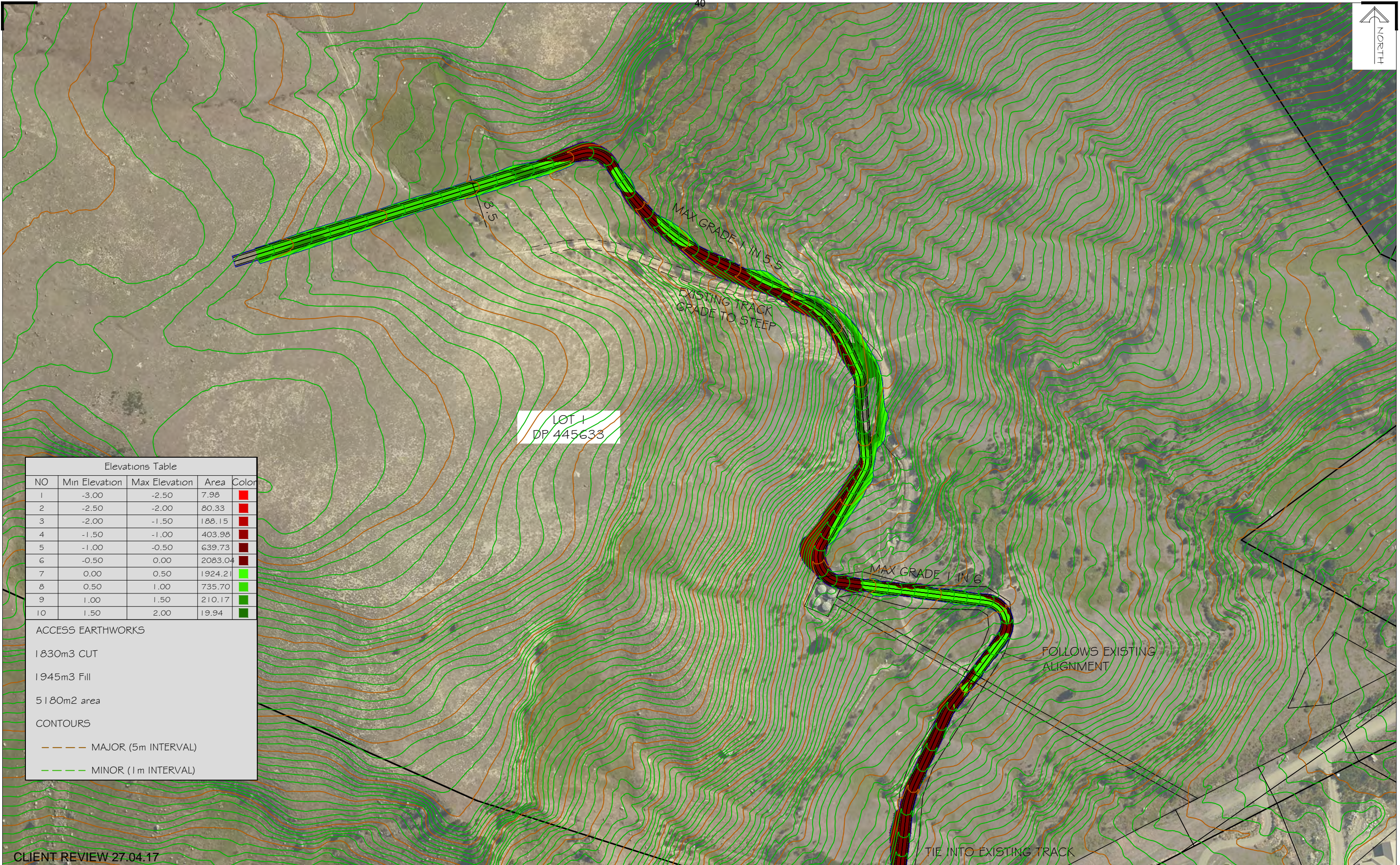
Tim Dennis  
**SOUTHERN LAND LTD**

Reviewed by:



**MANAGER - RESOURCE  
MANAGEMENT ENGINEERING**





Elevations Table				
NO	Min Elevation	Max Elevation	Area	Color
1	-3.00	-2.50	7.98	Red
2	-2.50	-2.00	80.33	Red
3	-2.00	-1.50	188.15	Red
4	-1.50	-1.00	403.98	Red
5	-1.00	-0.50	639.73	Red
6	-0.50	0.00	2083.04	Red
7	0.00	0.50	1924.21	Green
8	0.50	1.00	735.70	Green
9	1.00	1.50	210.17	Green
10	1.50	2.00	19.94	Green

ACCESS EARTHWORKS

1 830m3 CUT

1 945m3 Fill


5 180m2 area

CONTOURS

MAJOR (5m INTERVAL)

MINOR (1m INTERVAL)

CLIENT REVIEW 27.04.17



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**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN: RM161141**

**Monday, 29 May 2017**

**RUN 3 ACCESS TRACK**

**OPTION 2 @ 1 IN 5.5**

Client	MT CARDRONA STN	Surveyed	Signed	Date	Job No.	Drawing No.
					12696	04a
		Drawn	Signed	Date	Scale	Sheet 001
		RWB		19.10.16	1:750 @ A1	
		Designed	Signed	Date	Datum & Level	Rev.
					NZTM & MSL	-

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