

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under section 325 of the Act

BETWEEN

**MT CARDRONA STATION LIMITED and
CARDRONA HOLDINGS LIMITED**

(ENV-2007-CHC-000135)

Appellants

AND

**QUEENSTOWN LAKES DISTRICT
COUNCIL**

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge B P Dwyer sitting alone pursuant to section 309 of the Act.

IN CHAMBERS

CONSENT ORDER

Introduction

[1] The Court has read and considered the appeal and the memorandum of the parties dated 26 October 2007.

[2] No person has given notice of an intention to become a party under section 274.

[3] The Court is making this order under s279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

- (a) All parties to the proceedings have executed the memorandum requesting this order;
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

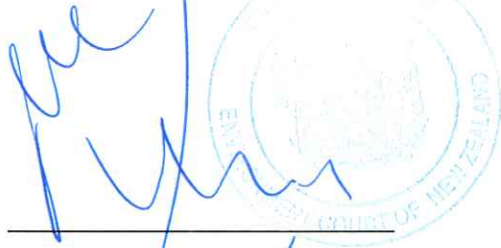
Order

[4] Therefore the Court orders, by consent, that the appeal is allowed to the extent that Cardrona Holdings Limited is to complete the works detailed in Schedule 'A', to mitigate the effects of non-compliance with the conditions of consents RM040096 and RM040097.

[5] The appeal is otherwise dismissed.

[6] There is no order as to costs.

DATED at Wellington this 8th day of November 2007



B P Dwyer

Environment Judge

Schedule 'A'

CONDITIONS and TIME TABLE OF WORKS TO BE COMPLETED BY CARDRONA HOLDINGS LIMITED

1. To be completed by 3 December 2007:
 - a. Water scour protection in the water tables by placing a geofabric in the base of the water tables then placement of stones to dissipate the energy of water flowing down the water tables along the upper section of the Track identified as Section B on the attached aerial map.
 - b. The visual extent of scour protected water tables is to be reduced by topsoiling and grassing of the outer portions to leave only 0.8 metres at the invert showing the stone lining.
 - c. The margins of the track shall be sown in grass where it exceeds 3.5m.
 - d. The brown-yellow stone used in the water tables to be overlaid with a layer of native grey stone.
 - e. Earthworks to smooth and merge the Track verges with surrounding paddocks shall be undertaken.
 - f. Excess material shall be spread onto surrounding paddocks in compliance with condition 10 of resource consents RM040096 and RM040097.
 - g. Cardrona Holdings Limited shall put in place a cash Bond or bank guaranteed Bond to the satisfaction of the Council to secure performance of the works set out in conditions 1 and 2. The bonded sum shall cover the cost of



implementing the works and shall be supported by quotes for works from a suitably qualified and experienced contractor and shall be refunded (or released as the case may be) to Cardrona Holdings Limited upon the fulfilment of conditions 1 and 2(d).

- h. An inspection of the site shall be carried out on 3 December 2007 by a Lakes Environmental Limited appointed compliance officer to confirm compliance with the above and a letter shall be provided to the Appellant and the Court confirming this.

2. To be completed by 1 June 2008:

- a. All earth-worked areas, excluding the Track surface to a width of 3.5m, shall be suitably top-soiled and fertilised and grass seed spread onto the areas (batter slopes greater than 1:3 to be hydro seeded). This shall be carried out to the satisfaction of Ms Anne Steven Landscape Architect, and the Council's Landscape Architect.
- b. Re-seeding of the earth-worked areas, excluding the Track surface to a width of 3.5m, shall be undertaken as and when deemed necessary by Ms Steven and the Council's Landscape Architect.
- c. A co-signed letter from Ms Steven and the Council's Landscape Architect shall be provided on a bi-monthly basis to the Council which confirms progress of the rehabilitation of the site including grass growth/coverage.
- d. A co-signed letter shall be provided by Ms Steven and the Council's Landscape Architect confirming the re-grassing of the site has been completed and reached a standard such that compliance with the conditions

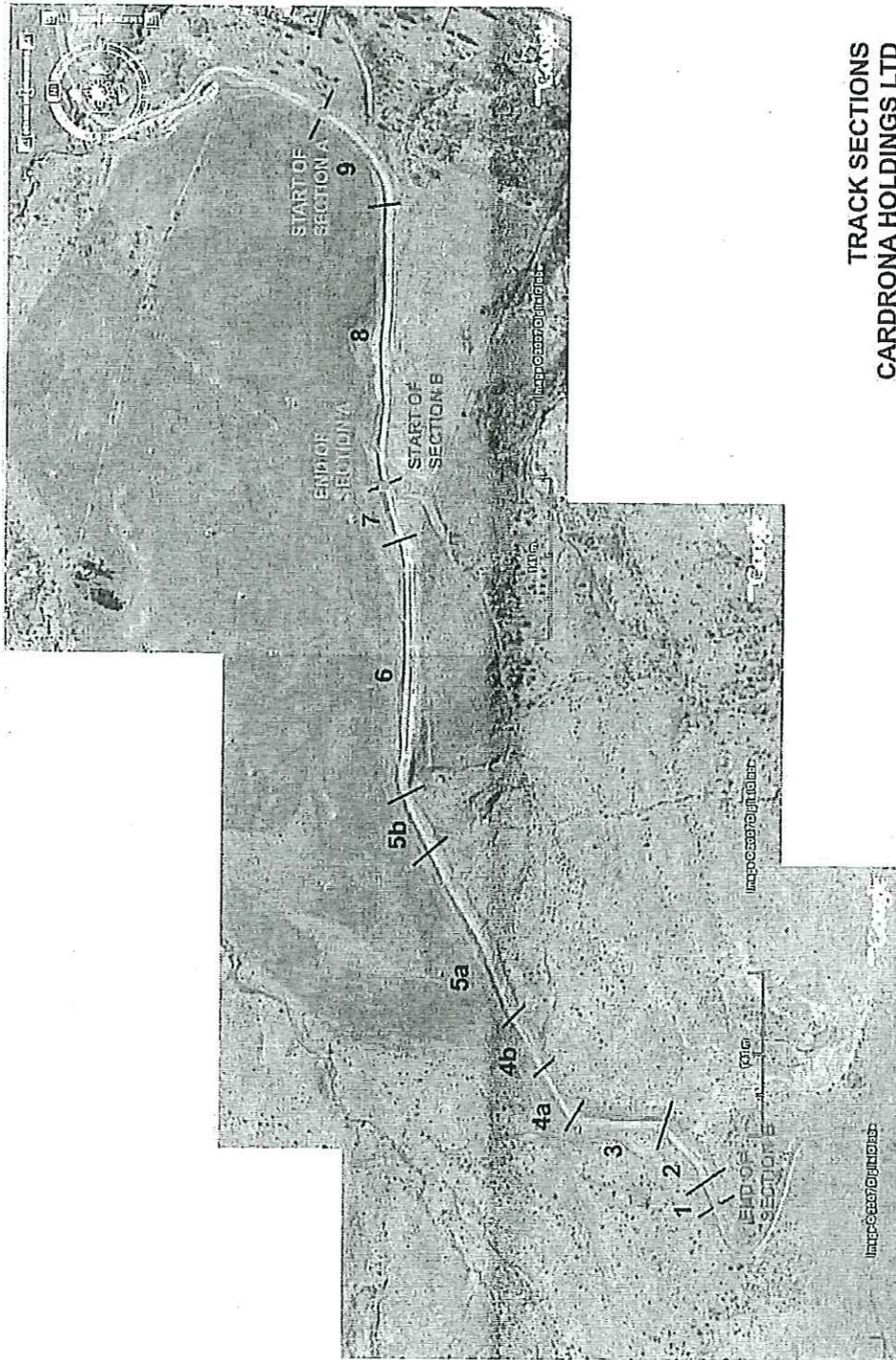


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of RM040096 and RM040097 is achieved and that no further monitoring is required.



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TRACK SECTIONS
CARDRONA HOLDINGS LTD
ENV-2007-CHC-000135



September 2007