

**APPLICATION AS NOTIFIED**

**Central Otago Queenstown Trail  
Network Trust (RM200735)**

**Submissions Close 3 December  
2020**

## FORM 12

File Number RM200735

### **QUEENSTOWN LAKES DISTRICT COUNCIL**

#### **PUBLIC NOTIFICATION**

**Notification of an application for a Resource Consent under Section 95A of the Resource Management Act 1991.**

**The Queenstown Lakes District Council has received an application for a resource consent from:**

**Central Otago Queenstown Trail Network Trust**

**What is proposed:**

Landuse consent is being sought for earthworks and to construct an underpass, retaining structures, and bridges in association with the construction, operation, and maintenance of a walking and cycling trail extending between Nevis Bluff and the Citroen Rapid on the Kawarau River.

Note: A separate notified application (RC200286) has been lodged with the Central Otago District Council for the adjoining section of the trail, which is located within the Central Otago district and extends from the Citroen Rapid to Bannockburn. The application lodged with the Central Otago District Council is available online on Central Otago District Council's website under 'Notified Consents' or at the Central Otago District Council offices. Submissions on the Central Otago District Council application RC200386 should be completed on a Form 13 and sent to Central Otago District Council by email to [resource.consents@codc.govt.nz](mailto:resource.consents@codc.govt.nz) or to PO Box 122, Alexandra.

Members of the public can make a submission on either one or both applications. Submissions on all aspects of the application will be heard together as part of a joint hearing process.

**The location in respect of which the application lodged with the Queenstown Lakes District Council (RM200735) relates is situated on:**

Private and public land between Nevis Bluff and the Citroen Rapid generally in the vicinity of State Highway 6, Victoria Flats Road, and the Kawarau River legally described as Sec 2 SO 24743, Lot 4 DP 27395, Pt Lot 3 DP 27395, Lot 8 DP 402448, Sec 32 Blk II Kawarau SD, legal road, the Bed of the Kawarau River, Crown Land Blk II Kawarau SD, Marginal strip, Pt Sec 15 SO 342162, and Sec 14 SO 342162.

**The application includes an assessment of environmental effects. This file can also be viewed at our public computers at these Council offices:**

- 74 Shotover Street, Queenstown;
- Gorge Road, Queenstown;
- and 47 Ardmore Street, Wanaka during normal office hours (8.30am to 5.00pm).

**Alternatively, you can view them on our website when the submission period commences:**

<https://www.qldc.govt.nz/services/resource-consents/notified-resource-consents#public-rc> or via our edocs website using RM200735 as the reference <https://edocs.qldc.govt.nz/Account/Login>

The Council planner processing this application on behalf of the Council is Vicki Jones, who may be contacted by phone at 03 441-1297 or email at [vicki@visionplanning.co.nz](mailto:vicki@visionplanning.co.nz)

Any person may make a submission on the application, but a person who is a trade competitor of the applicant may do so only if that person is directly affected by an effect of the activity to which the application relates that:

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

**If you wish to make a submission on this application, you may do so by sending a written submission to the consent authority no later than:**

**3 December 2020**

The submission must be dated, signed by you and must include the following information:

- a) Your name and postal address and phone number/fax number.
- b) Details of the application in respect of which you are making the submission including location.
- c) Whether you support or oppose the application.
- d) Your submission, with reasons.
- e) The decision you wish the consent authority to make.
- f) Whether you wish to be heard in support of your submission.

You may make a submission by sending a written or electronic submission to Council (details below). The submission should be in the format of Form 13. Copies of this form are available Council website:

[https://www.qldc.govt.nz/services/resource-consents/application-forms-and-fees#other\\_forms](https://www.qldc.govt.nz/services/resource-consents/application-forms-and-fees#other_forms)

You must serve a copy of your submission to the applicant (Central Otago Queenstown Trail Network Trust, C/- [tim@southernland.co.nz](mailto:tim@southernland.co.nz)) as soon as reasonably practicable after serving your submission to Council:

C/- Tim Dennis  
[tim@southernland.co.nz](mailto:tim@southernland.co.nz)  
Southern Land Ltd  
PO Box 713, Wanaka 9343

**QUEENSTOWN LAKES DISTRICT COUNCIL**



---

(signed by Katrina Ellis pursuant to a delegation given under Section 34A of the Resource Management Act 1991)

**Date of Notification: 5 November 2020**

**Address for Service for Consent Authority:**

Queenstown Lakes District Council  
Private Bag 50072, Queenstown 9348  
Gorge Road, Queenstown 9300

Phone  
Email  
Website

03 441 0499  
[rcsubmission@qldc.govt.nz](mailto:rcsubmission@qldc.govt.nz)  
[www.qldc.govt.nz](http://www.qldc.govt.nz)



APPLICATION FOR RESOURCE CONSENT OR  
FAST TRACK RESOURCE CONSENT

# FORM 9: GENERAL APPLICATION



Under Section 87AAC, 88 & 145 of the Resource Management Act 1991 (Form 9)

**PLEASE COMPLETE ALL MANDATORY FIELDS\* OF THIS FORM.**

This form provides contact information and details of your application. If your form does not provide the required information it will be returned to you to complete. Until we receive a completed form and payment of the initial fee, your application may not be accepted for processing.



## APPLICANT //

- Must be a person or legal entity (limited liability company or trust).
- Full names of all trustees required.
- The applicant name(s) will be the consent holder(s) responsible for the consent and any associated costs.

\*Applicant's Full Name / Company / Trust:

(Name Decision is to be issued in)

All trustee names (if applicable):

\*Contact name for company or trust:

\*Postal Address:

\*Post code:

\*Contact details supplied must be for the applicant and not for an agent acting on their behalf and must include a valid postal address

\*Email Address:

\*Phone Numbers: Day

Mobile:

\*The Applicant is:

☐

Owner

☐

Prospective Purchaser (of the site to which the application relates)

☐

Occupier

☐

Lessee

Other - Please Specify:



Our preferred methods of corresponding with you are by email and phone.

The decision will be sent to the Correspondence Details by email unless requested otherwise.



## CORRESPONDENCE DETAILS //

If you are acting on behalf of the applicant e.g. agent, consultant or architect please fill in your details in this section.

\*Name & Company:

\*Phone Numbers: Day

Mobile:

\*Email Address:

\*Postal Address:

\*Postcode:



## INVOICING DETAILS //

Invoices will be made out to the applicant but can be sent to another party if paying on the applicant's behalf.  
For more information regarding payment please refer to the Fees Information section of this form.

\*Please select a preference for who should receive any invoices and how they would like to receive them.

Applicant:

☐

Agent:

☐

Other - Please specify:

Email:

☐

Post:

☐

\*Attention:

\*Postal Address:

\*Post code:

\*Please provide an email AND full postal address.

\*Email:



## OWNER DETAILS // Please supply owner details for the subject site/property if not already indicated above

Owner Name:

Owner Address:

If the property has recently changed ownership please indicate on what date (approximately) AND the names of the previous owners:

Date:

Names:



## DEVELOPMENT CONTRIBUTIONS INVOICING DETAILS //

If it is assessed that your consent requires development contributions any invoices and correspondence relating to these will be sent via email. Invoices will be sent to the email address provided above unless an alternative address is provided below. Invoices will be made out to the applicant/owner but can be sent to another party if paying on the applicant's behalf.

\*Please select a preference for who should receive any invoices.

Details are the same as for invoicing

☐

Applicant:

☐

Landowner:

☐

Other, please specify:

\*Attention:

\*Email:

[Click here for further information and our estimate request form](#)



## DETAILS OF SITE // Legal description field must list legal descriptions for all sites pertaining to the application. Any fields stating 'refer AEE' will result in return of the form to be fully completed.

\*Address / Location to which this application relates:

\*Legal Description: Can be found on the Computer Freehold Register or Rates Notice – e.g Lot x DPxxx (or valuation number)

District Plan Zone(s):



## SITE VISIT REQUIREMENTS // Should a Council officer need to undertake a site visit please answer the questions below

Is there a gate or security system restricting access by council?

YES ☐ NO ☐

Is there a dog on the property?

YES ☐ NO ☐

Are there any other hazards or entry restrictions that council staff need to be aware of?

YES ☐ NO ☐

If 'yes' please provide information below



## PRE-APPLICATION MEETING OR URBAN DESIGN PANEL

Have you had a pre-application meeting with QLDC or attended the urban design panel regarding this proposal?

☐

Yes

☐

No

☐

Copy of minutes attached

If 'yes', provide the reference number and/or name of staff member involved:



## CONSENT(S) APPLIED FOR // \* Identify all consents sought

☐

Land use consent

☐

Subdivision consent

☐

Change/cancellation of consent or consent notice conditions

☐

Certificate of compliance

☐

Extension of lapse period of consent (time extension) s125

☐

Existing use certificate



## QUALIFIED FAST-TRACK APPLICATION UNDER SECTION 87AAC

☐

Controlled Activity

☐

Deemed Permitted Boundary Activity

If your consent qualifies as a fast-track application under section 87AAC, tick here to opt out of the fast track process

☐

## BRIEF DESCRIPTION OF THE PROPOSAL //

\* Please complete this section, any form stating 'refer AEE' will be returned to be completed with a description of the proposal

\*Consent is sought to:



## APPLICATION NOTIFICATION

Are you requesting public notification for the application?

☐

Yes

☐

No

Please note there is an additional fee payable for notification. Please refer to Fees schedule



## OTHER CONSENTS

Is consent required under a National Environmental Standard (NES)?

- NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2012

An applicant is required to address the NES in regard to past use of the land which could contaminate soil to a level that poses a risk to human health. Information regarding the NES is available on the website

<http://www.mfe.govt.nz/laws/standards/contaminants-in-soil/>.

You can address the NES in your application AEE OR by selecting ONE of the following:

☐

This application does not involve subdivision (excluding production land), change of use or removal of (part of) a fuel storage system. Any earthworks will meet section 8(3) of the NES (including volume not exceeding 25m<sup>3</sup> per 500m<sup>2</sup>). Therefore the NES does not apply.

☐

I have undertaken a comprehensive review of District and Regional Council records and I have found no record suggesting an activity on the HAIL has taken place on the piece of land which is subject to this application.

NOTE: depending on the scale and nature of your proposal you may be required to provide details of the records reviewed and the details found.



## OTHER CONSENTS // CONTINUED

☐

I have included a Preliminary Site Investigation undertaken by a suitably qualified person.

☐

An activity listed on the HAIL has more likely than not taken place on the piece of land which is subject to this application. I have addressed the NES requirements in the Assessment of Environmental Effects.

☒ Any other National Environmental Standard

☐

Yes

☐

N/A

Are any additional consent(s) required that have been applied for separately?

☒ Otago Regional Council

Consents required from the Regional Council (note if have/have not been applied for):

☐

Yes

☐

N/A



## INFORMATION REQUIRED TO BE SUBMITTED //

Attach to this form any information required (see below & appendices 1-2).

To be accepted for processing, your application should include the following:

☐

Computer Freehold Register for the property (no more than 3 months old) and copies of any consent notices and covenants  
(Can be obtained from Land Information NZ at <https://www.linz.govt.nz/>).

☐

A plan or map showing the locality of the site, topographical features, buildings etc.

☐

A site plan at a convenient scale.

☐

Written approval of every person who may be adversely affected by the granting of consent (s95E).

☐

An Assessment of Effects (AEE).

An AEE is a written document outlining how the potential effects of the activity have been considered along with any other relevant matters, for example if a consent notice is proposed to be changed. Address the relevant provisions of the District Plan and affected parties including who has or has not provided written approval. See [Appendix 1](#) for more detail.



We prefer to receive applications **electronically** – please see Appendix 5 – [Naming of Documents Guide](#) for how documents should be named. Please ensure documents are scanned at a minimum resolution of 300 dpi. Each document should be no greater than 10mb



## PRIVACY INFORMATION

The information you have provided on this form is required so that your application can be processed under the Resource Management Act 1991 and may also be used in statistics collected and provided to the Ministry for the Environment and Queenstown Lakes District Council. The information will be stored on a public register and may be made available to the public on request or on the company's or the Council's websites.



## FEES INFORMATION

Section 36 of the Resource Management Act 1991 deals with administrative charges and allows a local authority to levy charges that relate to, but are not limited to, carrying out its functions in relation to receiving, processing and granting of resource consents (including certificates of compliance and existing use certificates).

Invoiced sums are payable by the 20th of the month after the work was undertaken. If unpaid, the processing of an application, provision of a service, or performance of a function will be suspended until the sum is paid. You may also be required to make an additional payment, or bring the account up to date, prior to milestones such as notification, setting a hearing date or releasing the decision. In particular, all charges related to processing of a resource consent application are payable **prior to issuing of the decision**. Payment is due on the 20th of the month or **prior to the issue date – whichever is earlier**.



## FEES INFORMATION // CONTINUED

If your application is notified or requires a hearing you will be requested to pay a notification deposit and/or a hearing deposit. An applicant may not offset any invoiced processing charges against such payments.

Section 357B of the Resource Management Act provides a right of objection in respect of additional charges. An objection must be in writing and must be lodged within 15 working days of notification of the decision.

**LIABILITY FOR PAYMENT** – Please note that by signing and lodging this application form you are acknowledging that the Applicant is responsible for payment of invoices and in addition will be liable to pay all costs and expenses of debt recovery and/or legal costs incurred by QLDC related to the enforcement of any debt.

**MONITORING FEES** – Please also note that if this application is approved you will be required to meet the costs of monitoring any conditions applying to the consent, pursuant to Section 35 of the Resource Management Act 1991.

**DEVELOPMENT CONTRIBUTIONS** – Your development, if granted, may also incur development contributions under the Local Government Act 2002. You will be liable for payment of any such contributions.

A list of Consent Charges is available on the on the Resource Consent Application Forms section of the QLDC website. If you are unsure of the amount to pay, [please call 03 441 0499](tel:034410499) and ask to speak to our duty planner.

Please ensure to [reference any banking payments correctly](#). Incorrectly referenced payments may cause delays to the processing of your application whilst payment is identified.

If the initial fee charged is insufficient to cover the actual and reasonable costs of work undertaken on the application you will be required to pay any additional amounts and will be invoiced monthly as work on the application continues. Please note that if the Applicant has outstanding fees owing to Council in respect of other applications, Council may choose to apply the initial fee to any outstanding balances in which case the initial fee for processing this application may be deemed not to have been paid.



## PAYMENT // An initial fee must be paid prior to or at the time of the application and proof of payment submitted.

Please reference your payments as follows:

Applications yet to be submitted: RM followed by first 5 letters of applicant name e.g RMJONES

Applications already submitted: Please use the RM# reference that has been assigned to your application, this will have been emailed to yourself or your agent.

Please note processing will not begin until payment is received (or identified if incorrectly referenced).

I confirm payment by:

☐

Bank transfer to account 02 0948 0002000 00 (If paying from overseas swiftcode is – BKNZNZ22)

☐

Cheque payable to Queenstown Lakes District Council attached

☐

Manual Payment (can only be accepted once application has been lodged and acknowledgement email received with your unique RM reference number)

\*Reference

\*Amount Paid: Landuse and Subdivision Resource Consent fees - please select from drop down list below

(For required initial fees refer to website for Resource Consent Charges or spoke to the Duty Planner by phoning 03 441 0499)

\*Date of Payment

Invoices are available on request

## APPLICATION & DECLARATION

The Council relies on the information contained in this application being complete and accurate. The Applicant must take all reasonable steps to ensure that it is complete and accurate and accepts responsibility for information in this application being so.

☐

If lodging this application as **the Applicant:**

I/we hereby represent and warrant that I am/we are aware of all of my/our obligations arising under this application including, in particular but without limitation, my/our obligation to pay all fees and administrative charges (including debt recovery and legal expenses) payable under this application as referred to within the Fees Information section.

OR:

☐

If lodging this application as **agent of the Applicant:**

I/we hereby represent and warrant that I am/we are authorised to act as agent of the Applicant in respect of the completion and lodging of this application and that the Applicant is aware of all of his/her/its obligations arising under this application including, in particular but without limitation, his/her/its obligation to pay all fees and administrative charges (including debt recovery and legal expenses) payable under this application as referred to within the Fees Information section.

☐

I hereby apply for the resource consent(s) for the Proposal described above and I certify that, to the best of my knowledge and belief, the information given in this application is complete and accurate.

Signed (by or as authorised agent of the Applicant) \*\*

Full name of person lodging this form

Firm/Company

Dated

\*\*If this form is being completed on-line you will not be able, or required, to sign this form and the on-line lodgement will be treated as confirmation of your acknowledgement and acceptance of the above responsibilities and liabilities and that you have made the above representations, warranties and certification.



Section 2 of the District Plan provides additional information on the information that should be submitted with a land use or subdivision consent.

The RMA (Fourth Schedule to the Act) requires the following:

### 1 INFORMATION MUST BE SPECIFIED IN SUFFICIENT DETAIL

- Any information required by this schedule, including an assessment under clause 2(1)(f) or (g), must be specified in sufficient detail to satisfy the purpose for which it is required.

### 2 INFORMATION REQUIRED IN ALL APPLICATIONS

- (1) An application for a resource consent for an activity (the activity) must include the following:

- (a) a description of the activity;
- (b) a description of the site at which the activity is to occur;
- (c) the full name and address of each owner or occupier of the site;
- (d) a description of any other activities that are part of the proposal to which the application relates;
- (e) a description of any other resource consents required for the proposal to which the application relates;

Information provided within the Form above

- (f) an assessment of the activity against the matters set out in Part 2;
- (g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b).

- (2) The assessment under subclause (1)(g) must include an assessment of the activity against—

- (a) any relevant objectives, policies, or rules in a document; and
- (b) any relevant requirements, conditions, or permissions in any rules in a document; and
- (c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).

Include in an attached Assessment of Effects (see Clauses 6 & 7 below)

- (3) An application must also include an assessment of the activity's effects on the environment that—

- (a) includes the information required by clause 6; and
- (b) addresses the matters specified in clause 7; and
- (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

### ADDITIONAL INFORMATION REQUIRED IN SOME APPLICATIONS

- An application must also include any of the following that apply:
  - (a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1));
  - (b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A));



## ASSESSMENT OF ENVIRONMENTAL EFFECTS

### Clause 6: Information required in assessment of environmental effects

- (1) An assessment of the activity's effects on the environment must include the following information:
  - (a) 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;
  - (b) an assessment of the actual or potential effect on the environment of the activity;
  - (c) 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;
  - (d) 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;
  - (e) 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;
  - (f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted;
  - (g) 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;
  - (h) 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).
- (2) A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.
- (3) To avoid doubt, subclause (1)(f) obliges an applicant to report as to the persons identified as being affected by the proposal, but does not—
  - (a) oblige the applicant to consult any person; or
  - (b) create any ground for expecting that the applicant will consult any person.

### CLAUSE 7: MATTERS THAT MUST BE ADDRESSED BY ASSESSMENT OF ENVIRONMENTAL EFFECTS

- (1) An assessment of the activity's effects on the environment must address the following matters:
  - (a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects;
  - (b) any physical effect on the locality, including any landscape and visual effects;
  - (c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity;
  - (d) 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;
  - (e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants;
  - (f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.
- (2) The requirement to address a matter in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

## UNDER THE FOURTH SCHEDULE TO THE ACT:

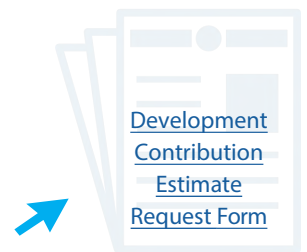
- An application for a subdivision consent must also include information that adequately defines the following:
  - (a) the position of all new boundaries:
  - (b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan:
  - (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips:
  - (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips:
  - (e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A:
  - (f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A):
  - (g) the locations and areas of land to be set aside as new roads.

## Will your resource consent result in a Development Contribution and what is it?

- A Development Contribution can be triggered by the granting of a resource consent and is a financial charge levied on new developments. It is assessed and collected under the Local Government Act 2002. It is intended to ensure that any party, who creates additional demand on Council infrastructure, contributes to the extra cost that they impose on the community. These contributions are related to the provision of the following council services:
  - Water supply
  - Wastewater supply
  - Stormwater supply
  - Reserves, Reserve Improvements and Community Facilities
  - Transportation (also known as Roding)

[Click here for more information on development contributions and their charges](#)

OR Submit an Estimate request \*please note administration charges will apply



Please note that some land use consents can be dealt with as fast track land use consent. This term applies to resource consents where they require a controlled activity and no other activity. A 10 day processing time applies to a fast track consent.

If the consent authority determines that the activity is a deemed permitted boundary activity under section 87BA of the Act, written approval cannot be withdrawn if this process is followed instead.

A fast-track application may cease to be a fast-track application under section 87AAC(2) of the Act.

While it is not essential that your documents are named the following, it would be helpful if you could title your documents for us. You may have documents that do not fit these names; therefore below is a guide of some of the documents we receive for resource consents. Please use a generic name indicating the type of document.

Application Form 9

Engineering Report

Assessment of Environmental Effects (AEE)

Geotechnical Report

Computer Register (CFR)

Wastewater Assessment

Covenants &amp; Consent Notice

Traffic Report

Affected Party Approval/s

Waste Event Form

Landscape Report

Urban Design Report

Ecological Report



# SOUTHERN LAND

DEVELOPMENT CONSULTANTS

<b>Our reference</b>	<b>: T4303-2 Kawarau Gorge Trail</b>
<b>Date</b>	<b>: 27 October 2020</b>
<b>Location</b>	<b>: Kawarau Gorge between Nevis Bluff and Citroen Rapid</b>
<b>Legal Description</b>	<b>: Section 3 SO 24743, Lot 4 DP 27395, Pt Lot 3 DP 27395, Lot 8 DP 402448, Sec 32 Blk II Kawarau SD, Legal Road, Crown Land Blk II Kawarau SD, Pt Sec 15 SO 342162, Sec 14 SO 342162, Bed of Kawarau River</b>
<b>Applicant</b>	<b>: Central Otago Queenstown Trail Network Trust</b>
<b>Territorial Authority</b>	<b>: Queenstown Lakes District Council</b>
<b>Plan</b>	<b>: Operative District Plan and Proposed District Plan</b>
<b>Zoning</b>	<b>: Gibbston Character Zone and Rural General with an Outstanding Natural landscape (ONL) overlay</b>
<b>Proposal</b>	<b>: Land use consent is sought for earthworks including an underpass, retaining structures and bridges associated with the construction, operation and maintenance of a walking and cycling trail between Nevis Bluff and Citroen Rapid</b>
<b>Activity Category</b>	<b>: Discretionary</b>
<b>Requests</b>	<b>: We request that any conditions of consent be pre-circulated prior to consent being granted</b>
<b>Fee payment</b>	<b>: The application deposit fee of \$4,980 was paid on 16/9/20 by direct credit ref: COQTNT</b>
<b>Appendix list</b>	<b>: A: Record of Title B: Design plans ref T4303-2_P3 sheets 1-4 &amp; T4303-2_E2 C: Blakely Wallace Landscape Impact Assessment report including site photos D: Typical completed trail photos E: Geoconsulting Ltd report F: Affected Party Approvals G: Archaeological Assessment H: Geopreservation references I: Typical bridge photos &amp; plans including plan T43303-2_E3</b>

## 1.0 INTRODUCTION

- 1.1 This application is made pursuant to Section 88 of the Resource Management Act 1991. Section 88 requires that any application for resource consent include an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment, and shall be prepared in accordance with the Fourth Schedule to the Act. This report and supporting information act as an assessment of effects on the environment and has been prepared in accordance with the Fourth Schedule requirements.

## 2.0 LEGAL DESCRIPTION

- 2.1 The site is legally described as follows:

- Sec 2 SO 24743 held in Record of Title **410590** owned by The Station at Waitiri and subject to Consent notice 5344105.2, 7737827.1 and land covenant 7718698.1 Consent notice 5344105.2 relates to RM990576 and development of the Mt Rosa station rural residential subdivision on the upstream of Nevis Bluff. The structure restriction area is related to that subdivision and not the subject site of this application.
- Lot 4 DP 27395 held in Record of Title **OT19A/734** owned by The Station at Waitiri
- Pt Lot 3 DP 27395 held in Record of Title **OT19A/733** owned by Rock Supplies NZ Ltd and subject to land covenant 8907214.1 The covenant is a non-objection right and has no bearing on this application.
- Lot 8 DP 402448 held in Record of Title **477524** owned by The Cardrona Cattle Company Ltd. This site is partly occupied by a quad bike tour operation. Title subject to Land covenant 8907214.1, 7398568.13 & 7398568.14 and consent notice 7793537-3 Consent notice 7793537-3 relates to RM 070852 and the style of fencing. Covenant 13 relates to hunting and 14 relates to non-objection rights. Neither have a bearing on this application
- Sec 32 Blk II Kawarau SD held in Record of Title **OT14B/1179** owned by The Station at Waitiri Ltd
- Legal road including SH6 (NZTA), Victoria Flats Road (QLDC) and Unformed Legal Road (QLDC) on true right bank of Kawarau River
- Bed of Kawarau River, no title, administered by LINZ, parcel ID 3145684
- Crown Land Blk II Kawarau SD, Marginal strip no title administered by DOC
- Pt Sec 15 SO 342162 held in Record of Title **364038** owned by The Station at Waitiri
- Sec 14 SO 342162 held in Record of Title **364036** owned by The Station at Waitiri

Copies of the relevant Records of Title are contained in **Appendix A** of this report. Copies of the Covenants and consent notices are contained in **Record of Title Part 2**

- 2.2 The site is occupied as follows:

Lot 8 DP 402448 is currently occupied by a quad bike tour operation. We are not aware of any other occupiers.

### **3.0 SITE DESCRIPTION & PROPOSAL**

#### **3.1 Overview of Proposal and Purpose of Application**

The Kawarau Gorge Trail will be part of the New Zealand Cycle Trail Project connecting Queenstown to Cromwell, then onto Clyde and the Otago Central Rail Trail. The trail developer has secured funding for the development from central Government in collaboration with the Central Lakes Trust and the Otago Community Trust. The alignment of the proposed trail is shown in Figure 1 below.

Development of the trail is being led by the Central Otago Queenstown Trail Network Trust (The Trust).

Development of the trail is widely supported by the wider community and is projected to deliver significantly increased levels of economic activity to local communities together with increased health and wellbeing resulting from a more active community. Further this trail will provide a boost for public access to the Kawarau Gorge, most of which is entirely inaccessible.

The trail will be a dedicated cycling and walking trail and there will be no vehicle access other than for maintenance purposes. The trail largely traverses the land adjacent to the Kawarau River.

As part of the development process The Trust is seeking consent to form 7.9km of new cycle trail including an underpass under SH6 and two bridges over the Kawarau River within the Gibbston Character and Rural General zones which is covered by an Outstanding Natural Landscape overlay.

Consent is also sought to install timber retaining walls on the true left approach to the Citroen Rapid bridge.

Please refer to Appendix B for detailed site location plans ref T4303-2\_P3

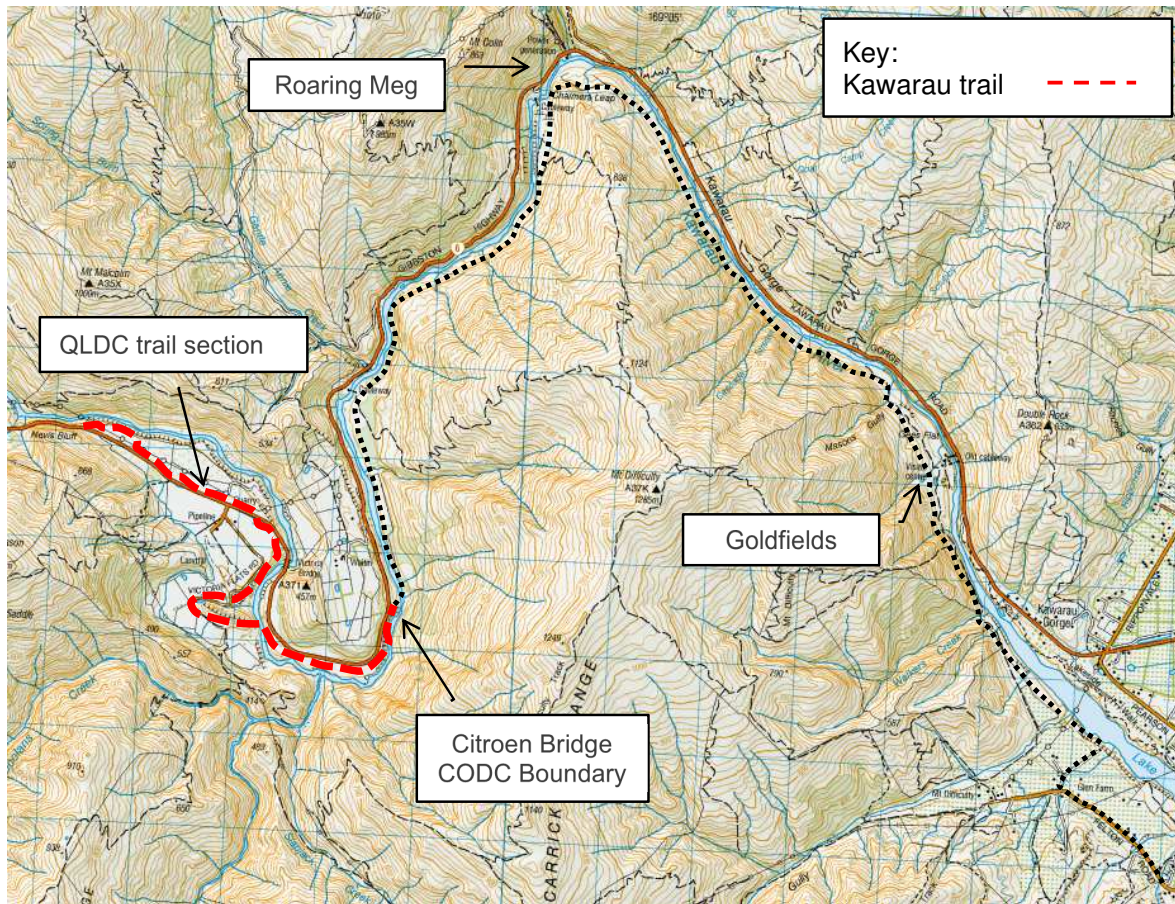


Figure 1: Site Locations Overview, Source NZTopo.co.nz

### 3.2 Kawarau Gorge environs

The trail will be constructed between Nevis Bluff and the Kawarau/ Bannockburn Bridge. Within the Queenstown Lakes District, the trail begins immediately downstream of the Nevis Bluff and continues along the true right bank of the Kawarau River before following the margins of SH6 to an underpass under SH6 east of Victoria Flats Road. The trail continues onto Victoria Flats Road towards the Nevis River before crossing the Kawarau River to the true left bank.

The trail continues downstream, on the true left between SH6 and the river until it descends to the Citroen Rapid Bridge, which is the boundary of the District.

The Kawarau Gorge contains Roaring Meg Power Station and access to Goldfields tourist attraction. State Highway 6 runs along the true left side of the Kawarau Gorge and carries 5,887 vehicles per day including 647 heavy trucks per day (*Source; New Zealand Transport Agency traffic count data 2019*).

The Kawarau River and Nevis Bluff are the principal elements of the landscape backed by steep slopes, narrow gullies, river terraces and rocky outcrops. The vegetation consists of exotic grass and native tussocks on the upper slopes and extensive Thyme, Briar, Coprosma Propinqua and Matagouri scrub on the lower slopes and road margins. Gold mining has altered the landscape in some parts of the gorge with extensive sluice faces and tailings visible from SH6. There are numerous tracks and access points in this part of the gorge.

There is a long history of Maori occupation and movement through the Kawarau Gorge as a food gathering place (kainga mahinga kai) and travel route between Lake Wakatipu, the Clutha River and north to Cardrona. The most significant site is the natural bridge site Potiki-whata-rumaki-nao, located slightly upstream from Roaring Meg.

Early European settlement began in the 1850's consisting of extensive sheep farming with Kawarau Station being one of the largest runs. Gold was discovered in 1862 and the region soon had numerous mining camps and basic settlements within the gorge.

Today the predominant use of the Kawarau Gorge is pastoral farming plus the recent additions of quarrying, rubbish disposal and adventure tourism. It also has recreational value for kayaking, rafting and fishing. Commercial operators run jet boating and river boarding.

### 3.3 SH6 underpass – Refer plan T4303-2\_P3 Sheet 2

Consent is sought to install an underpass under SH6 east of the Victoria Flats Road. This is the safest way to cross the busy State Highway and is a requirement of NZTA approval. The underpass will be similar in scale to the Swiftburn Underpass that forms part of the Queenstown Trail. The underpass will consist of 50m long approach cuttings with timber or stone retaining walls up to 3m in height, a main tunnel of 3m wide and 2.5m high under the road and 25m long before the exit cutting and retaining walls extend another 50m east to bring the trail back to existing ground level.

The underpass will be a conventional concrete design with approach cutting retained using either concrete, stone or timber retaining walls. Lighting will be supplied via a solar powered LED system and drainage will be addressed to a soakage system as there is no natural drainage path.

The underpass will be engineer designed and subject to approval by NZTA and their network consultants, Aspiring Highways.

Excavation for the underpass will entail cuts up to 4m below existing road level where the passage is under SH6. This will be battered at a 35 deg slope resulting in the width of the excavation being around 5m at the bottom and 16m at existing ground level. The cuttings will be excavated to around 3.5m deep and will be initially battered until retaining walls are installed.

### 3.4 Earthworks Consent

Resource consent is sought to undertake earthworks along the entire length of trail from Nevis Bluff to Citroen Rapid.

#### 3.4.1 Nevis Bluff to Margin SH6

The trail formation starts at the downstream end of the Nevis Bluff. The Nevis Bluff section to join with the existing Gibbston Valley Trail will be developed by NZTA and is not part of this consent application.

The trail descends to the river terrace then follows the river's edge around gold tailings and downstream with impressive views of the Nevis Bluff Rapid. The trail returns to the edge of SH6 at the 550m mark. The terrain on the first section is gently sloping and earthworks will result in very small cut and fill batters. Additionally, the site is covered in

thick briar and Matagouri that will assist in breaking up the trail footprint when viewed from outside of the site.

#### 3.4.2 SH6 to Nevis Ferry Bridge

The trail follows the margins of SH6 just inside the boundary fence. There is considerable existing scrub along the boundary fence and the intention is to retain as much vegetation as possible to provide screening for the trail and create a separation to the noisy state highway. To aid separation, all spoil will be formed into short sections of low meandering bund which will allow planting to create additional separation for trail users. Bunds will not exceed 1m in height.

Apposite the new jet boat park, the trail comes within the existing boundary fences and shadows the road heading east past the new Rock Supplies quarry entry to the new underpass.

From the underpass the trail follows the southern side of SH6 on the private property side of the fence dropping down gently towards the Victoria Falls Bridge. There is a mixture of briar with pine trees near the highway bridge.

Before dropping down towards the highway bridge the trail heads towards the Victoria Flats Road joining this road at distance 3.2km

The trail follows an existing quad bike track next to Victoria Flats Road, around the small hill before descending to the Nevis Ferry Bridge site over the Kwarau River at distance 5.3km.

#### 3.4.3 Nevis Ferry Bridge to Citroen Rapid Bridge

The trail is now on the true left bank and from the bridge follows the gentle river terraces downstream through a mixture of open grass/Thyme covered terrain before being engulfed in thick Briar scrub. Much of the trail is 'invisible' from SH6 hidden in the thick scrub between the road and the river.

The trail comes close to SH6 as it climbs above the river at Ch 7.3km, with a short section of timber retaining required to negotiate the slope under an existing SH6 retaining wall.

The last segment of the trail is across gently sloping river terrace, past old sluice dams before dropping down through an extensive gold worked landscape including deep sluice tail races and stacked stone walls to the Citroen Rapid Bridge. A 100m section of timber retaining up to 1.5m in height will be necessary across a steep slope to reduce earthworks before reaching the gold worked terrace.

### 3.5 Earthworks Volumes

Earthworks will comprise scraping of the topsoil and organic material and, where the cross slope exceeds 10 degrees, cutting a bench, smoothing out cut material to blend into the adjoining terrain and laying and compaction of the gravel riding surface.

The design engineer estimates that to form the 7.9km of trail will generate 3,950m<sup>3</sup> at an average rate of 0.5m<sup>3</sup>/m of trail. Additionally, the construction of the underpass will generate 1,800m<sup>3</sup> of cut to waste in order to create 50m long approaches together with a 20m long tunnel under SH8. Further, as a condition of land access, the excavation material between 500m and 1,300m will be used to shape small mounds up to 1.5m in height between the trail and road to create a small buffer from the road traffic.

In total, 5,750m<sup>3</sup> of earth will be excavated, with 1,800m<sup>3</sup> being carted offsite to waste (underpass) and the remainder being spread adjoining the trail.

### 3.6 Structures

The trail development also includes the need for two large suspension bridges and an underpass under State Highway 6.

#### 3.6.1 Underpass

In order to safely cross SH6 a concrete underpass is required to meet NZTA and NZ Cycle Trail design standards. The underpass is located as shown on Sheet 2 of the design plans T4303-2\_P3.

To access the underpass the trail will require 50m approach cuttings together with a 25m long tunnel under SH6. A picture of a similar underpass is shown below.

The proposed trail underpass will include approach cuttings aligned parallel to SH6. These cuttings will be up to 4m in depth with timber, rock or concrete retaining walls. All the structure will be below the existing ground level so will not be visually obvious when viewed beyond the immediate site area. A safety barrier/fence will be installed along the top of the cutting to protect vehicles and pedestrians from falling in.



*Figure 2: Typical road underpass for stock or cyclists*

#### 3.6.2 Nevis Ferry Bridge

Located at distance 5.2km, this 105m long suspension bridge will be similar in design and visual impact to the Edgar Bridge or Southern Discoveries Bridges on the Queenstown Trail. A mock-up of the bridge is shown in Figure 3 below and cross sections for each site at normal river flow are shown in plan T4303-2\_E3.

The bridge will consist of 14m high timber poles, steel cables and timber decking. The poles, barrier & deck will be stained Burnt Walnut (dark brown) to better blend into the surrounding landscape. Steel will be black ungalvanized except for the wire ropes.

Photos of a recently completed Specularite Creek bridge are attached in **Appendix I**. Over time the bridge will weather and generally its visual appearance will soften.



*Figure 3: Nevis Ferry Bridge from True right bank*

### 3.6.3 Citroen Rapid Bridge

Located at distance 7.9km this 80m bridge will be very similar in scale and design to the Nevis Ferry Bridge discussed above and the recently completed Specularite Creek Bridge on the Lake Dunstan Trail. A mock-up of the bridge is shown in Figure 4 below. The bridge will consist of 12m high towers and be similarly finished to the Nevis Ferry bridge with dark brown stained timber work (Burnt Walnut). The bridge location is breath taking and the bridge together with the huge powerful rapid below will make this a key focal point on the trail.



*Figure 4: Looking upstream from the true right bank across Citroen Rapid*



*Figure 5: Pano of Citroen Rapid from true right bank.*

## 4.0 DISTRICT PLAN ASSESSMENT

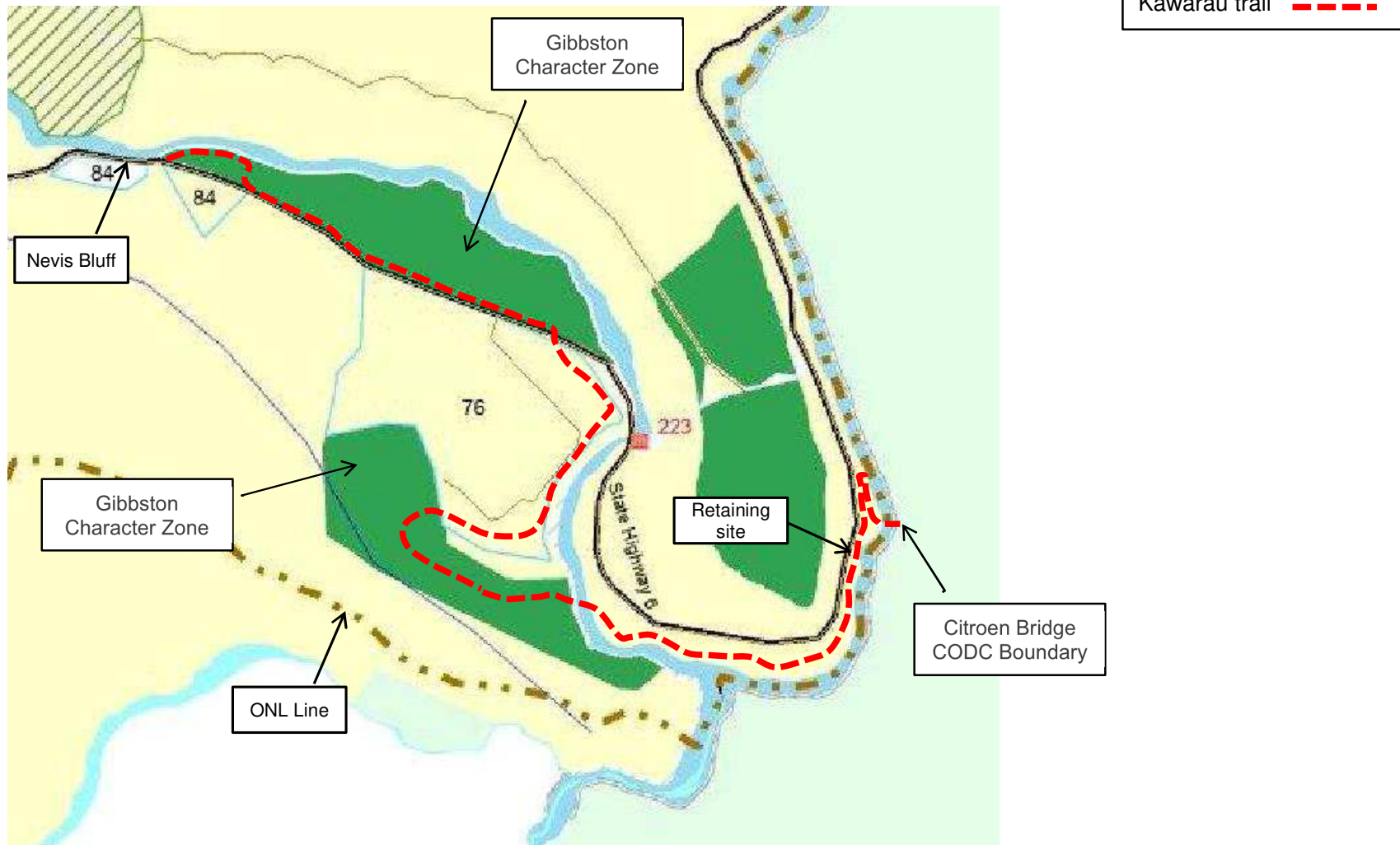


Figure 6: Planning map from GIS

- 4.1 The subject sites are contained within the Rural General and Gibbston Character Zone. The site is covered by an Outstanding Natural Landscape overlay. Part of the trail is within Designation 76 – Landfill buffer
- 4.2 3.3km of the trail is within the Gibbston Character Zone (0-2.3km & 4.2-5.2km) with the balance of 4.6km is within the Rural General Zone, all within an Outstanding Natural Landscape overlay.
- 4.3 Between 2.8km and 4.2km (1.4km) the trail is within Designation 76 – Landfill buffer
- 4.4 The proposed development requires the following resource consents:

#### **OPERATIVE DISTRICT PLAN RULES**

- A Restricted Discretionary activity resource consent pursuant to **Rule 5.3.3.3(xii)** as the proposal breaches structure setbacks from a road as the underpass is within 10m of SH8.
- A Discretionary activity resource consent pursuant to **Rule 5.3.5.2(i)(a)** as the proposal breaches the maximum height of 8m with the Nevis Ferry Bridge being 14m in height and the Citroen Rapid bridge 12m in height.
- A Restricted Discretionary activity resource consent pursuant to **Rule 5.3.5(x)** as the proposal involves the removal of small areas of native vegetation to form the trail.
- A Discretionary activity resource consent pursuant to **Rule 5.7.3.3(i)** as the proposed underpass is considered a building and the northern end is within the Gibbston Character Zone.
- A Restricted Discretionary activity resource consent pursuant to **Rule 22.3.2.3** as the proposal breaches maximum volume of earthworks in Table 22.1
- A Restricted Discretionary activity resource consent pursuant to **Rule 22.3.3(ii)(a)** as the proposal breaches the maximum height of cut and or fill.
- A Restricted Discretionary activity resource consent pursuant to **Rule 22.3.3(vi)** as the proposal involves earthworks that may be considered within a Statutory Acknowledgement Area (Kawarau River).
- A Discretionary activity resource consent pursuant to **Rule 5.7.3.3i(a)** as the proposal involves the construction of a building as the north end of the underpass and west end of Nevis Ferry Bridge are both within the Gibbston Character Zone.
- A Discretionary activity resource consent pursuant to **Rule 5.7.5.2ii** as the setback from road boundaries is less than 20m for the underpass on SH6.
- A Discretionary activity resource consent pursuant to **Rule 5.7.5.1iii** as the minimum setback from internal boundaries for buildings is less than 6m for the two bridges.

#### **PROPOSED DISTRICT PLAN RULES**

- A Discretionary activity resource consent pursuant to **Rule 21.4.11** and **Rule 21.7.2** as the proposal involves construction of a building (underpass and two bridges).

- A Discretionary activity resource consent pursuant to **Rule 21.7.4** as the proposal involves construction of a building (two bridges) that exceed the maximum height of 8m
  - A Non-complying activity resource consent pursuant to **Rule 21.4.34** as the proposal is not provided for in Tables 1, 9, 10, 12 or 14
  - A Discretionary activity resource consent pursuant to **Rule 23.5.5** as the proposal involves construction of a building (Nevis Ferry & Citroen Rapid Bridges) within 6m of an internal boundary and **Rule 23.5.6** as the Nevis Ferry Bridge is within 20m of a road boundary.
  - A Restricted Discretionary activity resource consent pursuant to **Rule 25.5.6** as the maximum volume of earthworks is  $>1,000\text{m}^3$  and with **Rule 25.5.11** as the maximum area of earthworks is  $>10,000\text{m}^2$
  - A Restricted Discretionary activity resource consent pursuant to **Rule 25.5.18** as the earthworks involve cuts and/or fills  $>0.3\text{m}$  at or across legal boundaries.
  - A Restricted Discretionary activity resource consent pursuant to **Rule 25.5.19** as the proposal involves earthworks that may be within 10m of a water race within the Victoria Flats area and may exceed  $5\text{m}^3$  in any year.
- 4.5 Overall the proposed development is considered a discretionary activity.
- 4.6 The proposal complies with **OPD Rule 22.3.3(v)** – proximity of earthworks to water bodies as the works are located  $>7\text{m}$  from the edge of the Kawarau River.
- 4.7 The proposal complies with **PDP Rule 21.7.1** – Structures as the underpass is  $>2\text{m}$  in height and the bridges are  $>2\text{m}$  in height.
- 4.8 The proposal complies with **PDP Rule 23.4.17**– non-commercial recreation as the trail is not for commercial activity.
- 4.9 The proposal complies with **PDP Rule 25.4.5** – Earthworks, as there are no sites affected by the works.
- 4.10 The proposal complies with **PDP Rule 25.5.12 and 25.5.13** as erosion and sediment control and dust suppression measures will be managed onsite.
- 4.11 The proposal complies with **PDP Rule 25.5.14** – Earthworks, as the earthworks will comply with the Accidental Discovery Protocol.

## 5.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

- 5.1 This Assessment of Effects on the Environment (AEE) accompanies an application for resource consent made under Section 88 of the Resource Management Act 1991 (the Act) and has been prepared in accordance with the Fourth Schedule of the Act in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

## **5.2 Permitted Baseline**

5.2.1 Pursuant to Section 104(2) of the Act, when considering the actual and potential effects of an application for resource consent, a consent authority may disregard any adverse effect of an activity on the environment if the plan permits an activity with that effect (the permitted baseline).

5.2.2 The permitted baseline includes:

- Earthworks up to 1,000m<sup>3</sup> provided all site and zone standards are met
- Farming activities including the grazing of native vegetation
- Non-commercial recreation activities including walking and cycling trails up to 1.5m in width (subject to specific provisions)

## **5.3 Existing Environment**

5.3.1 The existing environment is of relevance to the consideration of the proposed development and comprises existing and/or consented development on the application site. The existing environment includes the following:

- The existing 4wd tracks that provide access to Nevis Bungy and farmland together with formed roads like Victoria Flat Road. Most are between 2.5-4m in width and the cut batters on most slopes have since regenerated and softened in appearance.
- Extensive areas of early gold workings including tailings, sluiced faces, water races and dams. In some instances leaving worked faces of up to 5m high.
- Commercial recreation consisting of the jet boat park and off-road adventure park.
- Commercial landfill serving the QLDC and CODC districts
- Pastoral farming together with wild goats leaving a network of animal tracks
- White painted survey benchmarks throughout the gorge

All of the above activities have modified the Kawarau Gorge environment considerably.

## **5.4 Receiving Environment**

5.4.1 The receiving environment is also of relevance to the consideration of the proposed development and includes existing and consented development adjacent to and in the vicinity of the application site. The receiving environment includes the following:

- Water based activities including kayaking, commercial jet boating and river boarding.
- State Highway 6 which conveys over 5,800 vehicles per day including over 580 heavy trade vehicles (Trucks)
- Sheep farming activities
- Rock quarry

- 5.4.2 In the context of the existing environment, the effects of the proposed cycle trail will be of a similar nature and character to the permitted baseline and existing environment. Therefore, it is considered that the proposed trail is not inconsistent with the existing environment.

## 5.5 Assessment

### 5.5.1 Earthworks Formation and Volumes

Formation of the cycle trail requires excavation to create a firm level surface for laying and compaction of surface gravel. It is proposed to scrape the organic materials from the track alignment then cut the trail bench. All cut material will be spread and smoothed out on the adjoining land to blend into the existing landform. Earthworks will be undertaken with an excavator.

Earthworks will be kept to a minimum to ensure that the environmental impact is minimised, and the track footprint has the least visual impact possible. This will enhance the cycling experience and reduce overall land disturbance. To achieve this the trail will follow the terrain contours where possible to naturally achieve a gentle gradient (0-4 degrees) for users and an alignment that is sympathetic to the landscape.

The design engineer has thoroughly assessed the terrain and route alignment options in consultation with the landowners, consultant Landscape Architect and Geotechnical Engineer to ensure the most suitable ground has been found and the least visible locations chosen to minimise the earthworks impacts.

All earthworks will be undertaken so as to prevent any silt or sediment from entering water ways. Further the design of the track will incorporate the continuation of existing overland flows and provide for stormwater management through culverts, fords, water tables and bridges.

The design engineer has estimated the volume of earthworks required spanning the 7.9km of trail totalling up to 5,750m<sup>3</sup> as noted in Section 3. It is anticipated that all material will remain on site (except as noted) and be smoothed out adjoining the track formation and blended to the existing landform. An example of the finished trail is shown in [Appendix D](#). These photos show sections of trail constructed in similar environments and landscapes.

### 5.5.2 Earthworks Rehabilitation

All cut material will be spread and smoothed immediately adjoining the trail (Except as noted). On steep terrain soil and vegetation will be placed on fill batters. Selected areas will have seed and fertiliser applied to speed vegetation recovery. Additionally, the Thyme, Coprosma Matagouri scrub and grasses growing through the site will re-establish as it has done on the existing 4wd tracks and gold working areas across the site. Attached in [Appendix C](#) is an "Assessment of Landscape and Visual Effects" which outlines specific rehabilitation techniques that will be applied.

Overall, we consider the proposed earthworks rehabilitation will result in less than minor effects on the environment.

### 5.5.3 Slope Stability

On 20 June 2019 Jeff Bryant of Geoconsulting Ltd and Southern Land Ltd engineers visited sections along the proposed Kawarau Gorge Trail that were of geotechnical interest. In addition to the field trip, a desktop study was undertaken by Geoconsulting involving review of reports prepared for Kawarau River power development proposals by the Ministry of Works.

Southern Land Ltd also conducted an inspection of the Ministry of Works slope deformation pillars that were installed on the Mt Difficulty Slide in the 1980s. The purpose of the survey was to determine the extent of any ongoing slope deformation above the proposed Citroen Rapid bridge location.

Overall Mr Bryant concludes that:

- *“As would be expected for a trail of this length and in this terrain, there are a number of ‘pinch points’ that require attention to detail in route selection and trail design. There are numerous areas requiring rock scaling and possible structural support, some of which have been identified in the listed points of interest. A more detailed assessment will need to be undertaken at an appropriate stage.*
- *Overall, there does not appear to be any overriding geotechnical constraints that would preclude trail considerations.*

As a result of the Geotechnical inspection, trail location and design changes have been adopted as recommended. There are no precautionary works such as rock scaling to be undertaken on this section of trail.

Overall, we consider the proposed earthworks will result in less than minor effects on slope stability.

### 5.5.4 Landscape Assessment

The Trail has been sited and designed to minimise landscape and visual effects as much as is possible and within the constraints of grade requirements and National Cycle Trail standards. The final alignment has been reached in consultation with the landscape architect and landowners. Together we have applied earthworks and vegetation rehabilitation plus changes to the trail design to mitigate any long-term effects. There can be confidence from examples of existing tracks and disturbance in the gorge together with recent practical experience on the Lake Dunstan Trail that earthworks do heal and rehabilitate overtime.

As noted in 5.5.2 above, all earth worked areas will be smoothed and restored to blend into the existing terrain contours and vegetation patterns. In [Appendix D](#) are photos of various cycle trails in similar environments to provide evidence of the low impact anticipated once the trail is constructed.

Attached in [Appendix C](#) is an “Assessment of Landscape and Visual Effects” prepared by Mr Blakely. Mr Blakely has extensive experience of cycle trail developments having completed a number of landscape impact assessments for various projects including the Lake Dunstan Trail in the Cromwell Gorge. This section of trail is across an Outstanding Natural Landscape and the assessment and its findings led to a construction methodology and revegetation that has minimised earthworks effects. For this project we have drawn

on his knowledge and experience together with findings from the nearly completed Lake Dunstan Trail to find the best route with the least visual impact.

For his assessment the trail route is divided into 4 sections. Within each section the landscape character and values are described together with an assessment of the effects on the landscape character and effects on visual resource values. A description of mitigation to reduce landscape and visual effects accompanies each section.

Overall Mr Blakely concludes that:

- 3. The landscape provisions of the QLDC District Plans ODP and PDP are aimed at protecting the Outstanding Natural Landscapes and landscape features of the District and maintaining Queenstown Lakes unique and distinctive landscapes.*
- 4. The Trail has been sited and designed to minimise landscape and visual effects within the constraints of grade requirements and National cycle trail standards. The Trail from Nevis Bluff to Citroen Bridge (within QLDC) has less than minor landscape effects as determined from the assessment of effects ranging from very low on terraces and flatter areas with good vegetation cover to low effects on more prominent sections around the proposed bridges. In these locations existing vegetation softens and provides screening.*
- 8. The Cycle Trail areas assessed are considered consistent and meet with the relevant Objectives, Policies and Assessment Matters of the Operative and Proposed Queenstown Lakes District Plan.*
- 9. The Cycle Trail is not contrary with Sections 6 and 7 of the RMA and will not adversely affect the Kawarau Water Conservation Order.*

On the basis of the expert landscape assessment, the applicant is satisfied that the proposed trail construction will result in less than minor adverse effects on the landscape in the long term and is consistent with the existing landscape character.

#### 5.5.5 Archaeological Assessment

A survey of archaeological sites along the proposed cycle trail was carried out. Four days of survey were carried out by Benjamin Teele and Jeremy Moyle on 11th and 12th of April as well as the 2nd and 3rd of May 2019. Origin Consultants have produced an Archaeological Assessment (June 2019) and an application for an Archaeological Authority is currently in progress to ensure that the trail development does not adversely impact historical features.

The archaeological survey of the proposed trail route identified 41 sites. Of these, 29 had been previously recorded and a further 23 are newly identified. Almost all of the sites are either sluicing's, tailings, dams, or stone structures.

Based on this survey, the previous archaeological work, and the history of the area, the archaeological landscape the trail passes through is assessed as having mostly high archaeological values and being associated with Māori, European, and Chinese cultural groups.

Though there are no heritage items protected under the Resource Management Act 1991, and some sites also may be post-1900 and not be protected under the HNZPT Act 2014, it is still recognised that the archaeological landscape that the trail passes through has heritage significance and protection is suggested where possible. The Whatatōrere Historic Reserve at Colquhoun's Flat will also be of interest to local runanga.

In several instances the trail is routed through or close to an archaeological site not for practical reasons, but to better showcase important elements of the archaeological landscape of the Kawarau Gorge. In these instances, the limited impact of the trail route is assessed as being outweighed by the way the trail route celebrates sites amenity value and fosters greater public engagement with the area's archaeological heritage.

Origin Consultants have developed a series of recommendations and a monitoring regime for the identified sites. These will be adopted during trail construction. In line with Origins recommendations, the trail has been aligned to avoid all significant sites.

The trail developer is confident that effects on the historic fabric of the Kawarau Gorge will be less than minor and the increased archaeological detail obtained from the assessment will greatly increase the existing archaeological knowledge.  
consent application.

#### 5.5.6 Positive Effects

The walking and cycling trail will result in many positive effects for the communities of Queenstown, Gibbston, Cromwell, Bannockburn and Clyde. These include:

- Access to public land including river margins and enjoyment of these rural areas. Public access gains will be significant from this proposal. Currently the public do not have access to the true right margins of the Kawarau Gorge.
- Creation of a public walking and cycling trail will provide a very easily accessible option for active recreation in a safe environment which has significant health benefits to the wider community
- Increased economic activity generated by cycling and walking related tourism. The feasibility study developed for the trail in 2015 by Landpro, estimates that *"initially 20,000 users per annum will complete the entire trail, comprised of 10,000 users undertaking day trips, and 10,000 undertaking dedicated tours. It is anticipated that this will increase to over 30,000 users in the first 5 years."*
- Potential for additional tourism activities associated with the trail (accommodation, tours, transport, hospitality and so forth)
- Potential benefits for Ngai Tahu with greater access to significant sites.

#### 5.5.7 Summary

Through careful alignment and design, the proposed trail and associated earthworks and structures have been positioned so as to minimise adverse effects in terms of landscape character, ecology, natural hazards and archaeological values. In addition, it is considered that the proposed mitigation measures (adopted from the relevant consultant reports) will ensure that the adverse effects of the proposed development are no more than minor.

In summary it is considered that the proposed development will result in the following:

- Less than minor effects on the rural character, landscape and amenity of the area
- Less than minor effects on existing vegetation, flora and fauna
- Less than minor effects on natural hazards

- Less than minor effects on Archaeological and Heritage values
- Less than minor effects on Ki Tahu Ki Otago values
- Significantly improved public access to the margins of the Kawarau Gorge
- Boost to local tourism and resulting increased economic activity
- Community wellbeing resulting from readily accessible safe walking and cycling options for the local community

Overall, it is considered that the proposed application will result in less than minor effects on the environment.

## 6.0 Assessment of Relevant Provisions of the Operative & Proposed District Plan

The relevant objectives and policies are contained in *Section 5; Rural Areas* of the Operative District Plan.

### 6.1 Objectives & Policies – Section 5: Rural Areas

#### Objective 1 – Character and Landscape Value

To protect the character and landscape value of the rural area by promoting sustainable management of natural and physical resources and the control of adverse effects caused through inappropriate activities.

##### Policies

- 1.1 Consider fully the district wide landscape objectives and policies when considering subdivision, use and development in the Rural General Zone.
- 1.2 Allow for the establishment of a range of activities, which utilise the soil resource of the rural area in a sustainable manner.
- 1.3 Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.
- 1.4 Ensure activities not based on the rural resources of the area occur only where the character of the rural area will not be adversely impacted.
- 1.6 Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.
- 1.7 Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.
- 1.8 Avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.

**Comment:** The trail has been sited to have a low visual impact. The bridge structures for example being located such that they do not breach skylines, ridges or hills nor impact on prominent slopes. As covered in more detail in the Landscape Assessment report, the overall landscape impact is considered low. In this regard, we consider the trail development is consistent with these policies.

#### 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.

2.4 Encourage land management practices and activities, which avoid, remedy or mitigate adverse effects on soil and vegetation cover.

**Comment:** Development of the cycle trail will not result in a measurable impact on the life supporting capacity of soils. The trail is located on the margins of productive land or within the road corridor and therefore we consider these policies are met.

**Objective 3 – Rural Amenity**

Avoiding, remedying or mitigating adverse effects of activities on rural amenity

**Policies**

- 3.1 Recognise permitted activities in rural areas may result in effects such as noise, dust and traffic generation, which will be noticeable to residents in the rural areas.
- 3.2 Ensure a wide range of rural land uses and land management practices can be undertaken in the rural areas without increased potential for the loss of rural amenity values.
- 3.3 To avoid, remedy or mitigate adverse effects of activities located in rural areas.

**Comment:** The construction and operation of the cycle trail is considered consistent with the existing rural amenity and character of the zone. The trail will not result in an adverse effect on any residents adjoining the trail as there are no residential activities located near the trail.

Through careful trail design and finishing any adverse impact of the earthworks will be mitigated. Overall, we consider the cycle trail is consistent with these policies.

**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

**Comment:** The trail development includes construction of two large suspension bridges over the Kawarau River. These bridges are the subject of ORC consent which will be sought separately to this landuse application. The bridges and their associated earthworks are set well back from the river margins and will have no discernible effect on water quality or quantity. We therefore consider this objective is met.

## 6.2 Objectives & Policies - Section 5 – Gibbston Character Zone

**Objective 1 – Character and Landscape Value**

To protect the character and landscape value of Gibbston Valley by promoting sustainable management of natural and physical resources and the control of adverse effects caused through inappropriate activities.

**Policies**

- 1.1 Allow for the establishment of a range of activities, which utilise the soil resource of the rural area in a sustainable manner.
- 1.2 Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.
- 1.3 Ensure activities not based on the rural resources of the area occur only where the character of Gibbston Valley will not be adversely impacted.
- 1.6 Avoid or mitigate adverse effects of development on the landscape values of the Valley.
- 1.7 Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.
- 1.8 Avoid the location of structures and water tanks on skylines, ridges, hills and prominent slopes.

**Comment:** The trail is considered an appropriate activity already provided for in the Gibbston Valley. This trail will connect with the existing trail network. The trail will not result in an adverse impact on the productive capacity of the zone. The trail itself relies heavily on the rural resource including its scenic values.  
In relation to the landscape effects, the trail is considered to be consistent with the existing character and have a low impact. The siting of structures avoids prominent slopes and is thus consistent with Policy 1.8  
Overall, we consider the trail is consistent with this objective.

**Objective 2 – Life Supporting Capacity of Soil**

Retention of the life supporting capacity of soils and/or vegetation in Gibbston Valley 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.

**Comment:** The trail development will not adversely impact the life supporting capacity of soils. The trail will be built on land considered to have very low productive capacity being the scrubby margins of the river and SH6 road verge.

**Objective 3 – Life Supporting Capacity of Water**

To safeguard the life supporting capacity of water through the integrated management of the effects of activities.

**Policies**

- 3.1 In conjunction with the Otago Regional Council:
  - encourage activities, which use water efficiently, thereby conserving water quality and quantity.
  - discourage activities, which adversely affect the life supporting capacity of water and associated ecosystems.

**Comment:** The trail development will not adversely affect the life supporting capacity of water. No work is being undertaken in the wet bed of any waterway.

**Objective 4 – Gibbston Valley Amenity**

To encourage land management practices which recognise and accord with environmental sensitivity and amenity values of the Gibbston Character Zone.

**Policies**

- 4.1 Encourage appropriate management of vegetation cover and development including earthworks to prevent siltation and sedimentation effects to water resources.
- 4.2 Promote safe practices and use of sprays.
- 4.3 Noise levels should not be inconsistent with rural productive regime present and the character and amenity of the Gibbston area.
- 4.4 Control access and egress to ensure safe and efficient movement of traffic.
- 4.5 Manage forestry and farm-forestry activities to ensure adverse effects on activities within the zone are avoided or mitigated.

**Comment:** The trail development is an activity that is consistent with this zone being an extension of the current Gibbston River Trail and the trail development is supported by the Queenstown Trails Trust. As such we consider this objective is achieved.

### 6.3 Objectives & Policies - Section 22 - Earthworks

**Objective 1 – Enable earthworks that are part of subdivision, development, or access, provided that they are undertaken in a way that avoids, remedies or mitigates adverse effects on communities and the natural environment.**

**Policies**

- 1.1 Promote earthworks designed to be sympathetic to natural topography where practicable, and that provide safe and stable building sites and access with suitable gradients.
- 1.2 Use environmental protection measures to avoid, remedy or mitigate adverse effects of earthworks.
- 1.3 Require remedial works and re-vegetation to be implemented in a timely manner.
- 1.4 Avoid, remedy or mitigate the long-term adverse effects of unfinished projects.
- 1.5 Recognise that earthworks associated with infrastructure can positively contribute to the social and economic wellbeing and the health and safety of people and communities within the District.

**Comment:** The earthworks will be undertaken so as to minimise dust, silt and sediment. Vegetation stripped for the trail formation will be replaced immediately after trail formation to stabilise banks and ensure the best outcomes for nature and the landscape. The trail construction will be undertaken over 9-12 months with all works completed in this timeframe so will not result in unfinished sections. Overall, we consider that the earthworks are consistent with this objective.

**Objective 2 – Avoid, remedy or mitigate the adverse effects of earthworks on rural landscapes and visual amenity areas.**

**Policies**

- 2.1 Avoid, where practicable, or remedy or mitigate adverse effects of earthworks on Outstanding Natural Features and Outstanding Natural Landscapes.
- 2.2 Avoid, where practicable, or remedy or mitigate adverse visual effects of earthworks on visually prominent slopes, natural landforms and ridgelines.
- 2.3 Ensure cuts and batters are sympathetic to the line and form of the landscape.
- 2.4 Ensure remedial works and re-vegetation mitigation are effective, taking into account altitude and the alpine environment.

**Note:** The objectives and policies in Section 4.2 of the District Plan are also relevant to earthworks.

**Comment:** Refer to the attached visual effects assessment report. Overall, this report considers the effects will be low provided the recommended mitigations are undertaken. The applicant supports the recommendations as a condition of consent. Therefore, we consider that this objective is met.

**Objective 3 – Ensure earthworks do not adversely affect the stability of land, adjoining sites or exacerbate flooding.**

**Policies**

- 3.1 Ensure earthworks, in particular, - cut, fill and retaining, - do not adversely affect the stability of adjoining sites.
- 3.2 Ensure earthworks do not cause or exacerbate flooding, and avoid, remedy or mitigate the adverse effects of de-watering.
- 3.3 Avoid the adverse effects of earthworks on steeply sloping sites, where land is prone to erosion or instability, where practicable. Where these effects cannot be avoided, to ensure techniques are adopted that remedy or mitigate the potential to decrease land stability.

**Comment:** As part of the trail development, Geoconsulting have undertaken a geotechnical assessment. Their report does not identify any instability that would affect the trail earthworks as proposed. In this regard we consider that this policy is met.

**Objective 4 – Enable earthworks in the Rural General Zone, the Rural Visitor Zone and the Gibbston Character Zone that improve the efficiency, safety and economic viability of farming operations, and public recreation.**

**Policies**

- 4.4 Provide for earthworks associated with public recreation, where practicable.

**Comment:** The trail development is anticipated by Policy 4.4. The trail is for public use and enjoyment.

Objective 6 – Maintain or improve water quality of rivers, lakes and aquifers.

Policies

6.1 Avoid the adverse effects of earthworks in close proximity to water bodies, where practicable. Where these cannot be avoided, ensure that sediment control techniques are put in place to avoid, remedy or mitigate sediment run-off.

**Comment:** The construction of the trail will not have a measurable impact on water quality. All earthworks are being undertaken away from the wet bed of the Kowarau River, which is the only natural water body present on the site. Culverts will be installed in natural drainage points along the trail to maintain overland flows, but these will not have any lasting impact on water quality beyond the installation phase. Industry standard methods for installing culverts will be used including silt fencing downstream where the 'bed' is wet.

Objective 7 – Protect cultural heritage, including waahi tapu, waahi taonga, archaeological sites and Heritage Landscapes from the adverse effects of earthworks.

Policies

7.1 Ensure that iwi are consulted regarding earthworks that may affect sites of significance to Maori, including Statutory Acknowledgement Areas.

7.2 Consult with Heritage New Zealand where proposed earthworks may affect any archaeological sites.

7.3 Recognise and protect the values of Heritage Landscapes from the adverse effects of earthworks.

7.4 Protect heritage buildings and structures from potential undermining and vibration effects resulting from earthworks on the same site or from sites in close proximity.

**Comment:** The development of the trail includes an Archaeological Assessment report completed by Origin Consultants and an application for Archaeological Authority has also been lodged with Heritage NZ. Through these processes, all relevant matters and consultation has been undertaken including with Iwi. In this regard we consider that the development achieves all of these policies

### 6.3 Section 20 – Landscapes and Rural Character

Refer to the Landscape Assessment report prepared by Blakely Wallace & Associates. Overall, the trail development is considered consistent with the objectives contained in this section and is assessed as having a low impact.

### 6.4 Proposed District Plan – Section 6: Landscapes & Rural Character

Refer to Section 9 of the Landscape Assessment report prepared by Blakely Wallace & Associates. Their assessment concludes that overall, the trail development is considered consistent with the objectives of this section and is assessed as having a low impact.

## 6.5 Proposed District Plan – Section 21: Rural Zone

Objective 21.2.1 – A range of land uses, including farming and established activities, are enabled while protecting, maintaining and enhancing landscape, ecosystem services, nature conservation and rural amenity values.

Policies

21.2.1.4 Minimise the dust, visual, noise and odour effects of activities by requiring them to locate a greater distance from formed roads, neighbouring properties, waterbodies and zones that are likely to contain residential and commercial activity.

21.2.1.6 Avoid adverse cumulative impacts on ecosystem services and nature conservation values.

21.2.1.7 Have regard to the spiritual beliefs, cultural traditions and practices of Tangata whenua.

21.2.1.8 Have regard to fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision and development in the Rural Zone.

21.2.1.16 Provide for a range of activities that support the vitality, use and enjoyment of the Queenstown Trail and Upper Clutha Tracks networks on the basis that landscape and rural amenity is protected, maintained or enhanced and established activities are not compromised.

**Comment:** The trail will not impact or be impacted by the existing activities across the site. There are no ecosystem impacts anticipated or effects on nature conservation values with almost all the trail footprint being across land covered by exotic species. The trail development is not considered to give rise to an increased fire risk and the trail will complement the existing Queenstown trail by connecting it to Cromwell. In summary we consider the trail will achieve all of these policies.

Objective 21.2.2 – The life supporting capacity of soils is sustained.

Policies

21.2.2.1 Allow for the establishment of a range of activities that utilise the soil resource in a sustainable manner.

21.2.2.2 Maintain the productive potential and soil resource of Rural Zoned land and encourage land management practices and activities that benefit soil and vegetation cover.

21.2.2.3 Protect the soil resource by controlling activities including earthworks, indigenous vegetation clearance and prohibit the planting and establishment of identified wilding exotic trees with the potential to spread and naturalise.

**Comment:** The trail development will not adversely impact the life supporting capacity of soils. The trail will be built on land considered to have very low productive capacity being the scrubby margins of the river and SH6 road verge.

Objective 21.2.3 – The life supporting capacity of water is safeguarded through the integrated management of the effects of activities.

Policies

21.2.3.1 In conjunction with the Otago Regional Council, regional plans and strategies:  
a. encourage activities that use water efficiently, thereby conserving water quality and quantity;  
b. discourage activities that adversely affect the potable quality and life supporting capacity of water and associated ecosystems.

**Comment:** The trail development does not result in activities within the wet bed of rivers and as such is considered to have no impact. A separate consent will be sought from the Otago Regional Council for the bridge structures.

Objective 21.2.4 – Situations where sensitive activities conflict with existing and anticipated activities are managed to minimise conflict between incompatible land uses.

Policies

21.2.4.1 New activities must recognise that permitted and established activities in the Rural Zone may result in effects such as odour, noise, dust and traffic generation that are reasonably expected to occur and will be noticeable to residents and visitors in rural areas.

21.2.4.2 Control the location and type of non-farming activities in the Rural Zone, so as to minimise conflict between permitted and established activities and those that may not be compatible with such activities.

**Comment:** Existing activities adjoining the proposed trail are not inconsistent with the trail nor likely to give rise to adverse effects once the trail is operational. The trail crosses a diverse landscape including working farms, vineyards, busy state highways and so forth. The obvious activity likely to give rise to effects on trail users is the Victoria Flats Landfill. The trail is located on the edge of the Designation as shown on the design plans. We consider that the landfill is unlikely to give rise to more than minor effects with trail users being within range for only a few minutes at most. Additionally, the landfill is not visible from the trail.

Objective 21.2.12 – The natural character of lakes and rivers and their margins is protected, maintained or enhanced, while providing for appropriate activities on the surface of lakes and rivers, including recreation, commercial recreation and public transport.

Policies

21.2.12.1 Have regard to statutory obligations, wāhi Tūpuna and the spiritual beliefs, and cultural traditions of tangata whenua where activities are undertaken on the surface of lakes and rivers and their margins.

21.2.12.2 Enable people to have access to a wide range of recreational experiences on the lakes and rivers, based on the identified characteristics and environmental limits of the various parts of each lake and river.

21.2.12.4 Have regard to the whitewater values of the District's rivers and, in particular, the values of parts of the Kaware, Nevis and Shotover Rivers as three of the few remaining major unmodified whitewater rivers in New Zealand, and to support measures to protect this characteristic of rivers.

21.2.12.5 Protect, maintain or enhance the natural character and nature conservation values of lakes, rivers and their margins from inappropriate activities with particular regard to nesting and spawning areas, the intrinsic value of ecosystem services and areas of indigenous fauna habitat and recreational values.

21.2.12.6 Recognise and provide for the maintenance and enhancement of public access to and enjoyment of the margins of the lakes and rivers.

21.2.12.7 Ensure that the location, design and use of structures and facilities are such that any adverse effects on visual qualities, safety and conflicts with recreational and other activities on the lakes and rivers are avoided, remedied or mitigated.

**Comment:** The trail development has included early engagement with Iwi. The archaeological assessment report has been provided to Aukaha and their approval is considered to address these matters.

The trail will specifically achieve public access and is considered to achieve 21.2.12.2 and 21.2.12.6.

The trail development will not impact on the in-river values as noted in 21.2.12.4 with all works well clear of the river. In fact, the trail will enhance the use of the Citroen Rapid, where an annual kayaking race takes place by improving access for boaters and spectators alike.

The trail will maintain the natural character of the river through design and use of appropriate colours (rusty steel or brown stain) on structures.

The design of structures as assessed by our landscape architect is considered to achieve 21.2.12.7.

Overall, we consider the trail development achieves this objective.

## 6.6 Proposed District Plan – Section 23: Gibbston Character Zone

Objective 23.2.1 – The economic viability, character and landscape values of the Gibbston Character Zone are protected by enabling viticulture and other appropriate activities that rely on the rural resource of the Gibbston Valley and managing the adverse effects resulting from other activities locating in the Zone.

### Policies

23.2.1.1 Enable viticulture activities and provide for other appropriate activities that rely on the rural resource of the Gibbston Valley while protecting, maintaining or enhancing the values of indigenous biodiversity, ecosystems services, the landscape and surface of lakes and rivers and their margins.

23.2.1.2 Ensure land with potential value for rural productive activities is not compromised by the inappropriate location of other developments and buildings.

23.2.1.3 Ensure activities not based on the rural resources of the area occur only where the character and productivity of the Gibbston Character zone and wider Gibbston Valley will not be adversely impacted.

23.2.1.5 Avoid or mitigate adverse effects of development on the landscape and economic values of the Gibbston Character zone and wider Gibbston Valley.

23.2.1.6 Protect, maintain and enhance landscape values by ensuring all structures are located in areas with the potential to absorb change.

23.2.1.7 Avoid the location of structures, including water tanks, other than regionally significant infrastructure, on skylines, ridges, hills and prominent slopes.

23.2.1.12 Avoid adverse cumulative impacts on ecosystem and nature conservation values.

**Comment:** The cycle trail relies heavily on the ‘rural resource’ and is considered an appropriate activity in this zone. The trail will not compromise rural productivity or impact on the existing character or capacity of the zone. Through careful siting and as assessed by our landscape architect the landscape impact is considered low and is consistent with the existing character. Overall, we consider the trail development achieves these objectives and policies.

Objective 23.2.2 – The life supporting capacity of soils is sustained.

### Policies

23.2.2.1 Avoid the adverse effects of subdivision and development on the life-supporting capacity of soil.

23.2.2.2 Enable a range of activities to utilise the range of soil types and microclimates.

23.2.2.3 Protect the soil resource by controlling activities including earthworks and indigenous vegetation clearance.

23.2.2.4 Encourage land management practices and activities that benefit soil and vegetation cover.

**Comment:** The trail will not adversely impact the soil use or capacity being located within the margin of SH6 or on land not easily utilised for productive uses. Through careful retention of vegetation, there will be a minimum amount of vegetation removal.

Objective 23.2.3 – The life supporting capacity of water is safeguarded through the integrated management of the effects of activities.

### Policy

In conjunction with the Otago Regional Council, regional plans and strategies:

<p>a. encourage activities, that use water efficiently, thereby conserving water quality and quantity;</p> <p>b. discourage activities that adversely affect the potable quality and life supporting capacity of water and associated ecosystems.</p>
<p><b>Comment:</b> The trail will not have an impact on existing water resources. All trail work is set back from the margins of the Kawarau River and will not impact water quality or quantity. A separate consent will be sought from the ORC for the bridges over the Kawarau River.</p>

<p>Objective 23.2.4 – Land management practices that recognise and accord with the environmental sensitivity and amenity values of the Gibbston Character Zone are encouraged.</p>
<p>Policies</p> <p>23.2.4.1 Encourage appropriate management of vegetation cover and development including earthworks to prevent siltation and sedimentation effects on water resources.</p> <p>23.2.4.2 Noise levels should not be inconsistent with rural productive activities and the character and rural amenity of the Gibbston area.</p> <p>23.2.4.3 Control access and egress to ensure safe and efficient movement of traffic on roads and for users of trails, walkways and cycleways.</p>
<p><b>Comment:</b> The proposed cycle trail will be an extension of the existing trail that traverses the Gibbston Valley from Queenstown stopping at the Gibbston Back Road. (The section of trail between Gibbston Back Road and the Nevis Bluff will be built by NZTA). As such the new trail will be consistent with this existing trail and viewed as part of the wider valley in the same way. Through careful trail location and retention of vegetation the trail earthworks will be consistent with these policies.</p>

## 6.7 Proposed District Plan – Section 25: Earthworks

<p>Objective 25.2.1 – Earthworks are undertaken in a manner that minimises adverse effects on the environment, protects people and communities, and maintains landscape and visual amenity values.</p>
<p>Policy 25.2.1.1 – Ensure earthworks minimise erosion, land instability, and sediment generation and offsite discharge during construction activities associated with subdivision and development</p>
<p>Policy 25.2.1.2 – Manage the adverse effects of earthworks to avoid inappropriate adverse effects and minimise other adverse effects, in a way that</p> <ol style="list-style-type: none"> <li>Protects the values of Outstanding Natural Features and Landscapes;</li> <li>Maintains the amenity values of Rural Character Landscapes</li> <li>Protects the values of Significant Natural Areas and the margins of lakes, rivers and wetlands;</li> <li>Minimises the exposure of aquifers, in particular the Wakatipu Basin, Hāwea Basin, Wanaka Basin and Cardrona alluvial ribbon aquifers;</li> <li>Protects Māori cultural values, including wāhi tapu and wāhi tūpuna and other sites of significance to Māori;</li> <li>Protects the values of heritage sites, precincts and landscape overlays from inappropriate subdivision, use and development; and</li> <li>Maintains public access to and along lakes and rivers.</li> </ol>
<p>Policy 25.2.1.3 – Avoid, where practicable, or remedy or mitigate adverse visual effects of earthworks on visually prominent slopes, natural landforms and ridgelines.</p>
<p>Policy 25.2.1.4 – Manage the scale and extent of earthworks to maintain the amenity values and quality of rural and urban areas.</p>
<p>Policy 25.2.1.5 – Design earthworks to recognise the constraints and opportunities of the site and environment.</p>
<p>Policy 25.2.1.6 – Ensure that earthworks are designed and undertaken in a manner that does not adversely affect infrastructure, buildings and the stability of adjoining sites.</p>

- Policy 25.2.1.7 – Encourage limiting the area and volume of earthworks being undertaken on a site at any one time to minimise adverse effects on water bodies and nuisance effects of adverse construction noise, vibration, odour, dust and traffic effects.
- Policy 25.2.1.8 – Undertake processes to avoid adverse effects on cultural heritage, including wāhi tapu, wāhi tūpuna and other taonga, and archaeological sites, or where these cannot be avoided, effects are remedied or mitigated.
- Policy 25.2.1.9 – Manage the potential adverse effects arising from exposing or disturbing accidentally discovered material by following the Accidental Discovery Protocol in Schedule 25.10.
- Policy 25.2.1.10 – Ensure that earthworks that generate traffic movements maintain the safety of roads and accesses, and do not degrade the amenity and quality of surrounding land.
- Policy 25.2.1.11 – Ensure that earthworks minimise natural hazard risk to people, communities and property, in particular earthworks undertaken to facilitate land development or natural hazard mitigation

**Comment:** In regards Item 2.1.1 the earthworks will not result in erosion or land instability. Land stability generally has been assessed by Geoconsulting and their report does not identify any existing instabilities that the trail will affect. Sediment generated by the trail earthworks will be contained to the immediate area of the trail. While the total area and volume of earthworks is significant, the trail has a very long thin footprint resulting in very limited sediment generation in any area. Through use of drainage features (Water tables, culverts), the trail will not give rise to flows of water that are likely to generate mobile sediments.

The landscape report prepared by Phillip Blakely outlines the impacts anticipated from the trail development. Overall the landscape impact is considered low and therefore we consider that this policy is met.

In terms of 2.1.4 the scale of the work is significant, but of a very thin long nature. We consider that this policy is met in that the earthworks will be managed so as to avoid effects on amenity values and the quality of the rural area.

In regards Items 2.1.5 and 2.1.6 the earthworks will not adversely affect any infrastructure of create instability in adjoining sites therefore this policy is achieved.

Objective 25.2.2 – The social, cultural and economic wellbeing of people and communities benefits from earthworks

- Policy 25.2.2.1 – Enable earthworks that are necessary to provide for people and communities wellbeing, having particular regard to the importance of:
- Nationally and Regionally Significant Infrastructure;
  - tourism infrastructure and activities, including the continued operation, and provision for future sensitive development of recreation and tourism activities within the Ski Area Sub Zones and the vehicle testing facility within the Waioarau Ski Area Sub Zone;
  - minimising the risk of natural hazards;
  - enhancing the operational efficiency of farming including maintenance and improvement of track access and fencing; and
  - the use and enjoyment of land for recreation, including public walkways and trails.

**Comment:** The cycle trail will directly benefit the people and communities of the district with increase economic opportunities together with the benefits of improved health and wellbeing. As a result, we consider the proposed development is consistent with this policy.

**6.8 OTHER MATTERS – National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health**

- 6.8.1 The proposed development does not involve the subdivision of land, cultivation for consumption or change in landuse. The development will also not result in deposition of hazardous substances where they have, or are reasonably likely to have, an adverse effect on human health. Therefore, the NES is not considered to apply to this development.

**7.0 CONSULTATION**

- 7.1 Section 95B of the Resource Management Act requires that, should the consent authority determine that public notification is not needed, it must decide whether there are any affected persons 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) and affected party approval has not been provided.
- 7.2 In terms of Section 95B of the Act, no person is considered to be adversely affected by the proposed development.
- 7.3 That being said, consultation has been undertaken with the following parties:
- 7.3.1 DOC who administered public conservation land in the Kowarau Gorge have been consulted. No approval has been forthcoming.
- 7.3.2 LINZ Crown Land who administer the bed of the Kowarau River have been consulted and their approval is attached as a separate pdf
- 7.3.3 The Station at Waitiri Ltd and Rock Supplies NZ Ltd have been consulted and we expect their approval shortly
- 7.3.4 Ngai Tahu have been consulted via Aukaha and their approval is attached.
- 7.3.5 Fish & Game have been consulted and their approval is attached
- 7.3.6 Heritage New Zealand – An archaeological assessment report has been prepared by Origin Consultants and an Archaeological Authority is in progress.
- 7.3.7 Queenstown Lakes District Council roading who administer legal roads have been consulted. While legal roads are un-zoned in the District Plan, we have sought their approval to this consent application in any case. The trail construction, operation and maintenance will be agreed through a License to Occupy between the Trust and QLDC.
- 7.3.8 NZTA who administer the State Highway network have been consulted, as part of the trail and the underpass are located within SH6. NZTA are a key partner in the development of the trail linking Gibbston Valley to Cromwell and will be undertaking the construction of the Nevis Bluff section. We have not received their written approval.
- 7.3.9 The above approvals are attached in **Appendix F**

## 8.0 Part II of the Act

- 8.1 Under Part 2 of the Resource Management Act 1991 Section 5 sets out the purpose of the Act as follows:

### **5 Purpose**

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while –*
  - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

- 8.2 In order to achieve the purpose of the Act, the proposal must be considered in the context of Section 5 above. Paragraphs (a), (b) and (c) of Section 5(2) are to be afforded full significance and applied accordingly in the circumstances of the particular case so that promotion of the Act's purpose is effectively achieved.

- 8.3 The subject site is located within the Rural Area and Gibbston Rural Character Zone. The resulting character of the site will be consistent with that of the surrounding area and will ensure that any adverse effects in terms of visual amenity are appropriately mitigated. It is therefore considered that the proposed development represents the sustainable management of the District's natural and physical resources as defined in Section 5 of the Act.

- 8.4 Section 6 of the Act sets out matters of national importance which must be taken into consideration in achieving the purpose of the Act. The following matters are relevant to this proposal:

*(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*

*(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*

*(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*

*(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*

*(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*

*(f) the protection of historic heritage from inappropriate subdivision, use, and development:*

*(h) the management of significant risks from natural hazards.*

In regards the preservation of the natural character of the margins of the Kawarau River and the outstanding natural features of the Kawarau Gorge, the proposed development is consistent with the existing environment and has been designed with input from experts in the relevant fields. Overall, we consider the proposed development achieves the purpose of this matter.

With regard to enhancement of public access, the proposed development will provide for significantly improved public access to the Kawarau River and therefore achieve the aim of item (c).

With regard the protection of the historic features found within proximity to the trail, the development will be completed under an Archaeological Authority from Heritage New Zealand. The design and construction will be monitored by an archaeologist and the resulting interpretation story boards erected as part of the trail development will enhance the knowledge of the archaeological features present on the site and thus we consider achieve the purpose of this section of the act.

With regard to management of significant risks, the development is not subject to significant risks from natural hazards. The development is being undertaken in accordance with geotechnical advice to ensure that the existing natural hazards on the site are avoided or mitigated and thus we consider that this matter is achieved.

The matters relating to the relationship of Maori (item e) have been discussed directly with iwi via Aukaha and they have supported the trail development subject to the trail remaining outside of the Whata to Rere reserve. The trail avoids this site and we therefore consider this matter is achieved.

- 8.5 Section 7 of the Act sets out other matters that must be taken into consideration in achieving the purpose of the Act. The relevant other matters set out in Section 7 are as follows:

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to —*

- (8) kaitiakitanga:*
- (aa) the ethic of stewardship:*
- (b) the efficient use and development of natural and physical resources:*
- (ba) the efficiency of the end use of energy:*
- (c) the maintenance and enhancement of amenity values:*
- (d) intrinsic values of ecosystems:*
- (f) maintenance and enhancement of the quality of the environment:*
- (g) any finite characteristics of natural and physical resources:*

- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy.*

**8.6** Having had regard to the other matters set out in Section 7 of the Act it is considered that the proposal represents the efficient use and development of natural and physical resources through effectively managing the natural hazards and access within the site such that public access for walking and cycling can be constructed while ensuring that the character and amenity of the surrounding zone is maintained. It is therefore considered that the proposed development achieves the purpose of the Resource Management Act 1991.

## **9.0 CONCLUSION**

- 9.1 The proposed development requires a discretionary activity resource consent.
- 9.2 As outlined in the Assessment of Environmental Effects contained in Section 5 above it is considered that overall, the proposed development will result in less than minor adverse effects on the environment.
- 9.3 As outlined in Section 6 above it is considered that the proposal is consistent with the objectives and policies of the Operative and Proposed District Plans.
- 9.4 As outlined in Section 6.10 above it is considered that the provisions of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health do not apply.
- 9.5 As outlined under Section 7 above those parties considered affected by this proposal have been consulted and have provided their approval.
- 9.6 As outlined in Section 8 above it is considered that the proposal is consistent with Part 2 of the Resource Management Act 1991.
- 9.7 With regard to notification, the applicant is requesting that the application be publicly notified immediately.

Yours faithfully,  
**Southern Land,**



Tim Dennis  
**Project Manager**  
*BE(hons), Dip Surv, MNZIS*

# **APPENDIX A**

## **Records of Title, covenants and consent notices**

## **APPENDIX B**

### **Southern Land Ltd design plans**

T4303-2\_P3 Sheets 1-6

T4303-2\_E2 Underpass plan

T4303-2\_E3 Bridge Plans

## **APPENDIX C**

**Landscape assessment prepared by Blakely Wallace & Associates  
Dated Oct 2020  
Including site photos prepared by Southern Land Ltd**

## APPENDIX D

### Typical Completed Trail Photos



Photo 1: Lake Dunstan Trail with retaining walls, just after construction 2020



Photo 2: Almost completed trail near Halfway Hut, Lake Dunstan Trail. Note the revegetated fill batter slopes



Photo 3: Recently completed section of Roxburgh Gorge Trail, Date 2013



Photo 4: Narrows, Roxburgh Gorge, trail just visible in distance shortly after construction, 2013



Photo 5: Clutha Gold Trail near Roxburgh, 2018



Photo 6: Typical example of existing 4wd track in Kawarau Gorge

## **APPENDIX E**

**Geotechnical Report prepared by  
Geoconsulting Ltd  
Ref: SouthernLand 190528**

## APPENDIX F

### Affected Party Approvals

F&G  
Aukaha  
LINZ – refer separate pdf



10/07/2020

Southern Land Development Consultants

**RE: Kawarau Gorge Trail Construction**

Attention: Tim Dennis

Dear Tim,

Thank you for providing details on the application to construct a trail linking Gibbston Valley and Felton Road through the Kawarau Gorge, for the Otago Fish and Game Council (Fish and Game) to review as an affected party under section 95 of the Resource Management Act.

I can confirm that Fish and Game provides unconditional written approval for the application.

Should there be additional changes to the application, this written approval cannot be considered up to date and Fish and Game must reconsider the application.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Jack Harland".

Jack Harland  
Environmental Officer



23 September 2020

Central Otago Queenstown Trail Network Trust  
**Central Otago**

Attention: Janeen Wood

**Resource Consent – Central Otago Queenstown Trail Network Trust**

**Application**

Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (Kā Rūnaka) understand that Central Otago Queenstown Trail Network Trust is applying for resource consent(s) associated with land use for the purpose of constructing a biking/walking trail (as specified in the information provided).

**The affected party**

Aukaha writes this written approval on behalf of Kā Runaka, the kaitiaki Rūnaka whose takiwā (area) includes the site the application relates to.

The representatives have received the full application, including the assessment of environmental effects and plan(s) included in the attached application.

This written approval is specific to the above proposal and provided on the strict basis that the applicant continues to proffer the conditions set out above. Any changes to the application will require further consultation and written approval from Kā Rūnaka. On the same basis any subsequent variation, transfer or replacement application that is relevant to the volume or location of the take may also require further approval.

I have the authority to sign on behalf of Kā Rūnaka and I have read the full application, including the assessment of environmental effects and plan(s).

Kā Runaka are rakatira and kaitiaki of all natural resources within the area to which the application relates.

**Decision**

Kā Runaka provide their written approval. In signing this written approval, Kā Runaka understand that the consent authority must decide that Kā Runaka are no longer an affected person, and the consent authority must not have regard to any adverse effects on Kā Runaka.

While providing written approval to the proposal, Kā Rūnaka support and encourage more effective monitoring of the associated discharge, so as to align with mana whenua values and protocols

Kā Runaka understand that Kā Runaka may withdraw written approval by giving written notice to the consent authority before the hearing, if there is one, of it not then before the application is determined.

Nāku noa, nā

Aukaha  
Level 1, 258 Stuart Street, P O Box 446, Dunedin 9054, New Zealand  
Phone - 03 477 0071  
[info@aukaha.co.nz](mailto:info@aukaha.co.nz) [www.aukaha.co.nz](http://www.aukaha.co.nz)

## APPENDIX G

### Geological Information

#### Source

<https://services.main.net.nz/geopreservation/>

#### Kawarau Gorge

number: 1062  
name: Kawarau gorge  
district: Otago  
significan: A spectacular steep gorge notable for the volume and fast flowing nature of its water.  
description: The gorge is continually being modified by landslides.  
locality: Between Gibbston and Ripponvale on Kawarau River.  
importance: B  
vulnerabil: 2  
access:  
exposure:  
informants: Campbell, H.J.  
year: 1989  
references:  
age:  
site\_type: Gorge  
inventory: Landforms

#### Gees Flat

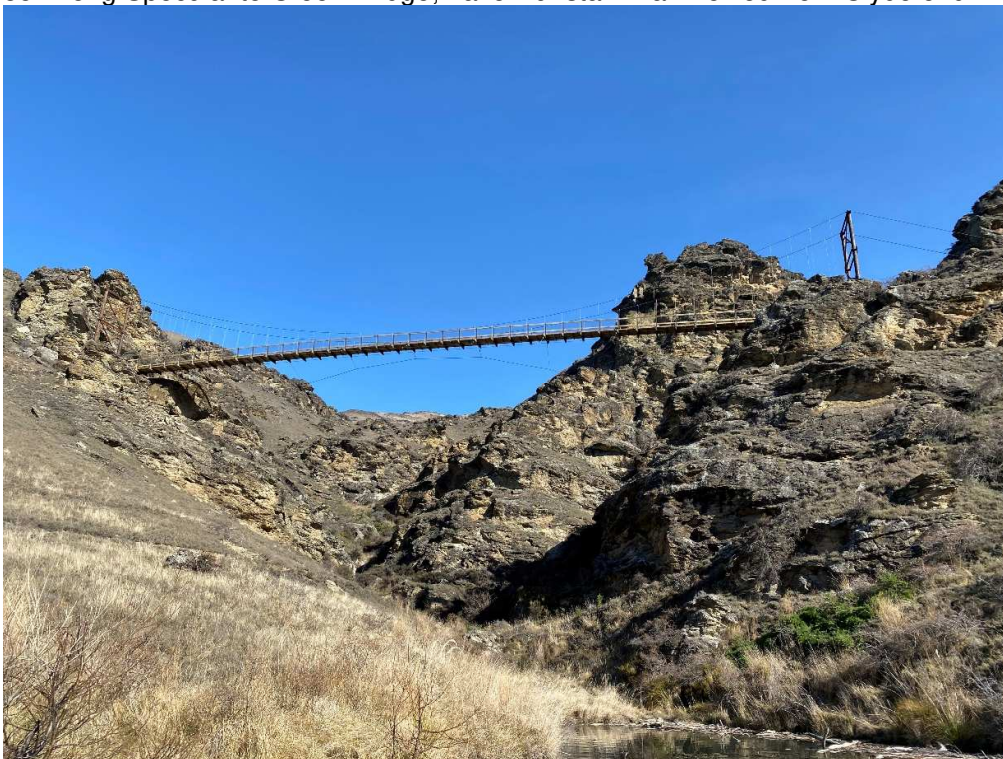
number: 1365  
name: Gees Flat sluiced areas  
district: Otago  
significan: Good examples of sluiced areas for gold. Mining machinery is also preserved on the site.  
description: A tourist centre (Kawarau Gorge mining site) with historical displays, preserved mining equipment, and gold panning demonstrations is situated amongst the numerous alluvial workings along the Kawarau River.  
locality: Near the footbridge over the Kawarau River, Kawarau Gorge, Kawarau.  
importance: B  
vulnerabil: 3  
access: By footbridge, off State Highway 6  
exposure:  
informants: Forsyth, P.J.; Turnbull, I.M.  
year: 1990  
references: Turnbull, I.M.; Forsyth, P.J. 1988: Queenstown - a geological guide. Geological Society of New Zealand Guidebook 9, p.33.  
age:  
site\_type: Mining - gold  
inventory: Historical Sites and Features

## APPENDIX I

### Typical Bridge Design – Specularite Creek, Lake Dunstan Trail



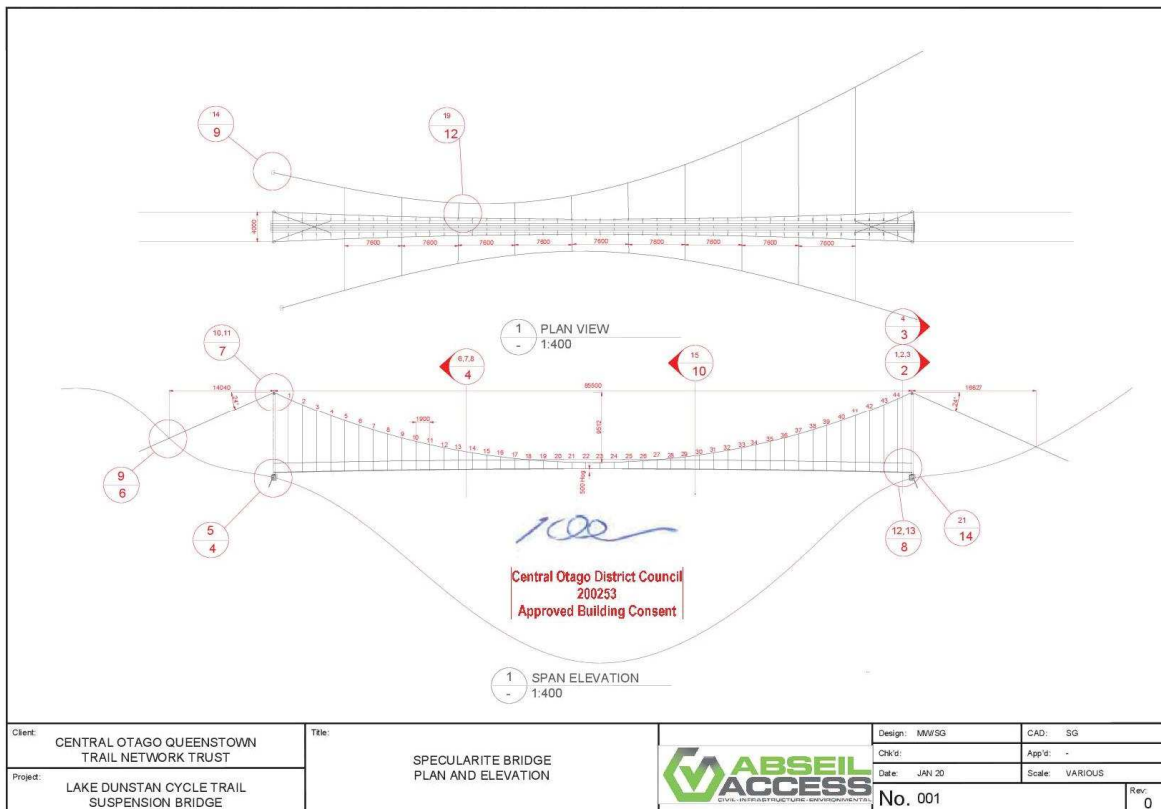
85m long Specularite Creek Bridge, Lake Dunstan Trail viewed from Clyde end



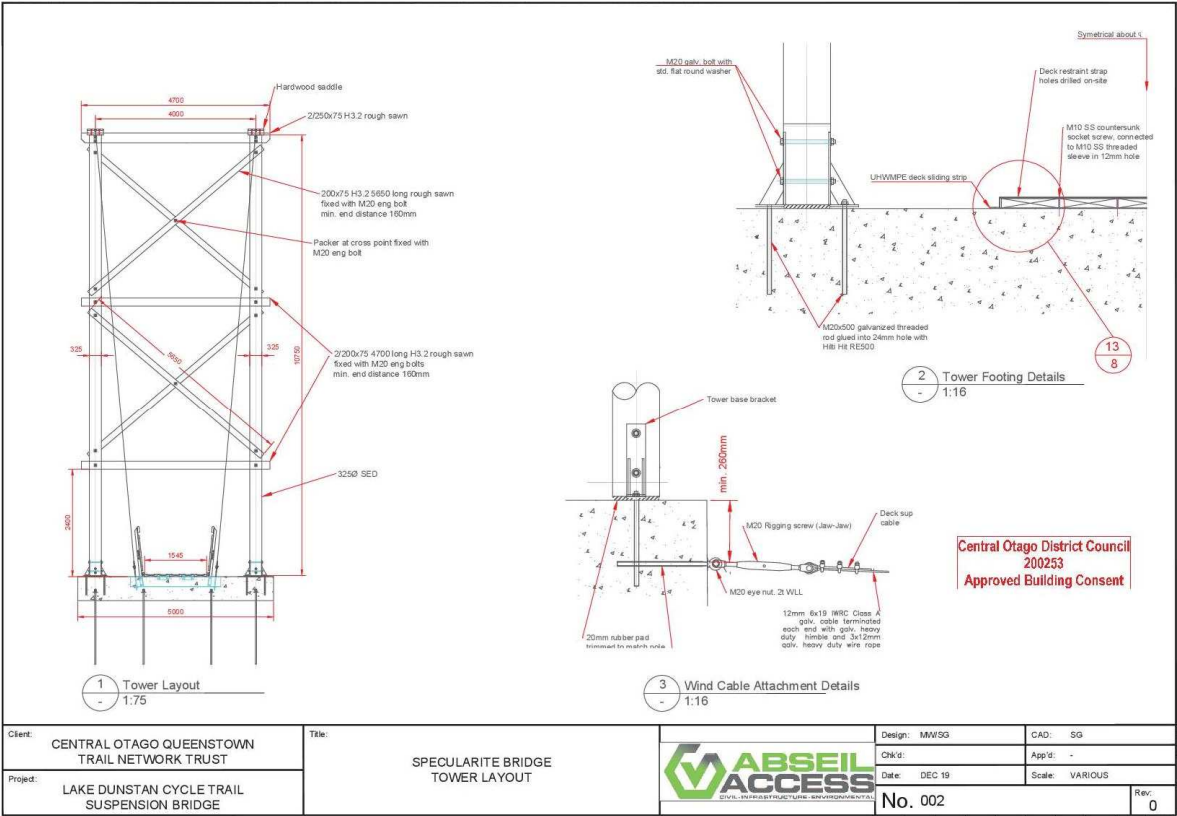
Bridge viewed from below



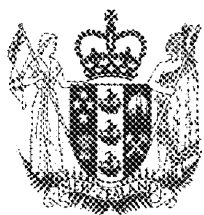
Specularite Creek Bridge view from deck



Specularite Creek plan and elevation drawing




Specularite Creek tower elevation



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



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** 364036  
**Land Registration District** Otago  
**Date Issued** 23 April 2008

**Prior References**

386903

---

<b>Estate</b>	Fee Simple
<b>Area</b>	4331.1747 hectares more or less
<b>Legal Description</b>	Lot 51, 55-56 Deposited Plan 390679 and Section 11, 14 Survey Office Plan 342162 and Part Section 5 Block VI Kawarau Survey District

**Registered Owners**

The Station At Waitiri Limited

---

**Interests**

831936 Land Improvement Agreement pursuant to Section 30A Soil Conservation and Rivers Control Act 1941-16.6.1993 at 9:16 am (affects Lots 55 and 56)

Subject to a right (in gross) to convey water over Lot 56 DP 390679 over part marked AA, T, S, R and AC on DP 390679 in favour of Central Electric Limited and created by Transfer 871466.1 - 7.12.1994 at 9:26 am

5408146.3 Deed of easement under Section 60 Land Act 1948 being a grant of a telecommunication easement in gross over lot 56 DP 390679 over part marked N and a right in gross to convey electricity over Lot 56 DP 390679 over part marked P, H, S and O, on DP 390679 and over part marked Q on SO 342162 in favour of Chorus New Zealand Limited embodied in the register as title 64294 - 20.11.2002 at 9:00 am

5408146.4 Deed of Easement under Section 60 Land Act 1948 being a grant of a telecommunication easement in gross over Lot 56 DP 390679 over part marked C on DP 390679 in favour of Chorus New Zealand Limited embodied in the register as title 64295 - 20.11.2002 at 9:00 am

Subject to Part IVA Conservation Act 1987

Subject to Section 11 Crown Minerals Act 1991

Subject to a Public access right of way (in gross) over Lot 56 DP 390679 over part marked G, H, I, AB, AC, S and T on DP 390679 in favour of Her Majesty the Queen created by Easement Instrument 6445766.5 - 3.6.2005 at 9:00 am

6529595.5 Mortgage to ANZ National Bank Limited - 11.8.2005 at 9:00 am

7403722.1 Gazette Notice declaring parts State Highway No.6 adjoining within land to be limited access road - 6.6.2007 at 9:00 am (affects Lot 56 DP 390679)

Subject to Section 120(9) Public Works Act 1981

7622372.1 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 20.11.2007 at 9:00 am

7622372.2 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 20.11.2007 at 9:00 am

7622372.3 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 20.11.2007 at 9:00 am

7622372.4 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 20.11.2007 at 9:00 am

7622372.17 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 20.11.2007 at 9:00 am

---

Transaction Id

Client Reference tdennis001

Search Copy Dated 15/09/20 1:45 pm, Page 1 of 3

Register Only

**Identifier****364036**

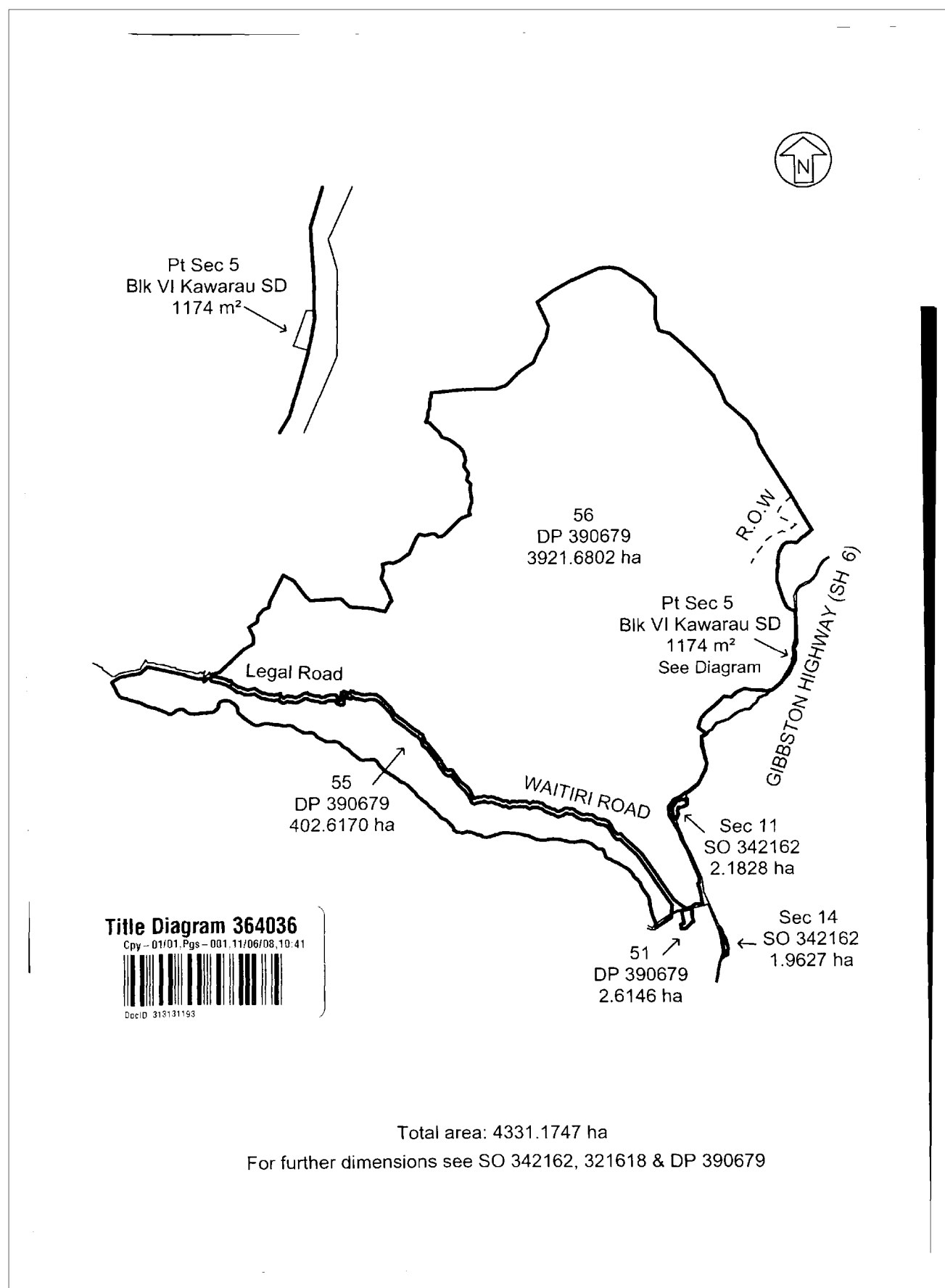
7622372.18 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 20.11.2007 at 9:00 am

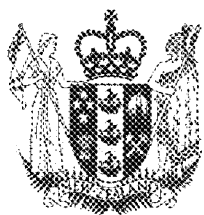
7622372.19 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 20.11.2007 at 9:00 am

Subject to Section 241(2) Resource Management Act 1991 (affects DP 390679)

Fencing Covenant in Transfer 8902064.20 - 30.11.2011 at 6:22 pm


Fencing Covenant in Transfer 8902064.29 - 30.11.2011 at 6:22 pm





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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** **364038**  
**Land Registration District** **Otago**  
**Date Issued** 23 April 2008

**Prior References**

386903

---

<b>Estate</b>	Fee Simple
<b>Area</b>	18.6227 hectares more or less
<b>Legal Description</b>	Section 5 Survey Office Plan 323355 and Part Section 15 Survey Office Plan 342162

**Registered Owners**

The Station At Waitiri Limited

---

**Interests**

831936 Land Improvement Agreement pursuant to Section 30A Soil Conservation and Rivers Control Act 1941 -  
16.6.1993 at 9:16 am (affects Part section 15 SO 342162)

Subject to Part IVA Conservation Act 1987

Subject to Section 11 Crown Minerals Act 1991

6529595.5 Mortgage to ANZ National Bank Limited - 11.8.2005 at 9:00 am

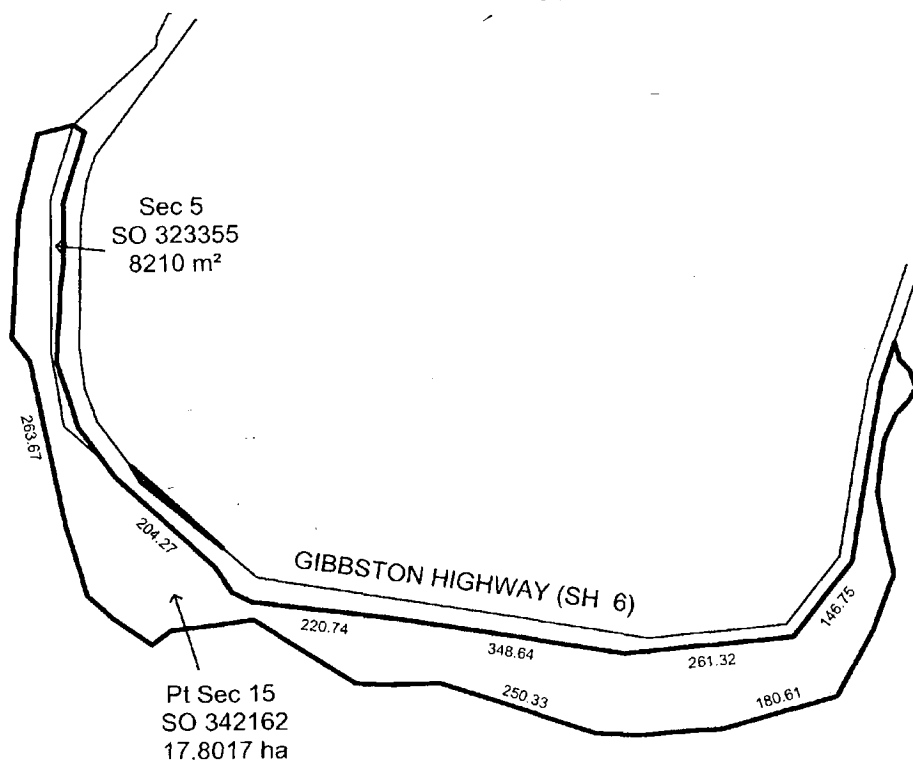
Subject to Section 120(9) Public Works Act 1981

**Title Diagram 364038**

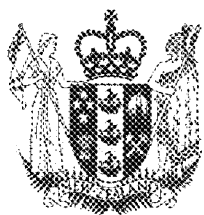
Cpy - 01/01, Pgs - 001, 07/10/14, 08:21



DocID: 515162004



Total area: 18.6217 ha  
For further dimensions see SO 323355 & SO 342162



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



**Identifier** OT14B/1179  
**Land Registration District** Otago  
**Date Issued** 30 April 1992

**Prior References**

OT12A/1115

---

<b>Estate</b>	Fee Simple
<b>Area</b>	24.6985 hectares more or less
<b>Legal Description</b>	Section 32 Block II Kawarau Survey District

**Registered Owners**

The Station at Waitiri Limited

---

**Interests**

Subject to Section 11 Crown Minerals Act 1991

Subject to Part IV A Conservation Act 1987

5001858.3 Transfer creating the following easements - 12.5.2000 at 9:08 am

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Right of way	Section 32 Block II Kawarau Survey District - herein	B DP 27395	Lot 1 Deposited Plan 27395 - CT OT19A/732	Subject to Section 243 (a) Resource Management Act 1991
Transmit electricity	Section 32 Block II Kawarau Survey District - herein	B DP 27395	Lot 1 Deposited Plan 27395 - CT OT19A/732	Subject to Section 243 (a) Resource Management Act 1991
Transmit telecommunications	Section 32 Block II Kawarau Survey District - herein	B DP 27395	Lot 1 Deposited Plan 27395 - CT OT19A/732	Subject to Section 243 (a) Resource Management Act 1991

7099339.1 Mining Certificate pursuant to Section 417 Resource Management Act 1991 to The New Zealand Malt Whisky Company Limited - 6.11.2006 at 9:00 am

Subject to a right of way, right to transmit electricity and telecommunications over part marked B on DP 27395 created by Easement Instrument 7398568.4 - 31.5.2007 at 9:00 am

The easements created by Easement Instrument 7398568.4 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right of way, right to transmit electricity and telecommunications over part marked B on DP 27395 created by Easement Instrument 7398568.11 - 31.5.2007 at 9:00 am

The easements created by Easement Instrument 7398568.11 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right of way and a right to transmit electricity and telecommunications over part marked B on DP 27395 created by Easement Instrument 7793537.5 - 23.4.2008 at 9:00 am

The easements created by Easement Instrument 7793537.5 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Easement Instrument 8907214.1 - 6.12.2011 at 3:27 pm

Subject to a right of way, and a right to transmit electricity and telecommunications over part marked B on DP

---

Transaction Id

Client Reference tdennis001

Search Copy Dated 15/09/20 1:32 pm, Page 1 of 3

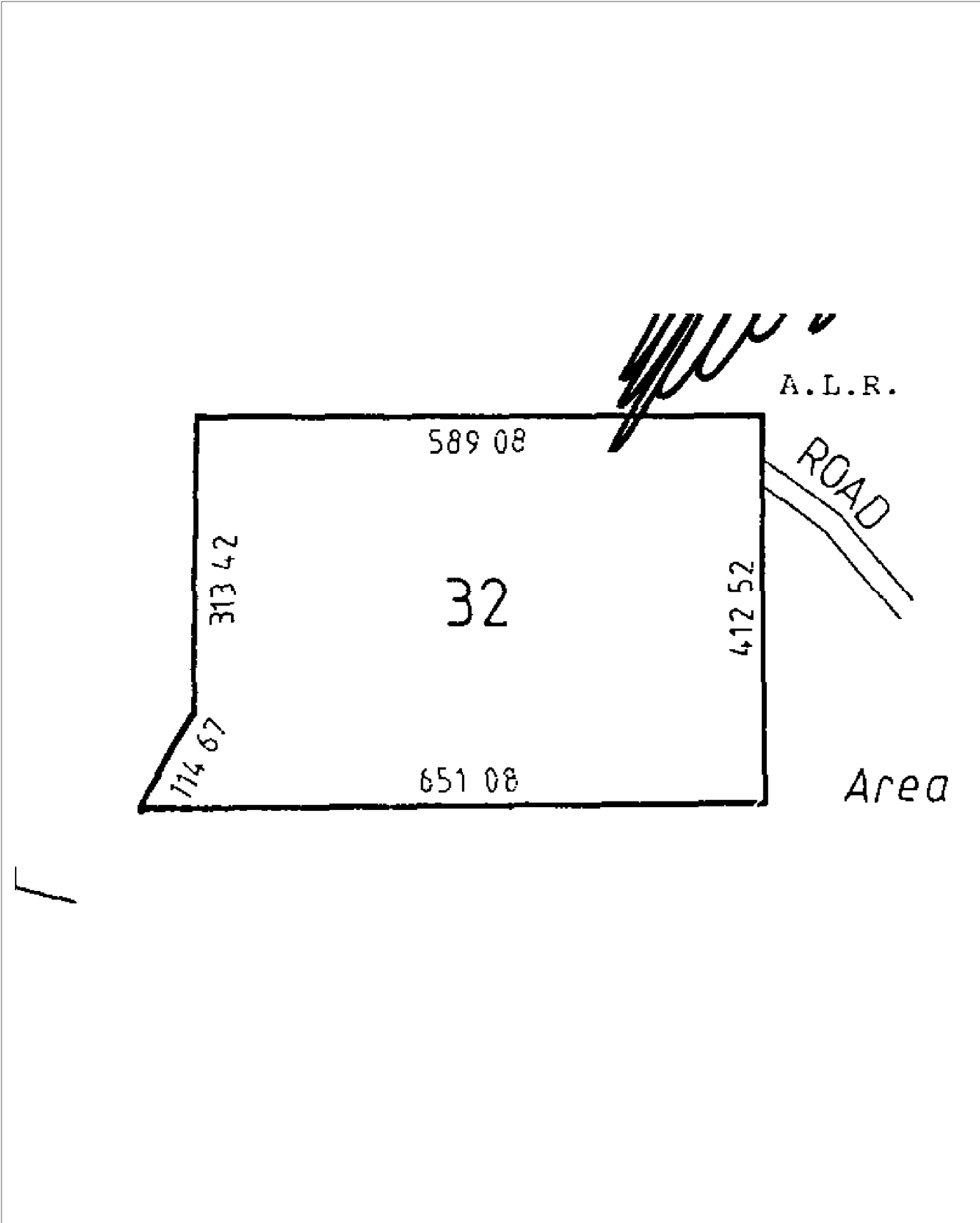
Register Only

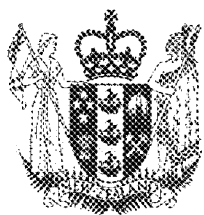
**Identifier**

**OT14B/1179**

27395 created by Easement Instrument 11156084.1 - 25.6.2018 at 2:37 pm

The easements created by Easement Instrument 11156084.1 are subject to Section 243 (a) Resource Management Act 1991





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



**Identifier** 477524  
**Land Registration District** Otago  
**Date Issued** 29 September 2009

**Prior References**

408013

---

<b>Estate</b>	Fee Simple
<b>Area</b>	145.7821 hectares more or less
<b>Legal Description</b>	Lot 2 Deposited Plan 420346 and Lot 8 Deposited Plan 402448

**Registered Owners**

The Cardrona Cattle Company Limited

---

**Interests**

Subject to Part IV A Conservation Act 1987

Subject to Section 11 Crown Minerals Act 1991

897940 Notice under s18(1)(b) Public Works Act 1981 - 14.12.1995 at 10:00 am

Subject to a right of way, right to transmit electricity and telecommunications over part Lot 8 marked A & C on DP 402448 specified in Easement Certificate 975354.4 - 21.9.1999 at 2:40 pm

The easements specified in Easement Certificate 975354.4 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right of way for foot access only over part Lot 8 marked X, Y & Z on DP 402448 created by Transfer 5682579.2 - 6.8.2003 at 9:00 am

7099339.1 Mining Certificate pursuant to Section 417 Resource Management Act 1991 to The New Zealand Malt Whisky Company Limited - 6.11.2006 at 9:00 am (affects part formerly Lot 7 DP 27395)

Subject to a right of way, right to transmit electricity and telecommunications over part Lot 8 marked D on DP 402448 created by Easement Instrument 7398568.8 - 31.5.2007 at 9:00 am

The easements created by Easement Instrument 7398568.8 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right of way, right to transmit electricity and telecommunications over part Lot 8 marked A, C & D on DP 402448 created by Easement Instrument 7398568.11 - 31.5.2007 at 9:00 am

The easements created by Easement Instrument 7398568.11 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Deed 7398568.13 - 31.5.2007 at 9:00 am (affects Lot 8 DP 402448)

Land Covenant in Deed 7398568.14 - 31.5.2007 at 9:00 am (affects Lot 8 DP 402448)

7403722.1 Gazette Notice declaring parts State Highway No.6 adjoining within land to be limited access road - 6.6.2007 at 9:00 am

7622372.5 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 20.11.2007 at 9:00 am (affects Lot 8 DP 402448 herein)

7622372.6 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 20.11.2007 at 9:00 am (affects Lot 8 DP

**Identifier****477524**

402448 herein)

7622372.7 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 20.11.2007 at 9:00 am (affects Lot 8 DP 402448 herein)

7622372.8 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 20.11.2007 at 9:00 am (affects Lot 2 DP 420346 herein)

7793537.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 23.4.2008 at 9:00 am

Subject to a right of way and a right to transmit electricity and telecommunications over part Lot 8 DP 402448 over parts marked A & C on DP 402448 created by Easement Instrument 7793537.5 - 23.4.2008 at 9:00 am

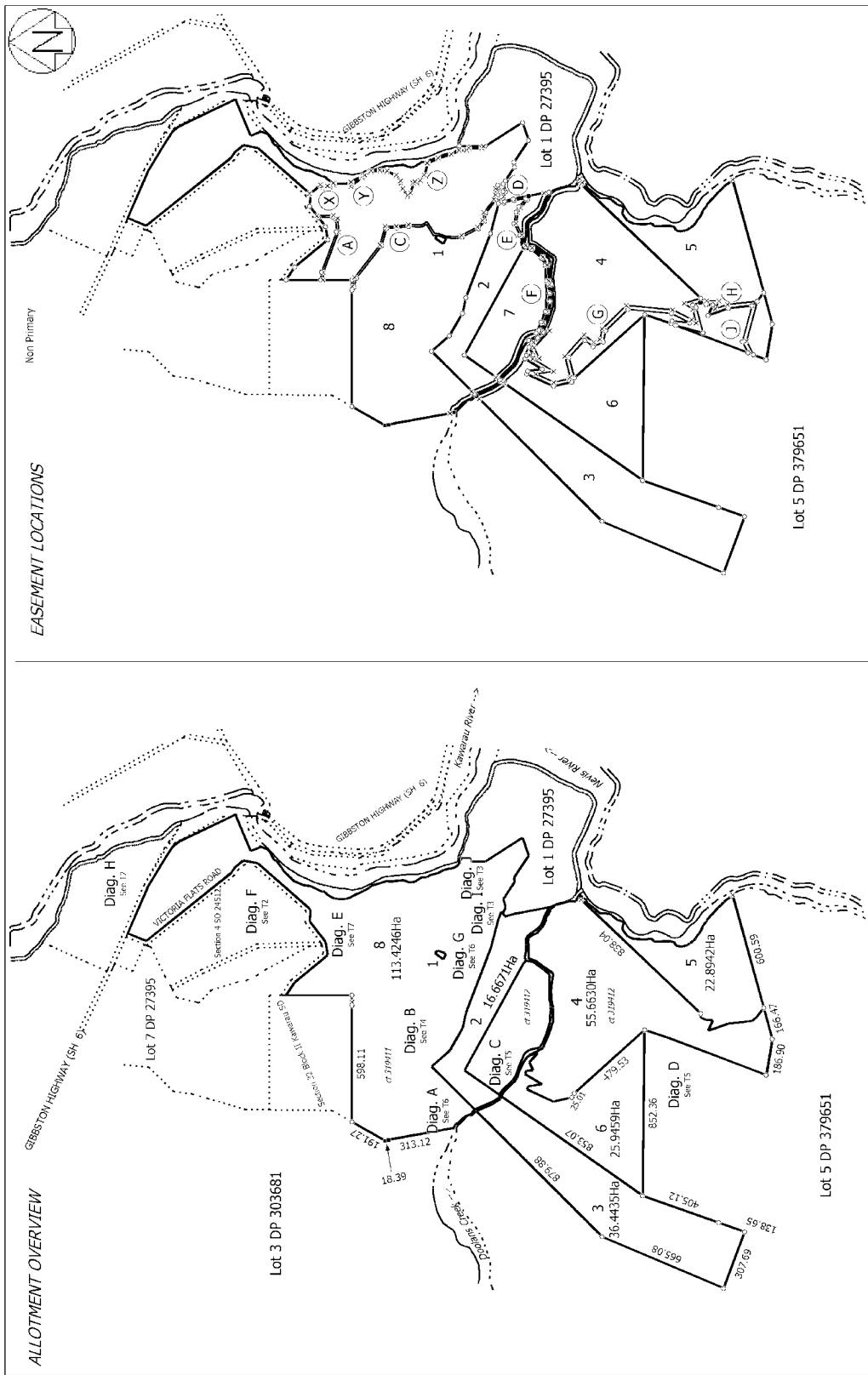
The easements created by Easement Instrument 7793537.5 are subject to Section 243 (a) Resource Management Act 1991

Subject to Section 241(2) Resource Management Act 1991 (affects DP 420346)

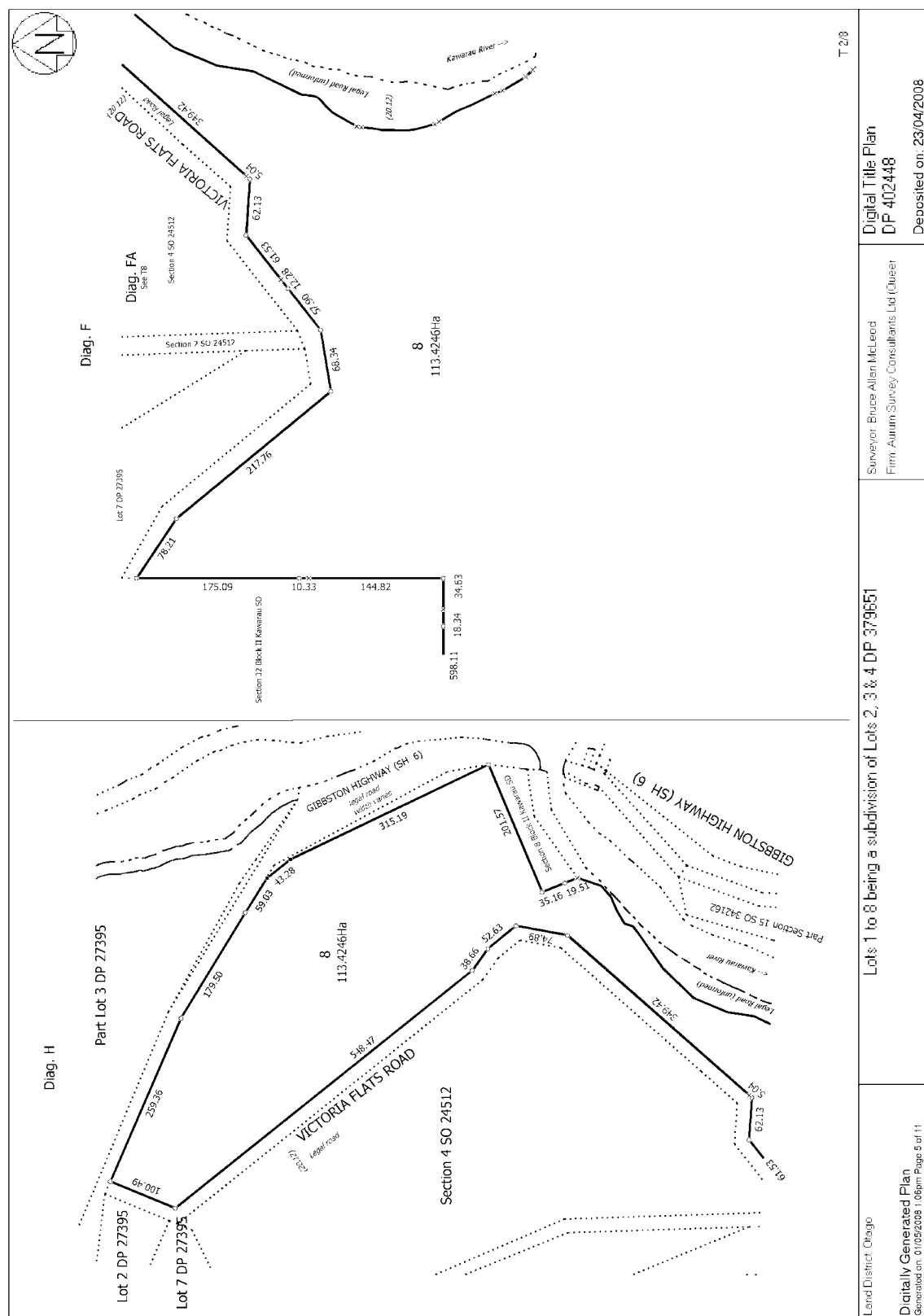
Appurtenant hereto is a right to convey water created by Easement Instrument 8287698.4 - 29.9.2009 at 3:48 pm

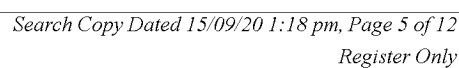
Land Covenant in Easement Instrument 8907214.1 - 6.12.2011 at 3:27 pm

11145003.2 Mortgage to Waimauri Limited - 2.7.2018 at 5:05 pm

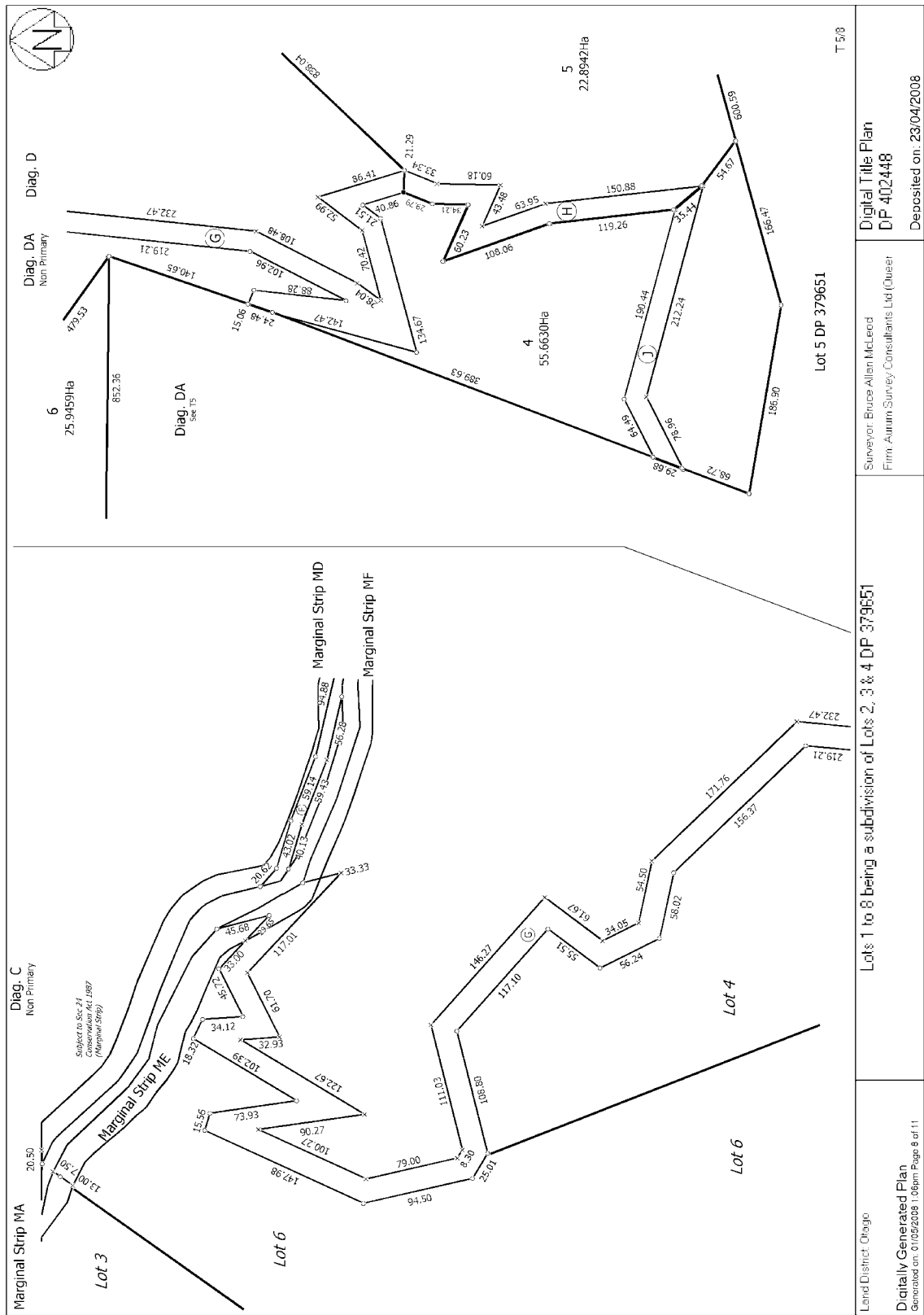


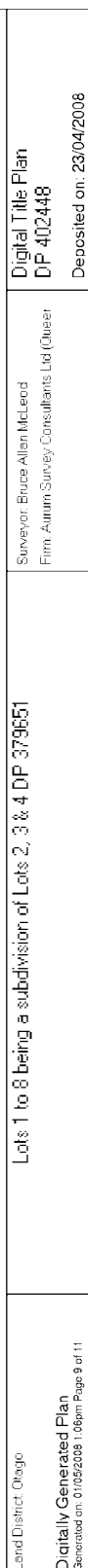
Land District: Obago	Lots 1 to 8 being a subdivision of Lots 2, 3 & 4 DP 379651	Surveyor: Bruce Allan McLeod Firm: Aurum Survey Consultants Ltd (Queer)	Digital Title Plan DP 402448 Deposited on: 23/04/2008
Digitally Generated Plan Generated on: 01/05/2008 1:06pm Page 4 of 11		T 1/8	

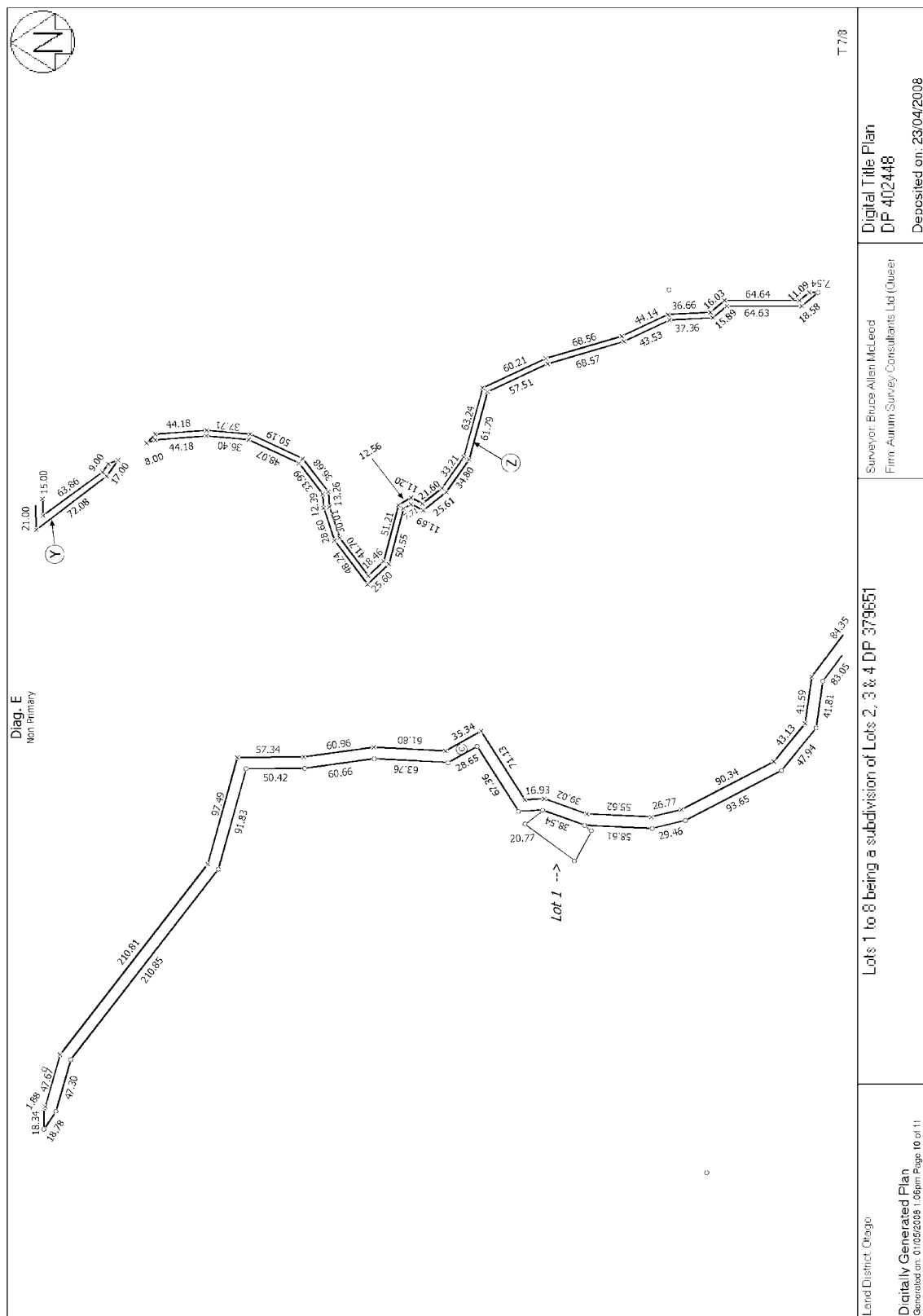


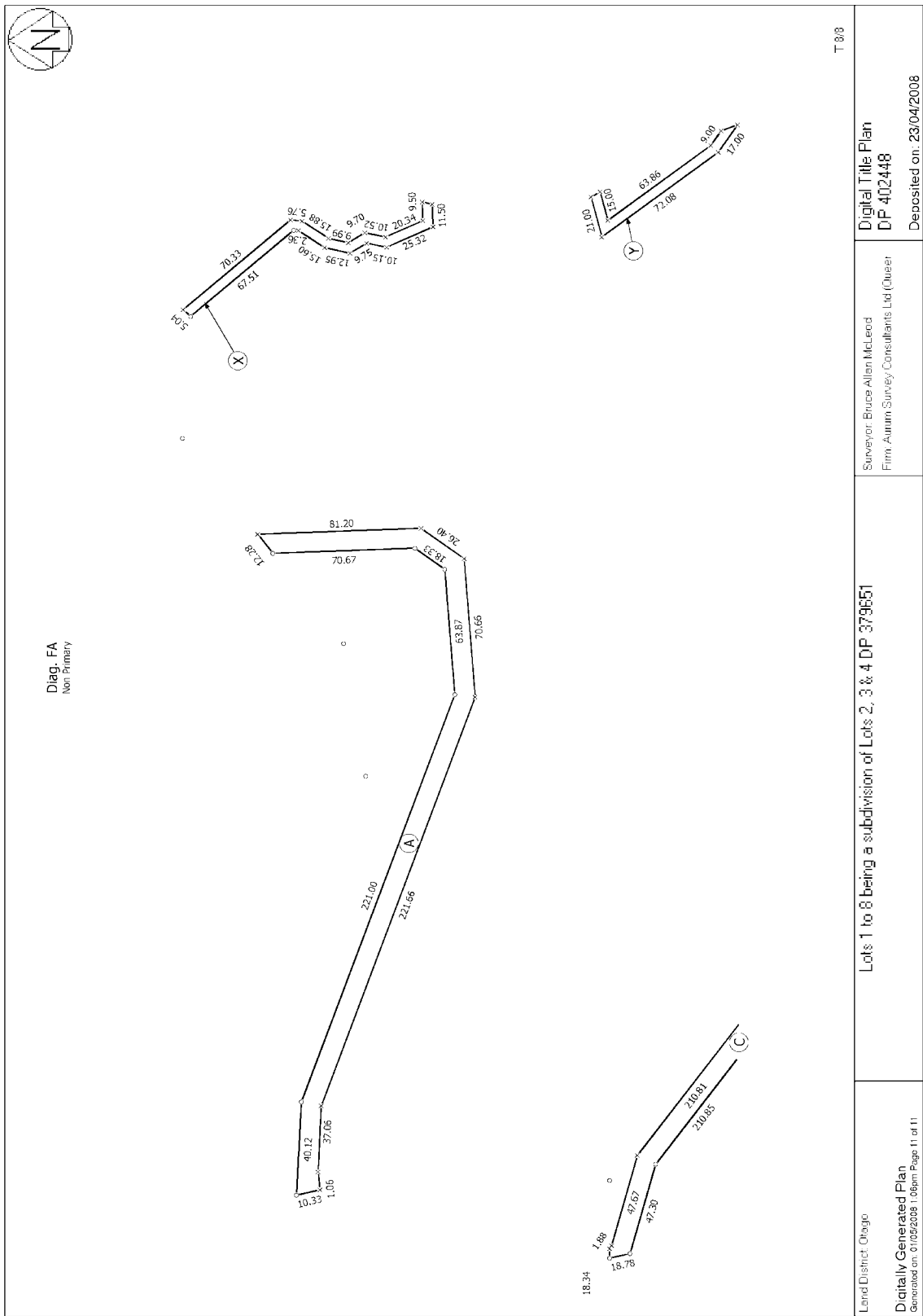


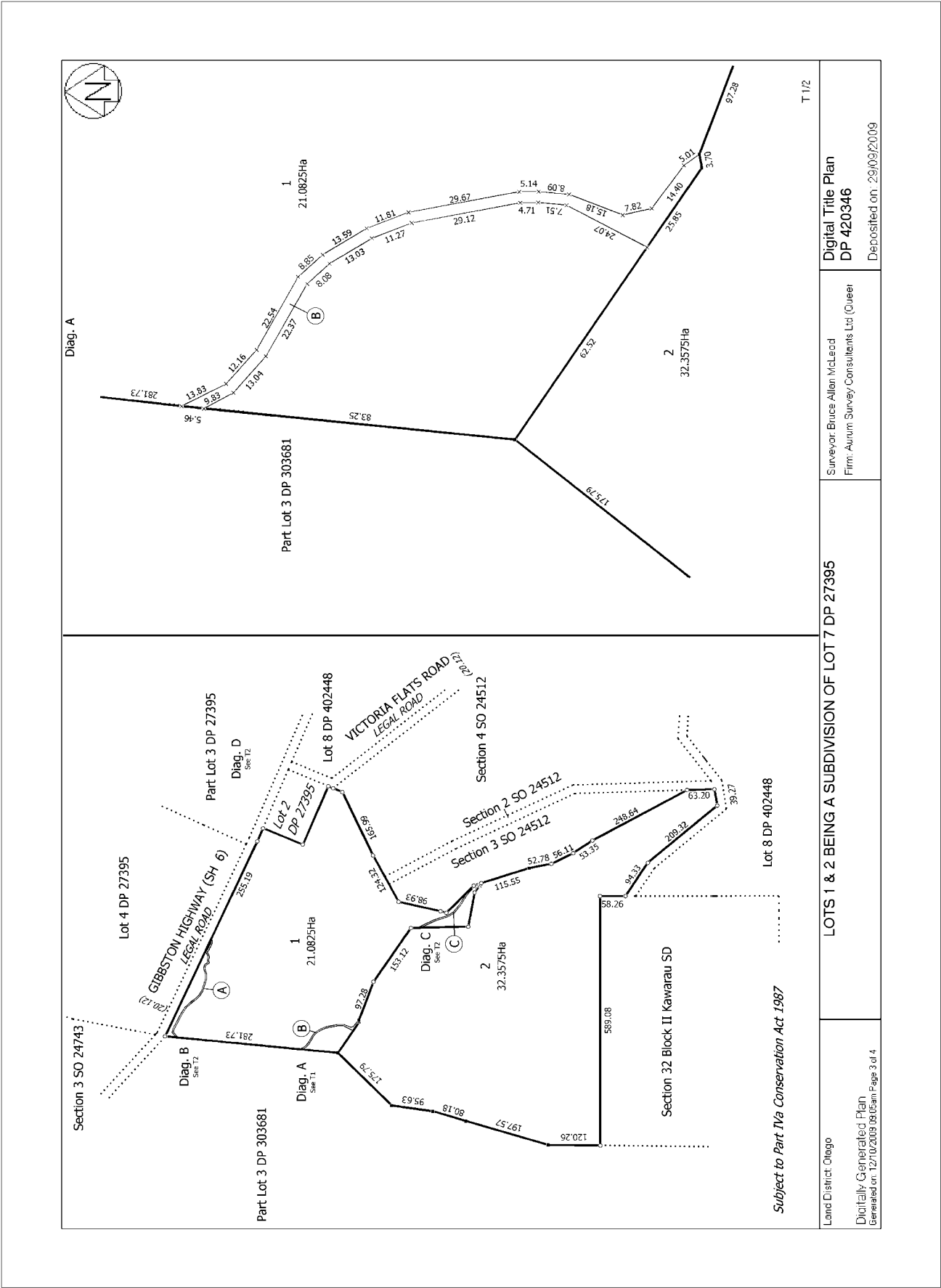




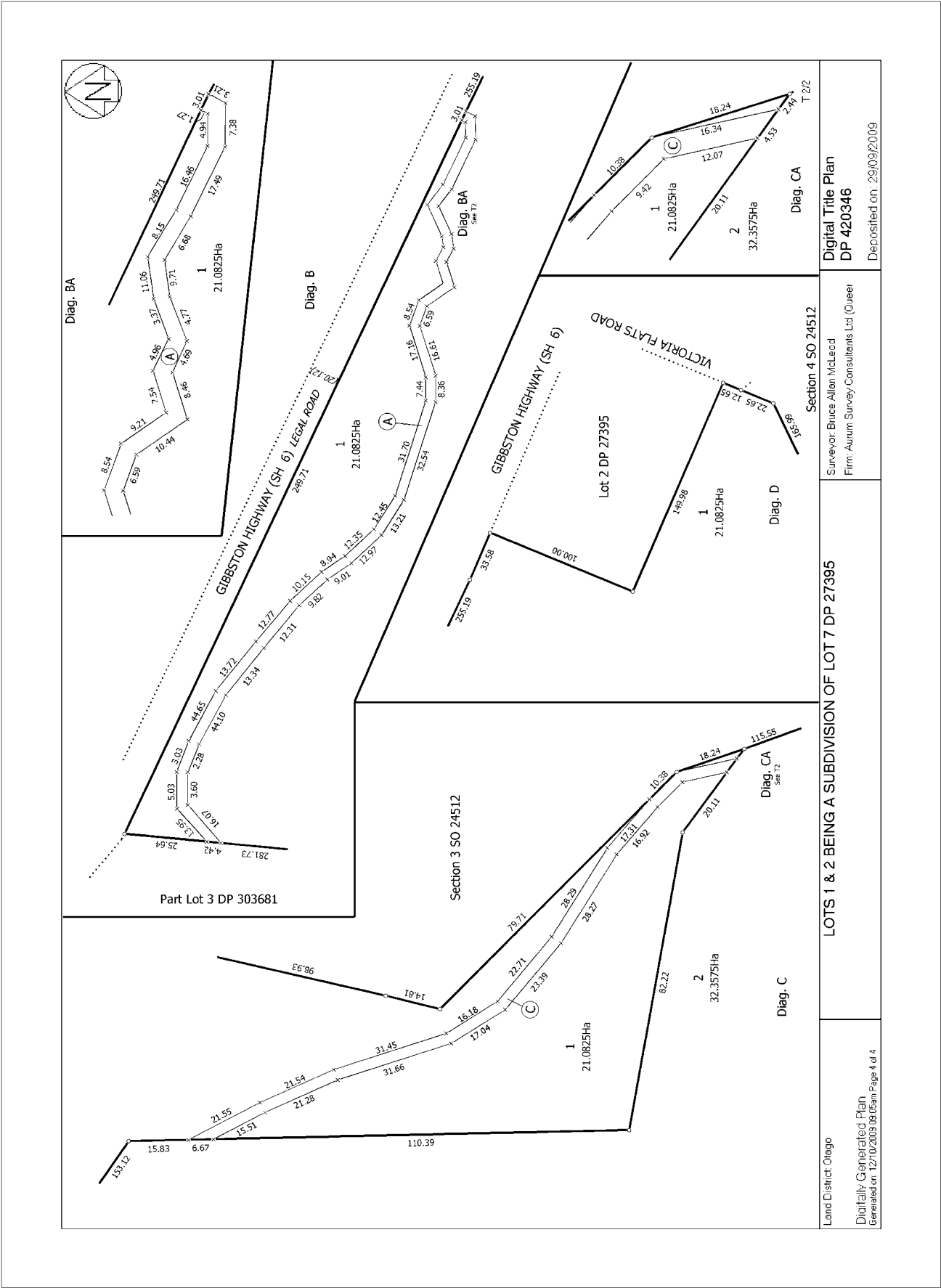


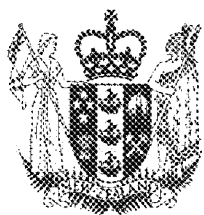






Land District Otago	LOTS 1 & 2 BEING A SUBDIVISION OF LOT 7 DP 27395	Surveyor: Bruce Allan McLeod Firm: Aurum Survey Consultants Ltd (Queer)	Digital Title Plan DP 420346 Deposited on: 29/09/2009
Digitally Generated Plan Generated on: 12/10/2009 09:05am Page 3 of 4		T 1/2	





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



**Identifier**  
**Land Registration District**  
**Date Issued**

**OT19A/733**  
**Otago**  
21 September 1999

**Part-Cancelled**

**Prior References**

OT18C/633

---

<b>Estate</b>	Fee Simple
<b>Area</b>	21.2900 hectares more or less
<b>Legal Description</b>	Lot 3 Deposited Plan 27395

**Registered Owners**

Rock Supplies NZ Limited

---

**Interests**

Subject to Part IV A Conservation Act 1987

Subject to Section 11 Crown Minerals Act 1991

897940 Notice under s18(1)(b) Public Works Act 1981 - 14.12.1995 at 10:00 am

978854.2 Transfer creating the following easements in gross - 24.11.1999 at 10:51 am

Type	Servient Tenement	Easement Area	Grantee	Statutory Restriction
Convey electricity	Lot 3 Deposited Plan 27395 - herein	a-b-c DP 27405	Dunedin Electricity Limited	
Convey electricity	Lot 3 Deposited Plan 27395 - herein	b-d DP 27405	Dunedin Electricity Limited	

7057241.1 Gazette Notice (2006 pg 3321) declaring that part of the within land known as Section 1 SO Plan 356266 (1623m2) is to become Road and State Highway and shall vest in Her Majesty the Queen - 5.10.2006 at 9:00 am

7099339.1 Mining Certificate pursuant to Section 417 Resource Management Act 1991 to The New Zealand Malt Whisky Company Limited - 6.11.2006 at 9:00 am

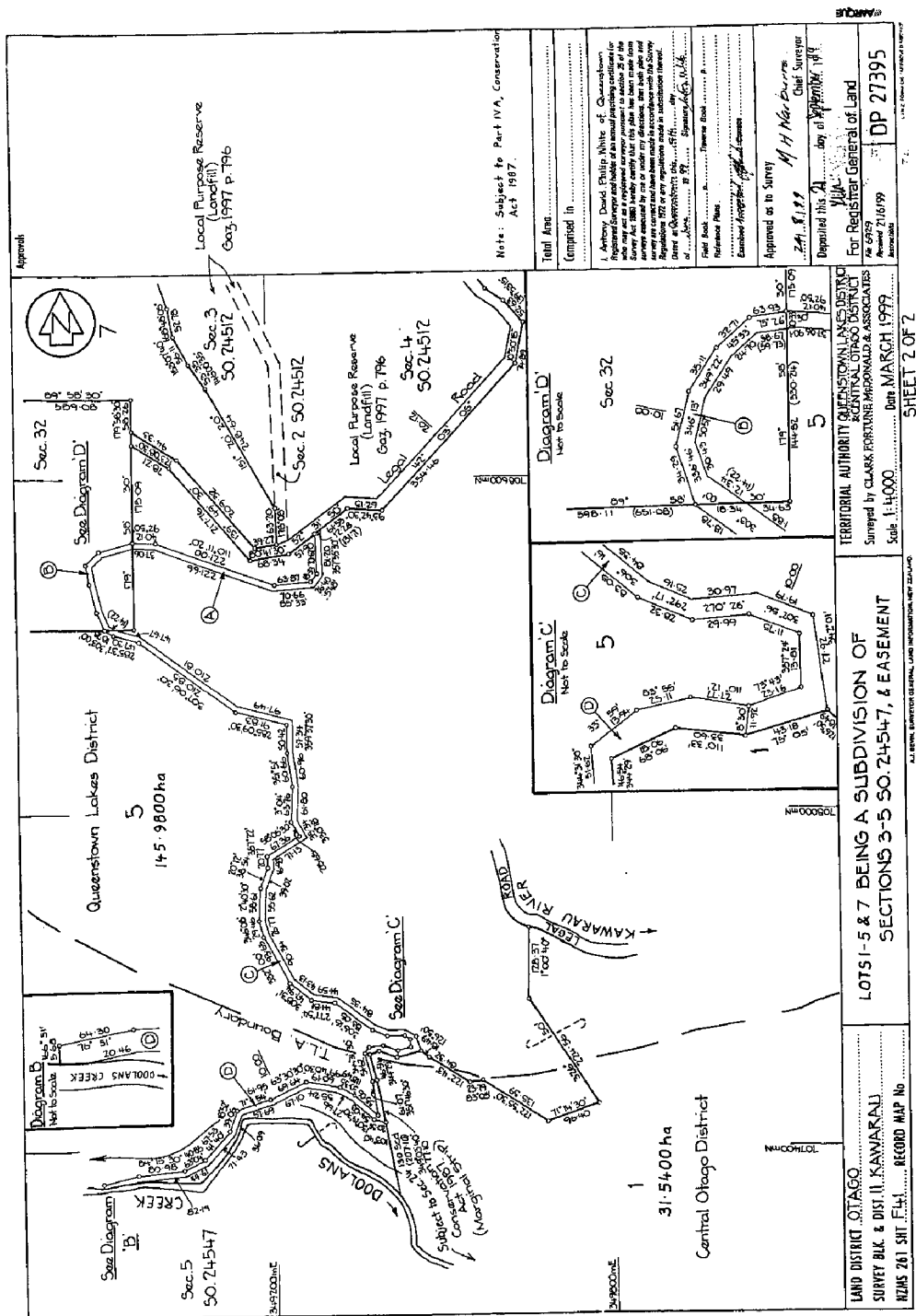
7403722.1 Gazette Notice declaring parts State Highway No.6 adjoining within land to be limited access road - 6.6.2007 at 9:00 am

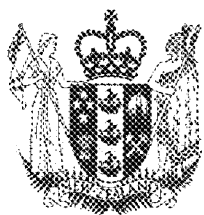
7622372.16 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 20.11.2007 at 9:00 am

Land Covenant in Easement Instrument 8907214.1 - 6.12.2011 at 3:27 pm

10607612.3 Mortgage to Bank of New Zealand - 1.11.2016 at 4:11 pm


100





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



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** OT19A/734  
**Land Registration District** Otago  
**Date Issued** 21 September 1999

**Prior References**

OT18C/633

---

<b>Estate</b>	Fee Simple
<b>Area</b>	24.2100 hectares more or less
<b>Legal Description</b>	Lot 4 Deposited Plan 27395

**Registered Owners**

The Station at Waitiri Limited

---

**Interests**

Subject to Part IV A Conservation Act 1987

Subject to Section 11 Crown Minerals Act 1991

978854.2 Transfer creating the following easements in gross - 24.11.1999 at 10:51 am

Type	Servient Tenement	Easement Area	Grantee	Statutory Restriction
Convey electricity	Lot 4 Deposited Plan 27395 - herein	a-b DP 27405	Dunedin Electricity Limited	

7099339.1 Mining Certificate pursuant to Section 417 Resource Management Act 1991 to The New Zealand Malt Whisky Company Limited - 6.11.2006 at 9:00 am

7403722.1 Gazette Notice declaring parts State Highway No.6 adjoining within land to be limited access road - 6.6.2007 at 9:00 am

7622372.14 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 20.11.2007 at 9:00 am

7622372.15 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 20.11.2007 at 9:00 am

JP 27395 (TITLE PLAN)  
Cpv-01/01, Pgs-002, 06/06/06, 11:20

**Copy - 01/01, Pages - 002, 08/05/05, 11:20**



DocID: 110068396

I hereby certify that this plan was approved by the Central Ohio District Council pursuant to Section 223 of the Resource Management Act 1981 on the 2<sup>nd</sup> day of May 1983 subject to the granting or reserving of the easements set out in the Memorandum Hereto...

Principal Administrative Officer / Authorised Officer

Pursuant to Section 224(c) of the Resource Management Act, 1991 I hereby certify that all of the conditions of the subdivision consent have been complied with to the satisfaction of the Central Otago District Council.

Dated this 2<sup>nd</sup> day of \_\_\_\_\_, 1998.

Chief Executive Officer

I hereby certify that this plan was approved by the Queensland Latex District Council pursuant to Section 223 of the Resource Management Act 1991 on the 15 day of JULY 1999 subject to the granting or renewing of the agreements set out in the Memorandum hereto and subject to the amalgamation conditions set out hereon

- That Lots 1 and 2 hereon be held in the same Certificate of Title. (CSN 95040, 1).
- That Lots 5 and 7 hereon be held in the same Certificate of Title. (CSN 95390, 1).

Principal Administrative Officer/Authorised Officer

Note: Subject to Part IVA, Conservation  
A-E 1997

Total Area 277.9597 ha

Comprised in CLBC/633(P).

1. **Antony David Philip White of Queensdown**  
Registered Surveyor and holder of an annual practising certificate for  
who may act as a registered surveyor pursuant to section 25 of the  
Survey Act 1980 hereby certify that this plan has been made in  
surveys conducted by me or under my directions, that each plan and  
survey are correct and have been made in accordance with the Survey  
Regulations 1972 as any regulations made in substitution thereof.

of \_\_\_\_\_ 18 99. Signature *Charles W. White.*

Field Book .....	James Ross	4.11.11	P. 99
Reference Plans .....			

Examined & Certified a John L. Carter 11/10/1904

Approved as to Survey

2418.192.  
Chief Surveyor

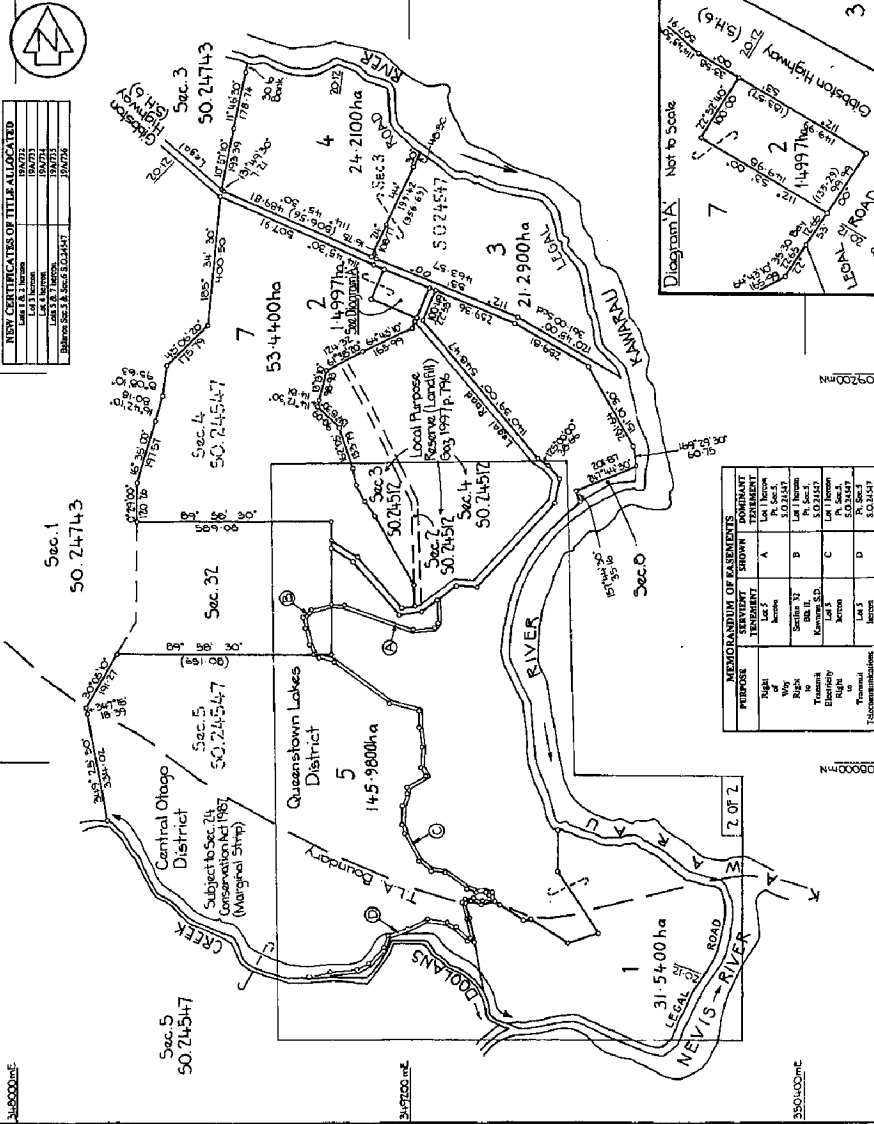
Deposited this 24th day of March 1910

For Registrar General of Land

65/10/17 MATHAN  
Instructions

---

NEW CERTIFICATES OF TITLE ALLOCATED	
Units 1 & 2 increase	19A/732
Lot 3 increase	19A/733
Lot 4 increase	19A/734
Units 5 & 7 increase	19A/735
Balance Sec 5 & Sec 6 S.O. 24/47	19A/736



MEMORANDUM OF EXAMINATIONS			
PURPOSE	SERVICEMAN'S TENDENCY	SHOWN	DOMINANT TREATMENT
Right of Way	Loc 5 Increase	A	Loc 1 Loc 5 Pt. Sec 5 S.O. 23437
Way to Transient	Section 32 BL 11	B	Loc 1 Loc 5 Pt. Sec 5 S.O. 23437
Transient Electricity	Known S.D. Loc 5 Increase	C	Loc 1 Loc 5 Pt. Sec 5 S.O. 23437
Right of Way to Transient	Loc 5 Increase	D	Pt. Sec 5 S.O. 23437
Total examinations			

TERRITORIAL AUTHORITY QUEENSTOWN LAKES DISTRICT  
& CENTRAL OTAGO DISTRICT  
Surveyed by CLARK FORTUNE McDONALD & ASSOCIATES  
Scale 1:7500 Date MARCH 1999

LOTS 1-527 BEING A SUBDIVISION OF  
SECTIONS 3-5 SO. 24547, & EASEMENT

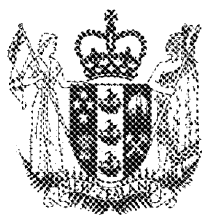
LAND DISTRICT OTAGO  
SURVEY BLK. & DIST. 11 KAWARAU  
NZMS 261 SHT 54 RECORD MAP NO

SHEET 1 OF 2

A.J. BEVM, SURVEYOR GENERAL, LAND INFORMATION, NEW ZEALAND.


1





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



  
R. W. Muir  
Registrar-General  
of Land

**Identifier** 410590  
**Land Registration District** Otago  
**Date Issued** 13 March 2008

**Prior References**

14730

---

<b>Estate</b>	Fee Simple
<b>Area</b>	20,5000 hectares more or less
<b>Legal Description</b>	Section 3 Survey Office Plan 24743

**Registered Owners**

The Station at Waitiri Limited

---

**Interests**

Subject to Section 11 Crown Minerals Act 1991

Subject to Part IV A Conservation Act 1987

965662.1 Gazette Notice declaring that part State Highway No. 6 (Nevis Bluff to Kawarau River) to be a limited access road - 14.4.1999 at 11.45 am

5344105.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 16.9.2002 at 9:00 am

Land Covenant in Transfer 5344105.7 - 16.9.2002 at 9:00 am

7073833.1 Encumbrance to Transit New Zealand - 17.10.2006 at 9:00 am

7403722.1 Gazette Notice declaring parts State Highway No.6 adjoining within land to be limited access road - 6.6.2007 at 9:00 am

7737827.1 Variation of Consent Notice 5344105.2 pursuant to Section 221(5) Resource Management Act 1991 - 5.3.2008 at 9:00 am

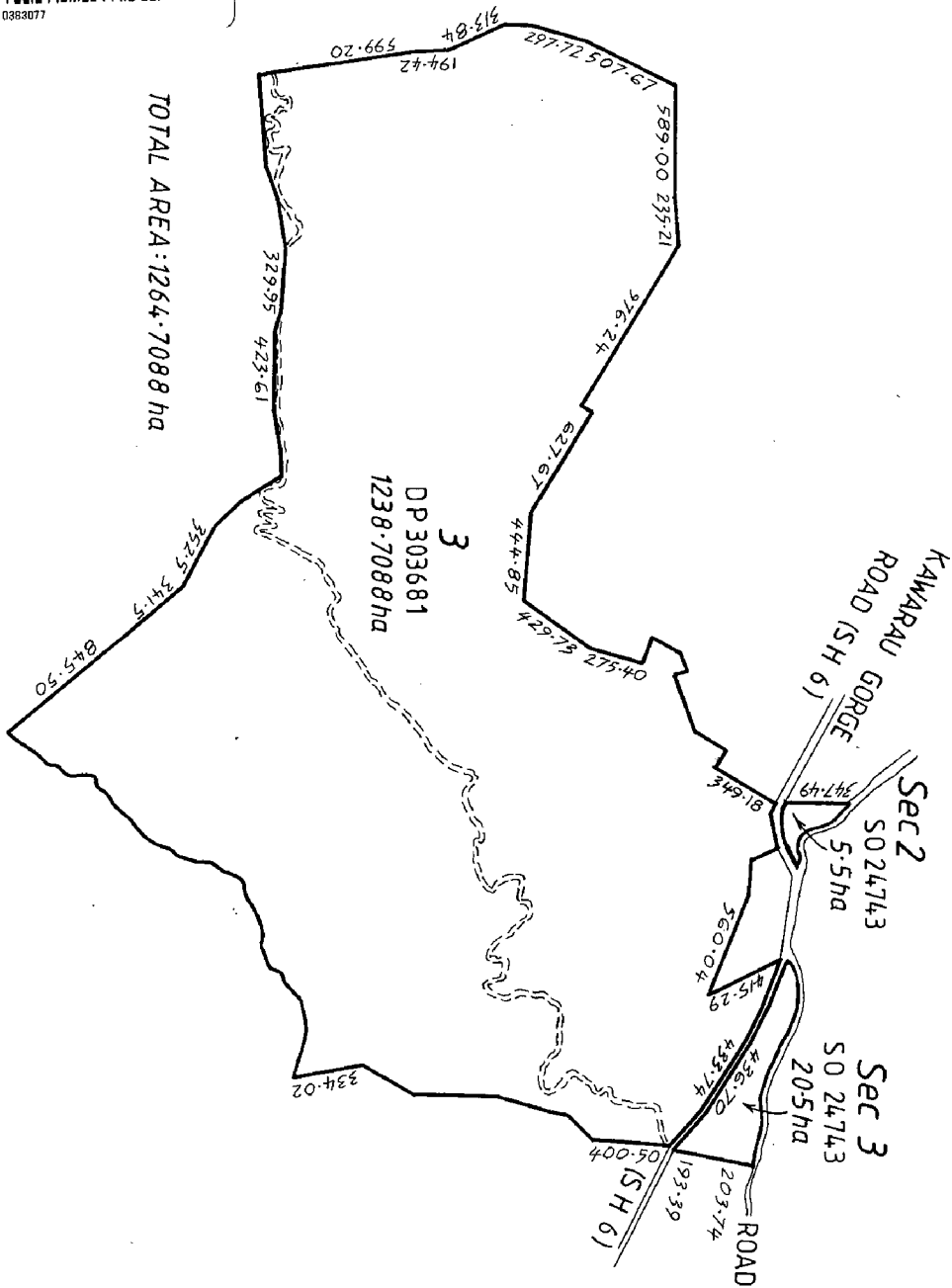
7748698.1 Covenant pursuant to Section 108(2)(d) Resource Management Act 1991 - 13.3.2008 at 9:00 am

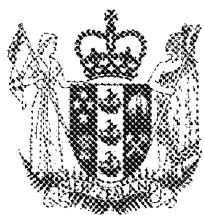
Title Diagram diagram

Cpy - 01/01, Pgs - 001, 01/10/92, 09:46



DocID: 110383077





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



**Identifier**  
**Land Registration District**  
**Date Issued**

**OT19A/733**  
**Otago**  
21 September 1999

**Part-Cancelled**

**Prior References**

OT18C/633

---

<b>Estate</b>	Fee Simple
<b>Area</b>	21.2900 hectares more or less
<b>Legal Description</b>	Lot 3 Deposited Plan 27395

**Registered Owners**

Rock Supplies NZ Limited

---

**Interests**

Subject to Part IV A Conservation Act 1987

Subject to Section 11 Crown Minerals Act 1991

897940 Notice under s18(1)(b) Public Works Act 1981 - 14.12.1995 at 10:00 am

978854.2 Transfer creating the following easements in gross - 24.11.1999 at 10:51 am

Type	Servient Tenement	Easement Area	Grantee	Statutory Restriction
Convey electricity	Lot 3 Deposited Plan 27395 - herein	a-b-c DP 27405	Dunedin Electricity Limited	
Convey electricity	Lot 3 Deposited Plan 27395 - herein	b-d DP 27405	Dunedin Electricity Limited	

7057241.1 Gazette Notice (2006 pg 3321) declaring that part of the within land known as Section 1 SO Plan 356266 (1623m2) is to become Road and State Highway and shall vest in Her Majesty the Queen - 5.10.2006 at 9:00 am

7099339.1 Mining Certificate pursuant to Section 417 Resource Management Act 1991 to The New Zealand Malt Whisky Company Limited - 6.11.2006 at 9:00 am

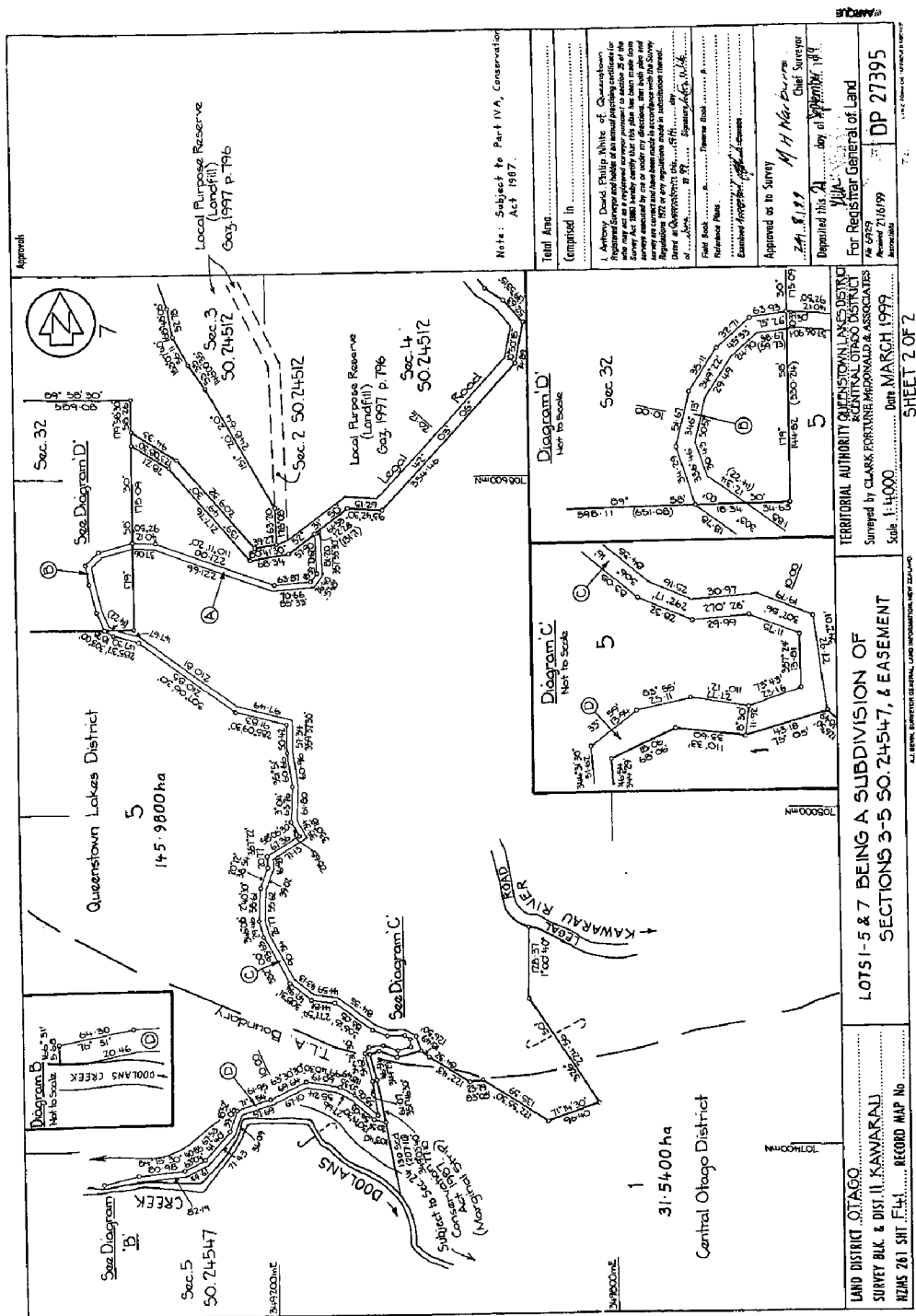
7403722.1 Gazette Notice declaring parts State Highway No.6 adjoining within land to be limited access road - 6.6.2007 at 9:00 am

7622372.16 Notice pursuant to Section 91 Transit New Zealand Act 1989 - 20.11.2007 at 9:00 am

Land Covenant in Easement Instrument 8907214.1 - 6.12.2011 at 3:27 pm

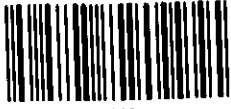
10607612.3 Mortgage to Bank of New Zealand - 1.11.2016 at 4:11 pm

100



**CONO 5344105.2 Consent**

Cpy - 01/01, Pgs - 003, 13/09/02, 11:11



DocID: 110378038

**IN THE MATTER** of Section 221 of the  
Resource Management  
Act 1991

**And**

**IN THE MATTER** of Deposited Plan 303681  
being a plan of  
subdivision of Sections 1-  
3 SO Plan 24743

**And**

**IN THE MATTER** of Queenstown Lakes  
District Council Resource  
Consent RM 99 0576

**BACKGROUND**

1. Antimony Investments Limited has applied to the Queenstown Lakes District Council pursuant to the provisions of the Resource Management Act 1991 for its consent to subdivide the land in Sections 1-3 SO Plan 24743 being the land in certificate of title 18C/777 (Otago Registry).
2. Council has granted consent to the proposed subdivision subject to the conditions appearing below.

**OPERATIVE PART.**

The following conditions shall be registered against Lots 1-3 DP 303681, Sections 1-3 SO Plan 24743, Lots 5-8, 10-14, 16, 17, 19-21, 23-31 and 33 DP 303681 Certificates of title OT 14728 - OT 14754.

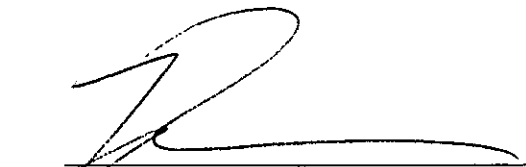
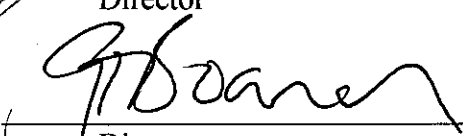
1. At such a time that a dwelling is to be constructed the owner for the time being shall submit for the approval of the Queenstown Lakes District Council copies of the proposed location and design of the method of disposal of effluent on the lot.
2. Any dwelling and or accessory building constructed, shall be located within the building platforms identified on DP 303681.
3. The treatment of water to a potable standard for domestic use shall be the responsibility of the lot owner and shall be undertaken in accordance with the relevant standards at such time that a dwelling is constructed.
4. The "structure restriction area" identified by hatched lines on the plan attached hereto and approved by Queenstown lakes District Council pursuant to clause 5(c) of its conditions of consent RM 990576 127 shall be restricted from the erection of any structures. Planting within the allotment shall be in accordance with the approved plan.

Dated this 5<sup>th</sup> day of September 2002.


**SIGNED** for and behalf of the )  
**QUEENSTOWN LAKES** )  
**DISTRICT COUNCIL** by its )  
Principle Administrative Officer )

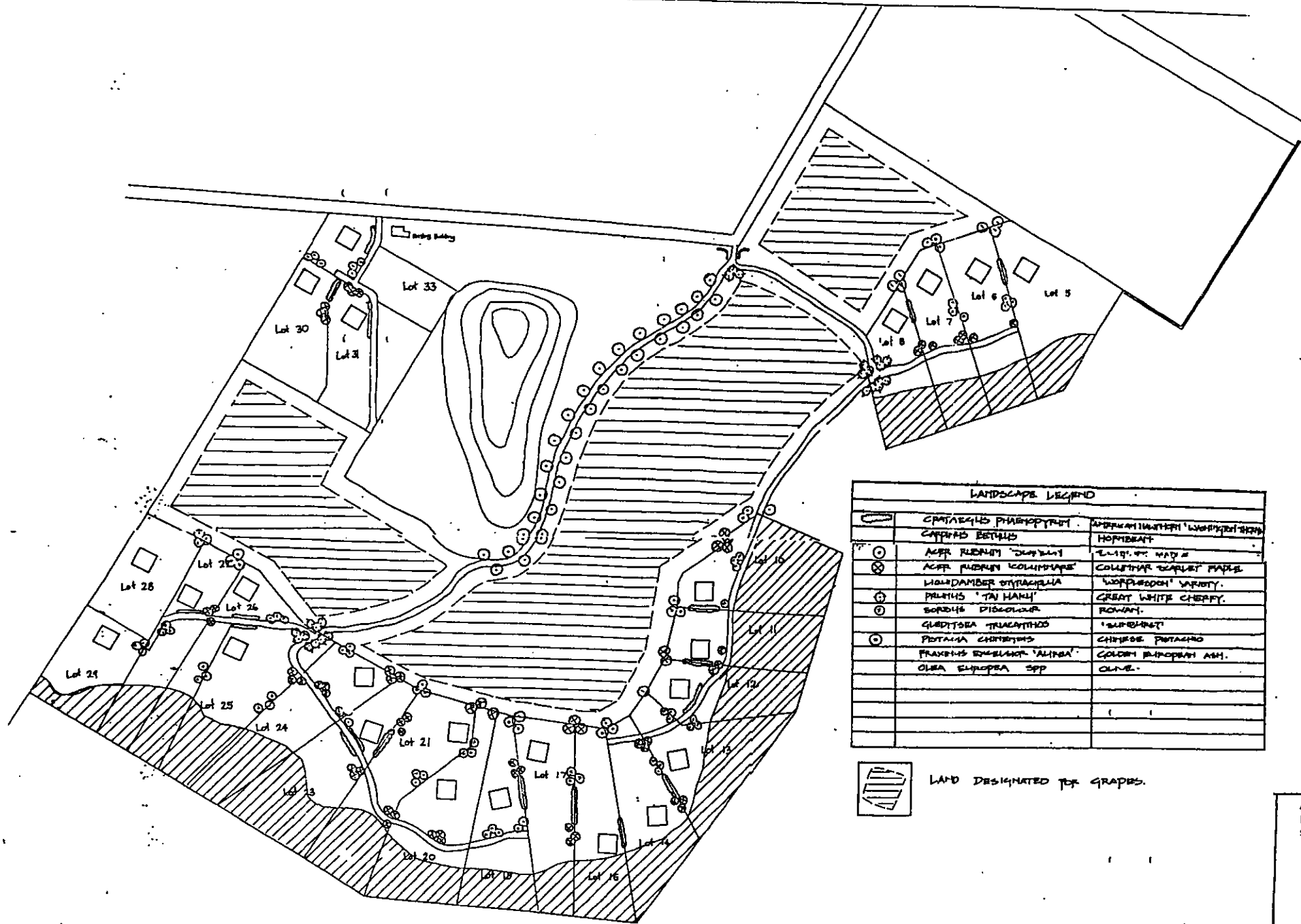
  
\_\_\_\_\_

**SIGNED** by **ANTIMONY** )  
**INVESTMENTS LIMITED** )

  
\_\_\_\_\_  
Director  
  
\_\_\_\_\_  
Director

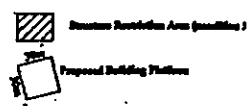
Collected for the Director of the Land  
Transfer Act

  
Solicitor for the Department  
of the Environment



LAND DESIGNATED FOR GRAPES.

All boundary dimensions in m  
Boundary Areas and Dimensions  
subject to final survey.



Proposed Amalgamation Conditions  
"Lot 3 to be sold in the same certificate of title  
as Lots 1 and 2 & 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 20

DATED

17 April

2008 



BUNGY NEW ZEALAND LIMITED

("Covenantor")

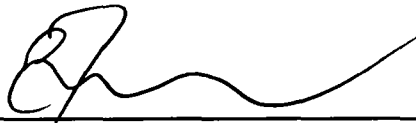
HARRIS RD NO.36 LIMITED

("Covenantee")

---

## DEED OF COVENANT

---



Correct for the Purposes of the Land Transfer Act 1952

---

**MACALISTER TODD PHILLIPS**

Barristers, Solicitors, Notaries  
Queenstown/Alexandra/Wanaka/Cromwell

Ph: (03) 441 0125 - Fax: (03) 442 8116

Email: [queenstown@mactodd.co.nz](mailto:queenstown@mactodd.co.nz)

P O Box 653

**QUEENSTOWN**

FCG-293083-18-10-V1:RSE

## DEED OF COVENANT

THIS DEED DATED the

17<sup>th</sup>

day of

April

2008

*[Handwritten signature]*

### PARTIES:

- (1) **BUNGY NEW ZEALAND LIMITED** (hereinafter with its successors, successors in title and assigns called "the Covenantor")
- (2) **HARRIS RD NO.36 LIMITED** (hereinafter with its successors, successors in title and assigns called "the Covenantee")

### BACKGROUND

- A. Pursuant to an Agreement for Sale and Purchase of Real Estate dated 27 August 2006 ("the Agreement") the Covenantor will purchase from the Covenantee Lots 3 and 4 Deposited Plan 379651 being the land that will be comprised in Certificate of Title 319412 ("the Servient Tenement").
- B. The Covenantee will become the registered proprietor of Lot 2 Deposited Plan 379651, Certificate of Title 319411 and Lot 5 Deposited Plan 379651, Certificate of Title 319413 ("the Dominant Tenement").
- C. It was a term of the Agreement that the Covenantor would enter into the Covenant contained in this Deed of Covenant.

### TERMS OF THIS DEED

1. In consideration of the Covenantee entering to this Deed of Covenant, the Covenantor covenants and agrees with the Covenantee that it shall not permit any shooting or hunting access on that area of the Servient Tenement marked "Doolans Creek" on the plan attached to this Deed, *being Digital Title Plan LT 379651.* *[Handwritten signature]*

ECG-293083-18-10-V1:RSE

*[Handwritten signature]*

2. This Deed of Covenant shall be registered against the Title to the Servient Tenement,  
*for the benefit of the Dominant Tenement being Lot 2 DP 379651 CT 319411 and Lot 5 DP 379651 CT 319413.*
3. The Covenantor shall bear the costs for the preparation and registration of this Deed of Covenant.

**SIGNED** for and on behalf of

**BUNGY NEW ZEALAND LIMITED**

As Covenantor

in the presence of:

)

)

)

Director

Director/Authorised Signatory

Signature

Full Name

Address

Occupation

**SIGNED** for and on behalf of  
**HARRIS RD NO.36 LIMITED**  
As Covenantee  
in the presence of:

3


) J. F. L. Hunt

) Director

)

.....

Director/Authorised Signatory

  
Signature

.....  
Full Name **Brett Gould**  
**Solicitor**  
**Queenstown**

.....  
Address

.....  
Occupation

ECG-293083-18-10-V1:RSE





## CONSENT OF THE MORTGAGEE

Westpac New Zealand Limited as mortgagee under Mortgage Number 5558438.2 HEREBY  
CONSENTS to the registration of the within Land Covenant but WITHOUT PREJUDICE to the  
Mortgagee's rights, powers and remedies under the said Mortgage.

Dated

*1<sup>st</sup> April*


2007

SIGNED for and on behalf of )

WESTPAC NEW ZEALAND LIMITED )

*in the presence of:*

  
TIMOTHY URQUHART-HAY

  
KIRSTON JANE COX  
BANK OFFICER  
WESTPAC NEW ZEALAND LIMITED  
LEGAL SERVICES UNIT  
AUCKLAND

**CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY**

**I, TIMOTHY JULIAN URQUHART-HAY, of Auckland in New Zealand, Bank Officer**

**HEREBY CERTIFY -**

1. **THAT** by Deed dated 6 September 2006, a copy of which is deposited with Land Information New Zealand and numbered 7032934.1, **WESTPAC NEW ZEALAND LIMITED**, incorporated in New Zealand and having its principal place of business at 188 Quay Street, Auckland appointed me its attorney on the terms and subject to the conditions set out in that Deed.
2. **THAT** at the date of this certificate I am a Tier Two Attorney for Westpac New Zealand Limited.
3. **THAT** at the date of this certificate I have not received any notice or information of the revocation of that appointment by the winding up or dissolution of **Westpac New Zealand Limited** or otherwise.

**SIGNED at Auckland**

On this 17<sup>th</sup> day of April 2007




---

**Timothy Urquhart-Hay**

DATED

14 May

2006 

**COV 7398568.14 Coven**

Cpy - 01/01, Pgs - 004, 19/08/07, 16:10



DocID: 110861890

**HARRIS RD NO.36 LIMITED**

("Covenantor")

**BUNGY NEW ZEALAND LIMITED**

("Covenantee")

---

## DEED OF COVENANT

---



Correct for the Purposes of the Land Transfer Act 1952

---

**MACALISTER TODD PHILLIPS**

Barristers, Solicitors, Notaries  
Queenstown/Alexandra/Wanaka/Cromwell

Ph: (03) 441 0125 - Fax: (03) 442 8116

Email: queenstown@mactodd.co.nz

P O Box 653

**QUEENSTOWN**

ECG-293083-18-11-V1:RSE

## DEED OF COVENANT

THIS DEED DATED the

14

day of

May

2008

*78*

### PARTIES:

- (1) **HARRIS RD NO.36 LIMITED** (hereinafter with its successors, successors in title and assigns called "the Covenantor")
- (2) **BUNGY NEW ZEALAND LIMITED** (hereinafter its successors, successors in title and assigns called "the Covenantee")

### BACKGROUND

- A. Pursuant to an Agreement for Sale and Purchase of Real Estate dated 27 August 2006 ("the Agreement") the Covenantee will purchase from the Covenantor Lots 3 and 4 Deposited Plan 379651 being the land that will be comprised in Certificate of Title 319412 ("the ~~Servient~~ *Dominant* Tenement").
- B. The Covenantor will become the registered proprietor of Lot 2 Deposited Plan 379651, Certificate of Title 319411 and Lot 5 Deposited Plan 379651, Certificate of Title 319413 ("the Servient Tenement").
- C. It was a term of the Agreement that the Covenantor would not object to any approvals sought or consent processes undertaken by the Covenantee under the Resource Management Act 1991 in respect of the Dominant Tenement.
- D. This Deed of Covenant is to be registered against the Title to the Servient Tenement, *for the benefit of the Dominant Tenement being Lot 3 and 4 DP 379651, CT 319412*

### TERMS OF THIS DEED

1. In this Deed the following phrases have the following meaning:  
"Lodge any Submission" includes personally or through any agent or servant directly or indirectly lodging or supporting in any way any objection or submission to a planning proposal

ECG-293083-18-11-V1:RSE

*[Handwritten signatures]*

and includes taking part in a planning hearing, appeal or reference arising in respect of a planning proposal whether as a party or otherwise.

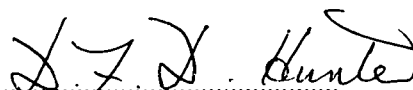
"Planning Proposal" includes any application for Resource Consent and/or plan change and/or a variation of any nature to the relevant Queenstown Lakes District Council District Plan or Proposed District Plan in respect of the Dominant Tenement.

2. In consideration of the Covenantee entering to this Deed of Covenant, the Covenantor covenants and agrees with the Covenantee that it shall not Lodge any Submission against any Planning Proposal made in respect of the Dominant Tenement by the Covenantee.

**SIGNED** for and on behalf of  
**HARRIS RD NO.36 LIMITED**

As Covenantor

in the presence of:

)   
) Director

)

.....  
Director/Authorised Signatory

  
.....  
Signature

.....  
Full Name **Brett Gould**  
**Solicitor**  
**Queenstown**  
.....

Address

.....  
Occupation

**SIGNED** for and on behalf of

**BUNGY NEW ZEALAND LIMITED**

As Covenantee

in the presence of:

)

)

)

Director

Director/Authorised Signatory

Signature

Full Name

Address

Occupation

## V221 7737827.1 Variatio

Cpy - 01/03, Pgs - 003, 04/03/08, 11:51



DocID: 212150057

### IN THE MATTER

of Section 221(3) of the  
Resource Management Act  
1991

### AND

### IN THE MATTER

of an Application for Variation of  
Consent Notice 5344105.2 by J  
G WATT, L ROSBOROUGH  
AND B L McCOMBE having the  
Queenstown Lakes District  
Council reference RM070972

---

## VARIATION CONSENT NOTICE

---

### BACKGROUND

J G WATT, L ROSBOROUGH AND B L McCOMBE of Queenstown have applied to the Queenstown Lakes District Council pursuant to provisions of the Resource Management Act 1991 for a variation of consent notice 5344105.2 registered against Lot 28 DP 303681 contained in Certificate of Title 14750 (Otago Registry) ("the land").

### VARIATION TO OPERATIVE PART

The following variation to consent notice 5344105.2 is to be registered against Lot 28 DP 303681 contained in Certificate of Title 14750:

Condition 2) is hereby deleted and replaced with the following:

*Any dwelling or accessory building constructed shall be located with the building platforms identified on DP 303681 with the exception of Lot 28 in that any dwelling or accessory building constructed on Lot 28 shall be located within the building platform identified on DP401055.*

*All other terms of consent notice 5344105.2 shall continue to apply.*

TCG-349767-142-131-V1:TCG

Dated this 16th day of February 2008

SIGNED for and on behalf  
Of the QUEENSTOWN LAKES  
DISTRICT COUNCIL by its  
Principal Administrative Officer

  
-----

TCG-349767-142-131-V1:TCG

Landonline User ID: gacadu

LODGING FIRM: Galloway Cook Allan

Address: P O Box 143

DUNEDIN

Uplifting Box Number: \_\_\_\_\_

ASSOCIATED FIRM: \_\_\_\_\_

Client Code / Ref: 301379.3/GC

Dealing / SUD Number:  
(LINZ Use only)

Priestly Barcode/Date Stamp  
(LINZ use only)

Plan Number Pre-Allocated or  
to be Deposited

Reported Dealing Number

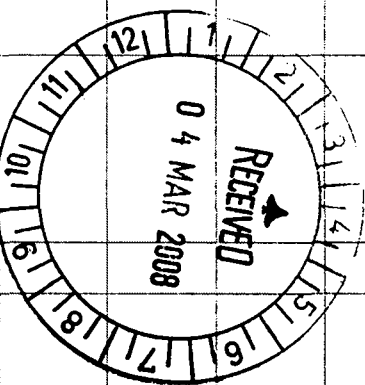
OT

**V221 7737827.1 Variation**  
Cpy - 02/03, Pgs - 003, 04/03/08, 11:51  
**Copies**  
(inc. original)  
DocID: 212150057

Priority Order	CT Ref	Type of Instrument	Names of Parties	DOCUMENT OR SURVEY FEES	MULTI-TITLE FEES	NOTICES	ADVERTISING	NEW TITLES	OTHER	RE-SUBMISSION & PRIORITY FEE	FEES \$ GST INCLUSIVE
1	14750 14728	V221 <del>WON</del>	J G WATT, L FOSBOROUGH & B L MCCOMBE	60.00							\$60.00
2	14749 14751										
3	to 14754										
4											
5											
6											

Land Information New Zealand Lodgement Form

Amendments (LINZ use only)



**PAID**

CHEQUE A 08/795

CHEQUE 790.00

Fees Receipt and Tax Invoice

GST Registered Number 17-022-885

LINZ Form P005

LINZ Form P005 - PDF

Original Signatures? \_\_\_\_\_

Less Fees paid on Dealing #

Total for this dealing

Subtotal (for this page)

Cash/Cheque enclosed for

**\$60.00**

**Easement instrument to grant easement or *profit à prendre*, or create land covenant**  
Sections 90A and 90F, Land Transfer Act 1952

Land registration district

OTAGO



**COV 7748698.1 Covenant**

Cpy - 01/03, Pgs - 013, 12/03/08, 12:14



DocID: 212155174

Grantor

Surname(s) must

ANTIMONY INVESTMENTS LIMITED

Grantee

Surname(s) must be underlined or in CAPITALS.



QUEENSTOWN LAKES DISTRICT COUNCIL


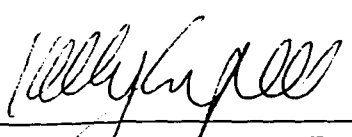
**Grant\* of easement or *profit à prendre* or creation or covenant**

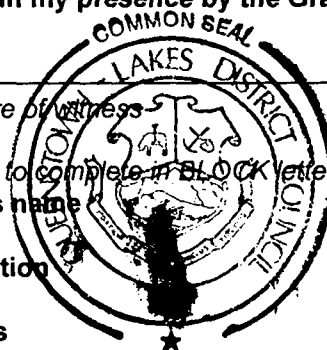
The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, **or creates** the covenant(s) **set out** in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Dated this 21<sup>st</sup> day of June 2007

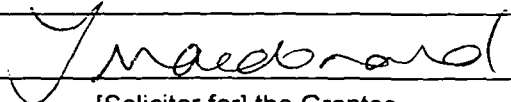
Attestation

 director   DIRECTOR	Signed in my presence by the Grantor
	Signature of witness
	Witness to complete in BLOCK letters (unless legibly printed) Witness name
	Occupation
Signature [common seal] of Grantor	Address

   Signature [common seal] of Grantee	Signed in my presence by the Grantee
	Signature of witness
	Witness to complete in BLOCK letters (unless legibly printed) Witness name
	Occupation
Signature [common seal] of Grantee	Address



Certified correct for the purposes of the Land Transfer Act 1952.

  
[Solicitor for] the Grantee

**Annexure Schedule 1**

Easement instrument

Dated

21.12.2007

Page

1

of

9

pages

**Schedule A**

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
<b>Land Covenant</b> Pursuant to Section 108 (2) (d) Resource Management Act 1991		14730	<b>Queenstown Lakes  District Council in  gross</b>

**Easements or profits à prendre  
rights and powers (including  
terms, covenants, and conditions)**

Delete phrases in [ ] and insert memorandum  
number as required.

Continue in additional Annexure Schedule if  
required.

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

The implied rights and powers are [varied] [negated] [added to] or [substituted] by:

~~[Memorandum number \_\_\_\_\_, registered under section 155A of the Land Transfer Act 1952]~~

~~[the provisions set out in Annexure Schedule 2]~~

**Covenant provisions**

Delete phrases in [ ] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number \_\_\_\_\_, registered under section 155A of the Land Transfer Act 1952]~~

[Annexure Schedule 2].

All signing parties and either their witnesses or solicitors must sign or initial in this box

*[Handwritten signatures and initials]*

**Annexure Schedule**

Insert type of instrument  
 "Mortgage", "Transfer", "Lease" etc

Easement

Dated

21.12.07

Page

2

of

9

Pages

(Continue in additional Annexure Schedule, if required.)

The Grantor is registered as proprietor of

- (i) 20.5ha being Section 3 SO 24743 being part of the land in identifier 14730 (in these covenants referred to as Section 3)
- (ii) 5.5ha being Section 2 SO 24743 being part of the land in identifier 14730 (in these covenants referred to as Section 2)
- (iii) 1238.7088ha being Lot 3 DP 303681 being part of the land in identifier 14730 (in these covenants referred to as Lot 3)

The Grantee has granted Resource Consent (RM 050609) to identify residential building platform on Sections 2 and 3 and as a condition of that consent has required the Grantor, pursuant to Section 108 (2) (d) of the Resource Management Act 1991 to enter in to a covenant to ensure certain conditions are complied with before and at the time that dwellings are constructed on the residential building platforms

The Grantor for itself, its successors in title and assigns grants to the Grantee its successors and assigns the right to require the Grantor its successors and assigns and successive owners of Sections 2 and 3 and Lot 3 to comply with the provisions of this covenant.

The rights powers and remedies conferred by the Property Law Act 1952 and the Land Transfer Act 1952 in relation to restrictive covenants are vested in and exercisable by the Grantee as if they were express clauses in this covenant.

The Grantor, its successors and assigns and the successive owners of Sections 2 and 3 and Lot 3 covenant and agree with the Grantee as follows

Landscaping conditions Section 3

1. Landscaping on Section 3 shall be undertaken in accordance with the approved Landscape Plan (ref: 042-03L-1A, dated 3 October 2006) and Landscape Management Plan prepared by E-Scape Design Limited, with the exceptions outlined by the following conditions

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

**Annexure Schedule**

Insert type of instrument  
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

21.12.07

Page

3

of

9

Pages

(Continue in additional Annexure Schedule, if required.)

- (a) If the pastoral farming use of Section 3 is to change from that indicated in the landscape plan approved and referred to in clause 1 above, an amended landscape plan and landscape management plan shall be submitted for approval by the Grantee prior to changing the land use. The landscape plan and landscape management plan shall achieve the following objectives:
- (i) Clearly identify the land use(s) of the greater site.
  - (ii) Identify those areas proposed for agricultural &/or viticultural &/or horticultural uses &/or those areas to be retained in their current state.
  - (iii) Provide details of the on-going maintenance of the greater site.
- (b) Irrespective of the change in land use(s) resulting from the implementation of Clause 1 above, the stand of landscaping proposed to the south of the residential building platform shall not be altered from that identified and detailed in the landscape plan approved in condition 1 referenced 042-03L-1A.
2. There shall be no planting of gum trees.
3. The large rock located to the south of the residential building platform on Section 3 is not to be removed, nor is its bulk and form to be altered from its current natural state.
4. The Grantor shall fully implement the landscape plan and landscape management plan prior to any residential development occurring on Section 3. No residential development shall be undertaken on this site prior to the approval by the Grantee that the required landscaping is completed on site. Thereafter the landscaping shall be maintained and irrigated in accordance with the approved plans. If any tree or plant should die or become diseased it shall be replaced in the next available planting season

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

**Annexure Schedule**

Insert type of instrument  
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

21.12.07

Page

4

of

9

Pages

(Continue in additional Annexure Schedule, if required.)

## Landscaping conditions Section 2

- 1 Landscaping on Section 2 shall be undertaken in accordance with the approved Landscape Plan and Landscape Management Plan (ref: 042-02L-1A, dated 3 October 2006). The landscaping shall achieve the following objectives

(a) The proposed earth mounding and associated mature plantings to the east of the building platform shall mitigate views of any building(s) constructed within the platform when viewed from the State Highway.

(b) Planting shall contain a mixture of vegetation species outlined in Table 1 of the Landscape Management Plan. This vegetation should be planted at a minimum height of 1.5 metres where possible and planting shall be at the densities specified in the landscape management plan to ensure an effective coverage the width of the view shaft.

(c) All larger variety vegetation planted on the earth mound is to be complemented by additional shrub and ground cover plantings to 'fill-out' the undergrowth.

2. There shall be no planting of gum trees.

3. The Grantor shall fully implement the landscape plan and landscape management plan prior to any residential development occurring on Section 2. No residential development shall be undertaken on this site prior to the approval by the Grantee that the required landscaping is completed on site. Thereafter the landscaping shall be maintained and irrigated in accordance with the approved plans. If any tree or plant should die or become diseased it shall be replaced in the next available planting season.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

REF: 7025 - AUCKLAND DISTRICT LAW SOCIETY

**Annexure Schedule**



Insert type of instrument  
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

21.12.07

Page

5

of

9

Pages

(Continue in additional Annexure Schedule, if required.)

**Development controls Section 3**

1. All building within the approved building platform marked "B" on DP 392089 shall be a maximum of 5.5m higher than the lowest datum point of existing ground level within the platform, being 300.44
2. The exterior cladding of future building shall be timber, stacked stone or solid plaster, corrugated iron, or other similar materials. The plaster shall be dark, recessive colours.
3. The roofing of future building shall be shingles, slate or coloursteel. The coloursteel shall be in dark, recessive colours.
4. When a dwelling is proposed within the residential building platform on Section 3, an additional landscape plan shall be submitted for approval by the Grantee. The landscape plan shall address the site management and activities proposed within the curtilage area surrounding the building platform and shall specifically identify the following:
  - Location of proposed landscaping and screen planting.
  - Details of proposed landscaping (including species, densities, sizes).
  - Location of outdoor living areas(s).
  - Any other indicators of rural living.
5. Access to the platform shall be via the proposed gravel track at a width of 3.5m. Access. All other road access points shall be closed.
6. The road entrance shall be consistent with traditional rural elements.
7. All buildings including sheds and garages will be located within the approved building platform marked "B" on DP 392089.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

**Annexure Schedule**



Insert type of instrument  
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

21.12.07

Page

6

of

9

Pages

(Continue in additional Annexure Schedule, if required.)

**Development Controls – Section 2**

1. All building within the approved building platform marked "A" on DP 392089 shall be a maximum of 4.5m higher than the lowest datum point of existing ground level within the platform, being 301.34
2. The exterior cladding of future building shall be timber, stacked stone or solid plaster, corrugated iron, or other similar materials. The plaster shall be dark, recessive colours.
3. The roofing of future building shall be shingles, slate or coloursteel. The coloursteel shall be in dark, recessive colours.
4. When a dwelling is proposed within the residential building platform on Section 2, an additional landscape plan shall be submitted for approval by the Grantee. The landscape plan shall address the site management and activities proposed within the curtilage area surrounding the building platform and shall specifically identify the following:
  - Location of proposed landscaping and screen planting.
  - Details of proposed landscaping (including species, densities, sizes).
  - Location of outdoor living areas(s).
  - Any other indicators of rural living.
5. Mounding shall be undertaken to an extent sufficient to minimize visibility of future buildings on the approved building platform from the highway, as shown on the approved landscape plan. Mounding shall be planted in mixed species as outlined in Table 1 of the landscape management plan.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

**Annexure Schedule**



Insert type of instrument  
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

21.12.07

Page

7

of

9

Pages

*(Continue in additional Annexure Schedule, if required.)*

6. Access shall be via the existing gravel track upgraded to a width of 3.5m. All other road access points shall be closed.
7. The road entrance shall be consistent with traditional rural elements.
8. All buildings including sheds and garages will be located within the approved building platform marked "A" on DP 302089.

Conditions to be complied with at time building is erected on either Section 3 or Section 2

1. The Grantor shall treat the domestic water supply by filtration and disinfection so that it complies with the Drinking Water Standards for New Zealand 2000.
2. The drinking water supply is to be monitored in compliance with the Drinking Water Standards for New Zealand 2000 for the presence of E.coli, and the results forwarded to the Grantor. The Ministry of Health shall approve the laboratory carrying out the analysis. Should the water not meet the requirements of the Standard then the owner for the time being shall be responsible for the provision of water treatment to ensure that the Drinking Water Standards for New Zealand 2000 are met or exceeded.
3. At the time that a dwelling is proposed on either a suitably qualified engineer shall design an effluent disposal system in terms of AS/NZS 1547:2000 that will provide sufficient treatment / renovation to effluent from on-site disposal, prior to discharge to land. To maintain high effluent quality such a system would require the following:
  - Specific design by a suitably qualified professional engineer.
  - A requirement that each lot must include systems that achieve the levels of treatment determined by the specific design.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

*[Handwritten signatures and initials]*

**Annexure Schedule**

Insert type of instrument  
"Mortgage", "Transfer", "Lease" etc

Easement

Dated

21. 12. 07

Page

8

of

9

Pages

(Continue in additional Annexure Schedule, if required.)

- Regular maintenance in accordance with the recommendations of the system designer and a commitment by the owner of each system to undertake this maintenance. Disposal areas shall be located such that maximum separation (in all instances greater than 50 metres) is obtained from any watercourse or water supply bore.
4. At the time a dwelling is erected a stormwater disposal system shall be designed by a suitably qualified person for the on-site disposal of water from all impervious areas within the allotment.
5. At the time a dwelling is erected domestic water and fire fighting storage is to be provided. A minimum of 20,000 litres shall be maintained at all times as a static fire fighting reserve within a 30,000 litre tank. A fire fighting connection in accordance with Appendix B SNZ PAS 4509:2003 is to be located within 90 metres of any proposed building on the site. Where pressure at the connection point/coupling is less than 100kPa, a 100mm Suction Coupling (Female) complying with NZS 4505, is to be provided. Where pressure at the connection point/coupling is greater than 100kPa, a 70mm Instantaneous Coupling (female) complying with NZS 4505, is to be provided.
- The Fire Service connection point/coupling must be located so that it is not compromised in the event of a fire.
  - The connection point/coupling shall have a hardstand area adjacent to it to allow a fire service appliance to park on it. Pavements or roadways providing access to the hardstand area must be trafficable in all weathers and be capable of withstanding a laden weight of up to 25 tonnes with an axle load of 8.2 tonnes. Access shall be maintained at all times to the hardstand area.
  - Underground tanks or tanks that are partially buried (provided the top of the tank is no more than 1 metre above ground) may be accessed by an opening in the top of the tank whereby couplings are not required. A hardstand area

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

**Annexure Schedule**

Insert type of instrument

"Mortgage", "Transfer", "Lease" etc

Easement

Dated

21.12.07

Page

9

of

9

Pages

*(Continue in additional Annexure Schedule, if required.)*

adjacent to the tank is required in order to allow a fire service appliance to park on it and access to the hardstand area must be provided as above.

- Fire fighting water supply may be provided by means other than the above if the written approval of the New Zealand Fire Service is obtained for the proposed method.
- The fire fighting water supply tank shall be installed prior to the occupation of the building.

Further Development control section 3

Prior to the development of a residential unit contained within the approved building platform marked "B" on DP 392089 a licence to occupy (or similar Queenstown Lakes District Council approval) shall be obtained that will allow the establishment and operation of a domestic water pipeline and associated pump within the legal road that adjoins section 3 and the Kawarau River.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

**Annexure Schedule - Consent Form**

Land Transfer Act 1952 section 238(2)



Insert type of instrument  
"Caveat", "Mortgage" etc

**Land covenant**

Page  of  pages

**Consentor**

Surname must be underlined or in CAPITALS

**Capacity and Interest of Consentor**

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

**RABOBANK NEW ZEALAND LIMITED**

**As mortgagee under mortgage 5096205.2**

**Consent**

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [ ] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section \_\_\_\_\_ of the \_\_\_\_\_ Act \_\_\_\_\_]

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

**the registration of land covenant entered in to between Antimony Investments Limited as Grantor and Queenstown Lakes District Council as Grantee.**

Dated this 21st day of December 2007

**Attestation**

SIGNED for RABOBANK  
NEW ZEALAND LIMITED  
by its Attorney in the presence of:  
John George Richardson McLean

Manju Datt Prasad

Signature of Consentor

Signed in my presence by the Consentor

Signature of Witness

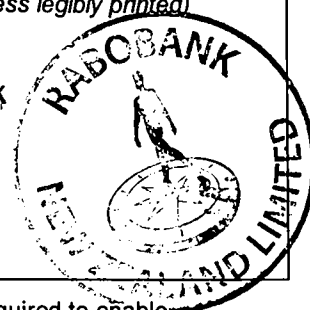
Witness to complete in BLOCK letters (unless legibly printed)

Witness name

Occupation

Address

Judith Ann Roderick  
Bank Officer  
Wellington



An Annexure Schedule in this form may be attached to the relevant instrument. where consent is required to enable

## CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

We, **John George Ronaldson McLean** and **Manju Datt Prasad** Head Counsel and Manager respectively, both of Wellington in New Zealand do hereby certify:

1. THAT by deed dated 18<sup>th</sup> day of April 2000 Rabobank New Zealand Limited, appointed us as its attorney's on the terms and subject to the conditions set out in the said deed.
2. THAT the power of attorney was deposited in the Land Transfer Office at:

Blenheim (Marlborough Registry) and there numbered	215414.1
Christchurch (Canterbury Registry) and there numbered	A483706.1
Dunedin (Otago Registry) and there numbered	5013528.1
Gisborne (Gisborne Registry) and there numbered	231450.1
Hamilton (South Auckland Registry) and there numbered	B637396.1
Hokitika (Westland Registry) and there numbered	115481.1
Invercargill (Southland Registry) and there numbered	5016998.1
Napier (Hawkes Bay Registry) and there numbered	709427.1
Nelson (Nelson Registry) and there numbered	402416.1
New Plymouth (Taranaki Registry) and there numbered	475072.1
Wellington (Wellington Registry) and there numbered	B810600.1
Auckland (North Auckland Registry) and there numbered	D557660.1
3. THAT as the date hereof we have not received any notice or information of the revocation of that appointment by the winding up of the said Rabobank New Zealand Limited or otherwise.

SIGNED at Wellington this 21<sup>st</sup> day of December 2007.



**John George Ronaldson McLean**



**Manju Datt Prasad**



Landonline User ID:

LODGING FIRM: **Stamers-Smith Law**

Address: **P O Box 220**

**QUEENSTOWN**

Uplifting Box Number:

ASSOCIATED FIRM:

Client Code / Ref: **Antimony Investments**

Dealing / S UD Number:  
(LINZ Use only)

Priority Barcode/Date Stamp  
(LINZ use only)

**COV 7748698.1 Covenant**  
Copy - 02/03, Pgs - 013, 12/03/08, 12:14  
**Copies**  
(inc. original)  
DocID: 212186174

P

HEREWITH	
Survey Plan (#)	
Title Plan (#)	
Traverse Sheets (#)	
Field Notes (#)	
Calc Sheets (#)	
Survey Report	

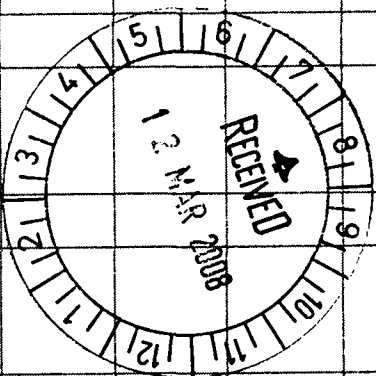
Plan Number Pre-Allocated or  
to be Deposited

Rejected Dealing Number:

**7741049**

Other (state)

Priority Order	CT Ref	Type of Instrument	Names of Parties	DOCUMENT OR SURVEY FEES	MULTI-TITLE FEES	NOTICES	ADVERTISING	NEW TITLES	OTHER	RE-SUBMISSION & PRIORITY FEE	FEES \$ GST INCLUSIVE
1	14730	EI	Antimony Investments Limited QLDC	60.00							\$60.00
2	14730	ENC	Antimony Investments Limited QLDC	60.00							\$60.00
3	14730	C241	Antimony Investments Limited QLDC	60.00							\$60.00
4	14730	OCT	Antimony Investments Limited	195.00							\$195.00
5			410584 410585 410590								
6											



Paid

Land Information New Zealand Lodgement Form

Annotations (LINZ use only)

Letter as per

Original Signatures? \_\_\_\_\_

Fees Receipt and Tax Invoice

GST Registered Number 17-022-895

LINZ Form P005

LINZ Form P005 - PDF

Subtotal (for this page)	\$375.00
Total for this dealing	\$375.00
Less Fees paid on Dealing # 7741049	\$486.00
Cash/Cheque enclosed for	-\$111.00



# View Instrument Details

**Instrument No.** 8907214.1  
**Status** Registered  
**Date & Time Lodged** 06 Dec 2011 15:27  
**Lodged By** Seyb, Helen Catherine  
**Instrument Type** Easement Instrument

*Toitu te*  
**Land** *whenua*  
**Information**  
New Zealand



---

## Affected Computer Registers    Land District

408014	Otago
477524	Otago
OT14B/1179	Otago
OT19A/733	Otago

---

**Annexure Schedule:** Contains 6 Pages.

---

## Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument	<input checked="" type="checkbox"/>
I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument	<input checked="" type="checkbox"/>
I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply	<input checked="" type="checkbox"/>
I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period	<input checked="" type="checkbox"/>
I certify that the Mortgagee under Mortgage 7641077.1 has consented to this transaction and I hold that consent	<input checked="" type="checkbox"/>

## Signature

Signed by Phillip George Wilson as Grantor Representative on 06/12/2011 03:23 PM

---

## Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument	<input checked="" type="checkbox"/>
I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument	<input checked="" type="checkbox"/>
I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply	<input checked="" type="checkbox"/>
I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period	<input checked="" type="checkbox"/>

## Signature

Signed by Phillip George Wilson as Grantee Representative on 06/12/2011 03:24 PM

**\*\*\* End of Report \*\*\***

**Easement Instrument to create land covenant**

(Sections 90A and 90F Land Transfer Act 1952)

**Grantor**

Arthur Mark Van Der Wilt and Martin Joseph Keogh

Harris Road No.36 Limited

**Grantee**

Harris Road No.36 Limited

Arthur Mark Van Der Wilt and Martin Joseph Keogh

**Creation of Covenant**

The Grantor being the registered proprietor of the servient tenement described in Schedule A and the Grantee being the registered proprietor of the dominant tenement described in Schedule A **create** the covenants **set out** in Schedule A, with the rights and powers or provisions set out in the Schedule B

**Schedule A**

Purpose (Nature and extent) of covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Land covenants (as set out in Schedule B)	All that land contained within the Servient Tenement	OT19A/733 OT14B/1179 408014 477524	OT14B/1179 408014 477524 OT19A/733

**Covenant provisions**

The provisions applying to the specified covenants are those set out in Schedule B

## Easement instrument to create land covenant

### Schedule B

#### CONTINUATION OF COVENANT PROVISIONS

##### Background

- A. The Grantor is the registered proprietor of the relevant Servient Tenement.
- B. The Grantee is the registered proprietor of the relevant Dominant Tenement.
- C. The Grantor and Grantee have agreed that the Servient Tenement will be subject to the Covenants set out in this Instrument
- D. It is intended that this Instrument shall be and remain registered against the titles to each of the Servient and Dominant Tenement so that:
  - a. owners and occupiers for the time being of the Servient Tenement shall be bound by the provisions of this Instrument;
  - b. owners or occupiers for the time being of any of the Dominant Tenement can enforce the observance of the provisions of this Instrument by the owners or occupiers for the time being of any of the Servient Tenement in equity or otherwise; and
  - c. the obligations and covenants of the Grantor and Grantee under this Instrument are for the benefit of the Grantor and Grantee respectively.

##### 1. Interpretation

- 1.1 In this Instrument unless the context otherwise requires:

**"Agreed Activities"** means the development and/or use of land, buildings and other improvements for any existing or future activity.

**"Covenants"** means the covenants set out in this Instrument.

**"District Plan"** means the operative Queenstown-Lakes District Council District Plan (or similar plan, successor plan or proposed plan).

**"Dominant Tenement"** means in relation to any Covenant the land described in Schedule A which has the benefit of that Covenant.

**"Grantee"** means the registered proprietor of the Dominant Tenement from time to time.

**"Grantor"** means the registered proprietor of the Servient Tenement from time to time.

**"Instrument"** means the front page of this Instrument together with all Schedules attached to it.

RHH-719082-12-6-V3:ht (Non Object)

### **Easement instrument to create land covenant**

**"Lodge any Submission"** means (without limitation), personally or through any agent or servant (including by being a member of any group or society, whether incorporated or not), to directly or indirectly lodge or support in any way any objection or submission to any Planning Proposal and includes (without limitation) taking any part in a planning hearing, appeal or reference arising in respect of a Planning Proposal whether as a party or otherwise.

**"Planning Proposal"** means any consent or approval (and any application for such consent or approval) and includes (without limitation) any application for:

- a. resource consent;
- b. change to the District Plan or Regional Plan;
- c. variation of any nature under or to the District/Regional Plan or proposed District/Regional Plan; and/or
- d. variation of any existing resource consent.

**"Regional Plan"** means an operative plan approved by the Otago Regional Council (or similar plan, successor plan or proposed plan).

**"RMA"** means the Resource Management Act 1991.

**"Servient Tenement"** means in relation to any Covenant the land described in Schedule A which is subject to that Covenant.

#### 1.2 For the avoidance of doubt:

- a. Words importing the singular number include the plural and vice versa.
- b. References to the parties are references to the Grantor and the Grantee.
- c. A covenant to do something is also a covenant to permit or cause that thing to be done and a covenant not to do something is also a covenant not to permit or cause that thing to be done.
- d. This Instrument binds and benefits the parties and their heirs, executors, successors and assigns in perpetuity and also any lessee or occupier of the Servient Tenement and the Dominant Tenement.
- e. A reference to a statute, regulation or by-law includes all statutes, regulations, or by-laws varying, consolidating or replacing them, and a reference to a statute includes all regulations or by-laws issued under that statute.

## **2. General Covenants**

### **2.1 The Grantor covenants and agrees:**

- a. to observe and perform all the Covenants at all times;

RHH-719082-12-6-V3:ht (Non Object)

### Easement instrument to create land covenant

- b. that the Covenants shall run with and bind the Servient Tenement for the benefit of the Dominant Tenement;
- c. to do all things necessary to ensure that any invitees of the Grantor on the Servient Tenement and any mortgagees, lessees or occupiers of the Servient Tenement comply with the provisions of this Instrument;
- d. in addition to all obligations under clause 2.1(c), to include the provisions of this Instrument in any occupation agreement, (including, but not limited to any lease, licence or tenancy agreement) in respect of the Servient Tenement so that all references to "Grantor" are replaced with "occupier". The Grantor will at the request of the Grantee enforce such provisions;
- e. to pay the Grantee's legal costs (as between solicitor and client) of and incidental to the enforcement or attempted enforcement of the Grantee's rights, remedies and powers under this Instrument; and
- f. to indemnify the Grantee against all claims and proceedings arising out of a breach by the Grantor of any of its obligations set out in this Instrument.

### 3. Covenants in Relation to Agreed Activities

3.1 The Grantor covenants and agrees with the Grantee that the Grantor will:

- a. not make any claim, proceeding, complaint, objection, or similar action in relation to the use, or effects of the use, of the Dominant Tenement for any lawfully conducted Agreed Activities;
- b. not at any time Lodge any Submission against any Planning Proposal by the Grantee for any Agreed Activities to be carried out on the Dominant Tenement;
- c. be deemed to have given written approval for any Planning Proposal referred to in (b) above;
- d. within 20 days of written request from the Grantee served on the Grantor, sign and give irrevocable written approval to the Grantee ("**Written Approval**") under the RMA in respect of any Planning Proposal referred to in (b) above.

3.2 In the event the Grantor does not provide such Written Approval in accordance with clause 3.1(d), then the Grantor is deemed to have irrevocably appointed the Grantee to be the attorney of the Grantor (in the name and at the cost of the Grantor) to execute any Written Approval on behalf of the Grantor as contemplated by clause 3.1(d).

3.3 The Grantor and Grantee agree that the Grantor's obligations and covenants contained in this Instrument are for the benefit of the Grantee and the Grantee's successors in title to the Dominant Tenement.

3.4 The parties acknowledge and agree that:

RHH-719082-12-6-V3:ht (Non Object)

### **Easement instrument to create land covenant**

- a. the covenants contained within this Instrument will attach to and run with the Servient Tenement and as a burden on that land to the extent that they restrict the Grantor from acting in relation to the Servient Tenement by exercising rights under the RMA which arise from ownership of the Servient Tenement and which the Grantor would otherwise have been able to exercise for the benefit of the Servient Tenement.
- b. the burden placed upon the Servient Tenement by this Instrument is for the benefit of the Dominant Tenement.

#### **4. General**

- 4.1 Subject to clause 4.2, any notice required to be served on any party shall be served in accordance with the Property Law Act 2007.
- 4.2 If the Grantee is required to serve notice under clause 3.1(d) on a Grantor that is a person ("**Person**"), then the address for service of notices for that Person will be the current address to which the Council sends rates demands for that Person's Servient Tenement. If the Council does not disclose that address for a Person's Servient Tenement, then any notice conspicuously placed on that relevant Person's Servient Tenement shall be deemed to have been served on that Person on the day on which it is affixed.
- 4.3 Any failure by a party to enforce any clause of this Instrument, or any forbearance, delay or indulgence granted by that party to any other party will not be construed as a waiver of the first party's rights under this Instrument.
- 4.4 The Grantor will not seek to have this Instrument removed from the title to the Servient Tenement due to any lack of proximity between the Servient Tenement and the Dominant Tenement.

#### **5. Severability**

- 5.1 If any of the provisions of this Instrument are judged invalid, unlawful or unenforceable for any reason whatsoever by a Court of competent jurisdiction, such invalidity, unenforceability or illegality will not affect the operation, construction or interpretation of any other provision of this Instrument to the intent that the invalid, unenforceable or illegal provisions will be treated for all purposes as severed from this Instrument. In the event of any such severance the parties will use reasonable endeavours to negotiate with the intent that the Instrument shall achieve the economic, legal and commercial objectives of the unenforceable term, covenant or obligation.

#### **6. Dispute Resolution**

- 6.1 If a party has any dispute with the other party in connection with this Instrument:
  - a. That party will promptly give full written particulars of the dispute to the others.
  - b. The parties will promptly meet together and in good faith try and resolve the dispute.

RHH-719082-12-6-V3:ht (Non Object)

---

**Easement instrument to create land covenant**



- 6.2 If the dispute is not resolved within 14 days of written particulars being given (or any longer period agreed to by the parties) the dispute will be referred to mediation:
- a. A party must use the mediation procedure to resolve a dispute before commencing arbitration or legal proceedings.
  - b. The mediation will be conducted by a LEADR panel mediator chosen by the parties, or if they cannot agree, a mediator chosen by the president of the New Zealand Law Society or the president's nominee.
- 6.3 If the dispute is not resolved by mediation the parties will refer the dispute to a single arbitrator:
- a. The single arbitrator will be chosen by the parties, or if they cannot agree, a mediator chosen by the president of the New Zealand Law Society or the president's nominee.
  - b. The arbitration will be conducted in accordance with the Rules in Schedules 1 and 2 of the Arbitration Act 1996.
- 6.4 The parties must always act in good faith and co-operate with each other to promptly resolve any dispute.
- 6.5 The procedure and time frames for any mediation or arbitration will be fixed by the mediator or arbitrator (as appropriate) if the parties cannot agree.
- 6.6 The parties must continue to comply with their obligations under this Instrument during the dispute process set out in this clause.
- 6.7 This clause 6 does not apply to:
- a. Any dispute arising in connection with any attempted renegotiation of this Instrument; or
  - b. An application by either party for urgent interlocutory relief.



**ARCHAEOLOGICAL SITE LEGEND**

- Site supervision required & specific trail solution. Site to be marked.
- Site close to earthworks extents. Site to be marked & avoided.
- Site located outside earthworks extent.

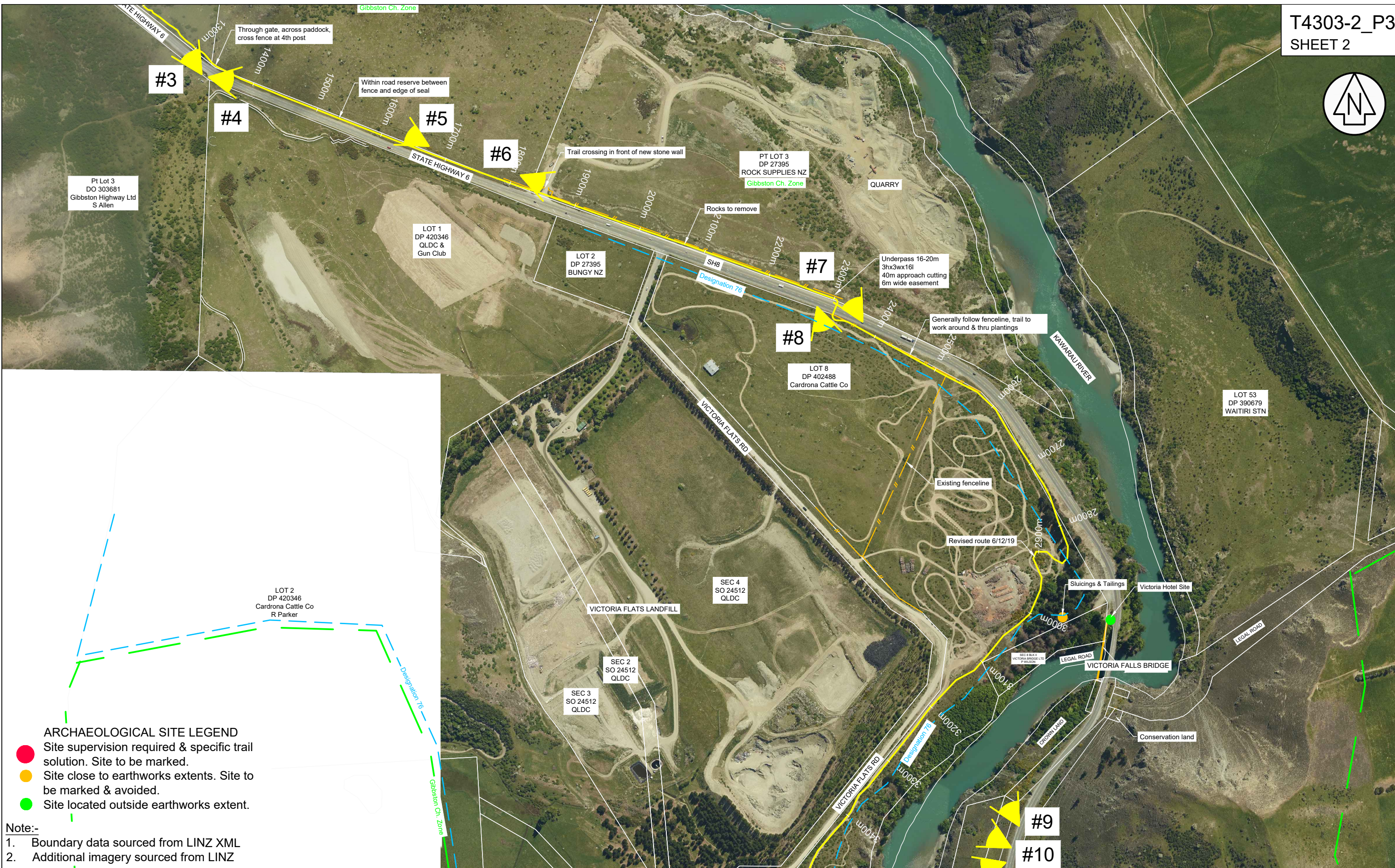
- Note:-**
- Boundary data sourced from LINZ XML
  - Aerial imagery sourced from QLDC GIS
  - Parcel boundary data shown in white

	REVISION	DESCRIPTION	DATE
	A	FOR CONSENT	21/10/20
Level 2 Brownston House, 21 Brownston St., Wanaka, Ph: (03) 443 5577, Email: contact@southernland.co.nz, www.southernland.co.nz			
Any person using Southern Land drawings and other data accepts the risk of: using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions or with Southern Land directly and ensuring the information is the most recent issue. If this plan is being used for resource consent purposes then areas and dimensions should be considered indicative and subject to final Land Transfer Survey. As areas and dimensions may vary upon survey it should not be attached to sale & purchase agreements without an appropriate condition to cover such variations.			
			

KAWARAU GORGE TRAIL  
DESIGN PLAN

COPYRIGHT: THE COPYRIGHT AND INTELLECTUAL PROPERTY RIGHTS FOR THE INFORMATION SHOWN ON THIS PLAN REMAIN THE PROPERTY OF SOUTHERN LAND LTD. IT MAY NOT BE REPRODUCED WITHOUT THE PRIOR CONSENT OF SOUTHERN LAND LTD.

PREPARED FOR CENTRAL OTAGO QUEENSTOWN TRAIL NETWORK TRUST				SCALE 1: 5,000 @ A3	
				DATUM & LEVEL NZTM 2000	
SURVEYED TD	DATE 5/2018	CHECKED TD	DATE 18/6/20	DRAWING REFERENCE T4303-2_P3	REVISION A
DRAWN TD	DATE 17/6/20	APPROVED TD	DATE 18/6/20		




ARCHAEOLOGICAL SITE LEGEND

- Site supervision required & specific trail solution. Site to be marked.
- Site close to earthworks extents. Site to be marked & avoided.
- Site located outside earthworks extent.

Note:-


- Boundary data sourced from LINZ XML
- Additional imagery sourced from LINZ

REVISION	DESCRIPTION	DATE
A	FOR CONSENT	21/10/20



Level 2 Brownston House, 21 Brownston St., Wanaka, Ph: (03) 443 5577, Email: contact@southernland.co.nz, www.southernland.co.nz

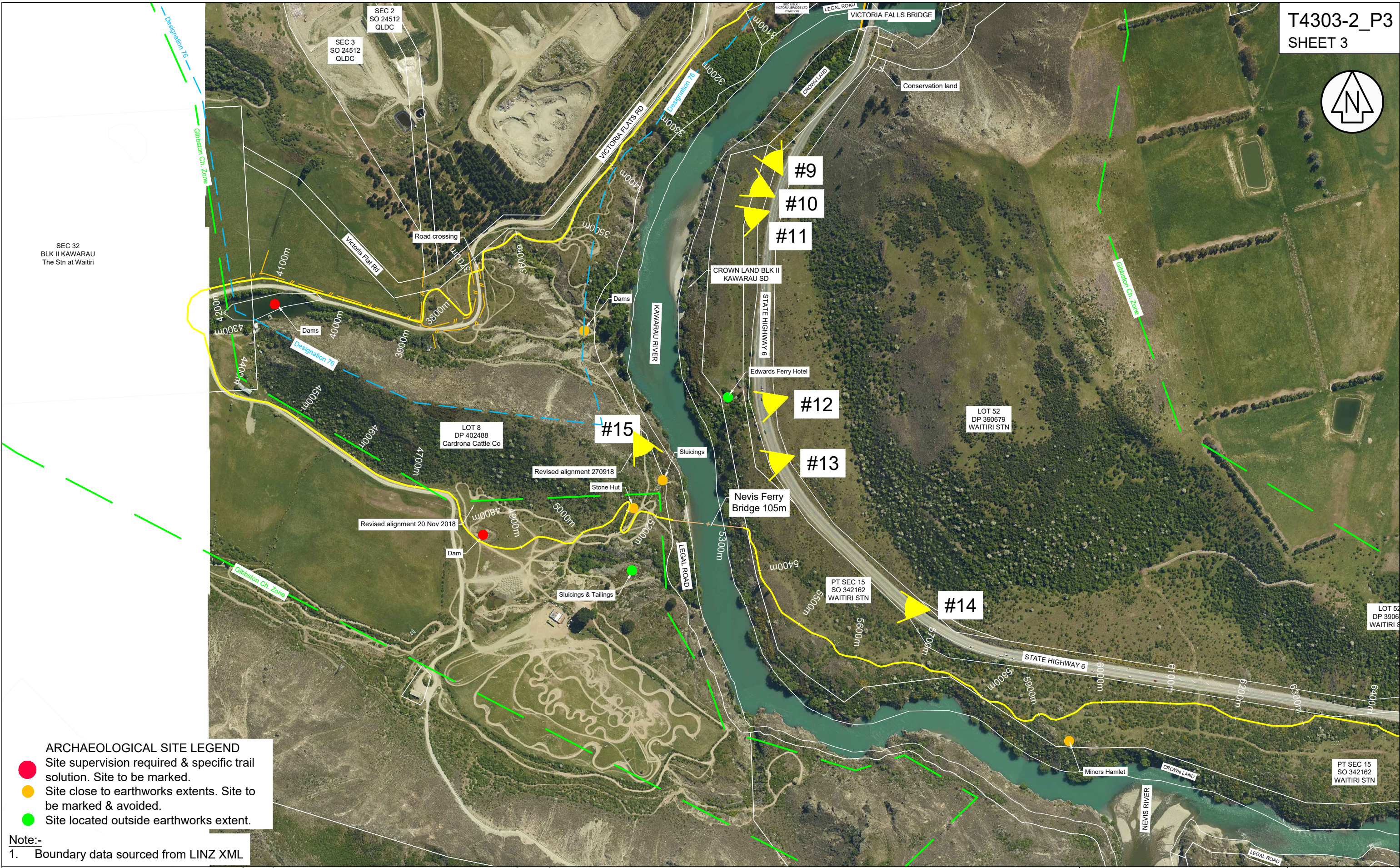
Any person using Southern Land drawings and other data accepts the risk of: using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions or with Southern Land directly and ensuring the information is the most recent issue. If this plan is being used for resource consent purposes then areas and dimensions should be considered indicative and subject to final Land Transfer Survey. As areas and dimensions may vary upon survey it should not be attached to sale & purchase agreements without an appropriate condition to cover such variations.



KAWARAU GORGE TRAIL  
DESIGN PLAN



COPYRIGHT: THE COPYRIGHT AND INTELLECTUAL PROPERTY RIGHTS FOR THE INFORMATION SHOWN ON THIS PLAN REMAIN THE PROPERTY OF SOUTHERN LAND LTD. IT MAY NOT BE REPRODUCED WITHOUT THE PRIOR CONSENT OF SOUTHERN LAND LTD.

PREPARED FOR CENTRAL OTAGO QUEENSTOWN TRAIL NETWORK TRUST				SCALE 1: 5,000 @ A3	
				DATUM & LEVEL NZTM 2000	
SURVEYED TD	DATE 5/2018	CHECKED TD	DATE 18/6/20	DRAWING REFERENCE T4303-2_P3	REVISION A
DRAWN TD	DATE 17/6/20	APPROVED TD	DATE 18/6/20		



- ARCHAEOLOGICAL SITE LEGEND
- Site supervision required & specific trail solution. Site to be marked.
  - Site close to earthworks extents. Site to be marked & avoided.
  - Site located outside earthworks extent.


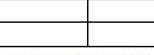
Note:-  
1. Boundary data sourced from LINZ XML

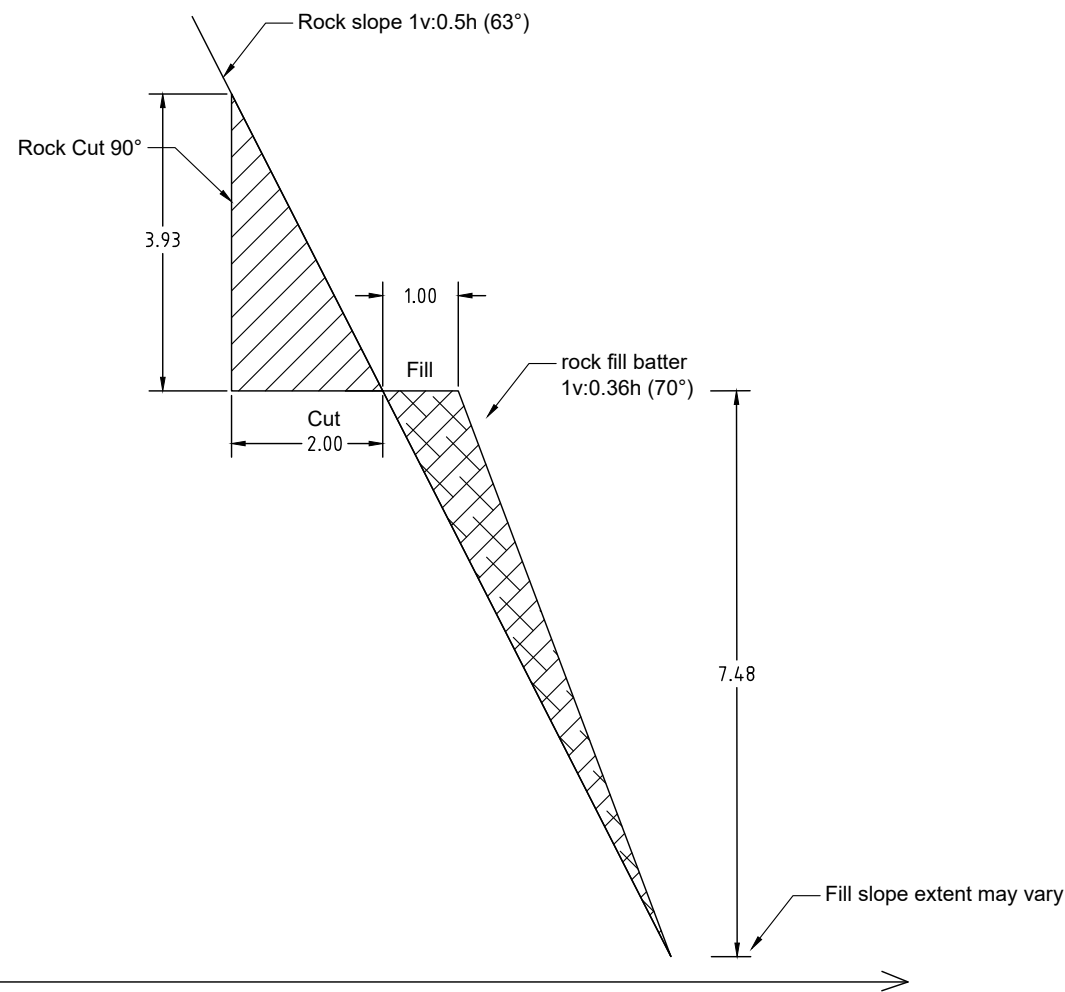
	REVISION	DESCRIPTION	DATE	KAWARAU GORGE TRAIL DESIGN PLAN				PREPARED FOR CENTRAL OTAGO QUEENSTOWN TRAIL NETWORK TRUST				SCALE 1: 5,000 @ A3 DATUM & LEVEL NZTM 2000		
	A	FOR CONSENT	21/10/20											
Level 2 Brownston House, 21 Brownston St., Wanaka, Ph: (03) 443 5577, Email: contact@southernland.co.nz, www.southernland.co.nz								DRAWING REFERENCE T4303-2_P3				REVISION A		
Any person using Southern Land drawings and other data accepts the risk of: using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions or with Southern Land directly and ensuring the information is the most recent issue. If this plan is being used for resource consent purposes then areas and dimensions should be considered indicative and subject to final Land Transfer Survey. As areas and dimensions may vary upon survey it should not be attached to sale & purchase agreements without an appropriate condition to cover such variations.														
				COPYRIGHT: THE COPYRIGHT AND INTELLECTUAL PROPERTY RIGHTS FOR THE INFORMATION SHOWN ON THIS PLAN REMAIN THE PROPERTY OF SOUTHERN LAND LTD. IT MAY NOT BE REPRODUCED WITHOUT THE PRIOR CONSENT OF SOUTHERN LAND LTD.				SURVEYED TD		DATE 5/2018	CHECKED TD	DATE 18/6/20		
								DRAWN TD		DATE 17/6/20	APPROVED TD	DATE 18/6/20		



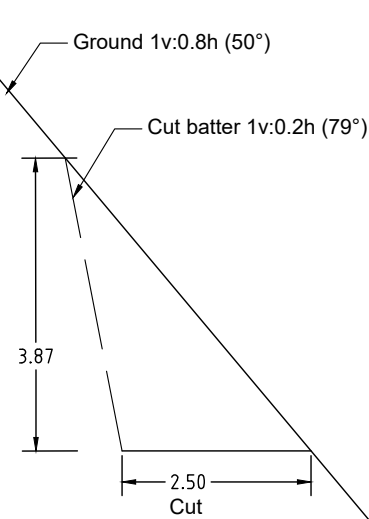
**ARCHAEOLOGICAL SITE LEGEND**

- Site supervision required & specific trail solution. Site to be marked.
- Site close to earthworks extents. Site to be marked & avoided.
- Site located outside earthworks extent.

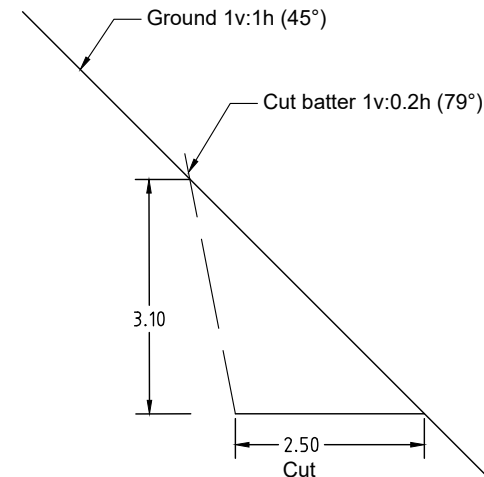
	REVISION	DESCRIPTION	DATE	<h1>KAWARAU GORGE TRAIL DESIGN PLAN</h1> <p>COPYRIGHT: THE COPYRIGHT AND INTELLECTUAL PROPERTY RIGHTS FOR THE INFORMATION SHOWN ON THIS PLAN REMAIN THE PROPERTY OF SOUTHERN LAND LTD. IT MAY NOT BE REPRODUCED WITHOUT THE PRIOR CONSENT OF SOUTHERN LAND LTD.</p>				PREPARED FOR CENTRAL OTAGO QUEENSTOWN TRAIL NETWORK TRUST		SCALE 1: 5,000 @ A3				
	A	FOR CONSENT	21/10/20							DATUM & LEVEL NZTM 2000				
Level 2 Brownston House, 21 Brownston St., Wanaka, Ph: (03) 443 5577, Email: contact@southernland.co.nz, www.southernland.co.nz						SURVEYED TD		DATE 5/2018	CHECKED TD	DATE 18/6/20	DRAWING REFERENCE T4303-2_P3		REVISION A	
Any person using Southern Land drawings and other data accepts the risk of: using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions or with Southern Land directly and ensuring the information is the most recent issue. If this plan is being used for resource consent purposes then areas and dimensions should be considered indicative and subject to final Land Transfer Survey. As areas and dimensions may vary upon survey it should not be attached to sale & purchase agreements without an appropriate condition to cover such variations.						DRAWN TD		DATE 17/6/20	APPROVED TD	DATE 18/6/20				



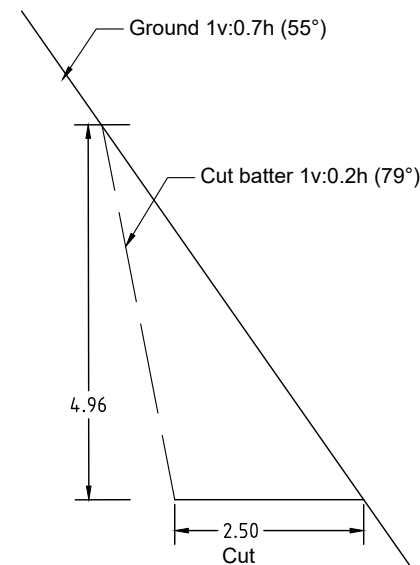
**TYPICAL CROSS SECTION - A**  
SOLID ROCK CUT BENCH 63° SIDE SLOPE  
Scale 1: 100



**TYPICAL CROSS SECTION - C**  
COLLUVIUM CUT BENCH 50° SIDE SLOPE  
Scale 1: 100



**TYPICAL CROSS SECTION - B**  
COLLUVIUM CUT BENCH  
45° SIDE SLOPE  
Scale 1: 100



**TYPICAL CROSS SECTION - D**  
COLLUVIUM CUT BENCH 55° SIDE SLOPE  
Scale 1: 100



REVISION	DESCRIPTION	DATE
A	ORIGINAL ISSUE	21/10/20

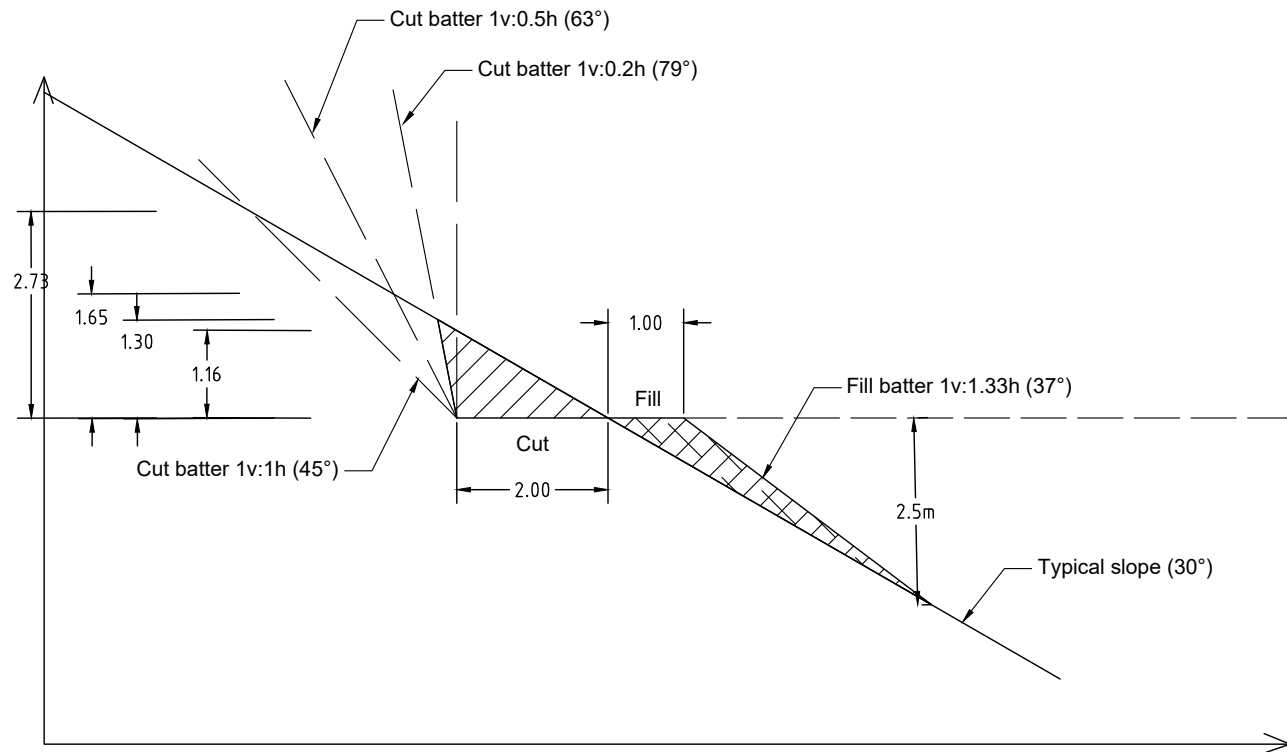
Level 2 Brownston House, 21 Brownston St., Wanaka, Ph: (03) 443 5577, Email: [contact@southernland.co.nz](mailto:contact@southernland.co.nz), [www.southernland.co.nz](http://www.southernland.co.nz)  
Any person using Southern Land drawings and other data accepts the risk of: using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions or with Southern Land directly and ensuring the information is the most recent issue. If this plan is being used for resource consent purposes then areas and dimensions should be considered indicative and subject to final Land Transfer Survey. As areas and dimensions may vary upon survey it should not be attached to sale & purchase agreements without an appropriate condition to cover such variations.



## TYPICAL CROSS SECTIONS KAWARAU GORGE TRAIL

COPYRIGHT: THE COPYRIGHT AND INTELLECTUAL PROPERTY RIGHTS FOR THE INFORMATION SHOWN ON THIS PLAN REMAIN THE PROPERTY OF SOUTHERN LAND LTD. IT MAY NOT BE REPRODUCED WITHOUT THE PRIOR CONSENT OF SOUTHERN LAND LTD.

PREPARED FOR CENTRAL OTAGO QUEENSTOWN TRAIL NETWORK TRUST				SCALE 1: 100 @ A3	
				DATUM & LEVEL NZTM 2000	
SURVEYED DH	DATE 2019	CHECKED DH	DATE 13/5/19	DRAWING REFERENCE T4303-2_P3	REVISION A
DRAWN TD	DATE 27/9/18	APPROVED TD	DATE 16/10/20		



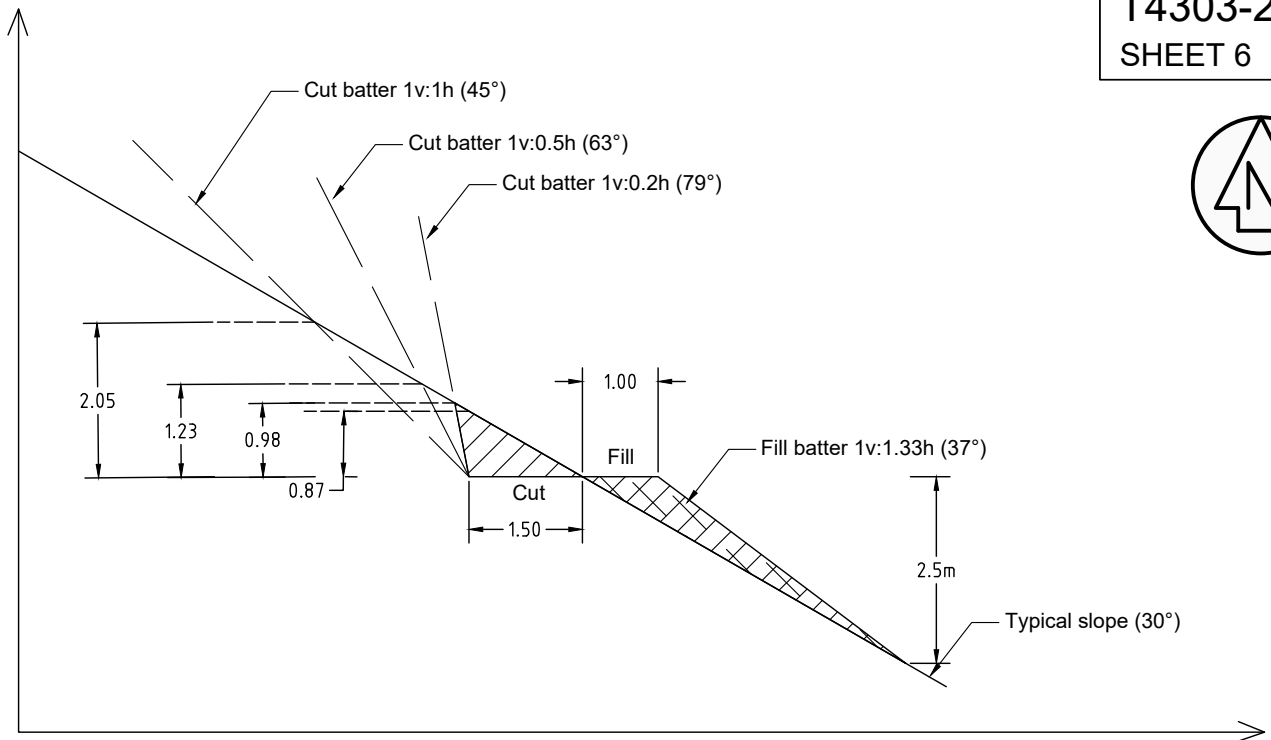
**TYPICAL CROSS SECTION - E**  
FULL CUT BENCH  
30° SIDE SLOPE  
Scale 1: 100

2.0m wide full cut bench, vertical cut face, 1: 1.33 fill batter

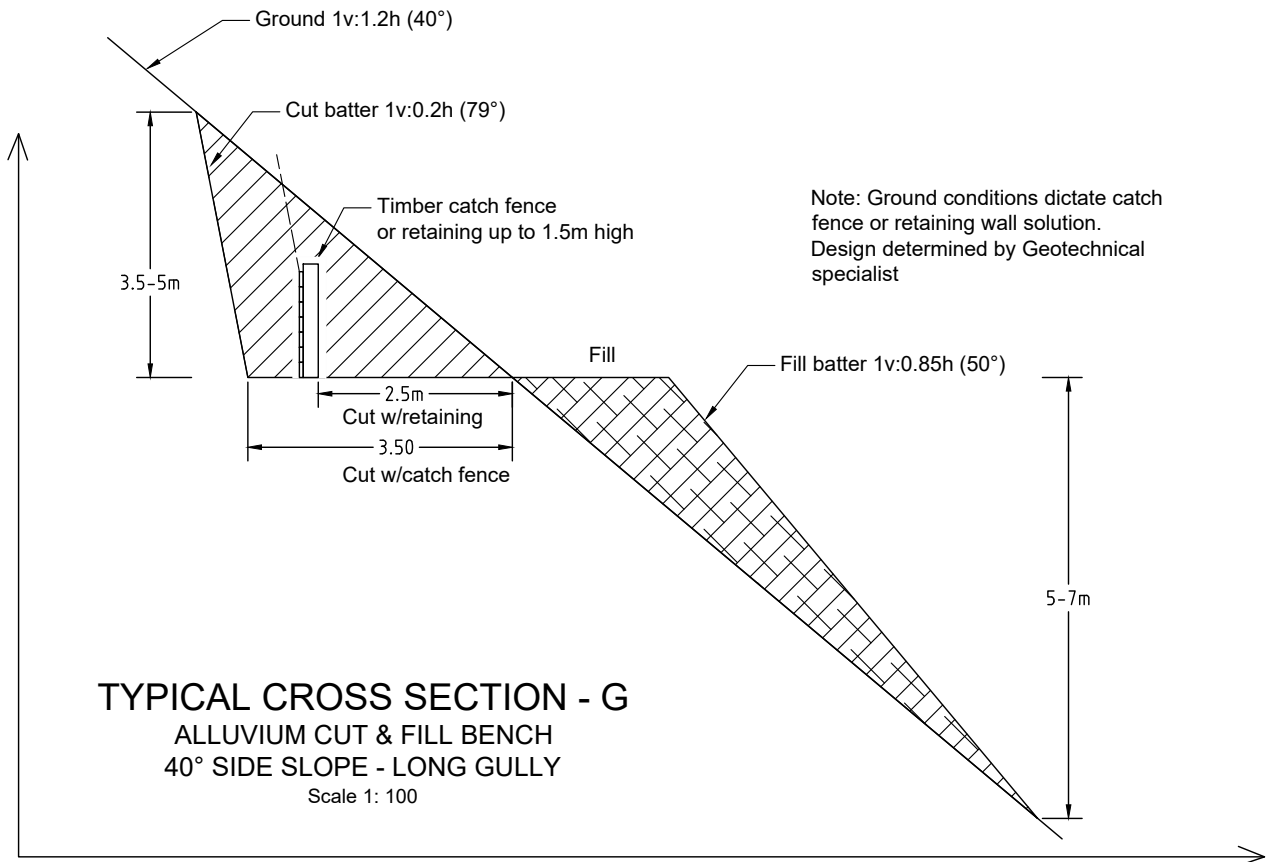
Side Slope (deg)	Vertical Cut height (m)	Fill Height (m)
10	0.44	0.30
20	0.91	0.70
25	1.16	1.31
30	1.44	2.47
35	1.75	5.20
40	2.10	7.00

1.5m wide cut & 1m wide Fill, vertical cut face, 1:1.33 fill batter

Side Slope (deg)	Vertical Cut height (m)	Fill Height (m)
10	0.26	0.22
20	0.58	0.67
25	0.70	1.13
30	0.87	2.47
35	1.10	3.50
40	1.25	5.00



**TYPICAL CROSS SECTION - F**  
CUT & FILL BENCH  
30° SIDE SLOPE  
Scale 1: 100



**TYPICAL CROSS SECTION - G**  
ALLUVIUM CUT & FILL BENCH  
40° SIDE SLOPE - LONG GULLY  
Scale 1: 100



REVISION	DESCRIPTION	DATE
A	ORIGINAL ISSUE	21/10/20

Level 2 Brownston House, 21 Brownston St., Wanaka, Ph: (03) 443 5577, Email: [contact@southernland.co.nz](mailto:contact@southernland.co.nz), [www.southernland.co.nz](http://www.southernland.co.nz)  
Any person using Southern Land drawings and other data accepts the risk of: using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions or with Southern Land directly and ensuring the information is the most recent issue. If this plan is being used for resource consent purposes then areas and dimensions should be considered indicative and subject to final Land Transfer Survey. As areas and dimensions may vary upon survey it should not be attached to sale & purchase agreements without an appropriate condition to cover such variations.



## TYPICAL CROSS SECTIONS KAWARAU GORGE TRAIL

COPYRIGHT: THE COPYRIGHT AND INTELLECTUAL PROPERTY RIGHTS FOR THE INFORMATION SHOWN ON THIS PLAN REMAIN THE PROPERTY OF SOUTHERN LAND LTD. IT MAY NOT BE REPRODUCED WITHOUT THE PRIOR CONSENT OF SOUTHERN LAND LTD.

PREPARED FOR CENTRAL OTAGO QUEENSTOWN TRAIL NETWORK TRUST				SCALE AS SHOWN	
				DATUM & LEVEL NZTM 2000	
SURVEYED DH	DATE 2019	CHECKED DH	DATE 13/5/19	DRAWING REFERENCE	REVISION
DRAWN TD	DATE 27/9/18	APPROVED TD	DATE 16/10/20	T4303-2_P3	A

# **KAWARAU GORGE CYCLE TRAIL**

## **Landscape and Visual Effects Assessment**



Prepared for Central Otago Trails Trust Network

October 2020



**BLAKELY WALLACE  
ASSOCIATES**

## CONTENTS

1	Introduction .....	1
2	Scope of Report.....	2
3	Location and Landscape Context .....	2
4	Statutory context for application .....	3
5	Key matters arising from Statutory Documents.....	3
6	Trail location.....	4
6.1	Description of Trail Construction .....	4
6.1.1	General Description.....	4
6.1.2	Construction Overview .....	4
7	Landscape Character and Assessment of Effects .....	5
7.1.1	Table 1: Definitions of effect ratings used in this assessment .....	5
7.2	Section 1: Nevis Bluff to Gibbston Highway (0.0km-0.5km) .....	6
7.2.1	Description and landscape character of Section 1 (refer photos 1-2) .....	6
7.2.2	Assessment of Effects on Section 1 .....	6
7.2.3	Mitigation Measures recommended for Section 1.....	6
7.3	Section 2: Gibbston Highway to Victoria Bridge (0.5km-2.8km).....	7
7.3.1	Description of trail and landscape character of Section 2 (refer photos 3-8).....	7
7.3.2	Assessment of Effects on Section 2 .....	7
7.3.3	Mitigation Measures recommended for Section 2.....	7
7.4	Section 3: Victoria Bridge to Nevis Ferry Bridge (2.8km-5.3km).....	7
7.4.1	Description of trail and landscape character of Section 3- (Refer photos 14-17).....	7
7.4.2	Assessment of Effects on Section 3 .....	8
7.5	Section 4: Nevis Ferry Bridge to Citroen Rapid Bridge (5.3km-8km) .....	8
7.5.1	Description of Trail and landscape character- (refer photos 18-20) .....	8
7.5.2	Assessment of Effects on Section 4 .....	9
7.5.3	Mitigation Measures recommended for Section 4.....	9
8	Restoration/revegetation.....	10
9	Relevant Planning matters and Provisions .....	10
9	Summary and Conclusions .....	18

## APPENDICES:

Kawarau Trail (Citroen Bridge to Nevis Bluff Section Alignment Photos)

# ASSESSMENT OF LANDSCAPE AND VISUAL EFFECTS

## FOR KAWARAU GORGE CYCLE TRAIL - QUEENSTOWN LAKES DISTRICT SECTION

### 1 INTRODUCTION

This report provides the landscape and visual effects assessment for the proposed Kawarau Gorge Cycle Trail that will connect Gibbston and Wakatipu trails to Bannockburn and Cromwell. The Trail will be part of the New Zealand Cycle Trail (Nga Haerenga).

The assessment is prepared in support of the applicant, the Central Otago Queenstown Trail Network Trust for resource consent for the Cycle Trail from the Queenstown Lakes District Council (QLDC). A separate landscape and visual assessment has been prepared for the section of the Gorge within the Central Otago District.

The section for which consent is sought from the Queenstown Lakes District Council commences from Nevis Bluff on the true right of the Kawarau River then crosses the highway via an underpass above the Victoria Bridge. Downstream of Victoria bridge the Cycle Trail crosses the river onto the left bank 800m downstream of the Victoria Road Bridge, then back onto the right bank at Citroen Rapid downstream of Waitiri Bend on the boundary of Queenstown Lakes District and the Central Otago District.

The length of trail through this section covers a distance of some 8.05km

The full trail extends downstream from the Citroen Rapid for a further 18.8km on the true right of the Kawarau River to the point where the trail departs the river and extends south to Felton Road and then to Bannockburn Bridge.

The site is legally described as follows:

- Sec 3 SO 24743 & Lot 4 DP 27395 (The Station at Waitiri Ltd)
- Pt Lot 3 DP 27395 (Rock Supplies Nz)
- Lot 8 DP 402488 (Cardrona Cattle Co)
- Sec 32 Blk II Kawarau (The Station At Waitiri)
- Pt Sec 15 SO 342162 (The Station at Waitiri Ltd)
- Sec 14 SO 342162 (The Station at Waitiri Ltd)
- Legal Road
- Crown Land (bed of Kawarau River)
- Crown Land Blk II Kawarau SD (Marginal strip)

*Kawarau Gorge Cycle Trail Landscape and Visual Effects Assessment: Queenstown Lakes Section (Status Final)*

*Blakely Wallace Associates, July 2020*

## 2 SCOPE OF REPORT

The scope of the report includes the following:

- An introduction to the Kawarau Gorge Trail and description of landscape context.
- Considers the Trail in terms of the statutory documents with reference to the Resource Management Act 1991 (RMA), the Otago Regional Policy Statement and the Operative and Proposed Queenstown Lakes District Plan (QLDC), Kawarau River Water Conservation Order.
- A description of the Trail route divided into 4 sections. Within each section the landscape character and values is described together with an assessment of the effects on the landscape character and effects on visual resource values.
- Description of mitigation to reduce landscape and visual effects.
- Summary and Conclusions.

## 3 LOCATION AND LANDSCAPE CONTEXT

The Kawarau Gorge links Queenstown and the Wakatipu Basin with Cromwell and beyond and is Queenstown's main entrance portal from the east and north.

The Gorge is an ancient antecedent slot gorge which is deeply entrenched between the southern end of the Pisa and Criffel Range to the north and the Carrick Range on the south. These ranges are two of the distinctive schist mountain block faulted mountain ranges within Central Otago characterised by very steep rocky slopes and tilted flat top range summit. The section within QLDC is on the District boundary with CODC at Citroen Rapid adjacent to Waitiri Bend to Nevis Bluff.

The Gorge is a spectacular river corridor with very steep mountain slopes, sheer bluffs and rock exposure throughout. The river is the central focus and the high volume, power and fast flowing nature of the river with numerous and impressive rapids is a feature and characteristic of the river and gorge.

The defining elements of the Kawarau Gorge landscape is the steep rocky, dryland, arid range landscape with ubiquitous, prominent and often massive rocky bluffs, buttresses and outcrops.

There are also areas of smooth colluvial slopes, terraces and more gentle terrain. In most sections there is an outer gorge defined by the enclosing ranges and the inner slot gorge of steep and often sheer vertical faces to the river below.

River terraces sit above the inner gorge in many parts.

Vegetation is a mix of native and exotic species including weed species. Sweet briar is probably now the most dominant species on the lower and mid faces however native shrub species are also extensive on both sides of the gorge including Coprosma, Olearia, Mountain Flax, isolated Kowhai, sparse short tussock and

Matagouri. Other exotic species include Thyme, Broom, Hawthorn, Sycamore, dry pasture grasses, wildflowers, wild fruit trees and herbs. The exotic species reflect the impact of grazing and plants introduced by the miners and pastoralism since European arrival. Exotic trees, both planted and wilding trees are present mainly at Victoria Bridge and associated with Waitiri Station.

SH6 Gibbston Highway follows the true right of the river from Nevis Bluff through Victoria Flats then crosses to the true left side of the Gorge (Pisa Range side) via Victoria Bridge to SH6 Kawarau Gorge Highway. This section of Highway mainly follows the river terrace above the inner gorge through Waitiri Bend.

The section of the Gorge within QLDC is at the western end of the Gorge where the gorge and river pass around Waitiri Bend. The Nevis River joins the Kawarau River at the southern end of the Bend. At this junction the river and gorge gradually emerge from the Gorge proper into a small outwash basin known as Victoria Flats. The flats are surrounded by dry mountain slopes characteristic of the entire gorge.

Landforms and naturalness through Victoria Flats, have been modified by the QLDC Landfill, Quarrying and Tourism activities.

Pastoralism, hydro development and use, mining, tourism, and horticulture have been the main historical land uses which have shaped the Gorge and outlying area since settlement.

The entire Kawarau Gorge has an extensive history of gold mining with historic sites scattered along the length of the gorge. Tailings, sluicings, and other old sites of gold workings, huts, water races and old pack tracks are extensive and evident along the river terraces and surrounding hills.

The Kawarau Gorge has long been recognised for its scenic values and this is reflected in the Outstanding Natural Landscape classification covering the entire Gorge. The Kawarau River and its setting is also included in Kawarau and Tributaries Water Conservation Order.

## 4 STATUTORY CONTEXT FOR APPLICATION

The following statutory documents have been referred to in the assessment of landscape and visual effects

- Section 6, Part 2 of the RMA which identifies as matters of national importance;
- Section 7, Part 2 of the RMA which includes as a matter to which regard shall be had, the maintenance and enhancement of amenity values;
- The Otago Conservation Management Strategy (CMS).

The relevant provisions of the QLDC Operative District Plan (ODP) and Proposed District Plan (PDP)

## 5 KEY MATTERS ARISING FROM STATUTORY DOCUMENTS

Three key matters are raised in each of the statutory planning documents. They can be summarised simply with reference to the following provisions of section 6 and section 7 of Part 2 of the RMA.

s6(a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and their protection of them from inappropriate subdivision, use, and development:

*Kawarau Gorge Cycle Trail Landscape and Visual Effects Assessment: Queenstown Lakes Section (Status Final)*

*Blakely Wallace Associates, July 2020*

s6(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development:

7(c) The maintenance and enhancement of amenity values:

Relevant landscape matters within the QLDC's ODP and PDP which are discussed in Section 9:

## 6 TRAIL LOCATION

The proposed trail within the Queenstown Lakes District (subject to this application) starts from Nevis Bluff on the true right of the Kawarau River, and extends 8km crossing SH6 via an underpass above the Victoria Bridge, cross the river onto the left bank 800m downstream of the Victoria Road Bridge at Nevis Ferry, then crosses back onto the right bank at Citroen Rapid downstream of Waitiri Bend on the Queenstown Lakes District and the Central Otago District boundary.

### 6.1 DESCRIPTION OF TRAIL CONSTRUCTION

#### 6.1.1 GENERAL DESCRIPTION

The trail will be a grade 1-2 trail formed to between 2-2.5m in width with grades between 0-4 degrees for 95% of the trail length. The trail will be surfaced with local Bannockburn gravels to create a smooth and even riding surface suitable for cyclists of all abilities.

The trail will be constructed between Nevis Bluff and the Cromwell/ Bannockburn Bridge.

Within the Queenstown Lakes District Council section, the trail includes a 16-20m long Highway underpass 3metres high x 3m wide with adjoining 50m long approach cuttings to meet the required depth.

A 105m long suspension bridge at Nevis Ferry, 800m downstream of the Victoria Road Bridge.

The trail section finishes with an 80m long suspension bridge at Citroen Rapid, 2.6km downstream of the Nevis Ferry Bridge

#### 6.1.2 CONSTRUCTION OVERVIEW

The trail will be constructed using conventional roading machinery including excavators up to 20T, trucks, rollers and pozi track graders. The construction will generally involve side casting of cut material with the trail bench being formed from a combination of cut and fill on slopes up to 20 degrees and being fully cut on slopes over 20 degrees. In areas where the terrain is more challenging, smaller excavators up to 8T zero swing will be stipulated to keep the trail formation to a minimum. Some areas may be constructed using a 1.5t excavator due to the limited access or where an alternative bypass for heavier construction equipment exists (e.g. an established 4X4 track).

Rocky terrain will mostly be negotiated using drilling and blasting the rock to create a solid bench.

Excavated cut faces will be self-supporting and require no retaining.

In sensitive areas, for example, near historic sites, attention is given to the side-cast material and where required this is transported to another location, minimising the impact to either side of the immediate trail. Suitable locations for construction marshalling and stock piling of material (if required) are identified and agreed with construction contractors.

Once the trail formation has been cut and shaped to provide the flow of the trail, the surface gravels will be imported to the site and spread using small tip trucks and compacted.

Most of the trail is easily accessed with conventional machinery. Due to limited access to the true right of Citroen Rapid Bridge, use of a log hauler to transfer gravel across the river is anticipated.

Two Bridges will be constructed across the Gorge at Nevis Ferry and Citron Rapid. These will be suspension design and will be installed once the main excavation is complete. The bridges will be built of timber, steel and wire cabling.

Typical cross-sections are shown in the Southern Land Ltd documentation.

## 7 LANDSCAPE CHARACTER AND ASSESSMENT OF EFFECTS

The areas within the QLDC for this application of the Kawarau Gorge have been divided into 4 sections for the purpose of describing the Trail and the landscape character and to assess the effects of the Trail.

The 4 sections are as described in the application documents by Southern Land Ltd. The 4 sections include:

Section 1: Nevis Bluff to Gibbston Highway (0.0km-0.5km)

Section 2: Gibbston Highway to Victoria Bridge (0.5km-2.8km)

Section 3: Victoria Bridge to Nevis Ferry Bridge (2.8km-5.3km)

Section 4: Nevis Ferry Bridge to Citron Rapid Bridge (5.3km-8km)

The assessment of landscape and visual effects comprises two parts:

- the visual effects of the development from public and private places.
- the assessment of landscape effects. This deals with the effects of change on the landscape as a resource, the elements that make up the landscape, the aesthetic and perceptual aspects of the landscape and its distinctive character.

The scale of effects for each section are assessed using a 7 point scale.

### 7.1.1 TABLE 1: DEFINITIONS OF EFFECT RATINGS USED IN THIS ASSESSMENT

Based upon the Guidelines for Landscape and Visual Impact Assessment produced by the UK's Landscape Institute and Institute of Environmental Management and Assessment and by the New Zealand Institute of Landscape Architects "Landscape Assessment and Sustainable Management" Practice Note 10.

Effect Rating	Definition
Very high	Total loss of the characteristics, key attributes or quality of the landscape, leading to a complete change in landscape character, views or perceived visual amenity

High	Major change in the characteristics, key attributes or quality of the landscape and/or a major change in views or perceived visual amenity
Moderate-High	Very noticeable change in the characteristics, key attributes or quality of the landscape and/or a very noticeable change in views or perceived visual amenity
Moderate	Moderate and noticeable change in the characteristics, key attributes or quality of the landscape and/or a moderate and noticeable change in views or perceived visual amenity
Moderate-Low	Moderate to low but still noticeable change in the characteristics, key attributes or quality of the landscape and/or a moderate-low but still noticeable change in views or perceived visual amenity
Low	Barely noticeable and low level of change in the characteristics, key attributes or quality of the landscape and/or a low and barely noticeable change in views or perceived visual amenity
Very low	Very low or no modification to the characteristics, key attributes or quality of the landscape or available views

## 7.2 SECTION 1: NEVIS BLUFF TO GIBBSTON HIGHWAY (0.0KM-0.5KM)

### 7.2.1 DESCRIPTION AND LANDSCAPE CHARACTER OF SECTION 1 (REFER PHOTOS 1-2)

This section is located on Victoria Flats section of the Kawarau Gorge between the Nevis Bluff and Waitiri Bend. The trail (within QLDC) commences at a vehicle turnout on the Gibbston highway immediately downstream of Nevis Bluff and follows the river escarpment along the true right of the Kawarau River for some 400m before veering south and traversing the terrace for 120m back to the highway. The terrace topography is predominantly flat. Victoria Flats has undergone a transformation in recent years from a relatively natural landscape supporting extensive farming with remnants of mining activity to a more modified, developed landscape consisting of QLDCs Victoria Flats Landfill, rock quarrying and more recently adventure tourism operations.

Vegetation cover is a patchworks of briar and dryland grasses, with clusters of native shrubland comprising mainly Matagouri, Coprosma and Olearia spp. around rocky outcrops and steeper areas of the river escarpment.

### 7.2.2 ASSESSMENT OF EFFECTS ON SECTION 1

The trail is visible from SH6 following the River Gorge escarpment for approx. 80m before it disappears within shrubland vegetation where it continues mainly out of view below the terrace negotiating past mining sluicing's before re-emerging on the upper terrace some 400m downstream. It is partially visible from SH6 as it traverses the terrace on predominantly easy terrain through rocky outcrops, briar and shrubland back toward the highway.

The rocky bluffs and escarpment of the inner gorge will obscure views of the constructed trail from the river below, trail users may be occasionally visible on and around more prominent viewpoints.

Any effects over this section is assessed as very low. It is outside the inner river Gorge.

### 7.2.3 Mitigation Measures recommended for Section 1

*Kawarau Gorge Cycle Trail Landscape and Visual Effects Assessment: Queenstown Lakes Section (Status Final)*

*Blakely Wallace Associates, July 2020*

Place soil and vegetation on fill batters to reduce the visual impact.

Apply seed and fertiliser to disturbed areas.

### 7.3 SECTION 2: GIBBSTON HIGHWAY TO VICTORIA BRIDGE (0.5KM-2.8KM)

#### 7.3.1 DESCRIPTION OF TRAIL AND LANDSCAPE CHARACTER OF SECTION 2 (REFER PHOTOS 3-8)

The route meanders on gentle undulating terrain through mixed briar grey shrubland and rocks near the road fence line for 0.8km before crossing inside the road fence and continuing more-or-less straight alongside the road berm for 1km to the highway underpass. Natural rock outcrops within the highway berm will require removal between 1.9 & 2.1km to accommodate the trail. Between 550m and 1.3km the material excavated to form the trail (top soil, organics) will be used to form short meandering berms up to 1m high to provide separation between the trail and the state highway where there is no vegetation or terrain features to provide such.

South of the highway underpass the trail continues alongside the highway for 500m and disappears out of view above the road cutting beside Victoria bridge (2.8km).

Throughout this section the trail will be mostly visible from SH6.

The landscape in Victoria Flats is modified through pastoral and mining activity and more recent change associated with the council Landfill, tourism and quarrying activities.

#### 7.3.2 ASSESSMENT OF EFFECTS ON SECTION 2

The effects for the section along Victoria Flat is assessed as low due to the flat to gentle terrain and the extent of landscape modification present. The trail can be easily absorbed across this section.

Any effects over this section are assessed as very low.

#### 7.3.3 MITIGATION MEASURES RECOMMENDED FOR SECTION 2

No special mitigation measures are recommended for Section 2

### 7.4 Section 3: Victoria Bridge to Nevis Ferry Bridge (2.8km-5.3km)

#### 7.4.1 DESCRIPTION OF TRAIL AND LANDSCAPE CHARACTER OF SECTION 3- (REFER PHOTOS 14-17)

Above Victoria Bridge the trail weaves and climbs through a grove of mixed Conifer and Poplar, it continues past a wood storage yard for 400m before joining Victoria Flats Road, which it follows past and below the QLDC Landfill along the true right of the river escarpment.

At 3.7km the trail crosses Victoria Flats Road and gently climbs away from the river, following the road berm behind a prominent hill for 600m before crossing the road and descending beside a private access road for 900m, negotiating a Dam, historic sluicing's and a miners cottage back to the River Escarpment and the proposed Nevis Ferry Bridge at 5.2km.

Nevis Ferry Bridge will offer riders expansive views of the Kawarau River corridor as it rounds Waitiri bend from Victoria Bridge toward the Nevis River confluence.

Vegetation on this section has a mix of pasture and expanding scrub (native shrubland/briar mix), plus plantation and wilding pine, eucalypt and willow. The landscape through this area is heavily modified and dissected by numerous off-road trails from a tourism venture. Sluicing's and tailings from historical mining activity are also dominant along the river corridor.

---

#### 7.4.2 ASSESSMENT OF EFFECTS ON SECTION 3

The trail can be easily absorbed along a gentle terrace landform below Victoria Flats Landfill. Although distantly visible in sections from the highway, it will be difficult to distinguish among the existing road and off-road trail network. Additionally, roadside vegetation along SH6 reduces these distant views to occasional glimpses.

Effects are assessed as very low.

The proposed Nevis Ferry bridge will be a new structure across the river in an area where there is currently no structures within the river corridor. The structure will be a steel cable suspension bridge with wooden decking. The bridge will allow for viewing and appreciation of the river landscape in an area where few people currently view or experience. The bridge will be a light weight structure typical of recreational structures in natural environments and can be absorbed in this location without adverse effects. The effects rating of the bridge is assessed as low which reflects that there will be a change to the character and visual amenity but will not be perceived as adverse effects. It will be similar to the effect of many pedestrian and cycle bridges within Conservation Lands and National Parks. Bridge abutments are underground concrete piles to which the timber poles will be fixed to. There will be no landscape or visual effects from the abutments.

The bridge and abutments are obscured by a scrub covered terrace landform between the road and the river gorge.

#### MITIGATION MEASURES RECOMMENDED FOR SECTION 3

Reduce visual impact of fill slopes by relaying soil and vegetation on fill slopes.  
Apply seed and fertiliser to disturbed areas.

The steel and cable suspension bridge and timber boardwalk colours and materials to blend and fit into the receiving environment.

---

### 7.5 Section 4: NEVIS FERRY BRIDGE TO CITROEN RAPID BRIDGE (5.3KM-8KM)

---

#### 7.5.1 DESCRIPTION OF TRAIL AND LANDSCAPE CHARACTER- (REFER PHOTOS 18-20)

From Nevis Ferry Bridge, the trail meanders along a river terrace for 400m before briefly re-joining the gorge escarpment for 100m or so, offering views of the Nevis River confluence. The trail then weaves through rocky outcrops and back across the terrace for 250m toward SH6 near a vehicle turnout (6.15km) then continues

*Kawarau Gorge Cycle Trail Landscape and Visual Effects Assessment: Queenstown Lakes Section (Status Final)*

*Blakely Wallace Associates, July 2020*

on gentle terrain through mixed Briar Shrubland near the highway for a further 500m before the terrace narrows past Waitiri Bend (6.6km).

Vegetation through this section is a dense cover of native shrubland/briar mix, dryland pasture grasses with occasional patches of Hawthorn, Gorse and Broom.

Here the trail begins to traverse steeper terrain for 1.4km, negotiating rock outcrops and areas of historic mining activity, including occupation sites, dams, shafts and sluicing's while descending to the abutment of Citroen Rapid Bridge.(8km) The true left approach to the bridge is 4 degree gradient for 180m on 30-40 degree side slopes.

Vegetation on the river bank on the true left is a dense cover of briar, native shrubland, hawthorn and patchy broom.

Citroen Bridge will be a highlight of the trail where riders will experience the power of the Citroen Rapid as well as being surrounded by impressive gold workings. Stacked stone is perched precariously on river bluffs as well as supporting deep trenches that work down to the bedrock.

---

#### 7.5.2 ASSESSMENT OF EFFECTS ON SECTION 4

On the terrace around Waitiri Bend the trail would be briefly visible where it meets a proposed vehicle turnout (6.15km), otherwise it sits mostly below sightlines from SH6 among dense briar and shrubland vegetation.

As the trail continues downstream and descends toward Citroen Rapids Bridge the terrain steepens, further obscuring views from the highway. It is anticipated the effect of earthworks will be greater where the trail traverses these steeper sections, however the associated cut /fill batters will be readily absorbed into the landscape within thick scrub cover and rock outcrops.

Effects are assessed as very low through these sections.

The proposed Citroen bridge will be a new structure across the river in an area where there is currently no structures within the river corridor. The structure will be a steel cable suspension bridge with wooden boardwalk. The bridge will allow for viewing and appreciation of the river landscape including of the impressive Citroen Rapid in an area where few people currently view or experience. The bridge will be a light weight structure typical of recreational structures in natural environments and can be absorbed in this location without adverse effects. The effects rating of the bridge is assessed as low which reflects that there will be a change to the character and visual amenity but will not be perceived as adverse effects. It will be similar to the effect of many pedestrian and cycle bridges within Conservation Lands and National Parks. Bridge abutments are underground concrete piles to which the timber poles will be fixed to. There will be no landscape or visual effects from the abutments.

---

#### 7.5.3 MITIGATION MEASURES RECOMMENDED FOR SECTION 4

Apply seed and fertiliser to disturbed areas.

Avoid spill material on mining relics by spreading excess material within hollows, low areas and nearby scrub.

Minimise the visual impact of fill batters by a combination of relaying soil and vegetation and rock stacking by machine or hand.

The steel and cable suspension bridge and timber boardwalk to blend and fit into the receiving environment.

## 8 RESTORATION/REVEGETATION

To facilitate restoration, batters and edges to the trail formation will be shaped and blended back into the natural contour to allow for natural colonisation and revegetation to occur.

For all sections apart from rocky bluff sites, batters and edges to the trail formation will be shaped and blended back into the natural contour to allow for natural colonisation and revegetation to occur.

## 9 RELEVANT PLANNING MATTERS AND PROVISIONS

### Matters of National importance

#### Section 6 and section 7 of Part 2 of the RMA.

- s6(a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and their protection of them from inappropriate subdivision, use, and development:
- s6(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development:
- 7(c) The maintenance and enhancement of amenity values:

#### And the Kawarau River and Tributaries Water Conservation Order

#### **Comment**

This landscape assessment confirms that the Cycle Trail is not contrary with both Section 6 & 7 of the RMA or the Kawarau River and Tributaries Water Conservation Order. There will be minor effects to the Kawarau River margin and to the river environment to the location where the two bridge structures are proposed. The use is appropriate with considerable public benefit. There will be a change to the character and visual amenity of the river environment by the bridge structures but will not be an adverse effect and landscape and amenity values will be maintained.

#### **Queenstown Lakes District Plan (QLDC)**

The QLDC section of Cycle Trail subject to this application are contained within the Rural General and Gibbston Character Zone. The site is also covered by an Outstanding Natural Landscape overlay. Part of the trail is within Designation 76 – Landfill buffer.

4.6km is within the Rural General Zone, all within an Outstanding Natural Landscape overlay.

Both the ODP and PDP Objectives and Policies are referenced. Assessment Matters listed in **Section 5.4.2.2** of the ODP address a broad range of matters that pertain to ONLs / ONFs and are applied for this assessment though assessment matters for the Gibbston Character Zone are also relevant. The assessment matters listed in Section 5.4.2.2 of the ODP pertaining to ONL/ONFs are considered to be most relevant.

In my opinion Victoria Flats in places now does not justify ONL status due to the reduction of naturalness that has occurred from the Landfill and tourism developments. For this assessment however it has been assessed as ONL.

## **THE OPERATIVE DISTRICT PLAN (ODP)**

Relevant parts of the Operative QLDC plan include:

Under Chapter 4 of the ODP and Chapter 6 of the PDP, the following objectives and policies are relevant.

### **4.2 Landscape and Visual Amenity**

#### **4.2.5 OBJECTIVE:**

*Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.*

#### **POLICIES:**

##### **1. Future Development**

- (a) To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.*
- (b) To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.*
- (c) To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.*

#### **Comment:**

The Cycle Trail is sited in locations where it is either not vulnerable to degradation i.e. adjacent to SH6 or on flat to gentle terrain. In a few locations it is on more sensitive river terraces and the edge of the Kawarau river corridor. In these locations the Cycle Trail can be absorbed without detracting from landscape and visual and amenity values. The Cycle Trail will when it beds in and softens harmonise with local topography and will not disrupt ecological systems. Effects on nature conservation values will be no more than minor. Objective and Policies 4.2.5 are deemed to be met.

##### **2. Outstanding Natural Landscapes (District-Wide/Greater Wakatipu)**

- (a) To maintain the openness of those outstanding natural landscapes and features which have an open character at present.*
- (b) To avoid subdivision and development in those parts of the outstanding natural landscapes with little or no capacity to absorb change.*
- (c) To allow limited subdivision and development in those areas with higher potential to absorb change.*

*(d) To recognise and provide for the importance of protecting the naturalness and enhancing amenity values of views from public roads.*

**Comment:**

The Cycle Trail will maintain the openness of the outstanding natural landscapes and features that have an open character at present. Some sections such as Victoria Flats the open character has already been compromised by existing development however the addition of a Cycle Trail will not exacerbate this.

The proposal will not impact on the naturalness and will have negligible effect on amenity values and views from SH6.

3. *Outstanding Natural Landscapes (Wakatipu Basin)*

*(a) To avoid subdivision and development on the outstanding natural landscapes and features of the Wakatipu Basin unless the subdivision and/or development will not result in adverse effects which will be more than minor on:*

- (i) Landscape values and natural character; and*
- (ii) Visual amenity values*

*- recognising and providing for:*

*(iii) The desirability of ensuring that buildings and structures and associated roading plans and boundary developments have a visual impact which will be no more than minor, which in the context of the landscapes of the Wakatipu basin means reasonably difficult to see;*

*(iv) The need to avoid further cumulative deterioration of the Wakatipu basin's outstanding natural landscapes;*

*(v) The importance of protecting the naturalness and enhancing the amenity values of views from public places and public roads.*

*(vi) The essential importance in this area of protecting and enhancing the naturalness of the landscape.*

*vii) To maintain the openness of those outstanding natural landscapes and features which have an open character at present.*

*viii) To remedy or mitigate the continuing effects of past inappropriate subdivision and/or development.*

**Comment:**

This assessment of landscape and visual effects for the Cycle Trail has concluded that the adverse effects on the ONL will be no more than minor across the 4 sections.

9. *Structures*

*To preserve the visual coherence of:*

- (a) outstanding natural landscapes and features and visual amenity landscapes by:*
  - *encouraging structures which are in harmony with the line and form of the landscape;*

- *avoiding, remedying or mitigating any adverse effects of structures on the skyline, ridges and prominent slopes and hilltops;*
- *encouraging the colour of buildings and structures to complement the dominant colours in the landscape;*
- *encouraging placement of structures in locations where they are in harmony with the landscape;*
- *promoting the use of local, natural materials in construction. (b) visual amenity landscapes*
- *by screening structures from roads and other public places by vegetation whenever possible to maintain and enhance the naturalness of the environment; ..... and*

*c) All rural landscapes by*

- *limiting the size of signs, corporate images and logos*
- *providing for greater development setbacks from public roads to maintain and enhance amenity values associated with the views from public roads.*

**Comment:**

Structures include a highway underpass and two suspension bridges. The highway underpass will require significant earthworks to construct but when completed will have less than minor effects and will be viewed as part of the highway infrastructure. The suspension bridges will be located within the river corridor and visual catchment, however the design of the bridges is compatible with the river environment and will preserve the visual coherence of the ONL.

Assessment Matters ONLs/ONFs

At a more fine-grained level, the Assessment Matters listed in **Section 5.4.2.2** of the ODP address a broad range of matters that pertain to ONLs / ONFs:

*1 (a) Effects on the openness of the District's ONLs and ONFs and whether:*

- Whether the subject land is within a broadly visible expanse of open landscape when viewed from any public road or public place development would be visible from public roads or places;*
- Whether it is likely to adversely affect open space values with respect to the site and surrounding landscape; and*
- Whether the site is defined by natural elements such as topography and/or vegetation or other attributes might help to contain and mitigate the effects of development.*

**Comment:**

The Cycle Trail will have a less than minor effect on the openness of the ONL/ONF. The Trail will be visible from SH6 -Gibbston Highway and in places will be alongside the highway. However, the nature and scale of the Cycle Trail will ensure that it will not adversely affect open space values with respect to the site and surrounding landscape. The terrain where the Trail is sited is generally flat or gently sloping.

*b) The visibility of the proposed development and whether its effects would be minor taking into account:*

- Whether it would be not visible from, or reasonably difficult to see from, public roads and places;*

- ii. Whether it would be visually prominent to the extent that it dominates or detracts from public or private views otherwise characterised by natural landscapes;*
- iii. Whether it can be screened or hidden from view using earthworks and new planting; and*
- iv. Whether artificial screening (planting, bunding, etc) will detract from existing natural patterns within the site and its surrounds.*

**Comment:**

The Cycle Trail will be visible from many locations through the QLDC section but will not dominate or detract from private or public views characterised by natural landscapes. The visual effects will be minor. Cycle Trails are common elements alongside or visible from SH's. Due to the low topography the Cycle Trail will not dominate or detract and can be absorbed by the receiving landscape. In the Victoria Flats area, there are already numerous roads, tracks and structures. Screening by low bunding is proposed between 550m and 1.3km. The bunding may to an extent detract from existing natural patterns. However in light of the extent of alteration to the natural patterns in Victoria Flats the effects of low bunding alongside the highway will be minimal and not inappropriate.

*c) The visual coherence and integrity of the landscape, and whether this would be affected by:*

- i. Structures breaking the line and form of any ridges, hills or prominent slopes; and*
- ii. Proposed roads, earthworks, and landscaping affecting the landscape's naturalness.*

**Comment:**

The visual coherence and integrity of the landscape will not be affected. The bridge structures will be significant new structures within the Kawarau River corridor. The bridges will be lightweight structures typical of recreational structures in natural environments including Conservation Land and National Parks and can be absorbed in these locations without adverse effects.

The scale of the Cycle Trail and the nature of the terrain of the receiving environment is such that the landscape's naturalness will not be degraded or impacted.

*d) Effects on the geological or geomorphological value of any feature of significant value.*

**Comment:**

There are no known effects on the geological or geomorphological values from the Cycle Trail.

*e) Cumulative effects, including those arising from:*

- i. New development exacerbating the adverse effects of existing development on visual coherence and naturalness of the landscape;*
- ii. New development exacerbating degradation and / or degradation of any landscape already at the threshold of being unable to absorb further change due to existing development;*
- iii. New development introducing elements that are inconsistent with the natural character of the site and its surrounds;*
- iv. Further loss / degradation of natural character values; and*
- v. Further development now giving rise to the potential for yet more degradation in the future.*

**Comment:**

The Victoria Flats sections are at a threshold with respect to the level of degradation resulting from QLDC Landfill and recent tourist developments. The proposed Cycle Trail will be a minor additional man-made feature which will not exacerbate or result in further loss/degradation of natural character values due to the small scale and nature of the Trail and the nature of the topography.

## THE PROPOSED DISTRICT PLAN (PDP)

The following policies are relevant.

### ***Managing Activities in Outstanding Natural Landscapes and on Outstanding Natural Features***

**Policy 6.3.12**     *Recognise that subdivision and development is inappropriate in almost all locations in Outstanding Natural Landscapes and on Outstanding Natural Features, meaning successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes will be reasonably difficult to see from beyond the boundary of the site the subject of application.*

#### **Comment:**

The Cycle Trail is considered an exceptional case. The scale and nature of the development is small and will result in a light footprint on the landscape. The change can be absorbed in the context of other infrastructure and development.

**Policy 6.3.16**     *Maintain the open landscape character of Outstanding Natural Features and Outstanding Natural Landscapes where it is open at present.*

#### **Comment:**

The open character of the ONL will be maintained. The Cycle Trail will be a minor addition alongside and in context of SH6 Gibbston Highway.

### ***Managing Activities in Rural Character Landscapes***

**Policy 6.3.19**     *Recognise that subdivision and development is unsuitable in many locations in Rural Character Landscapes and successful applications will need to be, on balance, consistent with the objectives and policies of the Plan.*

#### **Comment:**

The Cycle Trail is consistent with the relevant objectives and policies of the Plan.

**Policy 6.3.23**     *Ensure incremental changes from subdivision and development do not degrade landscape quality or character, or important views as a result of activities associated with mitigation of the visual effects of proposed development such as screen planting, mounding and earthworks.*

#### **Comment:**

Low earthworks are proposed on the Section between 550m and 1.3km to provide separation between the highway and Cycle Trail and has been requested by the adjoining landowner. This will not degrade landscape quality and character or important views.

**Policy 6.3.26**     *Avoid adverse effects on visual amenity from subdivision, use and development that: is highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); or*  
  
*forms the foreground for an Outstanding Natural Landscape or Outstanding Natural Feature when viewed from public roads.*

#### **Comment:**

The Cycle Trail is close to and will in places be highly visible from SH6 Gibbston Highway. Any adverse effects are assessed as minor. In a limited locations it will be either in the foreground or within the Outstanding Natural Feature of the Kaware River but can be absorbed in these locations without adverse effects and will allow for public appreciation of the river environment.

*Policy 6.3.30 Control the location, intensity and scale of buildings, jetties, moorings and infrastructure on the surface and margins of water bodies and ensure these structures maintain or enhance landscape qualities and character, and amenity values.*

#### **Comment**

The two bridges proposed across the Kawarau River are light weight structures similar to those used on Department of Conservation Estate. They will be a new element in the river environment and will not detract from landscape qualities and character or amenity values.

#### **Part 4 Rural**

*Policy 21.2.1 Provide for a range of activities that support the vitality, use and enjoyment of the Queenstown Trail and Upper Clutha Tracks networks on the basis that landscape and rural amenity is protected, maintained or enhanced and established activities are not compromised.*

#### **Comment**

The Cycle Trail is consistent with this policy and will support and enhance the use and enjoyment of the Queenstown Central Otago Trail Network.. The landscape and rural amenity is protected, maintained and established activities are not compromised.

#### **21.21 Assessment Matters (Landscape)**

The assessment matters are derived from the Policies in the PDP which are set out and commented on above. Additional comment is provided where it is considered appropriate.

*21.21.1.1 In applying the assessment matters, the Council will work from the presumption that in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations and that successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes are reasonably difficult to see from beyond the boundary of the site the subject of application.*

**Comment:** As stated above the Cycle Trail is considered an exceptional case. The ONL can absorb the change. The trail will be reasonably difficult to see once it has settled in. The underpass will be seen as part of the highway infrastructure and the bridges are appropriate recreational structures within the context of the river environment.

##### *21.21.1.3 Effects on landscape quality and character*

*In considering whether the proposed development will maintain or enhance the quality and character of Outstanding Natural Features and Landscapes, the Council shall be satisfied of the extent to which the proposed development will affect landscape quality and character, taking into account the following elements:*

##### *a. Physical attributes:*

- i. geological, topographical, geographic elements in the context of whether these formative processes have a profound influence on landscape character;*
- ii. vegetation (exotic and indigenous);*
- iii. the presence of waterbodies including lakes, rivers, streams, wetlands.*

##### *b. Visual attributes:*

- i. *legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;*
- ii. *aesthetic values including memorability and naturalness;*
- iii. *transient values including values at certain times of the day or year;*
- iv. *human influence and management – settlements, land management patterns, buildings,*

*c. Appreciation and cultural attributes:*

- i. *Whether the elements identified in (a) and (b) are shared and recognised;*
- ii. *ii. Cultural and spiritual values for tangata whenua;*
- iii. *iii. Historical and heritage associations. The Council acknowledges that Tangata Whenua beliefs and values for a specific location may not be known without input from iwi.*

*d. In the context of (a) to (c) above, the degree to which the proposed development will affect the existing landscape quality and character, including whether the proposed development accords with or degrades landscape quality and character, and to what degree.*

*e. any proposed new boundaries will not give rise to artificial or unnatural line s(such as planting and fence lines) or otherwise degrade the landscape character*

**Comment:**

As previously stated the Cycle Trail will maintain or enhance the quality and character of ONF and the ONL.

The physical and visual attributes of the ONL and ONF will not be adversely affected. The Kawarau River has significant and important cultural and spiritual values to Iwi. Iwi have been consulted during the preparation of this application.

There are no new boundaries proposed.

*21.21.1.4 Effects on visual amenity*

*In considering whether the potential visibility of the proposed development will maintain and enhance visual amenity, values the Council shall be satisfied that:*

- a. *the extent to which the proposed development will not be visible or will be reasonably difficult to see when viewed from public roads and other public places. In the case of proposed development in the vicinity of unformed legal roads, the Council shall also consider present use and the practicalities and likelihood of potential use of unformed legal roads for vehicular and/or pedestrian, cycling, equestrian and other means of access;*
- b. *the proposed development will not be visually prominent such that it detracts from public or private views of and within Outstanding Natural Features and Landscapes;*
- c. *the proposal will be appropriately screened or hidden from view by elements that are in keeping with the character of the landscape;*
- d. *the proposed development will not reduce the visual amenity values of the wider landscape (not just the immediate landscape);*
- e. *structures will not be located where they will break the line and form of any ridges, hills and slopes;*

- f. any roads, access, lighting, earthworks and landscaping will not reduce the visual amenity of the landscape.*

**Comment:**

The Cycle Trail is close to and will in places be highly visible from SH6 Gibbston Highway. Any adverse effects are assessed as minor. In a limited locations it will be in the foreground or within the Outstanding Natural Feature of the Kawarau River but can be absorbed in these locations without adverse effects and will allow for public appreciation of the river environment.

The Cycle Trail will be visually prominent in places but will not detract from public or private views. With respect to private views there are no private residential properties that will have their views affected within the QLDC section of the Trail. The land adjoining is either farmland, landfill, quarry or used for commercial recreation.

Structures will not break the line and form of any ridges, hills and slopes but two bridges will be within the river corridor.

The visual amenity of the landscape will be preserved. There will be short term effects from earthworks which will soften and rehabilitate over time. There is no lighting or landscaping other than the bunding (previously described) next to the highway at Victoria Flats.

*21.21.1.6 Cumulative effects of subdivision and development on the landscape*

*Taking into account whether and to what extent existing, consented or permitted development (including unimplemented but existing resource consent or zoning) may already have degraded:*

- a. the landscape quality or character;*
- b. or, b. the visual amenity values of the landscape.*

*The Council shall be satisfied the proposed development, in combination with these factors will not further adversely affect the landscape quality, character, or visual amenity values.*

**Comment:**

As discussed under the ODP provisions the Victoria Flats sections are at a threshold with respect to the level of degradation resulting from QLDC Landfill and recent tourist developments. The proposed Cycle Trail will be a minor additional man-made feature which will not exacerbate or result in further loss/degradation of natural character values due to the small scale and nature of the Trail, the relatively gentle topography and the level of modification that has already occurred.

## 9 SUMMARY AND CONCLUSIONS

1. The full Kawarau Gorge Trail will when completed connect the Gibbston and Wakatipu trails to Bannockburn and Cromwell.
2. The Cycle Trail will provide for the general public, appreciation of the spectacular and outstanding landscape of the Gorge and link with a wider Central Otago trail network.

3. The landscape provisions of the QLDC District Plans ODP and PDP are aimed at protecting the Outstanding Natural Landscapes and landscape features of the District and maintaining Queenstown Lakes unique and distinctive landscapes.
4. The Trail has been sited and designed to minimise landscape and visual effects within the constraints of grade requirements and National cycle trail standards. The Trail from Nevis Bluff to Citroen Bridge (within QLDC) has less than minor landscape effects as determined from the assessment of effects ranging from very low on terraces and flatter areas with good vegetation cover to low effects on more prominent sections around the proposed bridges. In these locations existing vegetation softens and provides screening.
8. The Cycle Trail areas assessed are considered consistent and meet with the relevant Objectives, Policies and Assessment Matters of the Operative and Proposed Queenstown Lakes District Plan.
9. The Cycle Trail is not contrary with Sections 6 and 7 of the RMA and will not adversely affect the Kawarau Water Conservation Order.

Philip Blakely

Registered Landscape Architect

July, 2020

## T4303-2 Kawarau Gorge Trail

Nevis Bluff to Citroen Rapid – LSA site Photos

Date: 10 June 2020

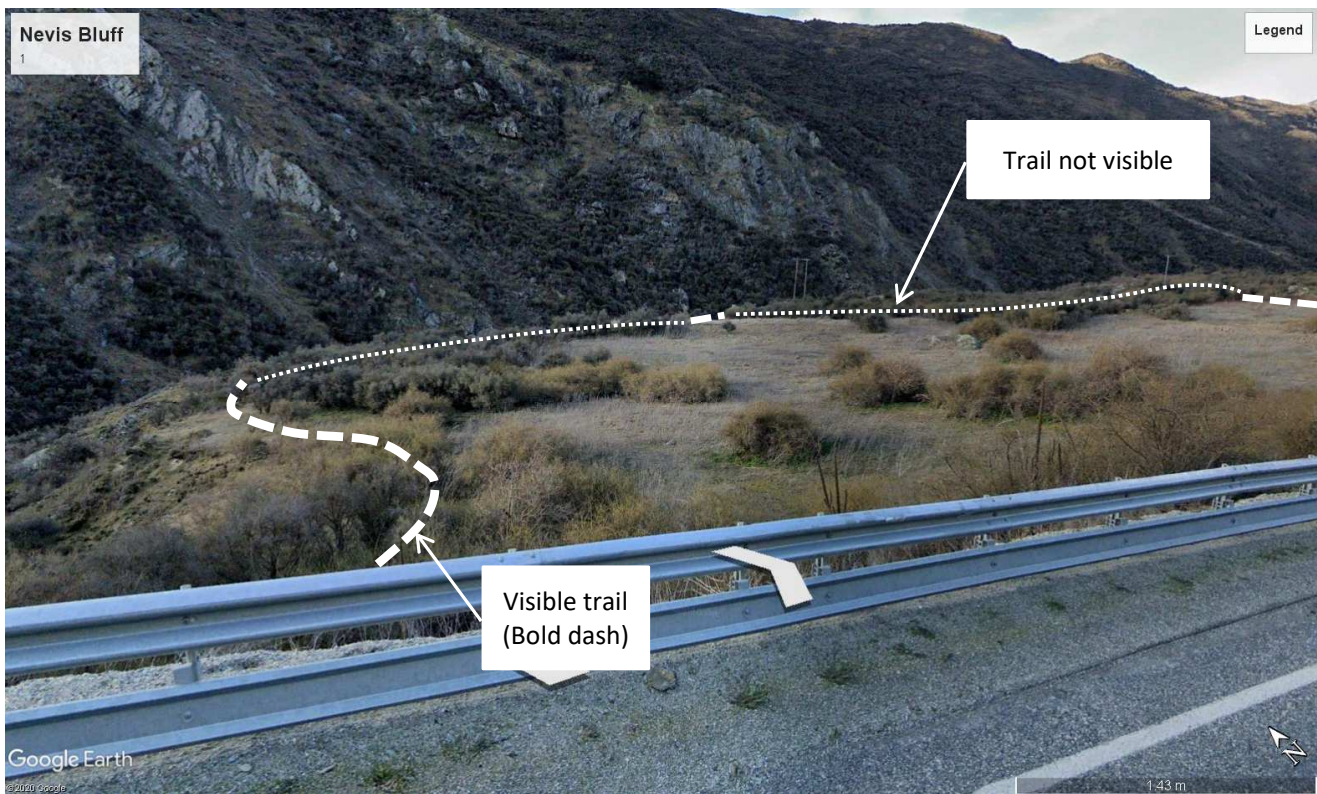


Figure 1: Looking east from Cromwell end of Nevis Bluff



Figure 2: Looking east from Cromwell end of Nevis Bluff



Figure 3: Looking west from the DOC access to Mt Mason



Figure 4: Looking east from DOC access to Mt Mason

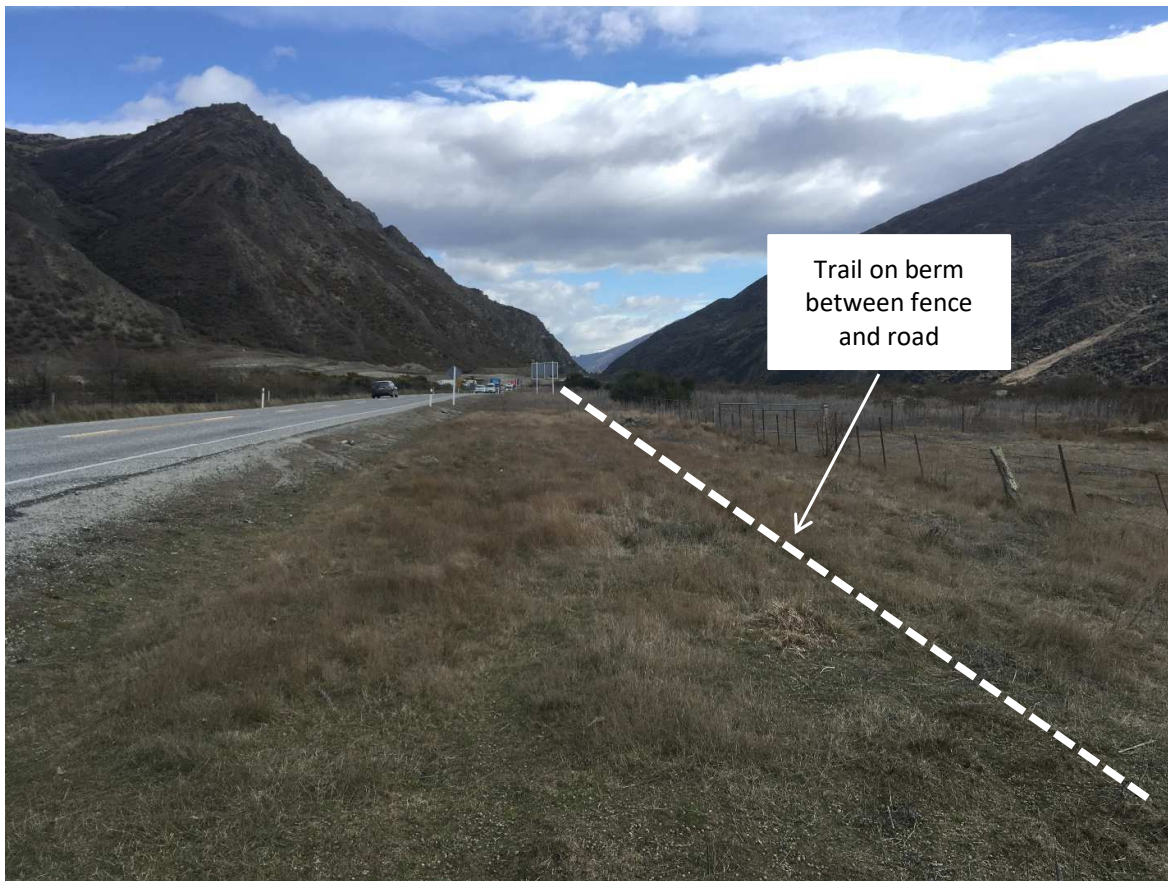


Figure 5: Looking west from near passing lane, Victoria Flat



Figure 6: Looking east at the entry to Rock Supplies

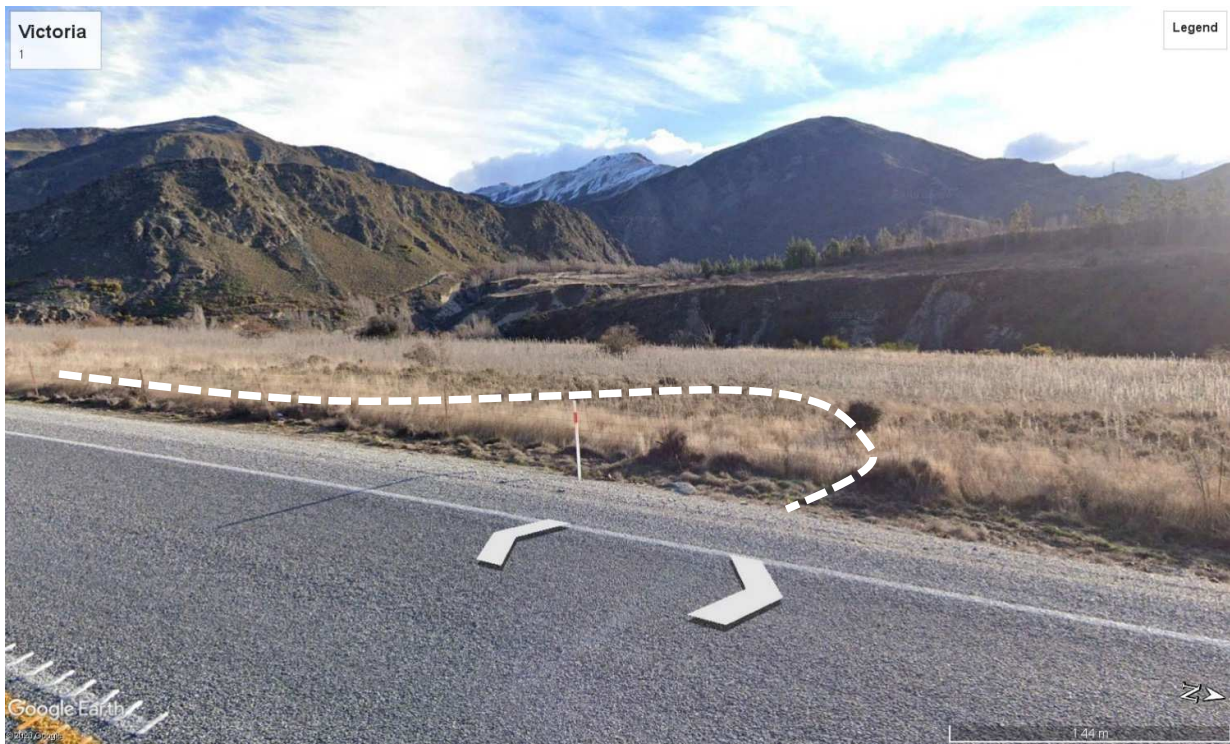


Figure 7: Looking north at underpass



Figure 8: Looking south from underpass



Figure 9: Looking downstream at Victoria Ferry Bridge site



Figure 10: Looking upstream from the true right bank across Citroen Rapid



Figure 11: Pano of Citroen Rapid from true right bank



Figure 12. View from SH6 to 5700-5950m, predominantly screened by vegetation and landform.



Figure 13. View from SH6 to 3500-5100m, trail absorbed by existing road and trail network.



Figure 14. View from SH6 to 3700-5100m, trail absorbed by existing road and trail network, vegetation and landform.



Figure 15. View from SH6 to 3550-5100m, trail absorbed by existing road and trail network, vegetation and landform.



Figure 16. View from SH6 to 3200-3500m, trail follows Victoria Flats Rd absorbed by vegetation and terrace landform.



Figure 17. View from SH6 to 3100-3300m, trail joins and follows Victoria Flats Rd absorbed by vegetation and terraced landform.