

TOWNPLANNING
GROUP

Application for Resource Consent to
the Central Otago District Council:

Matakanui Gold Limited

*LAND USE CONSENT FOR THE
CONSTRUCTION OF A ROAD NOT ALIGNED
WITH LEGAL ROAD*

1 September 2025



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- [A] Application Form
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1 Executive summary

Matakanui Gold Limited (“**the Applicant**”) applies for land use consent to construct a new track to replace Thomson Gorge Road, to provide public access over the Dunstan Ranges between Bendigo and Matakanui. The Applicant proposes to close Thomson Gorge Road and an application for road stopping is currently in process with Council. This application relates to the construction of the alternative access track (hereafter “**Ardgour Rise**”), which will become a public road to be vested in Council post construction.

For clarity, closure of Thomson Gorge Road is not within the scope of this application. While this project relates to the broader Bendigo-Ophir Gold Project (“**BOGP**”), no mining activities are included in the scope of this application.

The proposed alignment of Ardgour Rise will traverse a ridgeline immediately north of Shepherds Creek. The track will initially follow a dry, unnamed creek bed before gradually rising onto a north-facing slope (“sunny face”), where it will utilise sections of an existing farm 4WD track and intersect with a drilling extension. From there, the alignment will cross a tributary to avoid the airstrip environs, re-join the existing 4WD track, and continue until it reaches the boundary with Significant Natural Area 33 (SN33 – Ardgour Station, 350 ha), where the track will terminate. No tracking through Public Conservation Land is proposed as part of this application, and this will be dealt with through a separate process. Beyond SN33, the track will continue on the opposite side, to connect with another 4WD track running south-west towards Thomsons Saddle and the existing Thomsons Gorge Road.

The new track is located on land zoned **Rural Resource Area** under the Central Otago District Plan. Overall, resource consent is required for a **Discretionary Activity** under the District Plan.

In summary, this Assessment of Environmental Effects (“**AEE**”) report considers the effects of the proposal and determines that the proposal will have less than minor adverse effects on the environment. The alignment has been designed to avoid significant features and minimise environmental effects. The proposed activity will be appropriate in the context of the receiving environment.

The proposal aligns with the key objectives and policies of the District Plan. The proposal achieves the purpose and principles of the RMA and accords with the definition of sustainable management under Part 2.

2 Site and surrounds

2.1 Site Description

The new access track is to be located, in majority, on the land parcel at 159 Thomson Gorge Road, Bendigo, Cromwell as shown in **Figure 1** and **Figure 2** below, and legally described as Lot 11 DP 525588 held on Record of Title 841663 and Section 1 SO24604 held on Record of Title OT19C/127 enclosed as **Attachment [B]**. A full site plan of the proposed work can be seen in **Attachment [C]**.

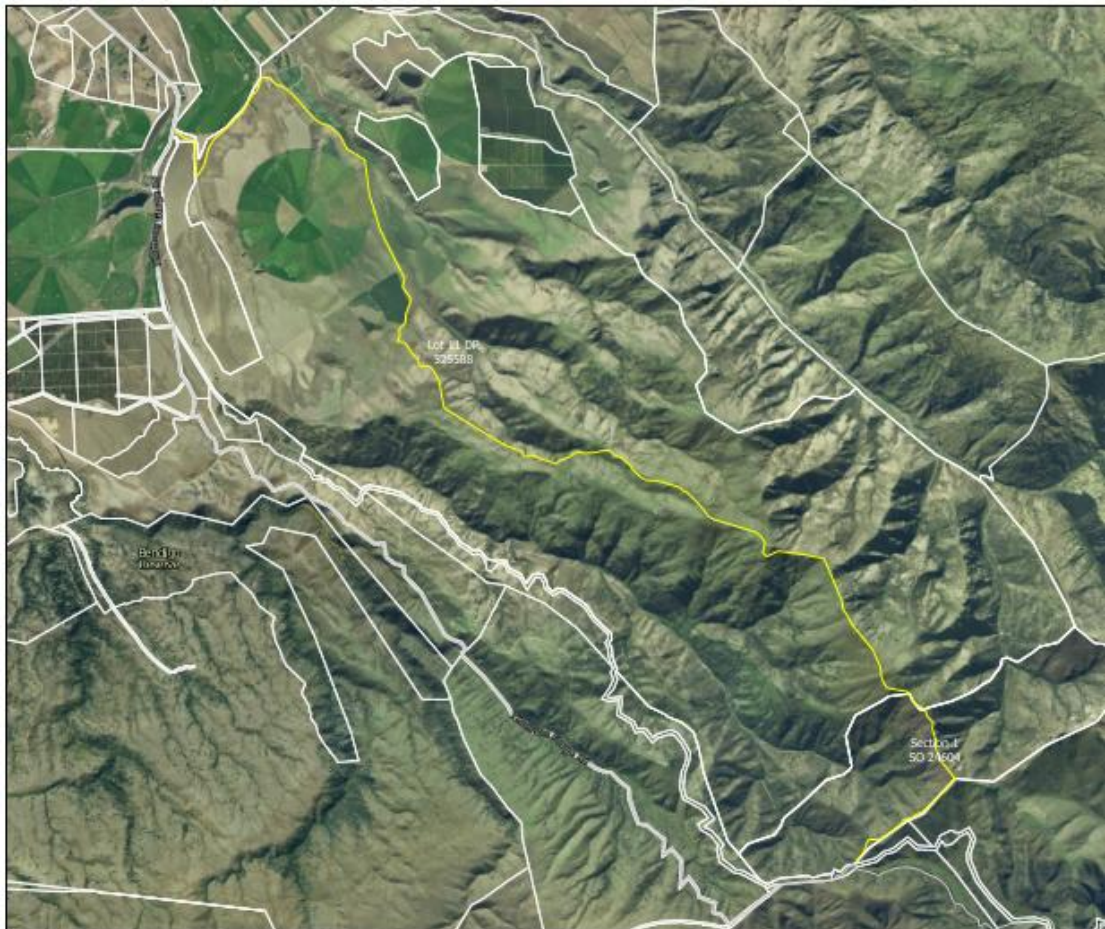


Figure 1 Site Location (Grip Maps). Ardgour Rise indicated by yellow line.

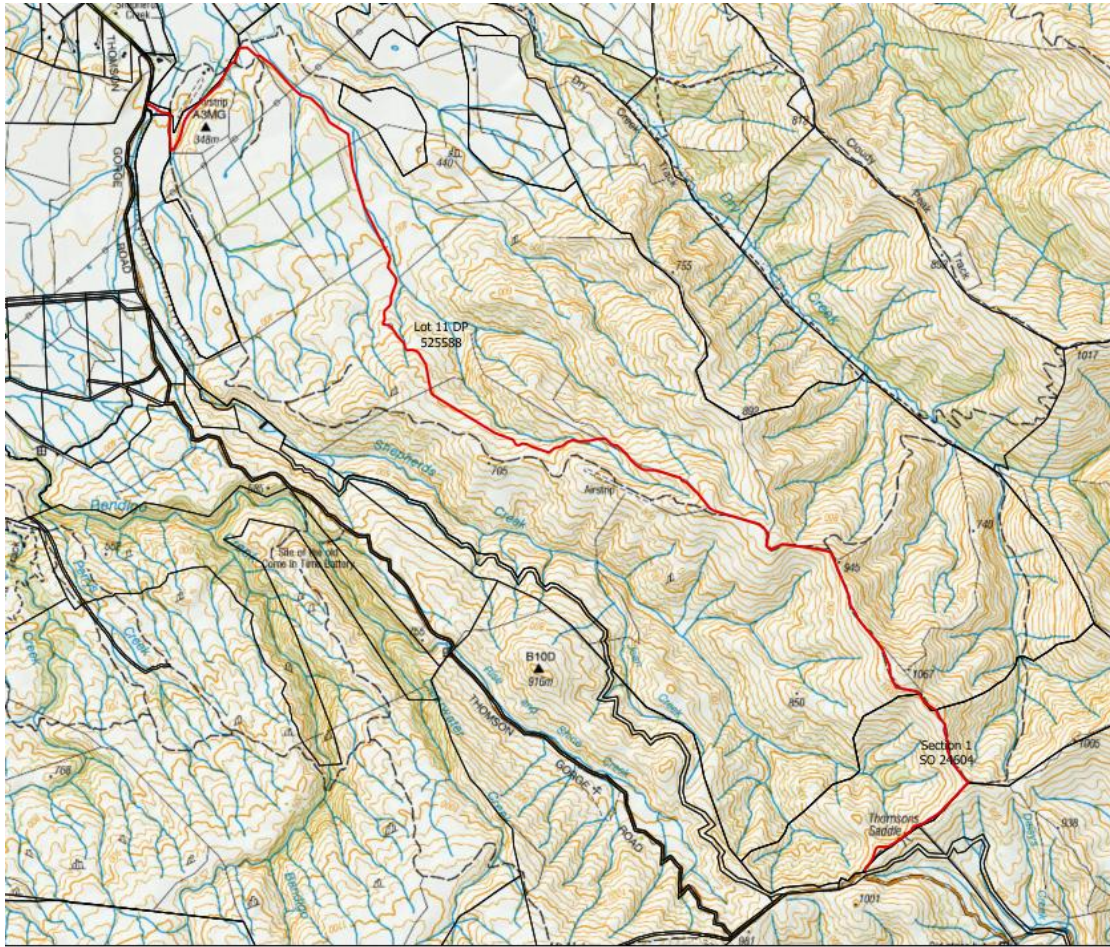


Figure 2 Site Area (Topo Maps). Ardour Rise indicated by red line.

2.2 Landscape

A landscape assessment of the subject site and surrounding area has been prepared by Boffa Miskell (**Attachment [D]**). This report contains a detailed description of the landscape characteristics, of which the key matters are briefly summarised below.

Ardour Rise is located predominantly within the Dunstan Mountains Outstanding Natural Landscape. The Dunstan Mountains are characterised by a large peneplain and tectonic activity. The Site broadly follows the alignment of existing farm tracks within Ardour Station before merging with existing four-wheel drive tracks connecting with the existing Thomson Gorge Road. **Figure 3** below shows the existing farm tracks and the new proposed tracks, a full copy can be found in **Attachment [C]**

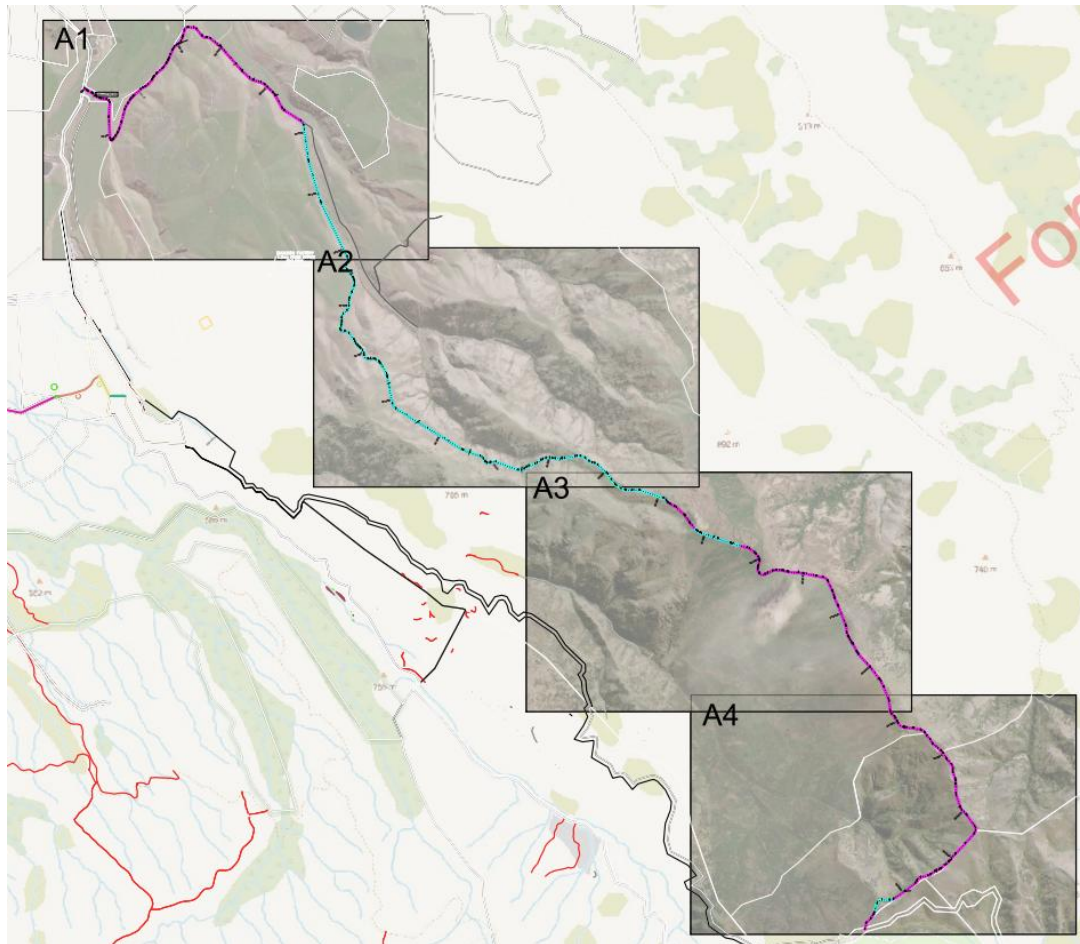


Figure 3 Existing Tracks (Purple) vs New Track (Blue) (Source; Client)

The lower western extent of the proposed track navigates through an established pastoral landscape including between pivot irrigation established on elevated terraces transitioning to grazing on the upper slopes. The landscape then transitions from an open terrace to a narrow valley characterised by grazing and narrow farm tracks. Vegetation within the adjoining gullies is varied with shrubland and improved pasture more prominent on the lower and mid slopes.

The upper section of proposed track traverses a remote and exposed landscape, which includes exposed ridges and rocky schist tors. Vegetation becomes more stunted and more indigenous vegetation remains. Schist tors, and rocky outcrops are prominent features, alongside extensive areas of Golden Spaniard and herbfield. From the ridgeline, expansive views over the Upper Clutha Valley become more frequent, typically against a backdrop of the eastern face of the Pisa Range. It is noted that much of the indigenous vegetation referenced in the report is located outside the proposed track corridor, primarily within adjacent Public Conservation Land parcels, which are not included in this application. For vegetation within the application site, the ecological assessment recommends mitigation measures, which the applicant will adopt.

2.3 Ecological Values

An ecological and botanical survey of the subject site and surrounding area has been prepared by Dr Barrie Wills of Central Environmental Services, Alexandra (**Attachment [E]**). Mr. Wills' report indicates that the site contains a mixture of exotic (mainly) and some indigenous ground cover. The high exotic content has resulted from historical pasture development. Few of the identified indigenous grasses, herbs and shrubs that comprise much of the vegetation within the Ardgour Rise route are known to be rare or under any significant threat locally, regionally or nationally. The report notes that the grazed vegetation in most paddocks consists mainly of exotic pastoral species like browntop, sweet vernal and cocksfoot that dominate the plant community. With the most prolific native plants being matagouri (*Discaria toumatou*), mingimingi (*Coprosma* spp) and taramea (*Aciphylla aurea*) plus fescue tussock and silver tussock, none of which are threatened.

The ecological report also identifies two shrubs (desert broom and pimelea) that do have an “At Risk” or “Threatened” conservation occurrence which were identified on a hill near the western end of the alignment. The report provides mitigation options to ensure their conservation, and the applicant will adopt these measures as far as practicable. A number of mingimingi (*Coprosma* spp) shrubs occur within the adjacent SN33 DOC reserve area, particularly around rocky outcrops, however none of those identified have a known threat status and works proposed within this application will not occur within the public conservation land parcels

2.4 Surface Waterbodies

Part of the proposed realignment will follow along an unnamed dry creek. The alignment will also cross the true right gully. No culverts are proposed to be placed within flowing surface waterbodies as a part of the proposal.

There are no permanently flowing surface waterbodies near to the proposed alignment of Ardgour Rise, except ephemeral gullies as noted above. The applicant proposes a 20m setback from all permanently flowing waterbodies.

2.5 Historical and cultural values

A review of the district plan has been undertaken and there are no specific heritage or cultural features identified within the application site area. The Applicant has sought an appraisal from NZ Heritage Properties, given their previous experience with the spread of archaeological features within the surrounding area (**Attachment [F]**). The appraisal examined the proposed alignment of the Ardgour Rise Road with a view to identify the presence of any heritage features. No archaeological or heritage features were identified in the project area. The appraisal recommends that the applicant can proceed without an archaeological authority however an Accidental Discovery protocol should be implemented. This will be adopted as a part of the proposed activity.

3 Description of the proposal

3.1 Overview

The proposed works involve the construction of a new track (Ardgour Rise) over the Dunstan Ranges. This track is intended to replace the existing public road over the Dunstan Ranges Thomson Gorge Road when it is stopped, and the track will become a road when vested with council. A plan of the proposed alignment is provided in **Figure 4** and enclosed as **Attachment [C]**.

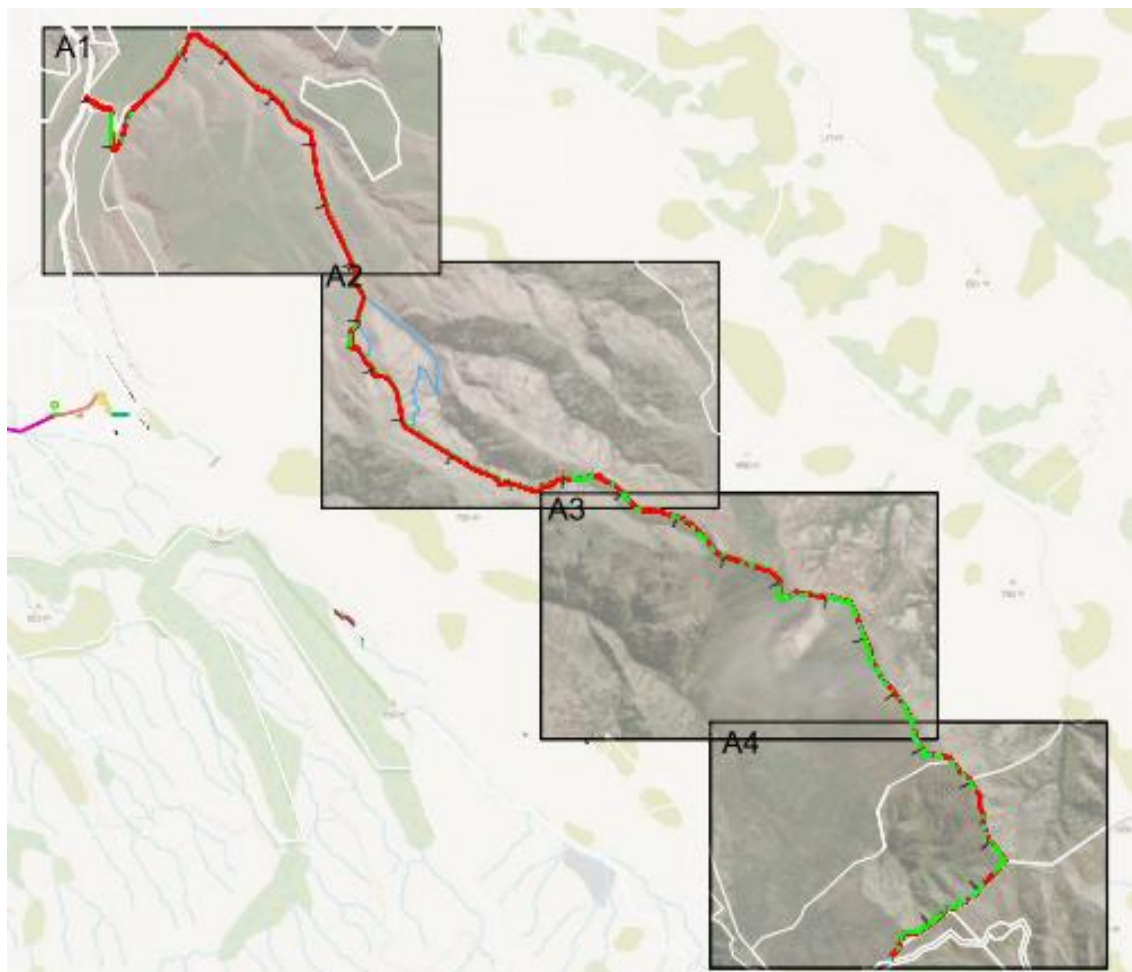


Figure 4 Proposed Ardgour Rise Alignment (Matakanui Gold Limited)

Thomson Gorge Road is an existing public road suitable for four-wheel drive access only, providing access over the Dunstan Ranges between Bendigo and Matakanui, Central Otago.

The Applicant proposes to close this road and create a like-for like replacement over public and private land. This proposal relates to the Bendigo Ophir-Gold Project (which is subject to a fast-track process application), however this application does not include any of the BOGP activities. Only segments of the new access road located on private

land are included in the scope of this project. Authorisation for segments of the access road traversing public land will be obtained through the fast-track process.

The area is largely defined by several fenced blocks that are part of Ardgour station, 4WD access tracks and the landscape which, in this case largely consists of steep hills with narrow ridgelines and incised streams or creeks, most of these remaining dry except when subject to substantial precipitation events.

The proposed alignment follows a dry, un-named creek bed south-east from the cherry orchard access road before gradually rising onto a sunny face, traversing that below an existing farm 4WD track and intersecting with the previously reported RC210308 drilling extension (Wills, 2022b; 2025b). It will then cross a tributary to avoid the airstrip environs and will re-join the 4WD track and until it reaches the boundary with SN33 (Significant Natural Area 33, 350 ha, Pt Run 238 K, Ardgour Station).

The track will not pass through SN33 as part of this proposal. Instead, it will re-commence on the opposite side of the Public Conservation Land and connect with another 4WD track running south-west towards Thomsons Saddle, exiting at the existing Thomsons Gorge Road. While a connection through the Public Conservation Land may eventually occur, consultation is ongoing with the Department of Conservation and so, at this time, no works are proposed within the Public Conservation Land.

The road is designed with a 4-metre-wide carriageway. The Central Otago District Council has engaged an engineer to review the appropriate road standards; however, no further feedback has been received at the time of preparing this application. All gradients are proposed to remain below 20%.

The replacement access track will be constructed to a generally higher standard than Thomson Gorge Road, while remaining suitable for public four-wheel drive access.

The new track necessitates earthworks, as shown in the plans shown in **Figure 4** **Error! Reference source not found.** with larger versions included in **Attachment [C]**.

Earthworks will also be required for a borrow pit to provide material for road construction. The total volumes of earthworks are:

- Total Cut: 44,115m³
- Total Fill: 44,447m³
- Borrow Pit: 50,000m³

Extracted material from the cuts will be used as fill where practicable, with gravels from the borrow pit to be used to compact and stabilise parts of the road. The depths of the cuts will be mainly up to 2m. Less than 10% will be between 2m and 3m cut depth, with a two very small sections at chainage 6200 and 6760 being up to 3.3m depth as shown in **Figure 5** and **Figure 6** below.

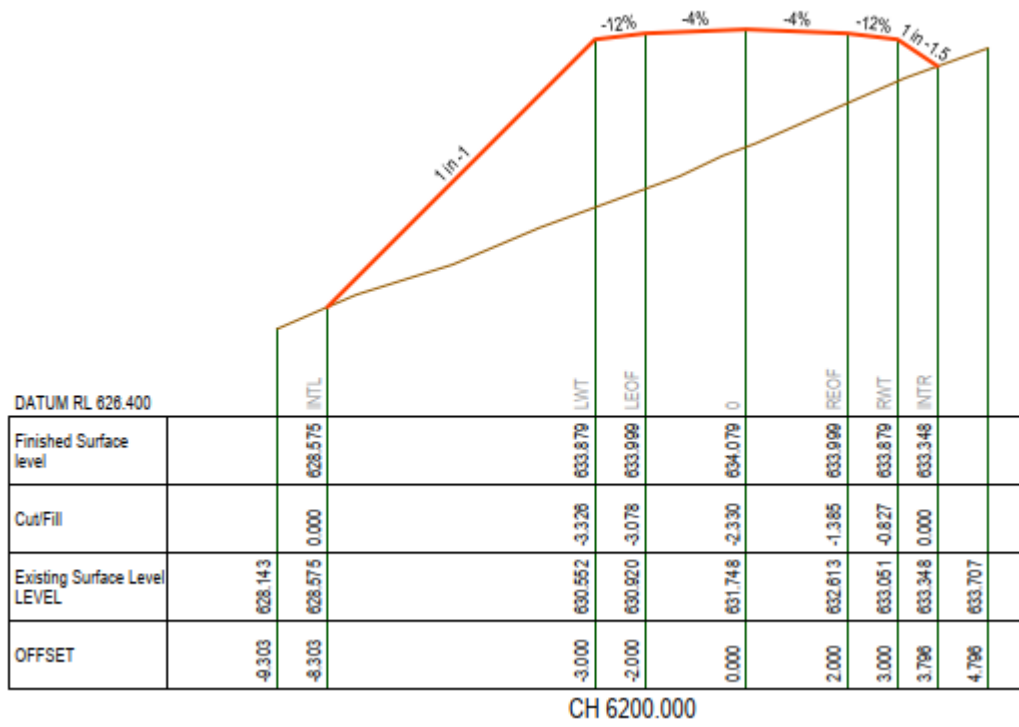


Figure 5 Breach of Depths Chainage 6200

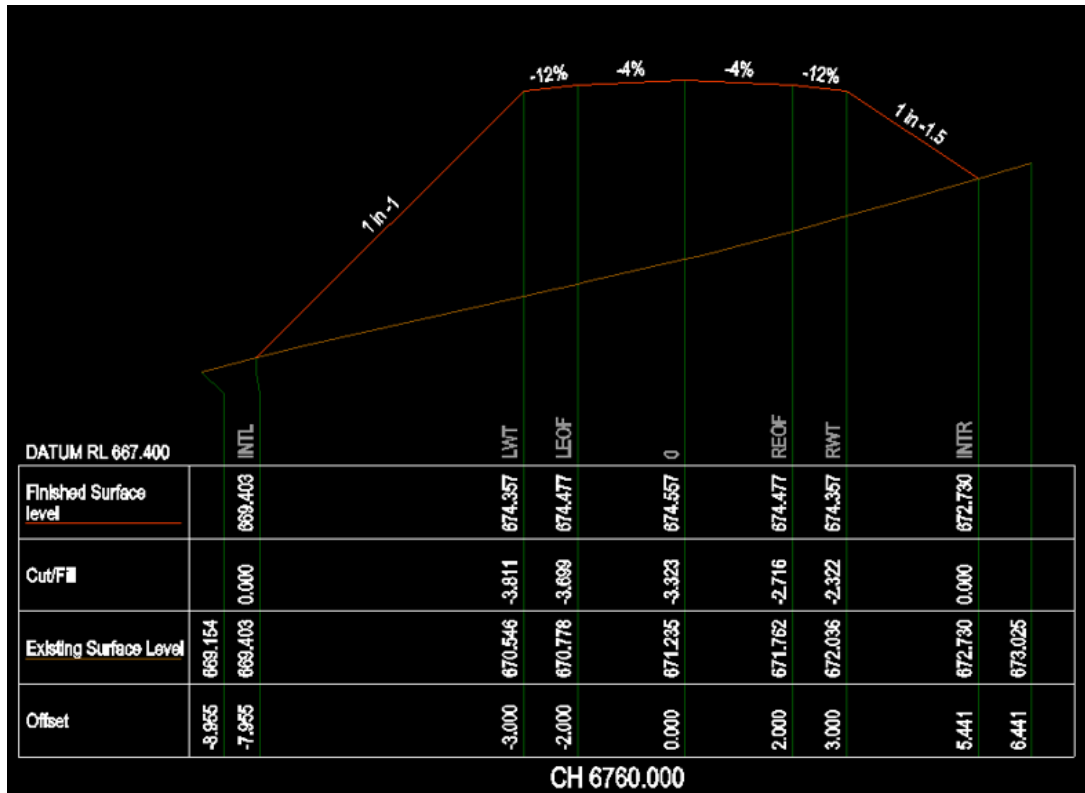


Figure 6 Breach of Depths Chainage 6760

4 Statutory provisions

4.1 Central Otago District Plan

The road is located within the **Rural Resource Area** under the District Plan as shown in **Figure 7** below and is subject to the Outstanding Natural Landscape Overlay.

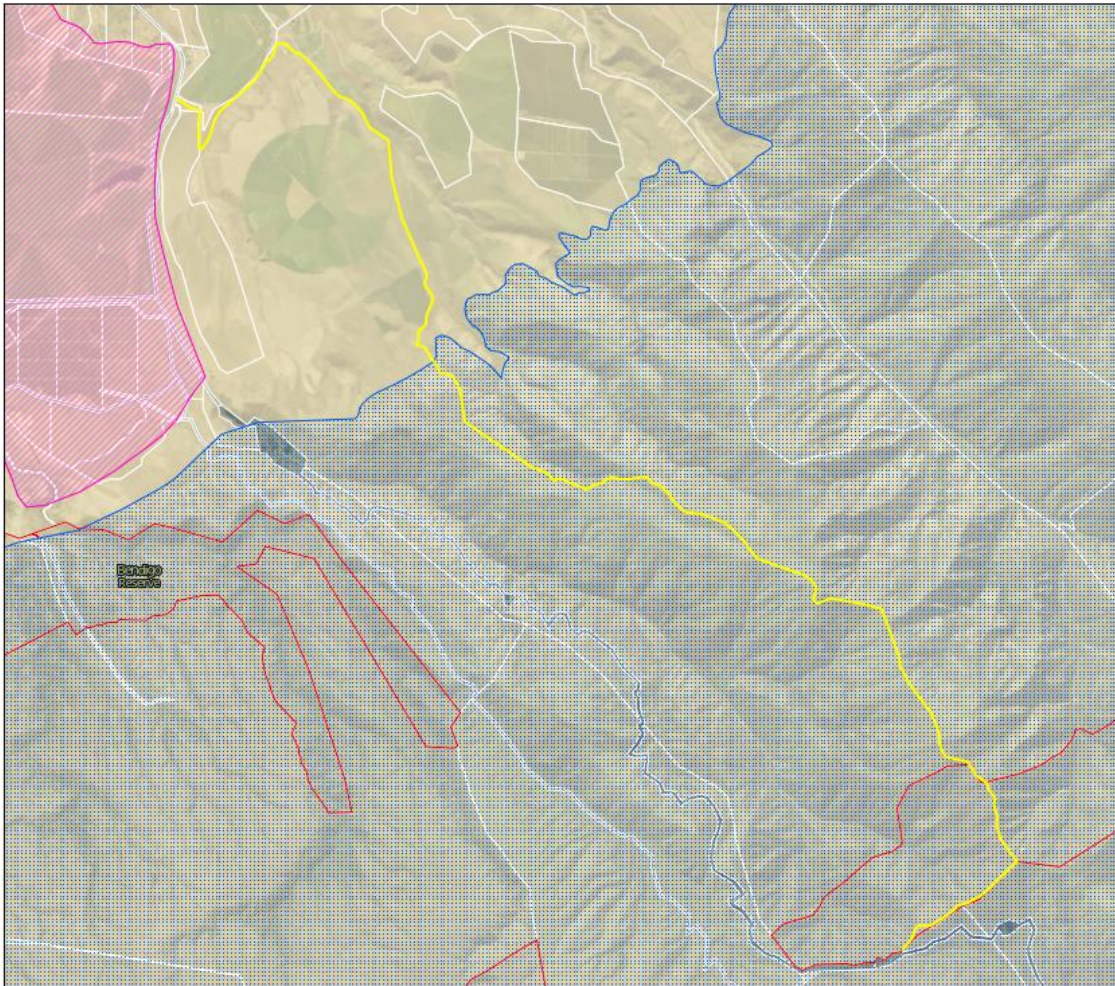


Figure 7 CODC Zoning with Ardgour Rise Road Overlayed

The **Outstanding Natural Landscape** overlay is described in the schedules as:

Elevated areas, Bendigo Rocky backdrop to the upper portion of the Clutha Arm of Lake Dunstan. Rock landscape is a distinctive feature of the upper portion of Lake Dunstan and confines State Highway 8 between the hillside and the lake. Semi-arid schist outcrops provide visual context for future development in this locality.

The application site area does not overlap any Significant Natural Areas.

For the purposes of the following compliance assessment, the following definitions are considered relevant -

Earthworks: means any modification to the shape of the ground surface by movement or removal or deposit of ground material (including gravel, rock and soil) and includes excavation infilling and construction of any road, track, or drainage channel but does not include cultivation, the planting of crops or manual digging activity associated with any temporary military training activity.

Track: means any constructed pathway or trail where the formation construction is at least to a standard that is capable of carrying a crawler or other vehicle.

Road: includes 'Street' and means an area of land dedicated as road in accordance with the provisions of the Local Government Act 1974.

In accordance with the above definitions, Ardgour Rise does not meet the definition of 'road' though it is expected to be vested in Council in the future. At this point in time, the proposal is for construction of a track as defined in the District Plan and consent is sought under the following rules and standards outlined in **Table 1**.

Table 1: Rules Assessment

Section 04 – Rural Resource Area		
Rules		
4.7.3 (Restricted Discretionary Activities)	Breach of Standards Rule 4.7.6.J Earthworks for Access Tracks & Extractive Activity a. Tracks	Restricted Discretionary Activity The proposed activity involves a small section of the earthworks breaching the 3m cut and fill depth permitted.
4.7.4 (Discretionary Activities)	Breach of Standards 4.7.6.L Outstanding Natural Landscapes, Outstanding Natural Features and Land in the Upper Manorburn/Lake Onslow Landscape Management Area	Discretionary Activity The proposed activity involves the cutting of a new road and track, and excavating more than 20m ³ within an Outstanding Natural Landscape.
Standards		
4.7.6A – Bulk and Location Requirements		
c. Water bodies	No building shall be located within 20 metres of the bank of any stream or river - any wetland identified in Schedule 19.6.1 - any lake (excluding irrigation dams within a farm property) 0.5 hectares or greater in area	Complies The proposed development will be set back more than 20m from Shepherds Creek, as shown in Attachment [C] .
4.7.6B – Traffic Generation and Characteristics of Activities		
b.	i. No more than 3 persons shall be engaged in any activity of a commercial, industrial or manufacturing nature except in areas identified as "Rural Residential" ([RR]) on the planning maps. For the purpose of this rule, farming, horticulture, viticulture, network utilities and forestry activities are excluded from an activity of a commercial, industrial or manufacturing nature.	Complies The proposed activity is a construction activity and is not of a commercial, industrial or manufacturing nature.
4.7.6E – Noise		
a.	a. All activities shall be conducted so as to ensure the following noise limits	Complies



	are not exceeded at any point within the notional boundary of any dwelling, resthome or hospital, or at any point within any Residential Zone or any Rural Settlements Resource Area: <table><tr><td>On any day 7:00am to 10:00pm</td><td>55 dBA L10 40 dBA L10 70 dBA Lmax</td></tr><tr><td>10:00pm to 7:00am the following day</td><td></td></tr></table>	On any day 7:00am to 10:00pm	55 dBA L10 40 dBA L10 70 dBA Lmax	10:00pm to 7:00am the following day		The nearest dwelling is approximately 313m away and suitably distant such that the activity is expected to comply with noise limits. The distance between the activity and residences will increase as the track progresses. There are no residential zones within 10 km of the proposed activity.
On any day 7:00am to 10:00pm	55 dBA L10 40 dBA L10 70 dBA Lmax					
10:00pm to 7:00am the following day						
4.7.6I – Riparian Margins						
	Within 10 metres of any water body, no: a. dumping of fill, spoil or any substance to waste (except cleanfill), b. earthworks exceeding 20m³, or c. the removal of vegetation,	Complies The proposed buildings will comply with the 10m setback from the waterbody.				
4.7.6.J. Earthworks for Access Tracks and Extraction Activities						
	a. Tracks Where any earthworks are required for or in connection with the formation or construction of any road, track, landing, firebreak, fenceline, or utility service line, the following design standards shall be met: ...	Does not comply The majority of the construction of new track will comply with the requirements of the rule as the majority of the cuts on site will be less than 2m in height/depth and less than 10% will exceed this. There are two small sections where cut/fill with be approximately 3.8m, which breaches the 3m limit.				
	b. Extraction and Displacement Activities Except as provided for in 4.7.6.J.a above the extraction (including excavation and/or displacement) of material shall not exceed an area of 2000m² or a quantity of 3000m³ from any one site provided that: ...	Not applicable All earthworks are for or in connection with the construction of the track, including the borrow pit, and so this rule is not relevant.				
4.7.6.K. Areas of Significant Indigenous Vegetation, Habitats of Indigenous Fauna and Wetlands						
	No activity shall have the effect of: a) Removing or adversely affecting indigenous vegetation, or b) Adversely affecting significant habitat of indigenous fauna or statutorily managed sports fish and game, or c) Draining or adversely affecting any wetland or its associated values, or d) Erecting any structure (excluding fences and signs that conform with Rule 12.7.5.i.e), or e) Carrying out any earthworks or cultivation of land, or f) Establishing woodlots, production forestry or shelterbelts, or g) Subdivision of land (except for the creation of reserves or conservation areas), within those areas identified in Schedules 19.6.1 and 19.6A and on the planning maps and any wetlands over 800 metres, unless the work or activity is consistent with the particular Act under which the land is held, or any management strategy or plan developed under that Act.	Complies The proposal is not within an area of significant Indigenous Vegetation, Habitats of Indigenous Fauna and Wetlands. As detailed in Attachment [D] the site lacks indigenous vegetation and contains no wetlands or associated values that would be affected by the proposed temporary project works.				
4.7.6KA – Clearance of Indigenous Vegetation						



	<i>Clearance of indigenous vegetation on land not listed for protection under Schedule 19.6.1 and subject to Rule 4.7.6.K, ...</i>	Complies As detailed in Attachment [D] the site lacks indigenous vegetation and contains no wetlands or associated values that would be affected by the proposed temporary project works. Given a 4wd track already exists and the indigenous vegetation on site and clearance has been assessed as being less than 0.5ha.
4.7.6L – Outstanding Natural Landscapes, Outstanding Natural Features and Land in the Upper Manorburn/Lake Onslow Landscape Management Area		
4.7.6L	<i>No activity shall have the effect of b) Cutting new roads, new tracks, new landings, or new utility service lines, or c) Excavating material in excess of 20m³ (volume) and/or disturbing any land 50m² in area or greater in any one hectare in any continuous period of 5 years but excluding cultivation of areas previously cultivated (for the avoidance of doubt this does not apply to the maintenance of roads, tracks, landings, fire breaks and other works), or</i>	Does not Comply The proposal will involve the cutting of new tracks within the Dunstan Outstanding Landscape Overlay. The material required to be excavated will be in excess of 20m ³ in volume
13.7.2 Transportation Routes		
13.7.2 New Roads	<i>iii. The construction of a road not aligned with a legal road, (except as part of a subdivision) is a discretionary activity.</i>	Not applicable The track does not meet the plan definition of road and is to be assessed as a track.

For clarity, the proposal will comply with all other requirements of the plan, including those in Chapter 12 relating to noise, lightspill, signs and other relevant matters.

Overall, the proposal is to be treated as a **Discretionary Activity** under the District Plan.

4.2 National Environmental Standards

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (“NESCS”) is potentially relevant to this project.

A review of the Otago Regional Council Listed Land Use Register has been undertaken for the site. There are no records of contamination nor HAIL activities having been undertaken on site, including no bulk pesticide storage or use nor contamination associated with former mining activities. In consideration of the abovementioned, it is reasonable to conclude that the site is not defined as a ‘piece of land’ under Clause 7 of the NESCS.

5 Assessment of effects

In accordance with Section 88 and Schedule 4 of the RMA an assessment of any actual or potential effects on the environment that may arise from the proposal is required with any details of how any adverse effects may be avoided, remedied or mitigated. Accordingly, the below is an assessment of effects relative to the scale and significance of the proposed activity.

This assessment is addressed under the following headings:

- Effects on Rural Amenity
 - Landscape Values and Visual Amenity
 - Construction Effects
- Effects related to Ecology
- Effects related to Heritage and Cultural Features
- Effects related to Landscape
- Effects related to Earthworks
- Effects related to Public Access

5.1 Rural Amenity

Located in a rural and open area generally undisturbed by human activity, the proposed development has the potential to alter existing rural amenity values. Rural amenity encompasses the qualities that make a rural area pleasant, such as its visual character, tranquillity, low levels of noise and activity, and overall sense of openness and naturalness.

5.1.1 Landscape values and visual amenity

The Landscape Effects Assessment (**Attachment DJ**), prepared by Boffa Miskell, evaluated the potential landscape and visual amenity effects of the proposed development. The report notes that the proposed realignment will broadly follow the alignment of existing farm tracks within the Ardour Station before merging with existing four-wheel drive tracks and through the Dunstan Mountains ONL. The Dunstan Mountains are recognised for their general lack of built structures, and coherent mountainous character forming part of a broader distinctive backdrop and skyline. This landscape is valued as a largely intact mountain sequence and backdrop which remains highly expressive of its formative geological processes.

Boffa Miskell acknowledges that the proposed road is largely located within the Dunstan Mountains ONL, which is highly valued for its intactness, expressiveness, remoteness, and rugged character. The proposed road will involve the presence of machinery and earthworks which will remain contained along the northern ridgeline

of the Shepherds Creek catchment and within the context of an unnamed stream connecting with Thomsons Saddle. This will result in a clearer delineation of existing vehicle access through Ardgour Station.

The effects on the values of the Dunstan Mountains ONL have been minimised through containing the footprint of the proposed road to existing farm tracks where possible and containing the more extensive area of earthworks within the Lower-Mid section of the proposed road to a gully below the ridgeline away from the skyline. The construction of the proposed road, while having temporary effects on the sense of remoteness, and naturalness associated with the Dunstan Mountains (particularly at higher altitudes) will not be an unexpected feature within the landscape. On completion this will reflect similar character to the existing Thomson Gorge Road.

The visual amenity effects were assessed by Boffa Miskell (**Attachment [D]**) from five key viewpoints:

Views of the proposal from Ardgour Road and rural dwellings: It is expected that during construction, glimpsed views of the earthworks associated with the construction of the track will be available from users of Ardgour Road and associated private properties. Views from private properties will be rear long-distance views and partially curtailed by the terraces below the foothills of the Dunstan Mountains. During construction, views may entail operation of machinery, and exposed cuts and areas of fill. On completion, glimpsed views of the road will be largely associated with the Lower section of the track and typically occur within the context of existing vehicle access. The proposed road, while a new modification within the landscape, will be set below the skyline and generally remain well contained within the catchment of the unnamed stream. Visual effects have been assessed as low adverse (less than minor) during construction reducing to very low adverse on completion.

Views from Bendigo and the Bend Terrace: The views from these points are long distance private views. During construction of the proposed road, any views will be largely of the machinery operation and earthworks associated with the construction of these sections of the road, and on completion will appear contiguous with existing tracking within the Lower section of the road. Above this, the transition between the Lower Mid and Mid Upper section of the road indiscernible due to distance and intervening topography and remain effectively contained within the valley associated with the unnamed stream. Visual effects have been assessed as low adverse (less than minor) during construction reducing to neutral on completion.

Views of the proposal from the Upper Clutha Basin and Queensberry: To the north-west of the Site there has been potential assessed for very long-distance views from the Upper Clutha Basin and in the vicinity Queensberry along the northern toe of the Pisa Range. During construction and once operational, views from these areas may include small parts of the Mid Upper section of Road in the context of the broader visible mountain backdrop and the existing vehicle access track. Headlights may also be visible in this area resulting from the anticipated occasional use at night. Visual effects have been assessed as isolated with very low adverse (less than minor) effects.

Views from Thomson Gorge Road: the views are considered to be transient in nature, differing depending on location. There will be glimpsed views of construction within the northern extents associated with the lower and mid sections of the proposal. Long distance views in proximity of the Come in Time battery and Thomsons Saddle will be associated with the Mid Upper and Upper sections of the road. Construction effects will be largely associated with the temporary presence of machinery and earthworks on or near the skyline, with the greatest visual effect from Thomsons Saddle where the closest views can be obtained. On completion, once earthworks and construction work cease, the road will appear contiguous with that of the existing Thomson Gorge Road providing access through the Dunstan Mountains. Visual effects have been assessed as low-moderate adverse (minor) during construction, reducing to low adverse (less than minor) on completion with some acknowledge potential for beneficial effects.

Views from Public Conservation Areas: There are several public conservation viewpoints surrounding the proposal site. Views from Bendigo Historic Area will be largely reduced by vegetation and topography and will be reduced to glimpsed instances during construction only, on completion it will appear contiguous with the broader land use and existing tracking. Views of the upper reaches of the track will be associated with the Dry Creek Conservation Area, Neinei i kura Conservation Area, and the closest Ardgour Conservation Area. As the proposal is confined to private land and does not involve any works within Public Conservation Land, the effects of earthworks and machinery on the public conservation land are considered to be non-existent.

The potential for adverse landscape effects is primarily associated with the temporary presence of construction works and the earthworks required to establish the new road alignment.

At the local scale, Boffa Miskell conclude the landscape effects of the proposed road are considered moderate adverse during construction, reducing to low moderate on completion. Noting the construction activity is located on Ardgour Station (private land) and on existing access tracks within the public conservation land with a very small realignment to the existing track. Boffa Miskell conclude that landscape effects of the proposal within the context of the Dunstan Mountains Outstanding Natural Landscape are considered low adverse (minor) reducing to very low adverse on completion.

Overall, the visual effects from the proposed activity are considered no greater than low-moderate adverse during construction from public viewpoints reducing to low adverse (minor). Effects from private viewpoints are no greater than low adverse (less than minor) reducing to very low adverse on completion.

5.1.2 Construction effects

Recognising the proposed development's impact on the surrounding road network, particularly the largely unsealed Thomson Gorge Road which provides a connection to the foothills of the Dunstan Mountains and four-wheel drive route over Thomsons Saddle to the Manuhierikia Valley. Mitigation measures will be implemented to address potential nuisance effects. Specifically, an Erosion and Sediment Control Plan (ESCP)

will be prepared to manage potential sedimentation of Shepherd's Creek and dust will be controlled with water and sequenced earthworks.

Construction noise and disturbance impacts will be temporary and limited to the construction timeframe between 7:00 am and 7:00 pm.

The number of people working on site will be up to 15 people and will likely be in two teams in different locations. Teams will travel to their respective sites each day and be required to sign in at the site office depending on where they are working.

To minimise light spill beyond the site, all external lights will be directed internal to the site and downward, meeting district plan lighting standards.

Overall, the effects of construction on rural amenity are considered to be less than minor.

5.2 Effects related to Ecological Values

A report prepared by Dr Barry Wills (**Attachment [E]**) concludes that the site contains a mix of exotic and indigenous vegetation. However, the site is predominantly covered by exotic species, reflecting historical pastoral development across the area.

The proposed Ardgour Rise route primarily traverses areas dominated by exotic pastoral species, largely comprising oversown and top-dressed (OSTD) grassland communities, which have been historically modified and spread through stock movement across the landscape. The majority of the proposed track upgrades follow existing 4WD alignments, meaning little or no significant indigenous vegetation will be removed or disturbed.

Indigenous vegetation along the alignment is limited, and few of the native species identified are rare or under significant threat locally, regionally, or nationally. Two indigenous shrub species desert broom and Pimelea, classified as At Risk or Threatened were recorded on a hill near the western extent of the proposed alignment. The ecological report provides mitigation measures to avoid or minimise potential adverse effects on these species, which the applicant has confirmed will be implemented where practical. The applicant has also undertaken a slight deviation in the track alignment, as recommended in the ecological assessment, to avoid such areas of indigenous vegetation. The ecological assessment also notes another area between the Ardgour top fence line and the eastern boundary gates where taramea was found adjacent to the track. The report stated that over-spill during could potentially affect this stand, however appropriate sediment and erosion control measures will be implemented to prevent adverse impacts.

Indigenous vegetation clearance across the site is estimated to be less than 0.5 ha, provided the mitigation measures outlined in the ecological assessment are adopted, as proposed by the applicant.

The surveyed Ardgour Rise route is typical of moderate to low-fertility pastoral land and sub-alpine scrub landscapes of Central Otago. Given the careful construction management and the application of standard rehabilitation techniques, the works are expected to result in only minor ecological and environmental effects on vegetation types and habitats present.

The proposal will avoid earthworks and construction on the adjacent Public Conservation Land parcels. No vegetation clearance is proposed within these areas.

Given the highly modified nature of the route, the limited occurrence of threatened species, and the implementation of mitigation measures, the overall ecological effects of the proposal are assessed as less than minor.

5.3 Effects related to Heritage and Cultural Features

5.3.1 Heritage Values

An appraisal has been prepared by New Zealand Heritage Properties Limited (NZHP) (appended as **Attachment [F]**) to identify any presence and nature of heritage sites within the proposed Ardgour Rise Road realignment. The appraisal notes that there is no heritage features documented on the historical plans within the proposal site and further pedestrian surveys did not identify any potential heritage features that may be impacted by the proposed works.

All linear features on the historic aerials and LiDAR have been confirmed as stock tracks, and all fences are modern post and wire. Part of the proposed route includes a modern farm track, construction of which has involved some cutting and benching along the ridge line.

No archaeological or heritage features have been identified in the project area and the appraisal states that the proposed works can proceed without an archaeological authority. However, the appraisal provides some recommendations such as:

- Following a set of Accidental Discovery Protocols should something be found on site
- Avoiding the pre-1900 fence identified along Thomsons Saddle (G41/638)
- Briefing contractors and all parties working on site to ensure they are able to identify archaeological material and features in order to avoid them and how to recognise them should they be encountered unexpectedly.

These above recommendations will be adopted by the applicant.

Give the appraisals findings and the applicants willingness to adopt the recommendations in the report, the proposed activity is considered to have a less than minor effect on historical features.

5.3.2 Cultural Values

A review of the District Plan and Ngai Tahu Statutory Acknowledgements – Deeds of Recognition indicates the site is not a Site of Significance or Statutory Acknowledgement Area.

A review of the Ngai Tahu Atlas indicates that the Thomson Saddle contains a Kā ara tupuna (ancestral pathway). The Pathway is outlined in **Figure 8** below and follows part of the Thomson Gorge Road.

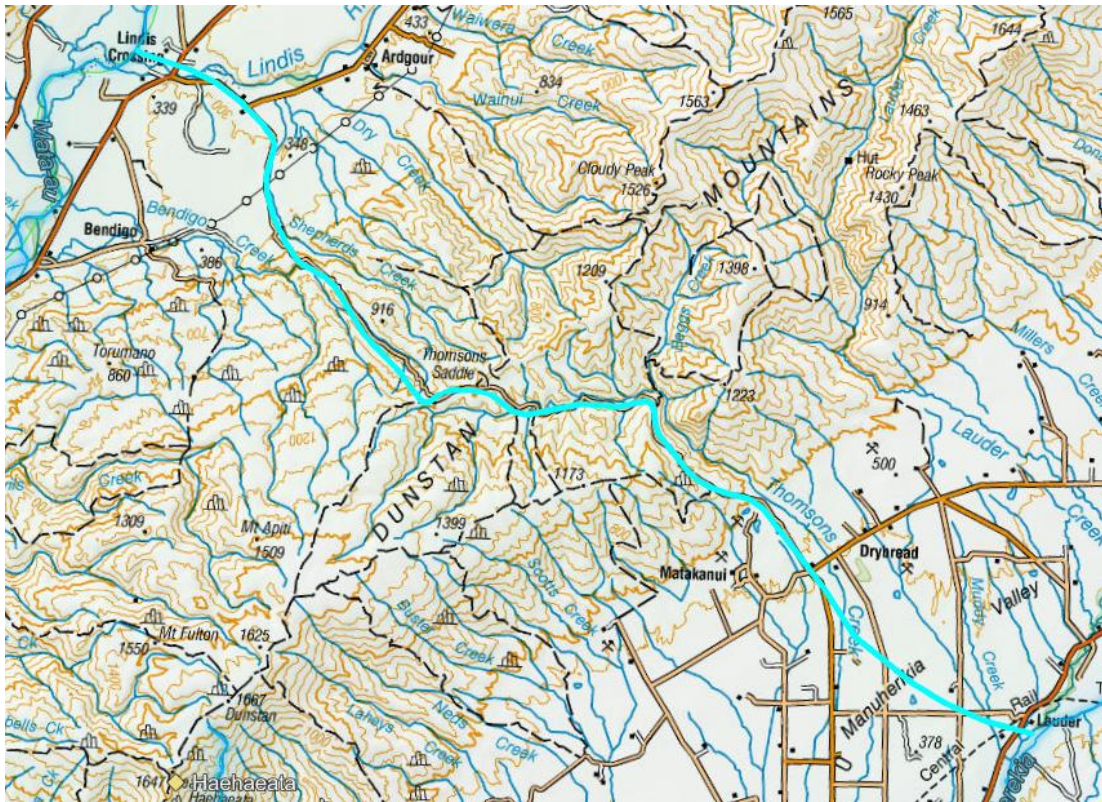


Figure 8 Thomsons Saddle Kā Ara Tupuna (Ancestral Pathway) shown in blue (Source: Ngai Tahu Atlas)

It is noted that the proposed alignment of Ardgour Rise will be to the north of Thomson Gorge Road and therefore north of the pathway. The Heritage Appraisal (discussed in 5.4.1) notes that an aro tawhito (traditional travel route) passed over Thomsons Saddle to the east of the target area and was used by manawhenua to pass from the east coast to the central lakes area, however the exact route of this ara tawhito was unknown but it was likely flexible based on weather conditions and vegetation, so may have utilised any of the creek valleys to the west of the saddle.

Given the realignment of the proposal is to the north of the Ngai Tahu Atlas and that the applicant proposes to adopt the recommendations from the aforementioned heritage appraisal including an accidental discovery protocol, the effects on this cultural value are considered to be less than minor.

5.4 Effects related to Earthworks

Approximately 44,115m³ of cut and 44,447m³ of fill of earthworks are required for the road realignment. Approximately 50,000m³ of Earthworks will also be required for a borrow pit to provide material suitable for road construction. Majority of the earthworks required for the tracking will be below the 2m cut/fill requirements, with less than 10% being between 2-3m. it is noted that two small sections at 6200 and 6760 will have a cut/fill of 3.8m, however the effects of this non-compliance are considered to be less than minor give the small section and erosion and sediment control measures which will be in place.

5.4.1 Dust Effects

Dust will be controlled on site in accordance with good industry practise, including use of water carts as necessary, slow vehicle speeds on unsealed roads. Sediment traps will be incorporated where water flow is likely in an event. A sediment and erosion control plan is expected to be a condition of consent and will be provided to the consenting authority before any earthworks on site are undertaken.

5.4.2 Noise Effects

The construction will be set away from any neighbouring dwellings. The closest dwelling is over 360m to the west of the site at the very start of the Bendigo side of the track. The dwelling is owned by Tarras Farm Limited Partnership and is located at Lot 1 DP 505064 contained within Record of Title 767270. This can be seen in **Figure 9** below.

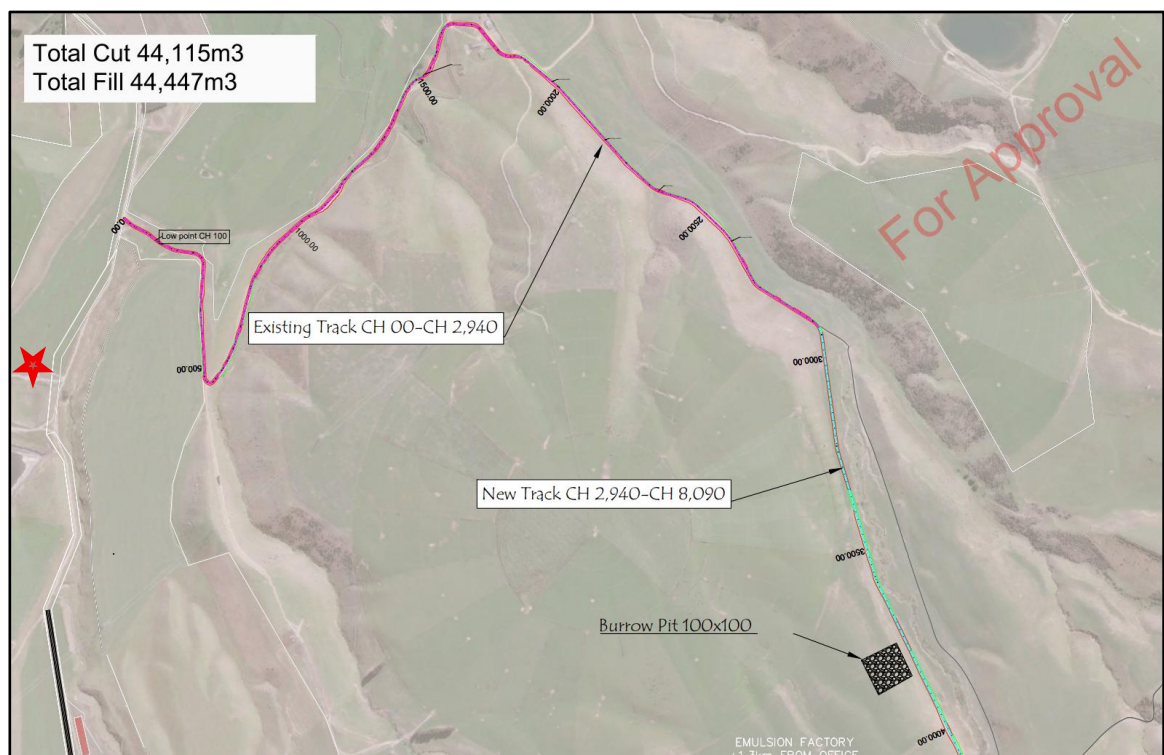


Figure 9 The closest dwelling is indicated with a red star

It is considered that the effects of construction noise on the closest dwelling will be less than minor. The use of existing tracks in the area where the road alignment is closest to the dwelling will limit the duration and intensity of works in proximity to sensitive receivers. While some widening and associated cut and fill are anticipated, these activities are of short duration and will not involve high noise-generating equipment for extended periods.

Construction activities will be restricted to 7:00am–7:00pm, Monday to Saturday, which is consistent with standard construction hours set out in NZS 6803:1999 Acoustics – Construction Noise. These limits are designed to avoid construction noise during evening and night-time periods when residents are more sensitive to disturbance. Based on the scale of works and the equipment typically required, it is expected that construction noise levels will generally comply with the guideline limits of the Central Otago District Plan, particularly at the closest dwelling.

In addition, the separation distance between the dwelling and the majority of construction areas, combined with the screening effects of local topography and vegetation, will further assist in reducing potential noise effects. Given these factors, any noise effects are considered to be temporary, intermittent, and appropriately managed. As such, they are assessed as being less than minor for the closest dwelling and for other adjacent landowners.

5.4.3 Effects on land stability

Ground stability shall be verified though design and installation be a suitably qualified Geotech engineer and earthworks will be undertaken as per the designed plans appended in **Attachment [C]**. The earthworks design will focus on avoiding steep slopes and areas of instability which will enable works to occur with minimal disruption at all times of year and little impact on slope stability. The cut depth will be no greater than 4m as discussed above, with majority of cut/fill being 2m, and less than 10% over 2m. The maximum depth will be 4m in a very small section between chainage 7780 and 7800. No earthworks will occur during high rainfall events and any areas that suffer damage from storm events will be restabilised so as to avoid further damage.

5.5 Effects related to Public Access

There will be no tracking on the adjacent public conservation land. The effects on the public conservation land are considered to be less than minor. This is because the land is mainly used for recreational activities such as hunting and there are no walks, huts, or mountain bike tracks in proximity to the works. The effects on public access are therefore considered less than minor.

5.6 Conclusion

In consideration of the abovementioned, it is considered that there are no persons on adjacent sites that will be adversely affected by the proposed development. Any potential for adverse effects can be appropriately avoided, remedied or mitigated, and will be less than minor in the context of the receiving environment.

6 Statutory assessment

6.1 Section 95, RMA

6.1.1 Section 95A assessment

Section 95A of the RMA considers the need for public notification and sets out four steps in a specific order to be considered in determining whether to publicly notify.

In terms of Step (1), public notification is not requested, Section 95C pertaining to notification in the event that further information is not provided under Section 92 is not applicable, and the application is not being made jointly with an application to exchange recreation reserve land under Section 15AA of the Reserves Act 1977.

In terms of Step (2), there are no relevant provisions within the District Plan precluding public notification. We therefore move to Step (3).

Moving to Step (3), notification is not required by a rule in a Plan or a NES, and as demonstrated in Section 5 of this report, the adverse effects on the environment are considered to be less than minor.

Lastly, in terms of Step (4) as no special circumstances are considered to apply public notification is not required under any of the pathways in Section 95A.

6.1.2 Section 95B assessment

While public notification is not necessary, any effects of the proposal on the local environment and upon particular parties must still be considered. This is addressed through Section 95B of the RMA, which has four steps similar to Section 95A.

In terms of Step (1), there are no affected protected customary rights or customary marine title groups in terms of Subclause (2), nor is the proposed activity on or adjacent to, or may affect land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11 in terms of Subclause (3).

In terms of Step (2), there are no relevant provisions within the District Plan precluding limited notification. We therefore move to Step (3).

Step (3) requires the consent authority to determine, in accordance with Section 95E, whether there are any affected parties as a result of this proposal. Section 95E states that a person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). There are not considered to be any affected persons in this instance for the reasons given in the above assessment of effects.

In terms of Step (4), no special circumstances exist therefore the application may be processed on a non-notified basis.

With respect to the above, in consideration of the conclusions of the AEE, it is concluded that the proposal will result in less than minor adverse effects on the environment, and there are no other circumstances requiring or warranting public or limited notification.

6.2 Section 104(1), RMA

Section 104 (1) of the RMA requires that the consent authority must, subject to Part 2, have regard to a range of matters when considering an application. Section 5 of this AEE addresses the matters contained in Section 104 (1) (a) and (ab).

Section 104(1)(b) of the RMA requires that the provisions of any national policy statement, the Operative Plan, or any other matter the consent authority considers relevant and reasonably necessary, to be considered when assessing an application. In this instance, the most relevant planning document that requires consideration is the District Plan. No National Environmental Standards are considered relevant to this application. The key Objectives and Policies outlined in the abovementioned document are set out below

6.3 Objectives and Policies

In this instance, the most relevant planning documents that require consideration are the Otago Regional Policy Statement and the Central Otago District Plan.

6.3.1 National Policy Statement – Indigenous Biodiversity (NPS-IB)

The objective of the NPS-IB is to maintain indigenous biodiversity across Aotearoa New Zealand, ensuring there is no overall loss. Supporting policies emphasise giving effect to Te Tiriti o Waitangi, applying a precautionary approach, and promoting the maintenance and restoration of indigenous biodiversity.

The proposal site comprises predominantly exotic groundcover, with some areas of indigenous vegetation, reflecting the site's history of pastoral use. Given the nature of the proposed works and the use of standard rehabilitation techniques, any ecological or environmental effects on the vegetation and habitat types identified above are expected to be minor. The proposal is therefore considered to be consistent with the objectives and policies of the NPS-IB.

6.3.2 National Policy statement – Freshwater Management (NPS-FM)

The objective of the NPS-FM is to ensure that natural and physical resources are managed in a way that prioritises health and well-being of water bodies and freshwater ecosystems the health needs of people, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future. Supporting policies include ensuring Te Mana o te Wai is given effect to, habitats of indigenous freshwater species are protected, and communities are enabled to provide for their social, economic, and cultural wellbeing.

The proposal has been designed to maintain appropriate setbacks from all waterways, with no works proposed within the beds or riparian margins of any permanently flowing waterbodies. As such, the proposal is considered to give effect to the principles of Te Mana o te Wai by prioritising the health and wellbeing of freshwater bodies. The activity is not expected to result in adverse effects on indigenous freshwater species, nor will it compromise the surrounding community's access to or relationship with freshwater resources.

6.3.3 Otago Regional Policy Statement (2019)

The Otago Regional Policy Statement is a higher order planning document intended to provide guidance and focus to lower order planning documents, identifying issues across the Region, with the objectives and policies providing greater clarity and direction as to how issues are to be addressed. Those policies of most relevance to the proposal are identified as follows.

Objective 3.1 and the associated policies emphasises the values (including intrinsic values) of ecosystems and natural resources are recognised and maintained or enhanced where degraded. The proposing aligns with these objectives and policies as the realignment has been designed so that the earthworks have minimal effects on the soils, waterways, flora and fauna, and the natural landscape.

Objective 3.2 and the associated policies provide guidance on Otago's significant and highly-valued natural resources to ensure they are identified and protected, or enhanced where degraded. The site has been identified as an Outstanding Natural Landscape however the proposed works on site have designed to ensure that the adverse effects are minor-less than minor in nature.

6.3.4 Proposed Otago regional Policy Statement (2021)

The Proposed Otago Regional Policy Statement (pORPS) was notified on 26 June 2021. Following a determination by the High Court, the pORPS 2021 was separated into two parts: a freshwater and a non-freshwater planning instrument. The non-freshwater instrument kept the original notification date, and the freshwater planning instrument part was notified on 30 September 2022. Those policies of most relevance to the proposal are identified as follows.

Objective ECO-O1 and associated policies relates to the health of indigenous biodiversity. The proposal will adopt the mitigation measures within the ecological assessment which will ensure that the health of indigenous species within the site will be maintained or increased where possible.

Objective NFL-O1 and associated policies seeks to ensure that areas and values of Otago's outstanding natural features and landscapes are identified, and the use and development of Otago's natural and physical resources result in the protection of them from inappropriate subdivision, use and development. Although the proposal is within and ONL mitigation measures are in place to ensure that the effects are reduced to minor/less than minor in nature.

6.3.5 Central Otago District Plan

Given the nature of the proposal and associated non-compliances, the relevant Objectives and Policies are considered to be focused on those associated with the quality of the residential environment, with these identified and assessed as follows.

Objective 4.3.2 seeks to protect the districts outstanding natural landscapes and features from adverse effects of inappropriate subdivision use and development. Although the new alignment will traverse predominately through the Dunstan Mountains outstanding natural landscape, mitigation measures will be undertaken to minimise adverse effects such as utilizing currents tracks and reestablishing landcover to allow for the new road to blend into the surrounding environment.

Policy 4.4.1 the proposal recognises that it is within an outstanding natural landscape. The proposal will minimise the effects on the natural landforms by utilising existing tracks where possible and avoiding larger features that could take away from the naturalness of the site. The effects are considered to soften post construction with the site revegetating.

Policy 4.4.2 manages effects of land use activities to ensure that adverse effects on open space, landscape, natural character and amenity values of the rural environment are avoided, remedied or mitigated through specified methods. The new alignment has been carefully sited in order to mitigate views on the open natural character of the hills and ranges. The proposal is considered to be compatible with the surrounding environment due to the large separation distances to neighbouring properties and the use of existing tracks. Overall the proposal is considered to achieve Policy 4.4.2.

Policy 4.4.8 requires that adverse effects on neighbour's amenity are not significant. Effects of noise, vehicle movements, glare, dust, signage and storage have been appropriately mitigated by appropriate design and the siting of the road.

6.4 Purpose and principles of the RMA

We understand from recent case law that a consent authority is generally no longer required to consider Part 2 of the RMA beyond its expression in the relevant statutory documents. Notwithstanding this and noting the requirements of Schedule 4 of the RMA, we provide the following assessment against Part 2 of the RMA.

The purpose of the RMA, as set out under Section 5 (2) is to promote the sustainable management of natural and physical resources. The relevant matters in Sections 6, 7 and 8 of the RMA also require consideration.

The matters of national importance under Section 6 that need to be recognised and provided for in this application include:

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

The proposed new alignment will traverse predominately through the Dunstan Mountains outstanding natural landscape, mitigation measures will be undertaken to minimise adverse effects such as utilising currents tracks and reestablishing landcover to allow for the new road to blend into the surrounding environment. The proposal is considered to be an appropriate use of the Outstanding Natural Landscape.

The RMA specifies that particular regard shall be had to the relevant other matters listed in Section 7 including:

b) the efficient use and development of natural and physical resources.

c) the maintenance and enhancement of amenity values.

f) maintenance and enhancement of the quality of the environment.

On the whole, the proposal is considered to efficiently use the natural and physical resources of the site by utilising existing tracks where possible and minimising the effects on the landscape and indigenous ecosystems. The realignment has been designed to mitigate views on the open natural character of the hills and ranges. The proposal is considered to be compatible with the surrounding environment due to the large separation distances to neighbouring properties and the use of existing tracks.

There are no matters under Section 8 that require consideration with respect to this application. The site is not identified in the District Plan or otherwise known to be of any cultural significance.

For the reasons outlined in this report, the proposal is consistent with the purpose and principles under Section 5, and the associated matters under Part 2 of the RMA. The proposal represents an efficient use of natural and physical resources, and will be undertaken in a manner which avoids, remedies, and mitigates potential adverse effects on the environment. It is considered that the proposal is consistent with the purpose and principles of the RMA and accords with the definition of sustainable management.