

**Report to the Conservator**

**Application for concession by**

**John Allendale Lee**

**26 February 2001**



Department of Conservation  
*Te Papa Atawhai*

## REPORT

**To:** Conservator  
**From:** Community Relations Manager and Hearing Commissioner  
**Report prepared by:** Richard Clarke  
**File:** COC 336  
**Subject:** Application by John Allendale Lee for concession to construct a bridge on Cardrona Marginal Strip

### 1. Purpose

The purpose of this report is to consider and make recommendations concerning the determination of the above application for a concession.

The application was processed pursuant to Part III B of the Conservation Act, and the Minister's intention to grant the concession was notified for public comment pursuant to s17T(4) of the Conservation Act 1987 on 30 September 2000. The application is attached in appendix (i).

The "First Determination" report detailing the analysis, which led to the decision to grant subject to the outcome of public notification, is attached in appendix (ii).

Public submissions on the intended grant of the concession closed on 1 December 2000. One submission was received (from Public Access New Zealand represented by Bruce Mason) in the allowed timeframe and this is attached in appendix (iii).

Mr Mason requested to be heard, and a hearing was convened pursuant to s49(2)(c) of the Conservation Act 1987 on 30 January 2001.

This report includes a summary of the submission received in the public notification process and recommendations to the Minister's delegate as to the extent to which they should be allowed or accepted.

This report was sent to the applicant for comment pursuant to s17S(5) of the Conservation Act 1987. The applicant replied and has no concerns regarding the report.

### 2 The application – brief description

The Department has received an application for a concession from the above person to construct a bridge on the Cardrona River Marginal Strip. The bridge will provide access over the river for cars as part of a 6.5 km rally car course. The bridge will be located opposite the Waiorau Farm approximately 100 metres upstream from the confluence with Welshes Creek. A second bridge located further upstream has already been constructed, with department approval.

The plans for the bridge are attached in appendix (iv). The bridge will be approximately 9.3 metres long and 4 metres wide with concrete abutments and deck. Rip rap boulder protection will protect the abutments from high river flows.

Resource and building consent is also required from the District Council.

**3. Summary of submission and recommendations as to extent to which it should be allowed or accepted – s 49(2)(d)**

Public Access New Zealand submits that this application be declined. The grounds for objection are the history of alleged breaches by Mr Lee of agreements with the Crown concerning Crown lands and the physical effects of bridge construction on marginal strip values. The proposed bridge would effectively block public access and inhibit recreational use along the marginal strip. Each point is discussed separately

The history of alleged breaches is not considered to be relevant to the consideration of this application. The department is concerned with the effects of the bridge on the marginal strip at that point. It is recommended this part of the submission be not accepted.

It is recommended the part of his submission indicating that the bridge would block public access not be accepted. The marginal strip is 20 meters wide. The public can walk around behind the abutments, still within the marginal strip, or across the abutments (as a condition on the concession).

At the hearing Mr Mason changed his stance from his written submission and said he is not opposed in principle to a bridge, but a bridge should span the marginal strip so that there is access under the bridge for the public. The Cardrona River at the crossing is approximately 5 meters wide and this option would create large structure, which is considered to be inappropriate in this river setting. It is recommended this part of his submission be not accepted.

Mr Mason also requested a compliance bond be imposed on the concession. He said the purpose of this bond would be to ensure that the conditions in the concession providing for public access are complied with and that the bridge is properly constructed. Considering the small scale of the proposal, a bond is considered inappropriate. It is recommended this part of his submission be not accepted.

**4. Applicant's comments on this report**

The applicant has no concerns regarding the report.

**5. Otago Conservation Management Strategy**

Referring to Wanaka special place area of the CMS pg 351, implementation ( r ) should be noted.

*The protection of riparian margins of rivers in the areas will be advocated.*

Provided the applicant complies with recommended conditions the application is not inconsistent with the objectives and policies of the CMS.

**6. Conclusion**

If the applicant complies with the recommended conditions any adverse effects on the environment of allowing this activity are expected to be no more than minor. The proposed conditions adequately cover the submitters concerns.

it is considered the application complies with the provisions of the Otago Conservation Management Strategy and is not inconsistent with the purpose for which the land is held under the Conservation Act 1987.

## **7. Recommendation**

Having considered this report and having due regard to the matters set out in Section 17 U of the Conservation Act 1987 and pursuant to Section 17Q of the Conservation Act 1987, it is recommended the Otago Conservator grants to John Allendale Lee, a concession licence to carry out the following activities in the area listed below, subject to the departments standard concession conditions for the activities, and the following special conditions:

**Activity:** Construction of a bridge and abutments on Cardrona River Marginal Strip, and occupation of that area with the bridge and abutments

**Term:** Thirty years.

**Land:** Cardrona River Marginal Strip approximately 100 metres upstream of the confluence with Welshes Creek.

1. The fee for the use of the land shall be a one off fee of \$500 plus GST (this is the same fee as the other bridge authorised to the applicant).
2. The concessionaire shall not restrict or control in any way public access along the marginal strip, including the bridge abutments.
3. The concessionaire shall allow the public access over the bridge when the bridge is not being used for rally car events.
4. Vegetation clearance is to be kept to a minimum and any willow trees that are to be removed are to be first marked and approved by staff member of the Department of Conservation.
5. Earth disturbance is to be limited to the access track bridge abutments and wingwalls formation.
6. If any contamination of the waterway occurs the concessionaire is to immediately take action to clean up the contamination and immediately notify the Wanaka Area Manager.
7. Construction of the bridge abutments is to be supervised by officers of the Department of Conservation and the concessionaire shall meet all the costs involved.
8. Should the bridge become redundant or of no use to the concessionaire, the department may require the concessionaire to remove the structure and reinstate the land to the satisfaction of the Wanaka Area Manager. All the costs of removal and land restoration shall be borne by the concessionaire.
9. A registered engineer shall certify the bridge as a safe structure.
10. That a copy of the Code Compliance Certificate for the bridge, as issued by the Queenstown Lakes District Council, be forwarded to the Area Manager Wanaka, on completion of the bridge construction.

*I. Whitwell*

Ian Whitwell  
Community Relations Manager and Hearing Commissioner

*1.3.01*

Conservancy Solicitor comments:

*[Signature]*  
*1-3-01*

**RECOMMENDATION APPROVED/DECLINED**

Conservator *Jas* Date: *6/3/01*

Comments: