BEFORE THE COMMISSIONERS APPOINTED ON BEHALF OF CENTRAL OTAGO DISTRICT COUNCIL

Under	The Resource Management Act 1991 (the **Act**)
In the Matter	of an application for Resource Consent for the purpose of mining at Sandy Point, Queensbury
Between	**AWA KOURA MINING LIMITED** **Applicant**
And	**CENTRAL OTAGO DISTRICT COUNCIL** **Territorial Authority**

SUBMISSIONS OF COUNSEL ON BEHALF OF AWA KOURA MINING LIMITED

DATED 22 OCTOBER 2026

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SUBMISSIONS OF COUNSEL ON BEHALF OF AWA KOURA MINING LIMITED

May it please the Panel:

1. Awa Koura Limited (**Awa Koura**) has applied for a three-year consent to establish and operate a transient gold mine at Luggate-Cromwell Road Queensberry[1] (**Site**).

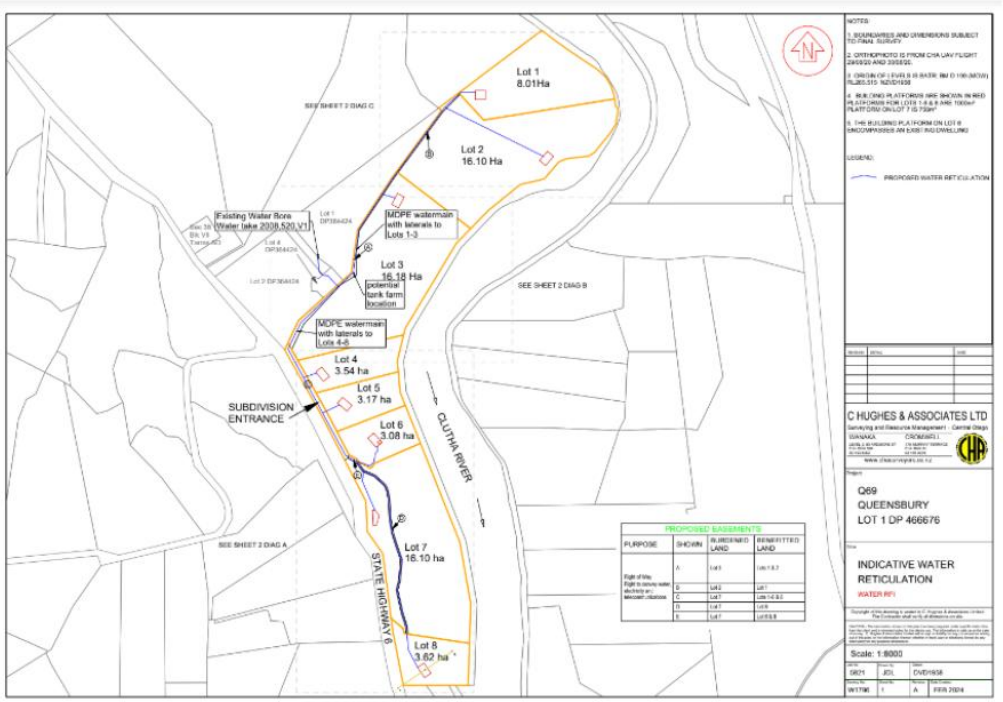
2. The Site is owned by Hawea Motors Limited. The Site owner and Awa Koura have a private agreement to allow Awa Koura to mine the property. Awa Koura has a mining permit over the permit over the property.[2]

3. The mine is proposed to proceed in a zigzag manner through the Site, with the intention that no more than 6 months will be spent in any one location. The proposal is for the extractive mining activity to be undertaken for three years, with a further six months allowed for rehabilitation works to be completed.

4. This application is not an made in a vacuum. When amenity values are at issue, context matters. The site is currently farmed, but holds a resource consent for an 8-lot subdivision with 8 approved building platforms on lots of approximately 8 hectares on average.

[1] Lot 1 DP 466676, Record of Title: 623528.
[2] Permit number 61302.

Appendix One: Plans for RC230386 (scanned image, not to scale)



5. The site is in transition from primary production to lifestyle use, consistent with the submitters' land on the opposite side of the river. That transition is the context for this application. The current state of the environment will change, whether this application is granted or not. This proposal is simply the first temporary step in that change.

6. Awa Koura holds the necessary ORC permits for the take and discharge of water, and the discharge of dust to air from the proposed mining activity. These submissions do not address water and dust issues as it is understood that there is no live dispute about those.

7. Our legal submissions address the following:

   (a) District Plan,

   (b) Noise effects,

   (c) Amenity effects

(d) Response to submitters' evidence,

(e) Consent conditions.

District Plan

8. The site is in the Rural Resource Area. The key to this application is understanding what the Rural Resource Area is for. It is the applicant's case that the RRA deliberately prioritises primary production activities over residential amenity values. The section 42A report has not paid adequate attention to that.

9. The 42A report adopts the acoustic peer review report of Mr Styles that says activities such as farming, horticulture, viticulture and forestry are generally anticipated activities in the zone.[3] This led to the opinion that the character of mining noise was therefore inconsistent with the character of the zone.[4] That starting point is incorrect and so has led to the wrong advice to the Panel.

10. Primary production is not defined in the District Plan. Mr Sycamore's evidence is that mining is explicitly recognised in the definition of "primary production" within the National Planning Standards 2019.[5] Mining is a primary production activity and therefore the Plan anticipates mining activities in the RRA.[6]

11. Section 4.1 of the Plan, the introduction to the RRA says that activities generally locate in the rural environment for one of four reasons and provides the following:

[3] At [70] and [71].
[4] At [70], [71], [78], [79], and [170].
[5] At [31].
[6] Brief of Evidence of Darryl Sycamore, 13 October 2026 from [29] – [44].

v. They need to locate directly adjacent to the resource. For example, mineral extraction and related activities do not have the ability to locate anywhere other than directly adjacent to where the deposit occurs.

12. Issue 4.2.4 of the Plan addresses the Development of Mineral Resources and acknowledges the social and economic importance of these resources:

13. *The Central Otago District contains mineral deposits that may be of considerable social and economic importance to the district and the nation generally. Mineral development and associated land restoration can provide an opportunity to enhance the land resource and landscape values and has done so in the past. However, the development of these resources has the potential to have significant adverse effects upon soil, water and air resources of the District, and landscape and heritage values if not appropriately controlled. The ability to extract mineral resources can adversely affect or be adversely affected by land use, including development of other resources above or in close proximity to mineral deposits.*

14. Although “mineral resources” are not defined by the District Plan. In the absence of a definition of mineral resources in the Plan, the definition can be ascertained from the Act. The Act adopts the Crown Minerals Act 1991 definition of mineral:

15. *a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic minerals, non-metallic minerals, fuel minerals, precious stones, industrial rocks and building stones, and a prescribed substance within the meaning of the Atomic Energy Act 1945.*

16. This definition includes gold as a metallic mineral. Issue 4.2.4 applies to gold mining.

17. Issue 4.2.4 cross references section 2.3.2 and objectives 4.3.1, 4.3.3, 4.3.5, 4.3.7. Section 2.3.2. expressly identifies alluvial gold mining:

Extractive activities have different characteristics in terms of the area subject to extraction and the duration of that activity. For example, alluvial gold mining may occur over a wide area, but generally for short duration (typically 2-5 years).

18. The proposal is for a 3-year alluvial gold mining activity. The Plan explicitly anticipates gold mining over a 3 year term within the RRA, and therefore the temporary effects of gold mining form part of the anticipated RRA character.

19. Just because a resource consent is required does not mean that an activity is not anticipated in a zone, it simply acknowledges that effects may require site specific management. Ms Spalding's report places too much weight on the existing pastoral use of the site and overlooks what the RRA is for. Mining cannot occur in any other zone. Residential activity can.

Noise effects

District Plan Standard

20. Rule 4.7.6E of the Central Otago District Plan stipulates the following noise standard in respect of the notional boundary for any dwelling within the Rural Resource Area:

> On any day 7:00am to 10:00pm 55 dBA L_{A10}.

21. The Applicant's position is that the noise standards in the Plan are appropriate for this application. In *LRG Investments Limited v Christchurch City Council* the Court held that[7]:

> *Environmental standards such as noise standards tend to be of general application and one has to have regard to the particular circumstances*

[7] ENC Christchurch C064/98, 11 June 1998.

of the case in deciding whether such standards will provide adequate protection for the amenities that the plan seeks to protect.

22. The Applicant accepts that compliance with a noise standard in the Plan is not technically determinative, because the application is a fully discretionary activity. However, the standards represent the planning judgement embodied in the Plan as to the level of noise generally considered to be an acceptable level of residential[8] amenity within the RRA. The level of noise and the type of noise (extractive activities) are both anticipated by the Plan as existing in the RRA, so the presumption is that the Plan's standards are appropriate.

23. Standards being "appropriate" does not mean that residents will like or approve of that level of noise. But what the Plan has done is strike a balance between the right to carry on rural activities and the right for people to live in the rural environment. How that balance is struck is a matter of policy for the Council to set in its Plan. It is not a matter for acoustic experts to disagree on.

24. The starting point for assessment is therefore whether the proposal complies with the Plan's standards.

25. As Mr Shanks discusses in his evidence, there are no properties that will experience noise levels above the 55dB L_{A10} standard.[9] The owners of 3360 and 3364 Luggate-Cromwell Highway, which the Marshall Day acoustic assessment identified as exceeding the standard, have provided affected party approval. The effects on those properties must therefore be disregarded.

26. Therefore, there is no identified basis for departing from the 55 dB L_{A10} standard for this application.

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[8] The standard is directed at residential amenity because it is measured at the notional boundary of a dwelling.
[9] At [38].

Noise experts' assessment methodology

27. There is little disagreement between the acoustic on technical matters.

28. Mr Styles accepts the Marshall Day modelling and assesses the effects based on the same predicted noise environment.[10] The difference between the experts is not what noise levels will occur, but whether those noise levels are reasonable in the context of the Rural Resource Area.[11]

29. The evidence of Mr Shanks is that the acoustic assessment has been undertaken on a conservative basis and represents a worst-case operational scenario.[12] The modelling assumes the noisiest activities occurring concurrently and continuously so that the highest reasonably foreseeable noise levels are assessed.[13] The purpose of the exercise is therefore to assess the upper limit of likely effects, rather than typical day-to-day operating conditions.

30. Mr Walker's evidence confirms that the modelling operational assumptions are conservative. The equipment assessed in the acoustic model is more intensive than the operation expected to occur in practice. With the proposed activity no longer including a bulldozer and the normal operations including the excavator and screen operating, with a second excavator operating at 20-30% utilisation rate.[14] The modelling therefore provides the Panel with a robust and conservative assessment of noise effects.

31. The Panel can have a high degree of confidence that actual noise effects will not exceed those predicted by the Marshall Day assessment. The issue is therefore no uncertainty regarding future

[10] At 1.0 and 8.0.
[11] Brief of Evidence of Brendon Shanks, 13 October 2026 at [11], [12], [47], and [70].
[12] At [30].
[13] At [14] and [46].
[14] Brief of Evidence of Daniel Walker, 13 October 2026 at [27] and [28].

noise levels, but whether the noise levels predicted by the acoustic experts are acceptable within the planning framework of the RRA.

32. Against that background, the Applicant submits that the real issue is not whether the proposal will generate audible noise. The Plan expressly anticipates that mining and other productive rural activities may generate noise and disturbance. The issue is whether those effects exceed the level anticipated by the Plan. In circumstances where the proposal complies with the applicable noise standards, has been assessed using conservative worst-case assumptions, and the acoustic experts do not materially disagree as to the predicted noise environment, there is no sound basis for concluding that the resulting noise effects are unreasonable.

CODC's noise approach to similar activities

33. The Court of Appeal in *Norwood Lodge v Upper Hutt City Council* discussed this position in the role of the "precedent effect":[15]

> *It is important to note the meaning of 'precedent effect' in this context. Plainly individual applications must be considered on their merits. A decision on one application will not create a legally binding precedent in respect of a similar application. However, an earlier decision may be relevant to the determination of a later application. Consistency of treatment, in the absence of a reason justifying inconsistency, is generally regarded as an important aspect of good public administration. In that sense 'precedent effect' may be relevant.*

34. Although *Norwood Lodge* concerned a subdivision, the Court's guidance on consistency of treatment in public administration applies more broadly.

[15] [2006] NZCA 37/06 at [15].

35. There is no distinction between aggregate quarries and alluvial gold mining. They are both classified as primary production in the National Planning Standard, and both managed in the Plan as an "extraction and displacement activity" in rule 4.7.6.J. Those activities are all extractive, utilising similar equipment, including screening plants, loaders, trucks and excavators. As Mr Shanks refers in his evidence the character of the noise experienced by receivers at a distance is likely to be similar. The only difference is that aggregate quarry consents tend to be of much longer terms.

36. The very recently consented Road Metals Queensbury Quarry has a permitted noise limit of 53 dB LAeq, the Amisfield Quarry in Cromwell has a permitted noise limit of 55 dB LA10, as does the Parkburn Quarry that borders the Pisa Moorings development.

37. There is a strong public interest in the consistent administration of district plans. To conclude that compliance with Rule 4.7.6E is insufficient would require a clear planning reason for departing from the standard established by the Plan.

Styles opinion should not be accepted

38. The Styles Group Peer Review Report dated 24 September 2026 is tendered as expert evidence because it is attached as appendix 4 to the 42A report. The 42A report relies on it. You should not.

39. Mr Shanks' evidence contains the standard acknowledgement for expert witnesses required by the Environment Court's Code of Conduct for expert witnesses set out in its 2023 Practice Note. Mr Styles' peer review does not.

40. Failure to comply, or agree to comply, is no mere formality. The evidence of a witness who has not agreed to comply may only be received with leave.[16] An expert witness must:

> iii. acknowledge that they have read this Code of Conduct and agree to comply with it; state their qualifications, relevant experience and any other basis for their expertise; describe the ambit of their evidence, listing the issues addressed by them and stating either that the evidence is within their area of expertise or that they are relying on the evidence of another witness;[17] (underlining added for emphasis).

41. My Styles has not qualified himself as a planning expert. He has not identified the ambit of his expertise in relation to expressing planning opinions, or pointed to the planning expert evidence of others that he relies on. The opinions given by him in relation to what the RRA zone provisions provide for are plainly not within his expertise.

42. The Styles report says:

> I consider that the noise effects should be considered against the relevant objectives and policies and against the timing, duration and character of the noise that could reasonably be expected in the zone.

43. Mr Styles' report goes on further to say:

> I understand that the RRA can be generally described as a zone that does not provide for or anticipate ongoing or constant noise from industrial processes (or processes with the same character) that affect land beyond its own site boundaries. I understand that there will certainly be activities in the RRA that will generate noise, but they will generally be seasonal or intermittent noise sources (such as from productive rural uses) or otherwise relatively small scale, and with low overall noise emissions.[18]

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[16] Code of Conduct for Expert Witnesses, clause 9.1(d).
[17] Ibid, clause 9.3(iii)
[18] At 9.4.

44. What the objectives and policies say about the character of noise that can be expected in the RRA is a planning opinion. Mr Styles views about that should be disregarded.

45. This matters because his characterisation is incorrect. The proposed activity is not an industrial process. Mr Sycamore's evidence has established that mining is classified as a primary production activity under the National Planning Standards. Mining is also expressly contemplated by the Plan to exist within the RRA.

46. In June 2026, The CODC's hearings committee addressed this issue in the Road Metals Queensberry quarry decision:

> [108] The Panel accepts that the Rural Resource Area is intended to accommodate a range of productive and extractive activities, and that the policy framework does not impose a scale-based ceiling on quarrying. The discretionary activity status for quarrying reflects this intent: it enables proposals of varying scale to be assessed on their merits through an effects-based lens rather than through prescriptive limits. The Plan anticipates that rural activities may modify landforms, generate noise and traffic, and temporarily displace productive uses, provided these effects are appropriately managed. The comprehensive mitigation and rehabilitation measures proposed give the Panel confidence that the activity remains within the ambit of what the District Plan anticipates.[19]

47. That Panel's finding that the RRA is "intended to accommodate" a range of extractive activities cannot be reconciled with Mr Styles unqualified opinion about the character of noise that the RRA provides for. Mr Styles' evidence about that should be ignored.

48. The Plan's objectives and policies also guard against the reverse sensitivity pressure that arises from residential development in the

[19] Road Metals Company Limited Central Otago District Council decision RC 250044 dated 11 June 2026, page 19, paragraph [108].

RRA. Mr Sycamore addresses these in his evidence. Policy 4.4.9 seeks to:

> Recognise that some rural activities, particularly those of a short duration or seasonal nature, often generate noise and other effects that can disturb neighbours by ensuring that new developments locating near such activities recognise and accept the prevailing environmental characteristics associated with production and other activities found in the Rural Resource Area.

49. While Policy 4.4.9 refers to some activities being short duration or seasonal, the policy is more broadly directed at recognising and accommodating the effects generated by productive activities within the Rural Resource Area.

50. This policy explicitly addresses reverse sensitivity effects. The Plan has included this policy to guard against the gentrification of the RRA driving out primary production. Within the explanation of this policy there is specific reference to mining activities that may be vulnerable. The explanation of Policy 4.4.9 says:

> With the recent trend towards country living, traditional agriculture, mining, horticulture, viticulture, utilities and energy generation and transmission activities may be subject to an increasing number of complaints in respect of the effects of their day to day activities. The effects of these activities often cannot be readily avoided, remedied or mitigated by the person undertaking the activity without causing significant adverse economic effects.

51. The Plan adopts a reverse sensitivity response:

> If people choose to live in the rural area of the Central Otago District, they should be prepared to accept the inconveniences, discomforts, disturbances or irritation that are caused and will be caused by such operations as a normal and necessary aspect of living in a district with strong rural character and a healthy developing

> agricultural/horticultural/viticultural sector and utility and energy generation/transmission activities. Although such inconveniences, discomforts, disturbances or irritations may not be acceptable in an urban area, they are to be expected in rural areas.

52. Against that policy background, the Applicant submits that the Plan expressly anticipates that mining and other productive rural activities include mining that may generate noise that may irritate residents. The issue is whether the effects are unacceptable in the context of the RRA as a working productive environment. It is not meant to be a playground for townies.

53. The proposal complies with the Plan's noise standards, has been assessed using a conservative worst-case assumptions, and the acoustic experts do not disagree on the predicted noise levels. There is no reason for concluding that the resulting noise effects are unreasonable or inconsistent with the objectives and policies of the Plan.

Amenity values

54. The s 42A report concludes that the noise effects of the proposal will have potentially significant effects on the rural amenity values of properties surrounding the proposed mining site.[20] This is principally as a result of noise effects and private visual effects from neighbouring properties.

55. In relation to noise, the Applicant relies on the submissions above. For the reasons already outlined, the proposal complies with the Plan's noise standards, the acoustic evidence is based on conservative worst-case modelling assumptions, and the Plan expressly anticipates the generation of noise from mining and other productive rural activities within the Rural Resource Area.

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[20] At [203].

56. The second amenity issue concerns visual amenity, particularly the effect of the proposal on views from neighbouring properties.

Section 7(c)

57. Section 7(c) of the Act requires particular regard to be had to the maintenance and enhancement of amenity values. The Court has acknowledged that s 7(c) cannot mean that every application must be declined if it fails both to maintain and to enhance amenity values.[21] The requirement to maintain allows a council to protect, rather than preserve or enhance. The Court in *Port Otago Limited v Dunedin City Council* considered "protect" to mean "keep safe from harm or injury" and does not require prevention or prohibition.[22]

58. It is also well established that there is no right to the preservation of a private view.[23] The Courts have consistently distinguished between effects on amenity values and a right to retain a particular lookout.

59. In *Re Meridian Energy Ltd* the Court confirmed that particular regard must be had to the maintenance and enhancement of amenity values, but this is not the same thing as saying there is a right to a view.[24]

60. The Court further observed than an assessment of visual amenity must be undertaken in the context of the district plan framework, as local expectations of amenity are informed by the district plan provisions applying to the area.[25]

61. In this case, both landscape experts accepted that the mine will result in temporary adverse visual effects. Mr Milne concluded that the

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[21] *Shell New Zealand Limited v Auckland City Council* CA102/95, 28 February 1996.
[22] ENC Christchurch C004/02, 22 January 2002 at [41].
[23] *Anderson* upheld in *Re Meridian Energy Ltd* [2013] NZEnvC 59 at [112].
[24] At [112].
[25] At [113].

effects on neighbouring properties would range from nil to moderate and would not be unacceptable.[26]

62. Mr Moore has undertaken a detailed private-view assessment as requested by Mr Milne and the s 42A report. This assessment confirms that visual vary considerably between properties, are temporary in duration, generally reduce as mining progresses through the site, and are no greater than moderate-high from any private viewpoint.

63. The relevant benchmark for amenity expectations is the RRA. As Mr Sycamore establishes, the Plan anticipates quarrying and mining activities within the zone, and the site itself is already subject to an approved eight-lot subdivision which forms part of the existing environment. The proper question is therefore not whether neighbouring residents will notice the activity, but whether the resulting amenity effects exceed the level anticipated by the Plan for the RRA.

64. Having regard to the temporary nature of the effects, the progressive rehabilitation of the site, compliance with the applicable noise standards, and the conclusions reached by the landscape experts, the Applicant submits that the proposal maintains amenity values to the extent contemplated by s 7(c) and the Plan.

Response to submitters' evidence

65. Only one brief of evidence was filed before these submissions were required to be filed: evidence of acoustic expert Michael Smith for Philippa and Roderick Fee.

66. Mr Smith qualifies himself as an acoustic expert, not a planning expert. His acoustic measurements and predictions are entirely consistent with

[26] Landscape Peer Review Tony Milne June 2026 at page 8

Mr Shanks' evidence. Like Mr Styles, the difference lies in the conclusions he draws from the acoustic evidence.

67. Mr Smith says that he has read the planning expert evidence of Mr Sycamore[27]. Yet despite not being a planner, draws entirely different inferences from the District Plan without explaining how his expertise enables him to say that Mr Sycamore's evidence is wrong.

68. This problem can be seen first at Mr Smith's paragraph 13, where he says:

> I understand that the District Plan anticipates rural living, seasonal primary production, and mining up to a certain scale. The proposal is well beyond that scale. Consent is required as a discretionary activity, and therefore an assessment of noise effects is required.

69. Mr Smith does not identify how that understanding is formed or whose expert evidence he is relying on. By contrast, planning matters are within Mr Sycamore's expertise and that mining <u>is</u> "primary production" as defined in the National Planning Standards[28]. The Council's Hearing Panel in Road Metals has already held that the Rural Resource Area is intended to accommodate a range of extractive activities.[29]

70. The problem gets worse at Mr Smith's paragraph 43, where he says:

> I understand that the District Plan anticipates the following uses in the Rural Resource Area:
>
> (a)rural living;
>
> (b)primary production; and
>
> (c)mining, up to a certain scale.

[27] Evidence of M Smith at paragraph 8.
[28] Evidence of Sycamore at paragraph 31.
[29] Evidence of D Sycamore at 41.

71. That is a planning opinion, and an inaccurate one at that. The use of the word “anticipates” is problematic. Mining up to a certain scale is permitted, not just anticipated. But as the Road Metals Hearing Panel pointed out, just because mining above the permitted threshold requires resource consent, does not mean it is not anticipated, it merely requires assessment. That point is acknowledged in Mr Smith’s paragraph 46.

72. Again, at paragraph 45, Mr Smith fails to acknowledge Mr Sycamore’s evidence that mining is “primary production”. If Mr Smith has contrary advice that he is relying on, then he needs to identify the source of that advice and explain why he accepts it. Mining is not seasonal, and there is nothing in the District Plan that says primary production noise must only be seasonal.

73. The mistakes that Mr Smith makes result in his unspoken assumption that the Fees are entitled to expect that the existing acoustic amenity enjoyed at their holiday home will be protected from primary production. Effectively, that residential activity is given a higher priority in the RRA than noise from primary production. Mr Sycamore explains why that outcome would be a misapplication of the RRA zone provisions[30].

74. Put bluntly, the Fees have chosen to build for themselves a holiday home in an elevated position overlooking a farm in the Rural Resource Area. Now they say through Mr Smith, that primary production uses of that farm should be constrained to protect their amenity.

75. Awa Koura accepts that their noise should be kept to a reasonable level and have accepted reduced hours of operation to do just that. But extraction activities are what the RRA zone has been set up to

[30] Evidence of D Sycamore at paragraphs 36-44.

provide for, and that kind of noise is something that residents should expect to be part of the audible character during the working day.

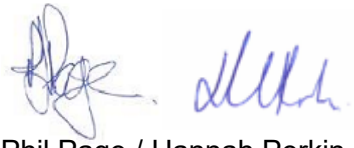
Consent conditions

76. In response to the consent condition matters raised in Mr Smith's evidence, we attach an updated suite of conditions to our legal submissions as **Appendix 1**.

77. Proposed condition 7 has been amended to include all machinery that Marshall Day Acoustic's modelled in their noise report within the 8am-5pm control.[31]

78. Mr Smith raised an issue with part of recommended condition 10 being deleted and the change not being tracked. This was due to an inconsistency between the two different s 42A reports that were circulated. The Applicant has re-included this objective within the consent conditions and did not intend to exclude it.

Dated 22 October 2026



Phil Page / Hannah Perkin

Counsel for Awa Koura Mining Limited

[31] Set out at paragraph 14 of the Brief of Evidence of Brendon Shanks.

To APPENDIX 1: RECOMMENDED CONSENT CONDITIONS

Conditions:

1. The mining activity must be undertaken in general accordance with the approved plans attached to this certificate as Appendix One, and the information provided with the resource consent application received by the Council on 14 April 2025, and the further information provided on 29 August 2025 and 5 December 2025 except where modified by the following conditions.

2. The consent holder must pay to the Council all required administration charges fixed by the Council pursuant to section 36 of the Act in relation to:

   a) Administration, monitoring and inspection relating to this consent; and

   b) Charges authorised by regulations.

3. Pursuant to Section 123 of the Resource Management Act 1991 the period for which this consent is granted is for a term not exceeding three years for operation of the mine, with an additional six months to complete site remediation works. The mining activity must cease on [insert date 3 years from~~–~~ certification of Operational Noise Management Plan, Dust Management Plan, Site Rehabilitation Plan, and Archaeological Management Plan ~~issue~~] and the site remediation must be completed by [insert date 3 years and six months from ~~issue~~certification of the above stated plans].

Monitoring and Review

4. In accordance with Section 128 and 129 of the Resource Management Act 1991, the Council may serve notice on the Consent Holder of its intention to review the conditions of this consent on and in the period within 6 (six) months upon each anniversary of the date of this consent, or within two (2) months of any enforcement action taken by Council in relation to the exercise of this consent, or for the purposes of:

   a) ensuring the effectiveness of landscape management measures including site reinstatement and grass growth; and

   b) ensuring the effectiveness of dust mitigation measures and addressing any unforeseen adverse effects associated with dust where monitoring demonstrates that the intended outcomes are not being achieved.

   c) Determining whether the conditions of this consent are adequate to deal with any other adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, or which becomes evident after the date of commencement of the consent;

   d) Reviewing the frequency of monitoring or reporting required under this consent.

5. Unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement imposed by this consent must be at the Consent Holder's expense.

Complaints Register

6. The Consent Holder shall maintain a record of any complaints alleging adverse effects arising from, or related to, the works activities authorised by this consent (the "Complaints Register").

   a) The Complaints Register shall include:

      i. The date, time, location, and nature of the complaint;

      ii. The date, time, location and nature of any incident related to the complaint;

      iii. The name, phone number, email and address of the complainant, unless the complainant elects not to supply this information;

      iv. Details of actions taken by Consent Holder to remedy the situation, including actions taken on site to remedy the issue, correspondence with the complainant and any policies or methods put in place to avoid or mitigate the problem occurring again;

   b) The Complaints Register shall be provided to Council on request;

   c) Upon receipt of any complaint that alleges non-compliance with the conditions of this consent, the Consent Holder shall promptly investigate the complaint, and take necessary action to ensure the activity is compliant with the conditions of this consent.

Noise

7. The hours of operation for operation ~~of~~ for any ~~the~~ screen, excavator, dump truck, bulldozer or ancillary pump associated with the mining activity permitted by this consent ~~mining activity~~ shall be 8:00am to 5:00pm Monday to Friday. No use of any screen, excavator, dump truck, bulldozer or ancillary pump associated with the mining activity permitted by this consent ~~works~~ are to occur outside these hours or on Saturdays, Sundays or public holidays. For the avoidance of doubt, all other works may occur outside of these hours provided they comply with the conditions of this consent.

8. Noise generated by the operation of the mine must comply with limits of 55 dB L_{A10}~~eq~~, at the notional boundary of any dwelling within the Central Otago District Council territory, where written approval was not provided. Noise generated by the operation of the mine must comply with limits of 50 dB L_{Aeq}, at the notional boundary of any dwelling within the Queenstown Lakes District Council territory. Operational noise must be measured and assessed in

accordance with NZS 6801:2008 Acoustics – Measurement of environmental sound and NZS 6802:2008 Acoustics – Environmental noise. This condition applies to any dwelling existing at the time of granting consent., ~~and any dwelling constructed during the course of the mining operation~~.

9. At least 20 working days prior to the commencement of operations, the Consent Holder shall submit an Operational Noise Management Plan (ONMP) to CODC's Planning and Regulatory Services Manager at resource.consents@codc.govt.nz for certification.

10. The objective of the ONMP is to identify and require the adoption of the best practical option (as defined by s.2 of the RMA) to minimise noise effects and to ensure that the noise levels comply with the limits in condition 8. The ONMP shall be prepared by a suitably qualified and experienced acoustic specialist and shall include, as a minimum:

    a) A requirement for noise measurements to be taken when the activity commences so that the total noise level can be calculated, and the measures required to achieve ongoing and consistent compliance with the noise limits can be determined.

    b) a description of all operational activities and equipment with the potential to generate noise;

    c) identification of all sensitive receivers and the applicable noise limits and performance standards;

    d) operational procedures and management measures to avoid, remedy or mitigate operational noise effects, including maintenance requirements for plant and equipment, including a section that sets out how noise sources that may exhibit special audible character will be 'managed out' (such as squeaking excavator tracks, tonal reverse alarms and slamming of truck tailgates or other impacts);

    e) procedures for monitoring operational noise, including monitoring locations, methods, frequency, and reporting requirements;

    f) a complaints management procedure, including requirements for recording, investigating, responding to and reporting complaints relating to noise;

    g) corrective action procedures to be implemented where monitoring identifies non- compliance or where complaints indicate that additional mitigation measures may be required;

    h) staff training and responsibilities for implementation of the ONMP; and

    i) a process for reviewing and updating the ONMP following any material changes to operations, receipt of substantiated complaints, or identification of non-compliance with any consent condition.

11. The Consent Holder shall implement and comply with the certified ONMP at

all times. Any amendment to the ONMP shall be submitted to the Consent Authority for certification prior to implementation.

~~11.~~12. If the consent holder has not received a response from the Council within 20 working days of the date of submission of the ONMP, the ONMP is deemed to be certified.

Dust

~~12.~~13. The maximum active mine area, including ~~excavation area, backfilling areas, active~~ unrehabilitated ~~rehabilitation~~ areas and unsealed haul roads must not exceed 2 hectares at any time

~~13.~~14. A water cart with spray bar must be used on unsealed haul roads and other dust generating areas as required for dust control. This water cart must be available on site at all times that mining and associated activities are undertaken.

~~14.~~15. Water sprinklers must be used to apply water to surfaces not accessed by the water cart. Sprinklers must be used on all rehabilitated areas until grass becomes established.

~~15.~~16. The height of material stockpiles must not exceed 1.5m above ground level.

~~16.~~17. The speed of vehicles on the site must be limited to not more than 15kph.

~~17.~~18. The site entrance and adjacent sealed highway must be regularly swept or cleaned to remove accumulated debris.

~~18.~~19. Inactive and rehabilitated areas must be revegetated as soon as practicable to minimise dust generation.

~~19.~~20. Stripping, handling and deposition of overburden material and soil, and handling of dry tailings material, must not occur during wind speeds of more than 5m/s (10 minute average), as measured on site, when the wind is blowing towards neighbouring sensitive receptors within 350m of the activity. Water must be applied to this material when dry to minimise dust emissions from these activities. Activities may recommence once wind conditions no longer exceed these thresholds.

~~20.~~21. Prior to commencement of works, the consent holder must install a weather station within the site which has the capability of measuring and logging wind speed and direction at a minimum of 1 minute intervals. Wind speed and direction must be continuously monitored on the site at 6m minimum height, with real-time data sent to the site manager. The weather station must be mounted on a mast located at a site representative of wind flows across the working area. The weather station must have the ability to record the data and send automated alarms to site staff when wind speed and direction triggers are exceeded.

22. An updated Dust Management Plan (DMP), with reference to the conditions of consent, must be provided to the CODC for certification prior to commencement of works. Mining activities must be undertaken in accordance with the certified DMP.

~~21.~~23. If the consent holder has not received a response from the Council within 20 working days of the date of submission of the DMP, the DMP is deemed to be certified.

~~22.~~24. Real-time PM10 monitoring at the site boundary between the 2ha active area and any sensitive receptor must occur at all times when the mining area is:

a) Within 350m of receptors potentially affected by discharges from the active area during winds from the northwestern quadrant; and

b) Within 250m of all other receptors.

If there is more than one sensitive receptor within the specified distance, the monitor must be located between the active area and the closest receptor. PM10 trigger levels for remedial action must be set in the DMP with electronic alerts sent to the site manager when trigger levels are exceeded.

~~23.~~25. A register of any dust complaints received must be maintained for the duration of the consent, in accordance with Condition 6. In relation to dust complaints, the register shall record weather conditions at the time, including wind speeds.

~~24.~~26. The discharge must not cause objectionable or offensive particulate matter beyond the boundary of the site.

~~25.~~27. At the written request of the Council, the consent holder shall engage a suitably qualified and experienced air quality specialist to undertake an independent audit of compliance with the Dust Management Plan. The audit report shall be provided to Council within 20 working days of completion.

Landscape

~~26.~~28. ~~All W~~works ~~shall avoid the river terrace landform and shall be set back~~ must occur consistent with the Mine Plan attached as Appendix 1 of this consent. ~~a minimum of 40m from the top of the Clutha River Mata-Au bank and 5m from any mature kanuka.~~

~~27.~~29. The actively mined area (including pre-stripped area, overburden / topsoil windrows, mine pit and un reinstated tailings) shall be no greater than ~~18,000m^2~~2ha.

~~28.~~30. The consent holder must prepare a Site Rehabilitation Plan and submit to CODC's Planning and Regulatory Services Manager at resource.consents@codc.govt.nz for certification. The Site Rehabilitation Plan must detail and provide for the following activities which must be undertaken at the completion of mining on the site:

a) Removal of all structures and other elements related to the mining operation

b) Reinstatement of the floodplain landforms to restore existing natural landform character, including relic river channels.

c) Reinstatement of pasture and fences in consultation with the landowner.

All rehabilitation works must be undertaken in accordance with the certified Site ~~Remediation~~ rehabilitation Plan, within six months of the completion of mining on the site.

~~29.~~31. If the consent holder has not received a response from the Council within 20 working days of the date of submission of the Site Rehabilitation Plan, the Site Rehabilitation Plan is deemed to be certified.

~~30.~~32. The proposal must be undertaken in accordance with the recommended controls on temporary structures within the depot area, contained in the Landscape Effects Assessment Report, dated 21 February 2025, prepared by Mike Moore, and reproduced below:

a. There shall be no more than two containers located on the site during mining operations, which shall have dimensions not exceeding 12.5 x 2.5 x 2.6m.

b. The Portacom building shall have a footprint no greater than 10m2 and shall be no higher than 2.6m.

c. Fuel tanks shall not exceed 10,000 litres in capacity and shall be no higher than 2m above ground level.

d. All temporary site structures are to be finished to match in the same colour, which shall be Resene colour 'Karaka' (approx. 7% LRV). or another suitable colour found in the rural environment and certified by Council.

e. Other than the temporary topsoil / overburden windrows associated with the active mining, there shall be no bunds created.

f. Any fencing required shall be confined to rural post and wire fences.

~~31.~~33. The site must be progressively reinstated as the mine pit progresses across the site, in accordance with the methodology set out in the application. The reinstated areas must be recontoured, topsoiled, revegetated and irrigated to ensure establishment of grass cover.

Archaeological

~~32.~~34. The consent holder must make every practical effort to avoid damage to any

heritage site, whether known, or discovered during any site works.

~~33.~~35. 10 days prior to the commencement of any earthworks, the consent holder must provide to the Council:

a) written confirmation that an Archaeological Authority has been obtained from Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014; or

b) written confirmation from Heritage New Zealand Pouhere Taonga that an Archaeological Authority is not required for the earthworks.

No earthworks shall commence until the information required by this condition has been provided to Council.

~~34.~~36. All contractors working on the site must be briefed by the s45 approved person (or person nominated on their behalf) on the possibility of encountering archaeological evidence, how to identify possible archaeological sites/features during works, the archaeological work required by the conditions of any Archaeological Authority, and contractors' responsibilities with regard to notification of the discovery of archaeological evidence to ensure that any Archaeological Authority conditions are complied with.

~~35.~~37. Prior to the commencement of any earthworks, exclusion zones must be established to prevent the mining of the known extent of G40/148, and G40/149, setback areas and archaeological stand-over monitoring areas.

38. All works must be carried out in accordance with an Archaeological Management Plan, prepared by a suitably qualified and experienced archaeologist. The Archaeological Management Plan must be submitted to the Planning and Regulatory Services Manager for certification at resource.consents@codc.govt.nz prior to works commencing.

39. If the consent holder has not received a response from the Council within 20 working days of the date of submission of the Archaeological Management Plan, the Archaeological Management Plan is deemed to be certified.

~~36.~~40. Any structures encountered, such as water races or building remains, are to be recorded to a Level III standard as defined in HNZPT's guide, Investigation and Recording of Buildings and Standing Structures (HNZPT, 2018). Details of the required recording standards are to be set out in the certified AMP.

~~37.~~41. Stand-over archaeological monitoring is required for any mining within the stand-over monitoring areas identified on Figure 10-1 of the NZ Heritage Properties Ltd report titled 'Sandy Point, Luggate – A Heritage Assessment for Site G40/148 and G40/149' revision B dated 28/8/2026. All earthworks in these areas must follow the archaeological monitoring recommendations of the NZHPL report, reproduced below:

a) *Immediately outside the 10m exclusion zone to the rear/south of G40/149 and G40/148. Depth and scope of excavations will be subject to the discretion of the onsite archaeologist, being based on the level/presence of visible archaeology, the depth at which sterile sediment is confidently reached, and/or the practical working depths of the trench (i.e., <2m).*

b) *The area in the vicinity of the house and gardens depicted on the 1883 survey map (SO 7374) should be excavated to natural ground (NB: this has been expanded to account for potential inaccuracies regarding the placement of these features in SO 7374). This can be done in ~100mm spits via hydraulic excavator; however, should archaeological features and/or deposits be encountered, these may require hand- excavation for all/part of their extents.*

c) *The flattened area bounding the southern river bend. Although the location of the 1863 general store is not known, it is considered to have been positioned in proximity to the ferry. Given the steepness of the sandy bluff opposite the northern-most bend in the river adjacent to the project area, the ferry is reasoned to have been positioned within the flat area bounding the gentler, more southern bend. Depth and scope of investigations will be subject to the discretion of the onsite archaeologist but should extend below any post-1870 flood-derived silt deposits where practicable, in order to assess the presence or absence of earlier archaeological horizons.*

d) *The above earthworks must be monitored by the s45 approved person (or person nominated on their behalf) in accordance with the AMP. Any archaeological features and material encountered shall be recorded, analysed, and interpreted in accordance with current archaeological practice and as outlined in the AMP.*

e) *All remaining work outside of the above investigatory recommendations can be conducted under the OCP [On Call Protocol].*

~~38.~~42. If archaeological material of Māori origin (taoka tūturu) is discovered at any stage, all work must stop within 20m of the find. The consent holder must contact all relevant parties including takata whenua via Aukaha and HNZPT, in accordance with the AMP. Any taoka tūturu are prima facie the property of the Crown who must be notified of the find and the find registered with the Ministry for Culture and Heritage.

~~39.~~43. Within 20 working days of the completion of on-site archaeological work, the consent holder must ensure the site record forms are updated or submitted to ArchSite.

~~40.~~44. Within 6 months of the completion of on-site archaeological work, a final report on any archaeological material that is found must be prepared in accordance with ASG12 Archaeological Report Guideline (HNZPT, 2023) and submitted to HNZPT for inclusion in the digital library. Copies must also be submitted to Aukaha and CODC's Planning and Regulatory Services

Manager at resource.consents@codc.govt.nz

Accidental Discovery Protocol

~~41.~~45. All site works must be undertaken in accordance with the following:

a) In the event that Kōiwi (human skeletal remains) are discovered, the works in that area of the site shall cease immediately and Tangata Whenua (Aukaha, Te Ao Marama and appropriate Papatipu Rūnanga), NZ Police and/or Heritage New Zealand Pouhere Taonga, and the Consent Authority shall be notified as soon as practicable.

b) The site is to be immediately secured upon discovery to prevent further disturbance of the site.

c) Taonga or artefact material (e.g. pounamu / greenstone artefacts) other than Kōiwi will be treated in a similar manner so that their importance can be determined, and the environment recorded by qualified archaeologists alongside the appropriate Tangata whenua. Aukaha and Te Ao Mārama Inc are to be contacted in the event of taonga or archaeological artefact discovery in accordance with the Protected Objects Act 1975.

d) In-situ (Natural State) Pounamu/Greenstone Accidental Discovery Pursuant to the Ngāi Tahu (Pounamu Vesting) Act 1997: All natural state pounamu/greenstone in the Ngāi Tahu tribal area is owned by Te Rūnanga o Ngāi Tahu. The Ngāi Tahu Pounamu Resource Management Plan provides for the following measures: ·

e) Any in-situ (natural state) pounamu/greenstone accidentally discovered should be reported to the Pounamu Management Officer of Te Rūnanga o Ngāi Tahu as soon as is reasonably practicable. The Pounamu Management Officer of Te Rūnanga o Ngāi Tahu will in turn contact the appropriate Kaitiaki Papatipu Rūnanga; and ·

f) In the event that the finder considers the pounamu is at immediate risk of loss such as erosion, animal damage to the site or theft, the pounamu/greenstone should be carefully covered over and/or relocated to the nearest safe ground. The find should then be notified immediately to the Pounamu Management Officer.

g) The find should then be notified immediately to the General Manager, Te Ao Turoa, at Te Rūnanga o Ngāi Tahu. Ngai Tahu contact details are as follows:

General Manager, Te
Ao Turoa Te Rūnanga
o Ngāi Tahu

Te Whare o Te Waipounamu

15 Show Place, Addington, PO Box 13 046

Christchurch 8024
info@ngaitahu.iwi.nz

Access

~~42.~~46. Prior to the commencement of activities on the site, the Consent Holder must upgrade and maintain the access (Crossing Place 39A) in accordance with New Zealand Transport Agency Planning Policy Manual (2025) Access Type C Standard, at the expense of the Consent Holder and to the satisfaction of the New Zealand Transport Agency Network Manager.

~~43.~~ Use of the access for the transportation of mining equipment that does not require NZTA permits and Traffic Management Plans for over-dimension/overweight vehicles must be carried out in accordance with a Temporary Traffic Management Plan (TTMP). The TTMP shall be prepared by an approved provider for the State Highway network in accordance with the New Zealand guide to temporary traffic management (NZGTTM) for the purpose of managing access to and from the site and must include measures to address tracking of material onto the sealed carriageway and be undertaken to the satisfaction of the New Zealand Transport Agency Network Manager.~~Geotechnical~~

~~44. At least 20 working days prior to the commencement of operations, the Consent Holder shall submit a Geotechnical Report to CODC's Planning and Regulatory Services Manager at resource.consents@codc.govt.nz for certification.~~

~~45. The Geotechnical Report shall be prepared by a suitably qualified and experienced geotechnical engineer and shall include, as a minimum:~~

~~a) Confirmation that the proposed mining setbacks from approved building platforms identified in the approved subdivision plans for RC230386 are adequate, and that mining and rehabilitation activities will not compromise the stability of these platforms.~~

~~b) Any settlement, compaction, ground improvement or certification requirements necessary to ensure the reinstated land is suitable for its intended post-mining use.~~

~~c) Confirmation of any requirements for final ground levels to ensure there is no increase in flood risk on the subject site or any neighbouring land.~~

~~**Erosion and Sediment Control**~~

~~46. Prior to the commencement of mining operations, the Consent Holder must prepare and submit an Erosion and Sediment Control Plan (ESCP) to~~

~~council's monitoring officer for certification. The ESCP must be prepared by a suitably qualified person prior to the commencement of mining operations and shall be implemented for the duration of mining activities. The ESCP must contain sufficient detail to address the following matters:~~

~~a) The location, design, dimensions, and capacity of all erosion and sediment control measures to be installed on the site, in relation to the location of the moving mine pit;~~

~~b) Details of measures to minimise the extent and duration of exposed earthworks and disturbed areas, including progressive stabilisation and rehabilitation procedures;~~

~~c) Procedures for managing sediment-laden runoff, and the discharge of sediment from the site;~~

~~d) Inspection, monitoring and maintenance requirements for all erosion and sediment control measures, including frequency of inspections and maintenance actions;~~

~~e) Contingency measures to be implemented in the event of erosion and sediment control measure failure, significant rainfall events, or the identification of excessive sediment discharge from the site; and~~

~~f) The responsibilities of personnel responsible for implementing, monitoring and maintaining the ESCP.~~

Advice Notes:

1) Separate to any requirements under the Resource Management Act 1991, there are other legislative requirements that regulate works within the State Highway corridor. Further advice should be sought from NZTA.

2) Before you undertake any physical work on the state highway, including the formation of any vehicle crossing, you are legally required to apply to the New Zealand Transport Agency for a Corridor Access Request (CAR) and for that request to be approved. Please submit your CAR to www.submitica.com a minimum of fourteen working days prior to the commencement of any works on the state highway; longer is advised for complex works.

3) A separate concession or approval may be required from the Department of Conservation to locate water take infrastructure across the marginal strip.

4) The application involves a mining activity, as well as bulk storage of fuel in above ground tanks. This will result in the site becoming a HAIL site and the site will be added to the ORC's SLUS register. Additional consent may therefore be required under the NES-CS prior to the approved subdivision being implemented or residential activity being established on the site.

4) Development contributions for roading of $2,925.00 (GST exclusive) are

payable pursuant to Council's :Policy on Development and Financial Contributions contained in the Long Term Council Community Plan. Development contributions must be paid by 20th of the month following the issue of the invoice. On time payment is important because, until the development contributions have been paid in full, Council may prevent the commencement of a resource consent.

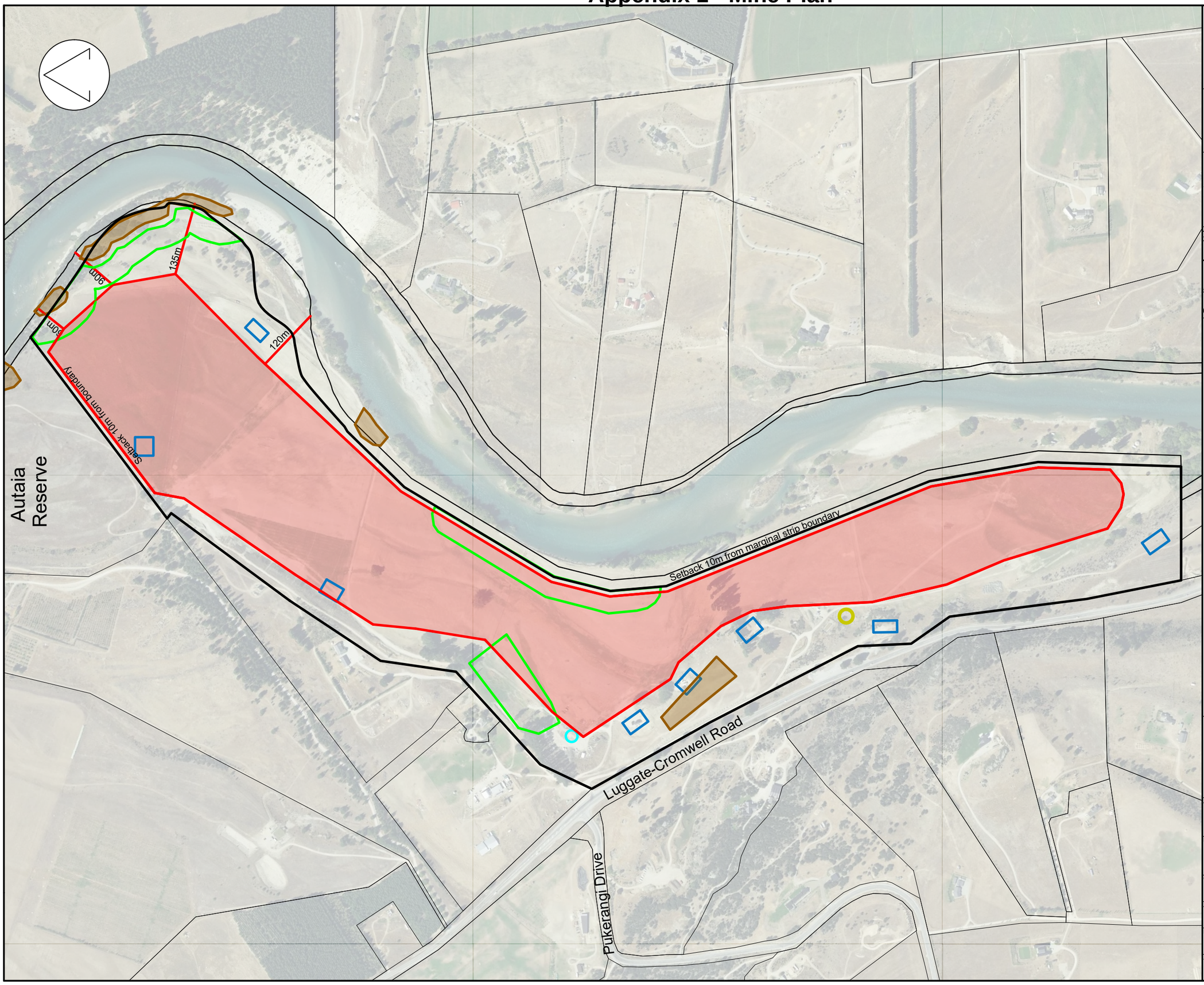
5) In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through sections 16 and 17 a duty for all persons to avoid unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.

6) Resource consents are not personal property. The ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application. It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in section 339 of the Resource Management Act 1991.

7) The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.

8) This is a resource consent. Please contact the Council's Building Services Department, about the building consent requirements for the work

Appendix 1 - Mine Plan



Terramark
Setting New Boundaries

PROVISIONAL ONLY

DETAIL, AREAS & DIMENSIONS ARE SUBJECT TO FINAL DESIGN, RESOURCE CONSENT & FINAL SURVEY

Notes:

1) Areas and dimensions are subject to verification upon the final Land Transfer Survey.
2) Critical Points are to be confirmed by Survey.
3) Boundary Location to be confirmed upon the final Land Transfer Survey.
4) Contractor is responsible to locate all underground services prior to commencement of work.
5) The plan may not be copied without the approval of Terramark Ltd.
6) These notes are an integral part of this plan.
7) This plan is not intended to be used for architectural design purposes and has been prepared specifically for the purpose of this application.

Legend

- Boundary
- Area to be mined
- Consented Building Platform
- Archaeological Sites
- Proposed depot site: Stage 1
- Proposed depot site: Stage 2
- Stand-over monitoring

Project Title:
Proposed Area of Mining

Address:
Luggate-Cromwell Road
Queensberry

Legal Description:
Lot 1
DP 466676

Client:
Hawea Motors Ltd

Area:	Title Reference:
69ha	623528
Date:	**Scale (A3):**
October '26	1:650

Job No:	Plan No:	Revision:
230498	1	A