

***Application for Resource Consent in accordance with
Schedule 4 of the Resource Management Act 1991***

*By
Awa Koura Mining Limited
for the purpose of mining at Sandy Point, Queensbury*



Surveying, Planning and Engineering Consultants

DUNEDIN

03 477 4783
dunedin@terramark.co.nz

MOSGIEL

03 489 7107
mosgiel@terramark.co.nz

BALCLUTHA

03 418 0470
balclutha@terramark.co.nz

MEMBER OF SURVEY AND SPATIAL NZ (S+SNZ) AND THE CONSULTING SURVEYORS OF NZ (CSNZ)

Terramark.co.nz

5 December 2025

Resource Consents Manager
Central Otago District Council
PO Box 122
Alexandra 9340

By email: info@codc.govt.nz

Re: Resource Consent Applications by Awa Koura Mining Limited

Please find attached a resource consent application by Danny Walker for Awa Koura Mining Limited to carry out alluvial gold mining for three years on a site at Queensbury before it is converted into a 8-lot rural lifestyle development.

For reference, the applicant's details are:

Awa Koura Mining Limited
c/- Daniel Walker
Patons Rock
RD 2
Takaka
e: coldgold@xtra.co.nz
c: 027 2241793

Please forward all invoices to coldgold@xtra.co.nz

All resource consent associated correspondence is to be directed via the writer; the applicant's agents, and our contact details are as follows:

Terramark Limited	Attention:	Darryl Sycamore
Level 1 330 Moray Place	Phone:	03 477 4783
Dunedin 9016	Email:	darryl@terramark.co.nz

If you have any further queries, please do not hesitate to contact the undersigned.

Yours faithfully
Terramark Ltd



Darryl Sycamore
Resource Management Planner

Awa Koura Mining Limited is seeking resource consent to extract alluvial gold at Queensberry on the Clutha Terraces adjacent to the Upper Clutha River / Mata – Au in Central Otago District.

Appended to this application are the following documents:

1. Landscape Assessment by Mike Moore, Landscape Architect
2. Noise Assessment by Marshall Day Acoustic Limited
3. Economic Assessment by Benje Patterson People&Places
4. Heritage Assessment by New Zealand Heritage Properties Limited
5. Groundwater Technical Assessment by Environmental Associates Limited
6. Response to CODC Request for Further Information
7. Resource consent decision 230386 for 8-Lot Residential Development

The site was subject to an Exploration Permit 60912, where sampling demonstrated a shallow economic resource. The site is also subject to an approved 8-lot rural-lifestyle subdivision, and the landowner has entered into an arrangement whereby the gold resource can be extracted prior to converting the residential activity where any extraction opportunity is then lost in perpetuity. Mining is proposed to commence at the southern end of the permit, progressively restored with residential development commencing immediately thereafter.

The proposed mining area is located south east of Luggate and north of Queensberry, adjacent to the Clutha River in Otago as shown in figure 1 below. The area is known locally as Sandy Point.

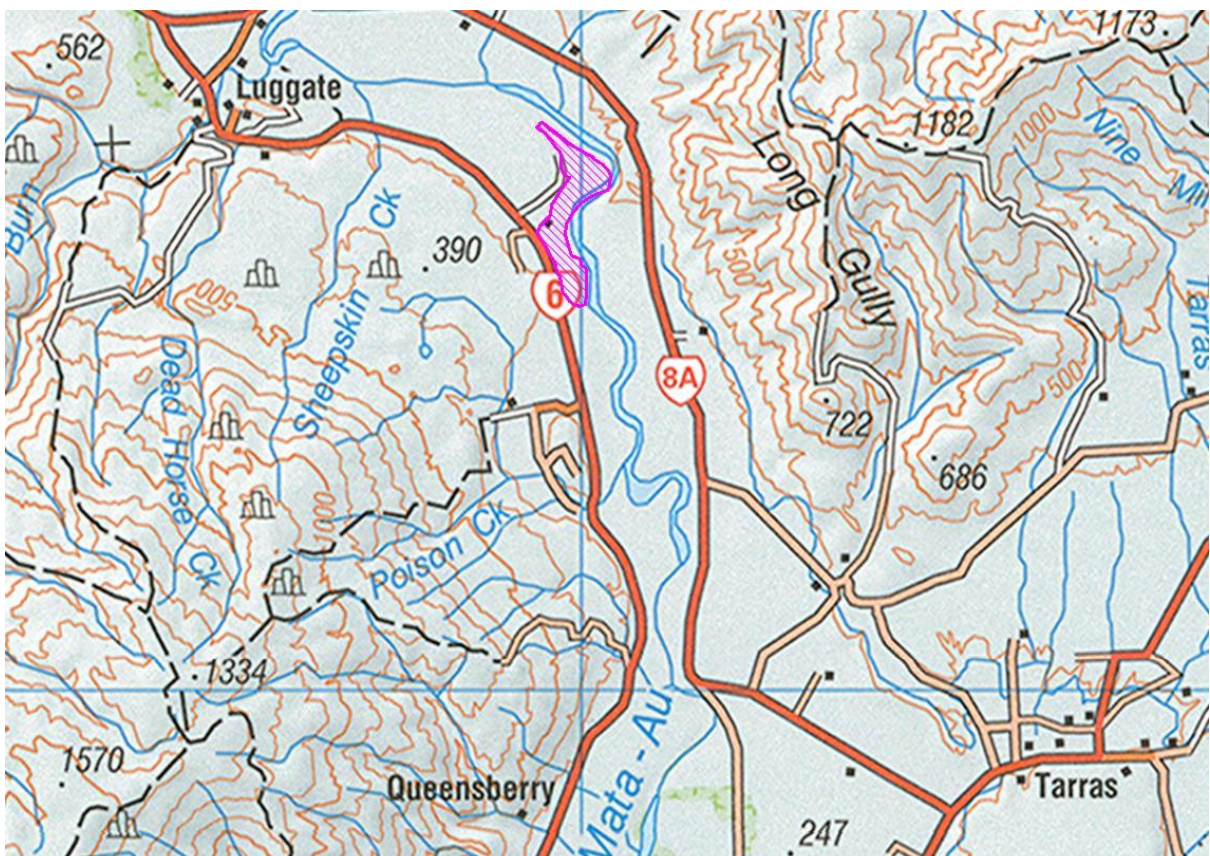


Fig. 1 – Location of Mining Permit (in purple)

Site Description

The site is an active working farm fattening beefies and a lesser number of breeding cows, and lies in the Rural Resource Area of the Central Otago District Plan (District Plan). To the north, the site forms the boundary with the Queenstown Lakes District, against the Autaia Scenic Reserve (administered by the Department of Conservation (DoC)). To the east is the Clutha River/ Mata-Au separated from the site by way a Marginal Strip also administered by DoC.



Fig. 2 – Extent of the Farm owned by Kim Landreth

Description of the Wider Environment

The wider receiving environment is dominated by the Clutha River/ Mata-Au and the river terraces. Residential developments are scattered throughout the area. The township of Luggate to the north continues to expand towards the south, typical of all townships in the District.

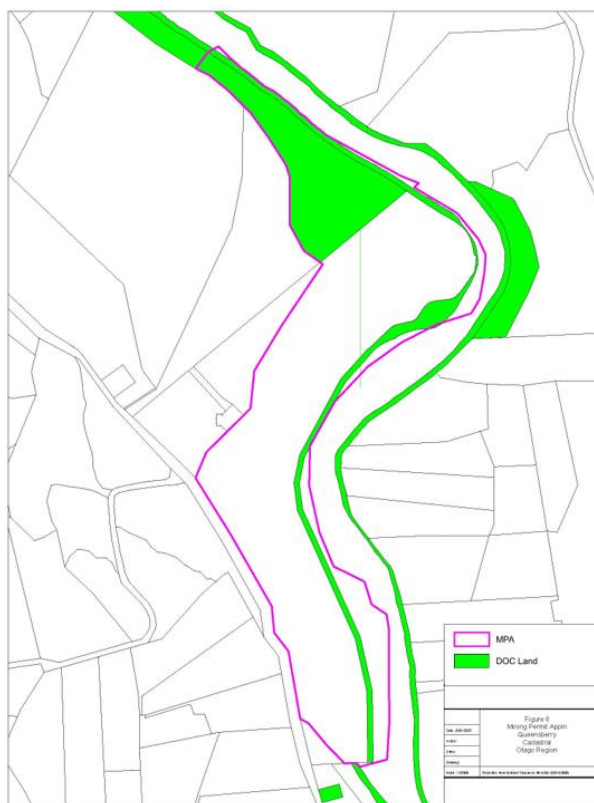
Dairy farming (and the associated heavy vehicle movements) and centre-pivot irrigation is becoming commonplace and has now modified the catchment in a manner previously thought unlikely.



Fig 3 – Subject Site in Bottom Right With Luggate (Left) and Centre-pivot Irrigators Altering the Landscape



Fig 4 –Luggate (Left) and Centre-pivot Irrigators



Immediately to the north of the subject site is the DoC reserve. This is the solid green parcel of land shown in the image to the left. DoC marginal strips are located alongside both sides of the Clutha River/ Mata-Au. The Sandy Point Reserve also administered by DoC is located over the river.

Description of the Geology of the Resource

The geology of the proposed mining area is shown in the attached Figure 5 from QMAP.

Sandy Point is predominantly represented by a low outwash terrace of the Clutha River/ Mata-Au, roughly 10km downstream of Luggate Township. With a length of approximately 340 km and a catchment area of nearly 22000 km², the Clutha River is one of the largest rivers in New Zealand and the largest by volume.

The Upper Clutha River valley is filled with Quaternary gold bearing gravels and sands in a well-

developed series of terraces. These Quaternary deposits include alluvial and glacial deposits.

The Clutha River Valley has undergone aggradational and degradational periods depending rates of uplift associated with the faulting going on at any one time throughout the Quaternary. These aggradational and degradational cycles have formed a mix Quaternary alluvial sediments (Q1al, Q2al, Q4al, Q6al, Q8al, Q10al, Q12al and eQal) as well as fan deposits (Q1af), which form on the majority of the banks and terraces on either side of the Clutha River. High grade basal deposits occur overlying the tertiary grits and clays, with an abundance of heavy minerals associated with the presence of gold.

The sediment profile of Sandy Point is a relatively thin Fraser soil, which is typical of the low terraces and floodplain benches of Otago. This soil is characterised by a fining-upward sequence of medium-large river cobbles and finer river sands within a gently undulating slope (Fs3aG: (Otago Regional Council, 2024).

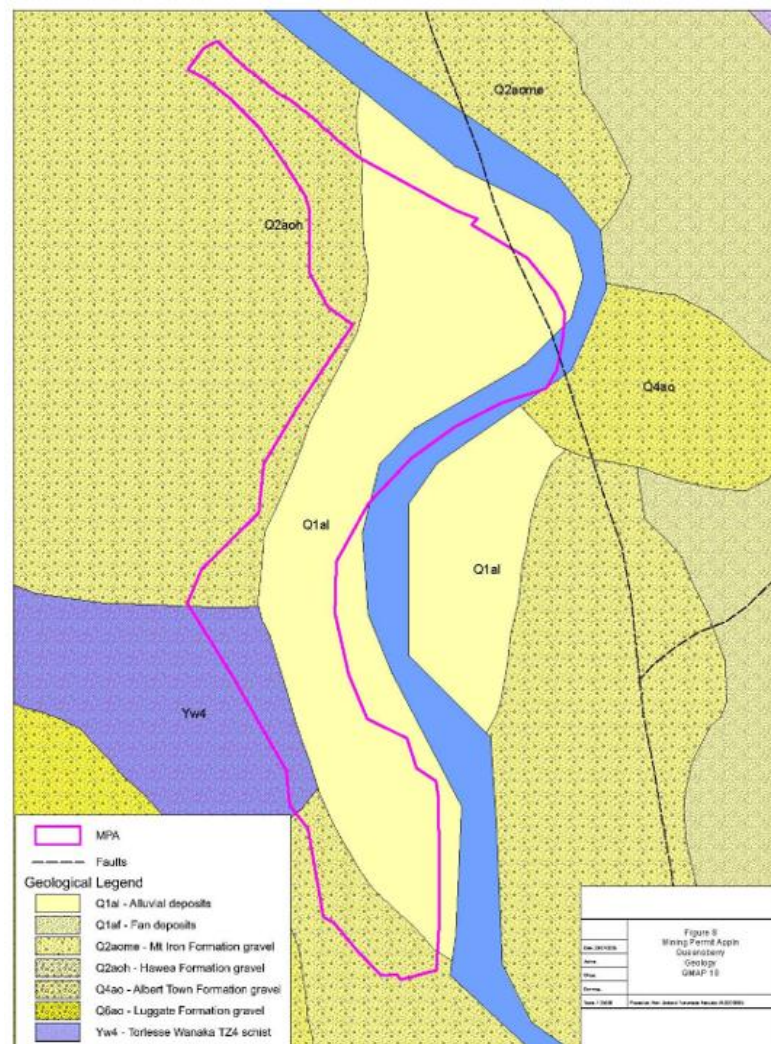


Fig. 5 – Geological Map of Mining Permit Area

Proposed Mining Methods

Awa Koura Mining Limited is both the administrator and operator for the mining permit. The mining method will involve extraction using earthmoving machinery and processing through a floating screen / trommel plant as is typical of many New Zealand alluvial mining operations. The proposed works will be for a maximum of 3 years, before remediation and conversion to rural lifestyle properties.

Mining will be carried out Monday to Friday for up to 10 hours a day, 5 days a week at a throughput of 200m³ per hour. Whilst the applicant initially sought a 7-day working week for the site, following a consideration of a Landscape Assessment by Mike Moore, it was considered appropriate to reduce the activity to a typical working week to limit effects on neighbours.

Mining works are anticipated to commence within 3-months of obtaining resource consent. It is thought an active mining area of no more than 4ha will be sufficient. Support offices, the gold room, parking, fuel storage and maintenance areas will sit outside of the active mining zone.

Equipment on the site will include the 6-foot floating gold screen, five excavators ranging from 20t to 50t, two dump trucks, a bulldozer and various pumps and ancillary equipment. Fuel will be stored in

double skinned tanks, bunded area to ensure any risk to the environment will be sufficiently protected in the event of a rupture. In relation to the labour component, the applicant advises six staff will be permanently employed running the operation.

The 6-foot floating gold screen will be engineered and transported to the site. An initial cut will be created with overburden stored for later placement or rehabilitation. Water will infill the cut generally commensurate with the existing river level. The floating screen will then be introduced into the new cut.

Topsoil will be stripped in blocks ahead of mining, trucked and stockpiled for rehabilitation. Mining will be undertaken using mechanical excavators feeding a floating plant with shaker & jigs. Mining will commence at the southern-most end of the site, zig-zagging between the main road and river. The mine face around 50m wide, as indicated in Fig.6 below.

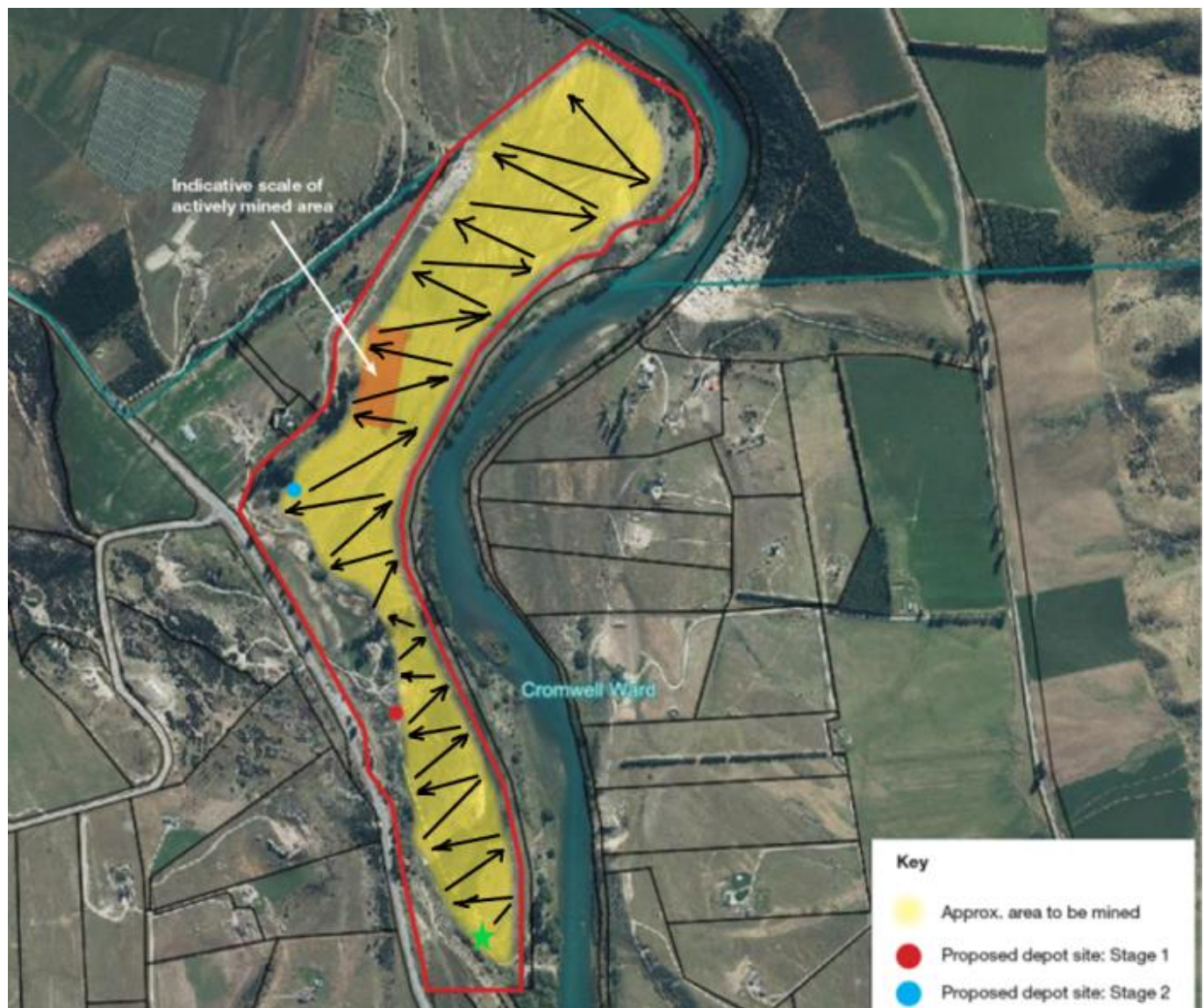


Fig. 6 – Commencement Point (green asterisk) and the Mining Concept

The mining will take place progressively, impacting on a limited area of the site at any one time, and with remediation work being undertaken as the operation proceeds. Mining is proposed to commence at the south end of the site and to take a zigzag path, culminating at the northern end of the site. Awa Koura Mining Ltd estimate that the plant will move 13m per day.

There will be disturbed land in the area of the operation, in the form of overburden / topsoil bunds, stripped area awaiting excavation, the dredge pond, tailings piles and reinstated land not yet revegetated. The width of the swept path of the operation will be 50m, and the area actively mined will be no more than approximately 210m in length x 85m width (including overburden bunds) as shown in Fig.6. The area of soil and overburden removed in front of the dredge will be restricted to no more than 50m width and 50m long. The extent of the area of obvious disturbance behind the operation (due to absence of vegetation cover) will vary with the season. In total the area subject to disturbance will be no more than 2ha with peripheral disturbance being no more than 4ha. Once remediated, the approved subdivision will be given effect to, progressively developing rural lifestyle properties on that remediated land.

There will be a small depot area, from which the operation will be run. This area will host fuel tanks, two storage containers, and a small portacom building. Vehicles, including staff cars and (intermittently) a second digger, would also be parked in this area. It is proposed that this depot area will be sited in one of two places over the life of the operation as illustrated in Figure 6.

Lighting of the processing, depot and active work area will be discernable from some properties in winter months. Lighting levels will be managed to ensure compliance with the standards for rural areas. As well as lighting, moving vehicles will have visual effects where visible from beyond the site.

Noise effects will be constantly managed to ensure noise does not introduce nuisance effects on neighboring properties. A noise assessment by Marshall Day Acoustics which predicted noise levels throughout the mining site will comply at all sensitive receivers. This report is detailed further below.

To ensure that adverse effects on the natural character and known heritage values of the Clutha River including areas of kanuka are avoided, buffer zones are proposed as follows, with no mining to be undertaken in these areas:

- 40m from top of the riverbank
- 5m from the drip line of any kanuka
- 10m from the boundary with the DoC reserve.

No areas that fall within the definition of 'natural inland wetlands' as defined in the National Policy Statement for Freshwater Management, October 2020 within the proposed mining area. Given this situation it is my assessment that effects on natural character (as it applies under Section 6a RMA) are avoided by the proposed mining.



Fig. 7 – Indicative Floating Wash plant for Mining (Shown without the noise attenuating cover)

Excavations will be few meters deep into the gravels. At that stage groundwater, hydrologically connected to the surface water system, will then rise to create a pond generally aligned with the river water level. The floating screen will be manoeuvred into the screen-pond. At this stage material will then be extracted using an excavator to feed the floating wash plant. Whilst the wash plant has not yet been constructed, Fig.7 below provides some context in terms of scale and form. A key difference in the proposed wash plant to that shown in the image below is the proposed wash plant will include a cloak to provide additional mitigation of noise effects, and will be in a colour typical of the rural environment. It should be noted, the wash plant will also sit on the water profile below existing ground level, with the pontoons mostly submerged. As such only the top half of the plant will be visible, with bunding to the sides of the active mine area comprising topsoil and overburden will provide further shielding from many viewpoints. The shroud sitting over the plant will further reduce any visual and aural effects.

Water will be drawn into the wash plant from the pond and discharged directly to the pond. Surface water from the pit will be taken at a maximum rate of 70 litres per second, with a daily maximum take of 2,479 cubic metres (m³) based on a maximum 10-hour working day. All water will be returned directly to the pond at the point of take and as such, is considered generally non-consumptive and therefore not subject to assessment to allocation, metering, minimum flow or and efficiency assessment.

Some additional water may be required to be extracted directly from the Clutha River/ Mata-Au on an 'as-needed' basis. The applicant volunteers to record the time, rate and volume of those additional takes to augment the mining operation. In any regard any take will comply with the ORC permitted activity rules and there are no primary allocation blocks afforded to the Clutha River/ Mata-Au. That take and use has been assessed the take is broadly non-consumptive apart from an immeasurable fraction will be lost to evaporation.

The active mine plan provides some context to the operation. Putting aside offices, maintenance areas and storage areas, the active mining operating will be approximately 2ha with disturbance around that active mine site being limited to a halo of no greater than 2ha. The active mine pond will comprise approximately 1,250m², with site works separating topsoil and overburden to the leading face, and restoration and planting to the rear. This is best illustrated in the mine plan concept.

It is proposed no effects of the activity will occur to the values of the Clutha River/Mata-Au. As all wash-water will be retained in the pond, and there is no pathway for sediments to be lost beyond the pond it is considered the activity will operate independently of the Clutha and the values associated with it.

No mining will occur within 10m of the DoC marginal strip and therefore any riverbank to ensure no interaction with sediments or slumping. In an extreme rain event scenario it is accepted there is potential for floodwaters to enter the pond and release sediments into the flooded river system, although this would be a highly exceptional situation and unlikely in any given 3-year period. Whilst any loss of sediment to the watercourse is undesirable, it is appropriate to acknowledge the river in that state will have a high sediment and faecal bacteria loading irrespective of any addition from the mining activity. In addition under that extreme flood scenario, it is appropriate to acknowledge the residential properties associated with the approved rural lifestyle development would also suffer inundation.

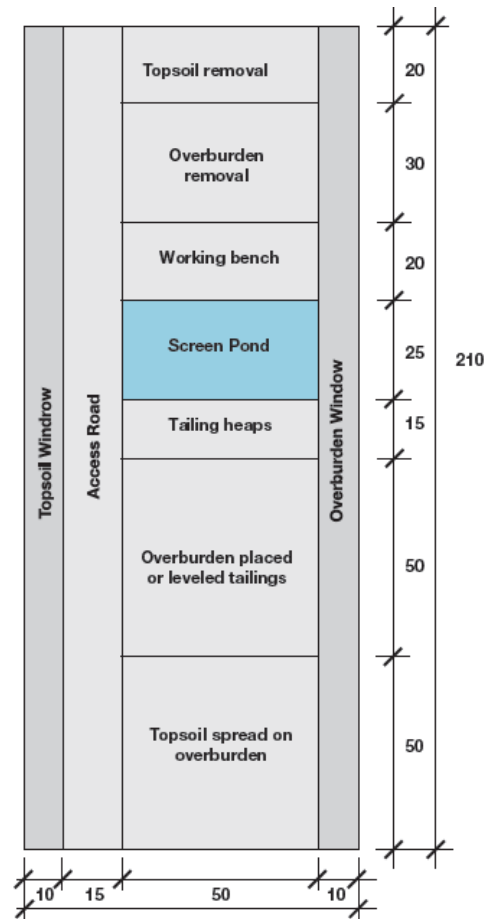


Fig. 8 Approximate Mine Concept

The proposed mining operation will be in accordance with good industry practice, using modern mining equipment and acting in a manner that is technically competent and at a level of diligence reasonably and ordinarily exercised by experienced operators engaged in a similar activity and under similar circumstances. This is requirement is prescribed by New Zealand Petroleum & Minerals as permit of their permit obligations, including a strict assessment against previous compliance records.



Fig. 9 – Scale of Active Mine Area (in orange) and Screen Pond (in blue) Relative to Site

As some context relative to the site, the orange box located relatively central in the site comprises 2ha and will make up the active mining area. The smaller blue box inside that provides a sense of scale for the screen pond which includes the wash-plant and excavator(s) on the margin feeding the plant and the progressive remediation.

Access

The site is currently served by a hard-packed gravel access on the State Highway. This is to be upgraded to asphalt for the first 20m as part of the approved 8-lot lifestyle development to mitigate loss of gravels to the State Highway surface.

It is proposed the site remains as it is, with a stable hard gravel surface for the life of the mining project, rather than suggesting a surface treatment upgrade as it will be compromised by the heavy mining equipment occasionally accessing the site. In effect, the status quo will remain albeit with a minor increase in movements to and from the site.

With respect to sight lines and visibility, the existing entrance to and from the site enjoys generous open space such that at least 300m is visible in any direction. This complies with the 100kph speed limit when associated with activities on State Highway 6. Pukerangi Drive, a relatively new road winding up the Queensbury Hill area is immediately opposite the existing site entrance. In that regard there is clear sight lines and the road rules relating to opposing turning vehicles applies. This is a simple layout with little opportunity for confusion.



Fig. 10 – Sight Lines from Access

Access was assessed as part of the approved subdivision consent to create eight rural lifestyle properties over the proposed mining area. In that subdivision, the New Zealand Transport Agency was consulted and provided their written approval subject to conditions of consent and concluded the effects would be less than minor.

With respect to the mining proposal, there will be the initial movements of heavy vehicles onto the site, and off the site at the end of the three year mining period. It is assumed a traffic management plan will be required to ensure road users are not affected by the transport of the heavy machinery. Movements of heavy equipment will be generally limited to the start and end of the mining/ rehabilitation process.

From a day to day perspective, vehicles for staff, fuel trucks and sporadic contractors will be required. These will be little different to any other working farm, or that of the approved 8-lot lifestyle development to follow immediately after mining and rehabilitation. It is acknowledged that fuel trucks are larger vehicles, however these are no different to the milk-tankers that use the State Highway daily for collecting milk from the proliferation of dairy enterprises between Lowburn and Luggate. In comparison, the heavy fuel-trucks will be occasional and will result in less than minor effects on the transportation network.

Overall, it is my opinion the effects of the activity on the State Highway network or road users is less than minor.

Reasons for the Application

The Central Otago District Plan sets out the planning framework for activities within the district. Alluvial mining in the Rural Zone triggers a number of rules, for which resource consent is required. The site adjoins State Highway 6.

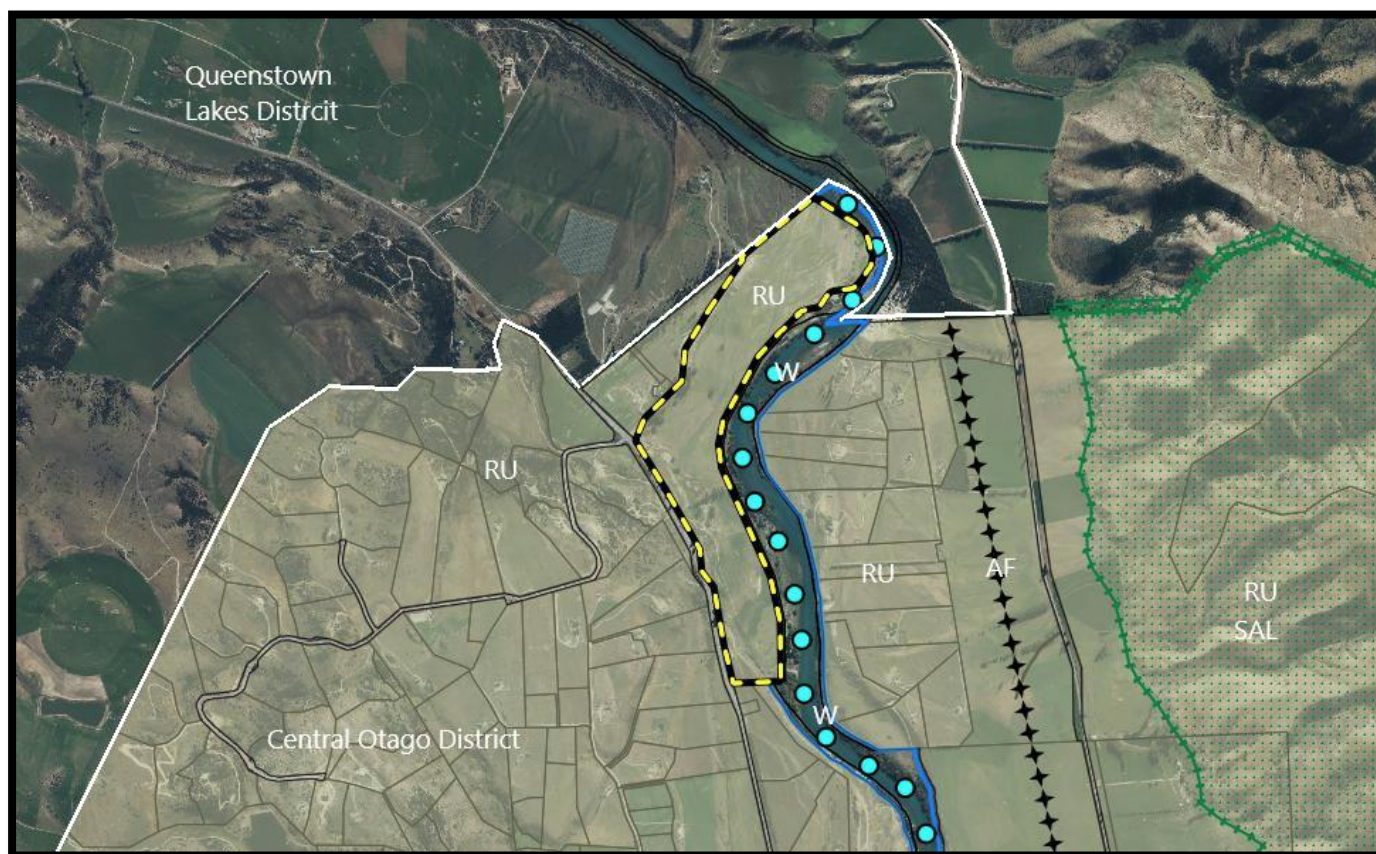


Figure 11 – District Plan Zone Map

The following rules apply to the proposal.

Earthworks

Rule 4.7.6(J)(b) relates to extraction activities.

It states-

Except as provided for in 4.7.6.J.a above the extraction (including excavation and/or displacement) of material (excluding any cleanfill, landfill, and farming activities such as irrigation dams and associated works, ploughing and land contouring for border dyke irrigation) shall not exceed an area of 2000m² or a quantity of 3000m³ from any one site provided that:

- i. *Where the material extracted is not to be reinstated, then the permanent visual impacts of the activity shall be avoided, remedied or mitigated by the replacing of topsoil and suitable subsoil, resowing, fertilising and planting or other appropriate landscaping, or*
- ii. *When material is extracted or displaced for mining, investigative or exploitative work, all areas disturbed shall be progressively restored or rehabilitated to a standard not less than that which previously existed, and*
- iii. *Adverse effects on water bodies and land stability are avoided, remedied or mitigated; and*
- iv. *Extraction, other than that required for land cultivation, drilling, bore construction, the erection of fences, overhead lines or foundations for buildings is no more than 1m deep or 10m³ in volume within the groundwater protection zones for Roxburgh and Ettrick.*

Council states the reasons for the rule, noting earthworks for mining and the formation of tracks can have significant adverse effects on:

- 1. landscape values
- 2. water quality
- 3. soil structure and quality
- 4. land stability

Rule 4.7.4.i states any activity which fails to comply with the following rules including Rule 4.7.6(J) is a discretionary activity.

Access

Rule 12.7.1.(ii) states for a State Highway with a 100kph speed limit requires 280m of visibility. The proposed activity complies with this standard.

In addition access to rural State highways and arterial roads shall comply with the following standards:

- a. The access shall be sealed to the same standard as the adjacent road carriageway.
- b. Where the speed limit is 100 kph, spacing between accesses shall be not less than 200 metres (regardless of the side of road on which they are located), and no vehicle access shall be constructed within 100 metres of road intersections AND spacing between intersections (ie road intersections) shall be not less than 800 metres.
- c. Except as provided for in d. below, width of vehicular access ways at the property boundary are to be no greater than 6 metres.
- d. Heavy vehicular accesses shall be designed and constructed to:
 - i. A minimum width of nine metres.
 - ii. Carry the volume and weight of traffic likely to use the access.
 - iii. Ensure heavy vehicles do not have to cross the road centre line when making a left turn.
 - iv. Ensure the surface is constructed to the same standard as the adjacent road carriageway.
 - v. Have sufficient width to accommodate the swept path of the largest vehicle anticipated to use it.
- e. Driveways shall not be parallel to and level with roads within 20 metres of the road reserve.
- f. Figures 12.2 and 12.3 establish the minimum design standards for access determined by activity type.
- g. Access to State highways shall be to Transit New Zealand design specifications.

In this case, the proposal does not meet

- (a) The access is a gravelled rural access and is not sealed as per the standard,
- (b) There is not a minimum spacing of 200m between access formations.
- (d) The minimum width requirements of 9m and the access is not to the same construction standard as the road formation.

- (g) The existing access is not to NZTA design specifications.

Any activity that does not comply with the standards stated in Rule 12.7.1.i-vii shall be considered as a **discretionary (restricted) activity**. Council shall restrict the exercise of discretion to the safe and efficient operation of the affected road, having regard to:

- a. The intensity and duration of the activity.
- b. The classification and use of the road.

Overall, when assessing a suite of breaches in unison, it is appropriate to apply the most stringent assessment matter. As such, the application shall be assessed as a **discretionary activity**.

Additional consents

Consent will be required from the Otago Regional Council for discharge of water and contaminants (sediment) to water where it may enter water.

In this case, the discharge will be entirely within the mine pond with no chance of loss to the Clutha River/Mata-Au. The consent will be assessed as a restricted discretionary activity and there is no reason why the application would require either notification, or a joint process with the CODC given the additional costs associated with that process.

The water take will be a permitted activity and the Clutha River/Mata-Au has no primary or secondary allocation constraints. The sporadic take from the Clutha River/Mata-Au to top-up the mine pond will be a permitted activity under rule 12.1.2.2. of the RP:W on the basis the take does not exceed 100 L/sec or 1,000,000L per day, there is no backflow and that fish are screened to prevent entering the intake structure. Putting that aside, apart from immeasurably low volumes of water lost to evaporation from the mine pond, any water taken from the Clutha main stem is non-consumptive.

In my opinion the ORC consenting requirements are straight-forward and do not warrant any joint process with the CODC.

ASSESSMENT OF ENVIRONMENTAL EFFECTS

In accordance with section 104(1)(a) of the Act, the actual and potential adverse effects associated with the proposed activity have been assessed below. The assessment of effects is not limited to any specified matters including Part 2.

Section 88 and Schedule 4 of the RMA require an assessment of any actual or potential effects in such detail as corresponds with the scale and significance of the effects that the proposed activity may have on the environment, and the ways in which any adverse effects may be avoided, remedied or mitigated. This assessment is proposed below in relation to the proposed activity.

The following environmental effects are considered relevant to this application:

- Effects on infrastructure, flood risk and river morphology and dynamics;
- Effects on aquatic and riverine ecosystems and habitats and taonga species;
- Effects on historic heritage and the spiritual and cultural values and beliefs of mana whenua;
- Effects on natural character and amenity values (including recreational, noise and dust);
- Effects on navigation and public access;
- Effects on water quantity; and
- Positive effects.

These effects are discussed in detail below.

The Receiving Environment and Permitted Baseline

The environment against which an application must be assessed is what is now commonly known as the 'Hawthorn Environment'. That is, the environment as it exists on the ground today, and including the effects of any consents that have been granted or permitted activities that are likely to be exercised. This assessment must be a real-world analysis.

For the purposes of this assessment, this comprises the Clutha River terrace and the immediate area with its associated environmental qualities, species composition etc and the existing impacts of historical mining and human occupation. In this case, the site is a rural site on the margins of the Clutha River/ Mata-Au and is subject to an approved 8-lot lifestyle development. The scheme plan for the development is shown in Fig.12 below and will significantly alter the land in perpetuity. Permanent changes include the addition of vehicle access off the State Highway, driveways and new dwellings with likely ancillary units.

The introduction of residential activity includes lighting effects and light spill, glare and reflection issues (more likely to be most evident to those residents on the opposing side of the Clutha River). Like many rural lifestyle properties in Central Otago, other effects that are likely include smoke from domestic burners to children doing laps on 2-stroke motorbikes. In any regard, the residential development will introduce effects, and the relative tranquillity of the rural site as it currently is, will be lost.

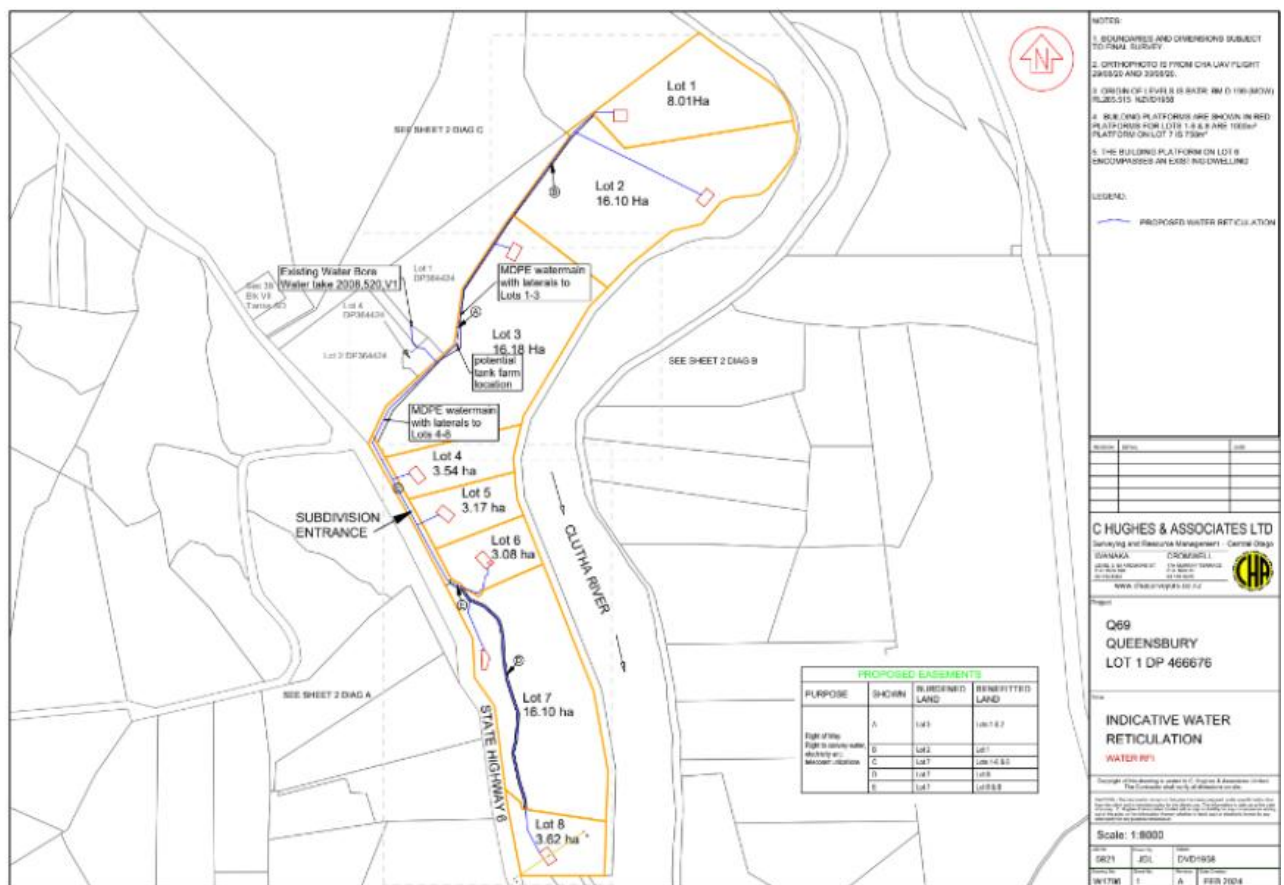


Fig. 12 – Approved Plans for 8-lot Lifestyle Development RC230386

With respect to the permitted baseline, extraction activities in the Rural zone are permitted provided-

- Extraction does not exceed an area of 2,000m² or a quantity of 3,000m³ from any one site;
- Permanent visual impacts of the activity are avoided, remedied or mitigated by the replacing of topsoil and suitable subsoil, resowing, fertilising and planting or other appropriate landscaping,
- The site is progressively restored or remediated to a standard not less than previously existed, and
- The adverse effects on water bodies and land stability are avoided, remedied or mitigated.

There is no specified frequency permitted earthworks are then able to repeat activity, and it would not make sense in a rural context to state you can do a permitted activity only once, but any future earthworks then requires consent even if it is well below the specified threshold. There is also no reference to the permitted activity rule catering for differing activities on the same site (i.e tracking in one location, the construction of a building platform in another, the construction of a silage pit in another, or earthworks for fencing elsewhere) which is highly relevant in a rural farm setting. In any regard, the permitted baseline whilst not specific does provide for earthworks and extraction activities.

Historical Mining in the Sandy Point Area

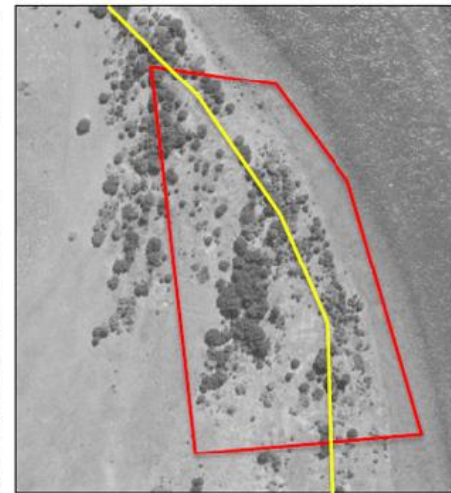
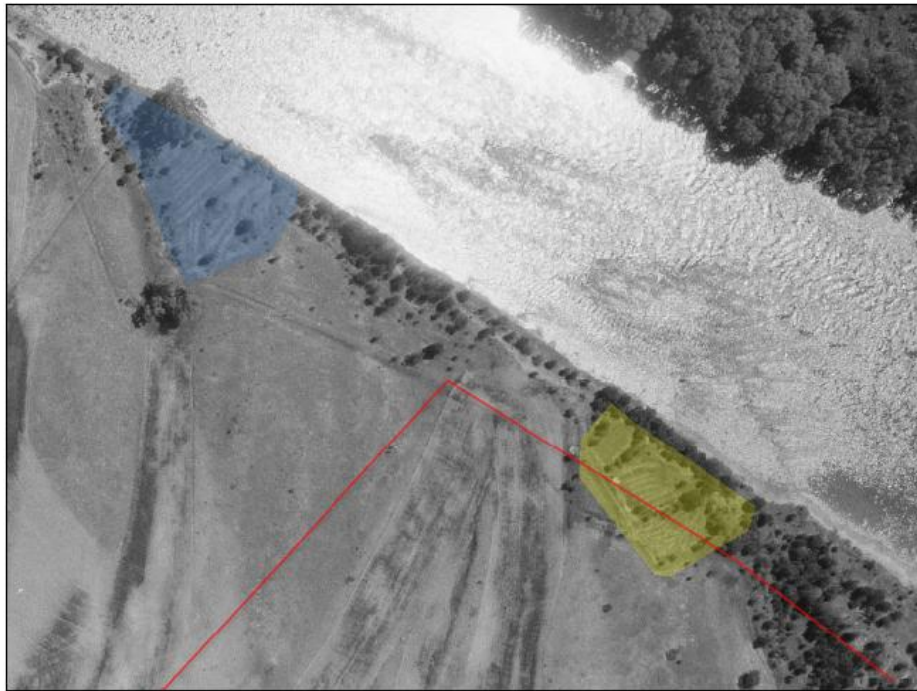
The Clutha catchment has a long history of land-based mining. A heritage assessment was sought from New Zealand Heritage Properties Limited (NZHPL) titled “Sandy Point, Luggate A Heritage Assessment for Site G40/148 and G40/149”.

The historical research undertaken by NZHPL identified two recorded sites which will be potentially impacted by the proposed works, G40/148 and G40/149, both tailings/mining-gold sites. A further four mining-gold sites were originally recorded as being in the project area, however the assessment demonstrated that G40/147 and G40/161 are outside of the project area, whereas G40/150 and G40/174 in addition to having been heavily modified by modern development of the site, are also outside of the scope of works and will not be affected.

The NZHPL report found site G40/148, which represents the best-preserved archaeological site within the project area, is considered to have low-moderate heritage values; however, the overall archaeological and heritage values of G40/149 are considered to be low. NZHPL promote a series of consent recommendations and concluded the “magnitude of impact on G40/148 and G40/149 are likely to be minor”. They did suggest the magnitude of impact on unrecorded sites “is likely to be major, given the extent of earthworks necessitated by the proposed mining works. As such, a targeted, exploratory excavation strategy is recommended in order to mitigate the degree of information loss resulting from large scale mining of the project area”. In my opinion this statement is precautionary and fails to consider the decades of land disturbance associated with farming activities. Any heritage features are likely to be shallow and almost certainly impacted by ploughing etc.

The NZHPL report noted the closest Māori site to the project area is G40/67 (oven with moa remains) within Luggate, over 4km away.

More refined detail on each recorded site is shown below. Site G40/147 sits within the marginal strip adjacent to the land held in DoC reserve, whilst G40/148 is within marginal strip against the margins of the Clutha riverbed. In Fig.13 below the red line demarcates the mining permit boundaries whilst has informed the proposed conditions suggested by NZHPL. The applicant intends to adopt a cautionary approach by avoiding the recorded site altogether.



G40/149

G40/147 (in blue) and G40/148 (in yellow)

Fig. 13 – Recorded Sites G40/148 and G40/149 within the Subject Site

At a wider level, NZHPL mapped the identified recorded sites below in yellow, and the assumed sites in orange below.



Fig. 14 – Known Archaeological Sites

The applicant seeks to adopt a sufficiently wide exclusion zone around the recorded sites, with the intention to reduce the need for cautious exploratory excavations around them as promoted in the NZHPL draft conditions. There is little interest in mining near these features and risk damage, and therefore an exclusion buffer as promoted below provides ample setback from the heritage sites, but also manuka vegetation and the margin strip values, and removes the need for the exploratory excavations as suggested by NZHPL detailed further in the application.



Fig. 15 – Proposed Setback from Known Archaeological Sites

The NZHPL report notes, “The effects of the proposed works on these two sites therefore depends largely on the extent of planned earthworks. Whereas the visible boundary of G40/148 only extends a few meters into the project area from the marginal strip, parts of G40/149 extend for almost 30m into the project area. If an effort to avoid all visible, above-surface archaeology is made, then it is likely that the works will have a minor magnitude of impact, with only below-surface (and likely highly modified) archaeology potentially affected. If the proposed works are to extend closer to the boundary of the marginal strip, then there is the potential to affect/destroy large portions of G40/149, with a resultant major magnitude of impact on the site”. The proposed mining area has been refined to adopt a more conservative boundary than that of the mining permit boundary. This will ensure known heritage sites are avoided, as well as avoiding effects on kanuka or marginal strip values.

The following conditions were promoted in the NZHPL Heritage Assessment. Having reconsidered the extent of mining relative to the recorded sites, it is my opinion the conditions below that are struck-out are no longer appropriate.

- *As the proposed works described in Section 1.2 will affect sites G40/148 and G40/149, in addition to potential unrecorded sites, an archaeological authority under Section 44 of the HNZPTA 2014 must be obtained from HNZPT prior to any modification of the site. a. If development plans are altered from those reviewed for this assessment (Appendix A), then HNZPT and NZHP must be alerted, as any changes may alter the assessment of effects or invalidate the authority.*
- *Conditions of the resource consent should include archaeological recording and analysis of any archaeological features impacted by the proposed works. a. This recording and analysis should be reported on following HNZPT guidelines and submitted to the HNZPT and the Central Otago District Council.*
- *As a first principle, every practical effort must be made to avoid damage to any heritage site, whether known, or discovered during any redevelopment of the site. a. An exclusion zone should be established to protect the known extent of G40/148 and G40/149.*
- *All works must be carried out in accordance with AMP. Any amendments to the AMP will require prior written approval from HNZPT.*
- *All contractors working on the project 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 the authority, and contractors’ responsibilities with regard to notification of the discovery of archaeological evidence to ensure that the authority conditions are complied with.*

- 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 recommended recording are provided in the AMP.
- It is recommended that archaeological monitoring follow a targeted approach in order to mitigate loss of information for those sites (both recorded and unrecorded) most likely to be affected (Figure 10-1):
 - a. ~~Immediately outside the 10m exclusion zone to the rear/south of G40/149 and G40/148, two trenches are to be excavated in order to determine if traceable; subsurface remains of these features extend back into the ploughed farmland behind. The first trench will run on the northwest-southeast alignment directly behind the respective exclusion zones. The second trench will run perpendicular to the first, extending southwest back into the paddock. The placement of the second trench will likely be contingent on the findings of the first trench, i.e., the location and extent of observable archaeology. These trenches should be at least 1m in width but may need to be widened to ~2m if visible archaeology extends to greater than 1m in depth. Depth 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 archaeologically features and/or deposits be encountered, these may require hand-excavation for all/part of their extents.
 - c. 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. Moreover, as the majority of gold workings were on the western side of the river (within the project area), it is likely that the majority of the camp was congregated on this side. Therefore, it is recommended an exploratory trench be excavated along the flattened area bounding the southern river bend in order to determine the presence of subsurface archaeology. This trench should be at least 1m in width but may need to be widened to ~2m if visible archaeology extends to greater than 1m in depth. Depth 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).
 - 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.
- If archaeological material of Māori origin is discovered at any stage, all work must stop within 20m of the find. NZHP will assist the authority holder in contacting all relevant parties including takata whenua via Aukaha and HNZPT and in accordance with the AMP. a. Any taoka tūturu are prima facie the property of the Crown who will be notified of the find. Taoka tūturu will be registered with the Ministry for Culture and Heritage. NZHP, in collaboration with manawhenua, shall notify the Ministry of Culture Heritage and establish the most appropriate temporary storage, management and care for taoka tūturu, until such time as traditional or actual ownership is determined, with an appropriate institution or kaitiaki.
- Should kōiwi be encountered, all work must stop within 20m of the find. NZHP will assist the authority holder in contacting all affected parties as soon as practicable, including [takata whenua via consulting company], HNZPT, and the police. The Ngāi Tahu policy for kōiwi takata shall also be followed (Te Rūnanga o Ngāi Tahu, 2019).
- Within 20 working days of the completion of on-site archaeological work, the site record forms must be updated or submitted to ArchSite.
- 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 and to Aukaha.

The author has reviewed the draft application and suggested approach of mitigating risk by adopting generous setbacks rather than carrying out trenching works looking for any heritage remnants. This finds support with NZHPL.

Having considered the NZHPL report and the revised mine area promoted by the applicant to avoid G40/148 and G40-149, it is my opinion that provided the above conditions are carried into the consent decision, that the effects of known and undiscovered archaeology will be less than minor.

Effects on Terrestrial Ecosystems and Ecological Values

The site is a working lifestyle farm, and will be converted into a 8-lot rural lifestyle development.

There are few ecological values on the site. Along the river margins are willow and kanuka, and the applicant has identified a setback area to avoid interaction with any archaeological sites. As a result of that setback, no effects on the existing indigenous vegetation will occur.

There will be the occasional need to 'top-up' the mine pond with clean water from the Clutha River/ Mata-Au. This will be a permitted activity take under the ORC RP:W rules, and will require the placement of a pump and soft hose with a screened intake nozzle into the river. There are numerous areas for siting the intake and hose to ensure indigenous vegetation or the river margins are not damaged. There are no inland wetlands on the site that require assessment or avoidance.

Overall, it is my opinion given the works will be solely within the pastured area rather than existing vegetation or rocky features, there is a less than minor effect on terrestrial ecosystems or ecological values.

Effects on the Landscape

A Landscape Assessment¹ by Mike Moore was sought to better understand the effects of the proposal on the landscape and receiving environment. The environment was assessed in its current form., although cognisant of the approved subdivision for eight lifestyle properties.

Mr. Moore noted the values outlined in the CODP for rural zoned areas are applicable as the property is not within areas mapped as having outstanding natural landscapes (ONL) or significant amenity landscapes (SAL). He considered the effects on the river, and found-

'on the basis of the topography, vegetation and land use, it is my assessment that the river margins include the immediate riverbanks but do not extend significantly beyond these. I do not consider that the proposed mining activity will be within the river margin'. He also noted 'there are no areas that fall within the definition of 'natural inland wetlands' (in the National Policy Statement for Freshwater Management, October 2020) within the proposed mining area. Given this situation it is my assessment that effects on natural character (as it applies under Section 6a RMA) are avoided by the proposed mining'.

Referring to the 8-lot subdivision consent (230386) on the site, I note Council recognises the District Plan provides for subdivision and development within the Rural Resource Area, and commented that progressive subdivision and development has the potential to erode the open natural character and rural amenity and character of the rural area. That consent included a Landscape Assessment by Patch, who considers that the landscape displays a modified pastoral character with a moderate to low degree of naturalness, mainly associated with its adjacency to the Clutha River, the terrace riser and small pockets of indigenous vegetation.

¹ Landscape Effects Assessment, Mike Moore Landscape Architect, dated 21 February 2025

The 8-lot lifestyle properties will change the character of the land. This is clearly articulated in the Patch Landscape diagrams below for the building platforms.

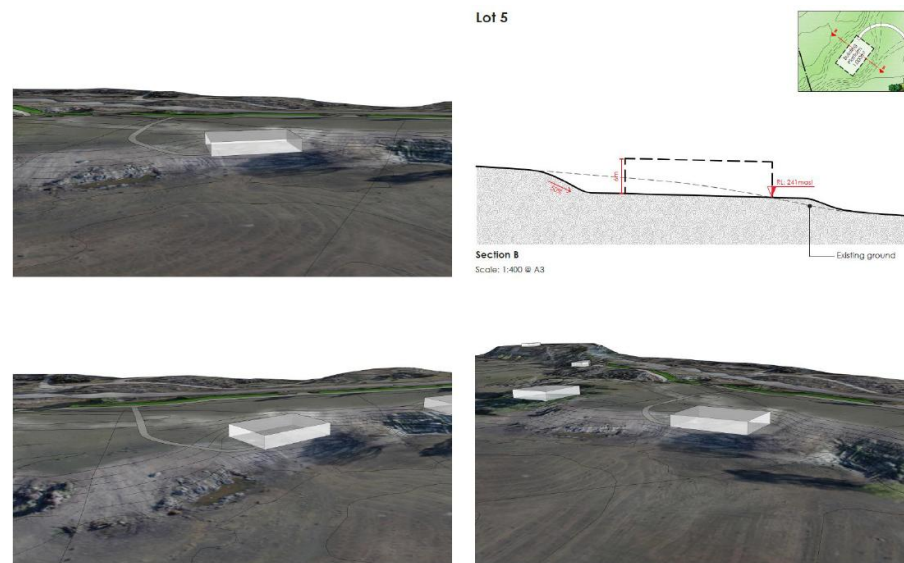


Fig. 16 – Patch Landscape Plan Lot 5 Building Platform

The assessment was based on a 2ha area of active mining area and noted the area of disturbance will progress in a linear fashion as it moves across the site. The implication of this is that visual impact of the operation will change depending on its location within the wider site. The NZ Institute of Landscape Architects have devised a 7-point rating scale² to assess effects. The relationship of the scale to the relevant RMA phrasing is shown below.

Degree of effect assessment scale

<i>Very low</i>	<i>Low</i>	<i>Low-mod</i>	<i>Moderate</i>	<i>Mod-high</i>	<i>High</i>	<i>Very high</i>
<i>Less than minor</i>		<i>Minor</i>		<i>More than minor</i>		<i>Significant</i>

The Landscape Assessment identified the potential landscape and visual effects arising from the proposed mining operation are as following:

- ② Effects on visual amenity, perceptual values, visual coherence and sensory values that stem from the visual cohesion that currently exists within the wider landscape.
- ② Effects on rural character that results from the operation moving systematically across the site.
- ② Effects on natural character values to the extent that they exist; and
- ② Any Cumulative effects that may result from the mine moving across the valley floor and in combination with other non-farming activities within the receiving environment.

The following table summarises the effects assessment-

Viewpoint	Landscape Effects During Mining	Landscape Effects After Rehabilitation	Comments
State Highway 6	Adverse Moderate/low to Low	Neutral	
State Highway 8	Adverse Very low	Neutral	
Sandy Point Lookout	Adverse Moderate-Very Low	Neutral	There is public access to the Sandy Point

² Te Tangi A Te Manu, Aotearoa New Zealand Landscape Assessment Guidelines.

			Conservation Area on the high terrace top overlooking the site across the river. Viewer numbers are unlikely to be high but motivations for viewers are likely to include landscape appreciation.
Pukerangi Drive (close viewpoint)	Adverse Moderate/Low to Nil	Neutral	
Pukerangi Drive (distant viewpoint)	Adverse Low to Nil	Neutral	
From across the river	Adverse Moderate/High to Nil	Neutral	

Mr Moore found from a number of viewpoints, it was found the landscape effects were ‘low to moderate’ although the he noted “Where the effects of the activity are considered moderate (ie more than minor) this effect would only apply to a stationary view and will be short lived (over a period of 16-20 weeks) and as such can be considered temporary”. He applied a weighting to his conclusions which overall found these effects to be ‘Low’.

The proposed mining will modify the existing natural floodplain landform, but conditions are proposed to ensure rehabilitation restores the natural floodplain landform character as closely as possible. The natural / rural character of the site will be adversely impacted for the short duration of the works, but this will be remedied progressively and in short order following completion of the works. The scale of the mining activity disturbance will be significant but not excessively so in the scale of the floodplain. Elements of natural character significance such as terrace landform, wetlands and indigenous trees will be avoided.

The proposed mining will be temporary and is for a short duration. In spatial extent its effects will be contained by the intention to rehabilitate progressively. Limits and setbacks imposed will ensure that adverse effects on the Clutha River / Mata-Au margins and indigenous trees are avoided. Mr Moore promoted as a suite of conditions in support of the proposal. Conditions are proposed to ensure reinstatement of floodplain landform character and pasture before the eventual exercise of the subdivision consent.

1. *All mining and rehabilitation works are to be completed within 3 years.*
2. *All works shall avoid the river terrace landform and shall be set back a minimum of 40m from the top of the Clutha River Mata-Au bank and 5m from any mature kanuka.*
3. *The actively mined area (including pre-stripped area, overburden / top-soil windrows, mine pit and un reinstated tailings) shall be no greater than 18,000m².*
4. *A rehabilitation plan is prepared that details and provides for the following:*
 - *Removal of all structures and other elements related to the mining operation.*
 - *Reinstatement of the floodplain landforms to restore existing natural landform character, including relic river channels.*
 - *Reinstatement of pasture and fences in consultation with the landowner.*

He also promote a number of limits in relation to the temporary structures associated with the depot area. What is relevant to note (which has not influenced Mr. Moore’s thoughts on effects from temporary structures) the approved 8-lot lifestyle development will allow and provide for any number of sheds, fuel tanks and structures as of right which will continue over the long term and on that basis, I would apply some caution to the following suggestions by Mr. Moore.

To limit the visual impact of the proposed temporary structures, the following controls are proposed:

- There shall be no more than two containers, which shall have dimensions not exceeding 12.5 x 2.5 x 2.6m.
- Any Portacom building shall have a footprint no greater than 10m² and shall be no higher than 2.6m.
- Fuel tanks shall not exceed 10,000 litres in capacity and shall be no higher than 2m above ground level.
- 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 approved by Council.
- Other than the temporary topsoil / overburden windrows associated with the active mining, there shall be no bunds created.
- Any fencing shall be confined to rural post and wire fences.

Overall, Mr Moore concluded

"The visual effects on users of adjacent roads and walkways and on nearby residents will likewise be mitigated by the temporary, short term and spatially limited nature of the activity.

Whilst the activity overall is likely to have a duration of two years, the effects in any one part of the site are much less.

Overall, it is my assessment that effects on landscape values will be adverse / moderate-high – adverse / very low during the operation and adverse / very low following rehabilitation. Given the limited degree of adverse effects and their temporary nature, I assess the proposed mining as generally consistent with the CODP provisions relevant to landscape matters".

Overall, it is my opinion the effects on the landscape are up to minor in a RMA context, however the temporary nature of those effects and the final use of the land as a 8-lot lifestyle development soften that assessment such that they are no more than minor.

Effects on Māori Cultural Values

The Clutha River/ Mata-Au is the subject of a Statutory Acknowledgement under the Ngāi Tahu Claims Settlement Act 1998 and cultural values relate to creation traditions, mahinga kai trails and its role as a major transportation route. Māori archaeological values are often tied closely to mahikai ka and ara tawhito. Historic sites of mana whenua associations are often kept private between Iwi and may not yet be identified. That is the case for all archaeology.

Whilst Rūnaka are best suited to provide their views on the proposal, it is my opinion the effects on cultural values are likely to be less than minor for the following reasons-

1. The site has no known Māori archaeological sites recorded.
2. The site is not appended in the District Plan as having any heritage values.
3. The activity will have no impact on water quality, or the life-sustaining values of the river.
4. No taonga species are at risk by the proposal.
5. There are few indigenous species remaining on the site, and they are protected by the exclusion zones.
6. The site is pastoral in nature and heavily modified by way of earthworks i.e ploughing.
7. The site will, following mining be converted to an 8-lot residential lifestyle development.

An accidental discovery protocol is the orthodox method of handling discovery of items of archaeological importance and is accepted in the consent conditions. It is noted the activity will take place within an active farm setting, where land disturbance is commonplace and any potential discoveries would likely have already been done so.

As far as the applicant is able to determine there are no archaeological sites on the property. We will defer to Rūnaka for their comment, however the following accidental discovery protocol is volunteered.

Accidental Discovery Protocol

1. The following archaeological discovery protocols must occur where any unidentified archaeological site, which may include suspected kōiwi (human remains), taoka, Māori artefacts, or evidence of pre-colonial occupation is encountered during the mining works:
 - a) Work must cease immediately at that place and within 20metres around the site.
 - b) The consent holder must shut down all machinery and secure the area.
 - c) The Site Manager must secure the site and notify the Heritage New Zealand Pouhere Taonga Regional Archaeologist.
 - d) If the site is of Māori origin, the Site Manager must notify the Heritage New Zealand Pouhere Taonga Regional Archaeologist and Papatipu Runanga or Iwi of the discovery and ensure site access to enable appropriate cultural procedures and tikaka to be undertaken, as long as all statutory requirements under legislation are met (Heritage New Zealand Pouhere Taonga Act, Protected Objects Act).
 - e) If any kōiwi (human remains) are uncovered, the Heritage New Zealand Pouhere Taonga Regional Archaeologist, New Zealand Police and Papatipu Rūnaka must be advised immediately in accordance with Guidelines for Kōiwi Tangata/Human Remains (Archaeological Guideline Series No.8). Papatipu Rūnaka will be invited to lead the management of any kōiwi tangata (human remains of a Māori person) that have been uncovered, in line with Te Rūnanga o Ngāi Tahu Kōiwi Tangata policy 2019, or any other policy promoted by Iwi.
 - f) Prior to commencing ground disturbing activities, the consent holder shall ensure that all staff (including sub-contractors) involved in or supervising works on site are familiar with the Accidental Discovery Protocol.
 - g) Where Papatipu Rūnanga or Iwi so request, any information recorded as the result of the find such as a description of location and content, is to be provided for their records.

Whilst there are no known cultural records on the site, it is considered the protocol above will sufficiently provide an appropriate level of protection to any sites yet to be identified. We will provide further comment following consultation with Rūnaka.

Temporary Effects

It is accepted there will be temporary effects on the immediate environment by the mining activity, being a subset of primary production and anticipated in the Rural General zone. The RMA requires consideration of both temporary and permanent effects.

It has been established that mining will progressively move through the wider site and effects may be at their greatest on any one property owner a short duration and occurring during normal 'working hours' (i.e for 16-20 months), and then never to be repeated. Residential lifestyle activities will then occur on the land in perpetuity which come with effects, residential activity, earthworks, vehicle movements, glare, reflectivity, smoke from domestic burners and the suchlike.

Temporary effects were considered in *Trilane Industries*³ where the Queenstown Lakes District Council bundled its assessment of temporary effects with eventual mitigation of those effects, to reach the view the effects on landscape and amenity were less than minor. The Court held that QLDC was wrong to apply this view. That case is in some way relevant, however I consider the *Trilane* decision does not mean an activity cannot have temporary effects, it simply means those effects cannot be disregarded for notification purposes. I note that the resource consent at issue in *Trilane* has now been granted.

³ *Trilane Industries Ltd v Queenstown Lakes District Council* [2020] NZHC 1647

The issue relates to the temporary effects of the activity, rather than the process. The question remains, are those temporary effects on any one party cross the threshold where public notification is appropriate.

Effects on the transportation network

The proposal will have limited vehicle movements. Heavy vehicle movements will occur introducing machinery to the site, and then only sporadically i.e for refuelling. Thereafter, vehicle movements will be limited to typical vehicles used by staff.

Given the short duration of works and remediation prior to exercising the approved subdivision consent 230386, it is proposed to seek agreement with NZTA to carry out an upgrade to the access formation against State Highway 1, but not consistent with the full suite of specifications promoted in the approved subdivision.

With respect to sight lines, the existing access has ample visibility to comply with the performance standards associated with 100kph roads that are designated State Highway. With respect to road users entering and existing Pukerangi Drive immediately opposite the access, it is my opinion there is ample visibility and as the interaction would be directly opposite there will be little confusion as to whom gives way to the other. Equally other vehicles entering or existing other properties will have ample scope to observe any movements into the subject site despite the accesses being closer than the specified 200m setback in the Plan.

It is proposed the applicant will consult with NZTA and provide comment to Council as part of the pre-lodgement process.

Overall, it is my opinion that whilst the existing access does not comply with the performance standards for the Plan, there will be less than minor effects on the safe and efficient use of the roading network.

Effects on navigation and public access

The proposed will be land based within private property and will not present a hazard or impediment to navigation, nor public access along the river margin. No mining, earthworks or use of land will occur within the river margin, with the exception of a pump and soft-hose (likely to be 10cm in diameter or thereabouts) crossing into the river during periodic top-ups of the screen pit with clean water. At these times, a sign will be erected to advise caution when stepping over the hose.

Fisherman and those recreating will continue to traverse around the site as they historically had done so. There will be no other restriction on public access by other people to the site and, as such, effects on public access will be less than minor.

Overall, it is considered effects on navigation will be no more than minor.

Noise

Noise has the potential to introduce nuisance effects on surrounding property owners. To assess the potential effects of noise on sensitive receivers, Marshall Day Acoustics was engaged to prepare an assessment of noise based upon the equipment proposed for the mining application and cognisant of the receiving environment.

In order to characterise the existing ambient noise environment at the nearest dwellings, unattended noise monitoring was undertaken from 20 to 27 November 2025 by Marshall Day. Measurements were collected at a representative location of the nearest residential properties to the west (Figure 2 of the Marshall Day report) which was selected to capture typical acoustic conditions at nearby residential receivers (see Fig.17 below).

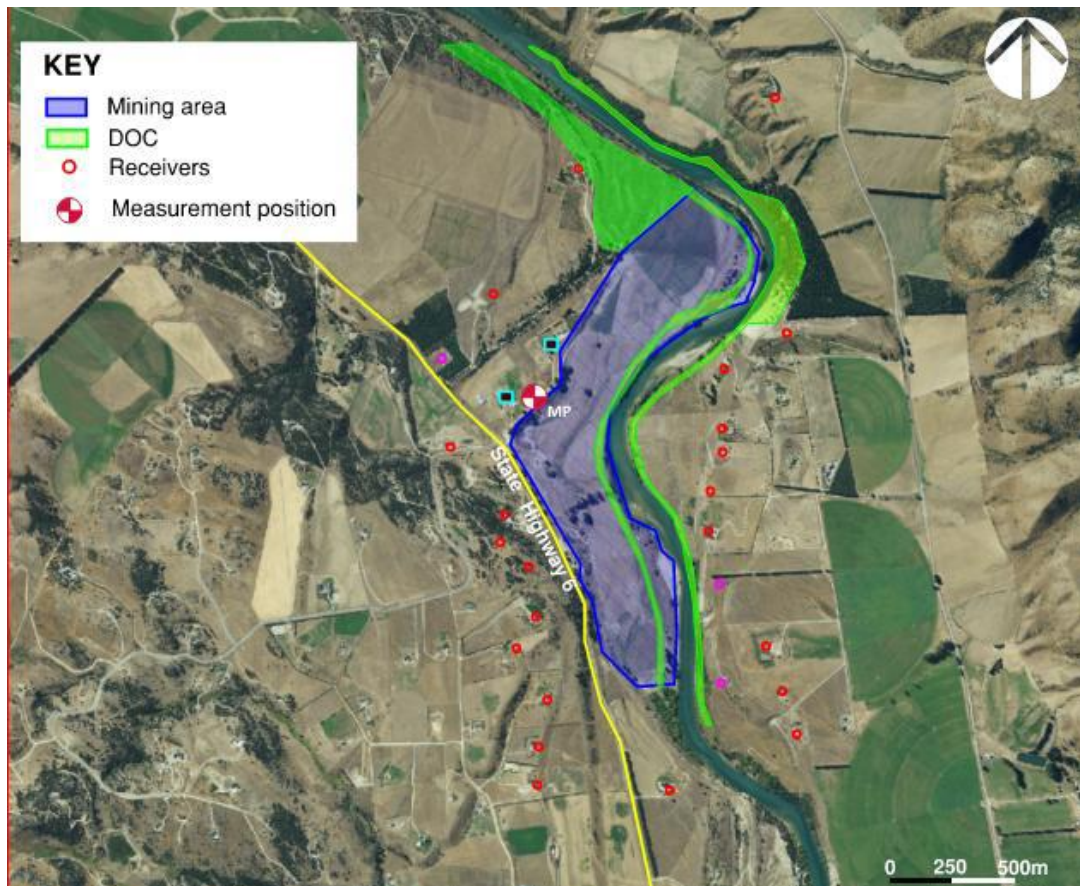


Fig. 17 – Location of Ambient Noise Measurement Device

For clarity, the noise sampling location was closer to SH6 than the dwellings located to the other side of the river are at a greater distance measurement position and there road traffic noise from SH6 influenced the measured noise levels to some degree. Marshall Day therefore noted ambient noise levels will potentially be lower at receivers on the eastern side of the Clutha River/Mata-Au.

Table 3 of the Marshall Day report summarises the daytime ambient noise measurements over the seven consecutive days of measurement. The measured daytime levels ranged from 46–57 dB LAeq (15 hour). The upper end of this range (24–26 November) coincided with elevated wind and gusty conditions. Excluding the weather-affected days, daytime ambient levels ranged from 46–52 dB LAeq (15 hour).

Marshall Day concluded the noise levels are primarily influenced by intermittent farm-related activity (animals, light machinery), natural sound sources, and occasional distant road traffic. No persistent tonal, impulsive, or other special audible characteristics were identified in the baseline environment.

The LA90 parameter provides an indication of the stable background sound level that dominates 90% of the time. Across the monitoring period, the background noise level ranged from 41–48 dB LA90, which is consistent with a busy New Zealand rural acoustic environment. The recorded LAFmax values ranged from 59–80 dB, reflecting short-duration events such as isolated farm machinery movements, horns, animal calls, or occasional wind gusts. These events were infrequent and do not define the underlying ambient environment; however Marshall Day noted they demonstrate the presence of sporadic high-level rural noise typical of agricultural operations.

Noise modelling was then carried out under three scenario shown in the figure below. This modelling was based on the specified equipment operating 0700–2000 Monday to Friday carrying out both earthworks for relocating overburden and the mining processing activity.

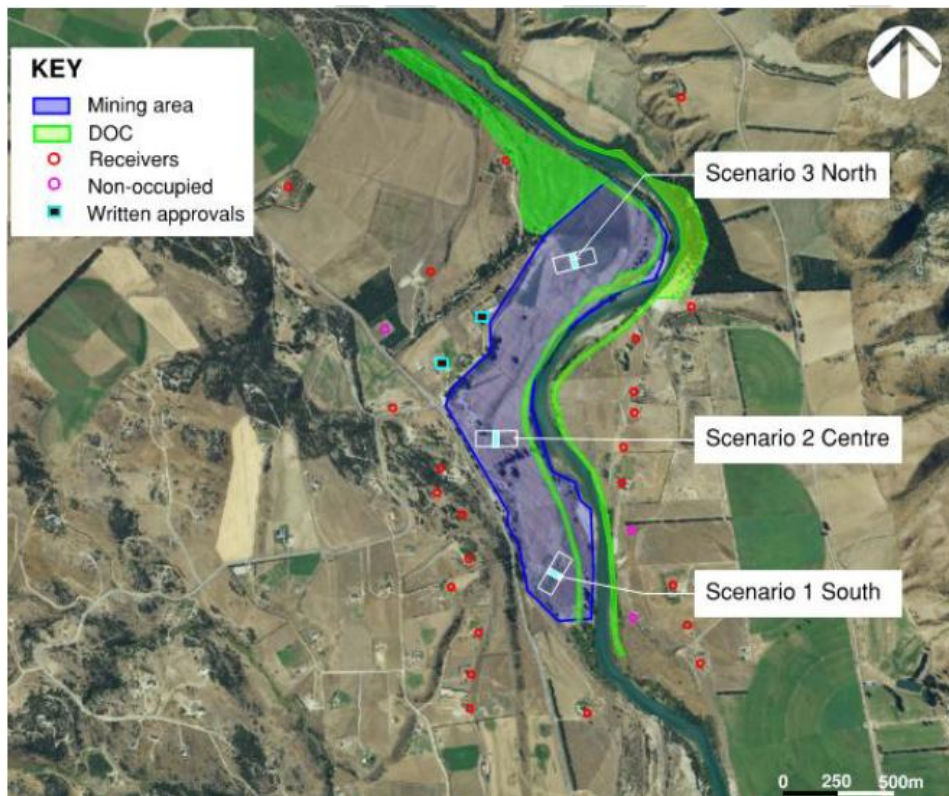


Fig. 18 – Location of the Three Modelled Noise Scenario

The Marshall Day assessment considered all sensitive receivers based on the list of affected parties identified by CODC staff. Those properties are shown in the figure below.

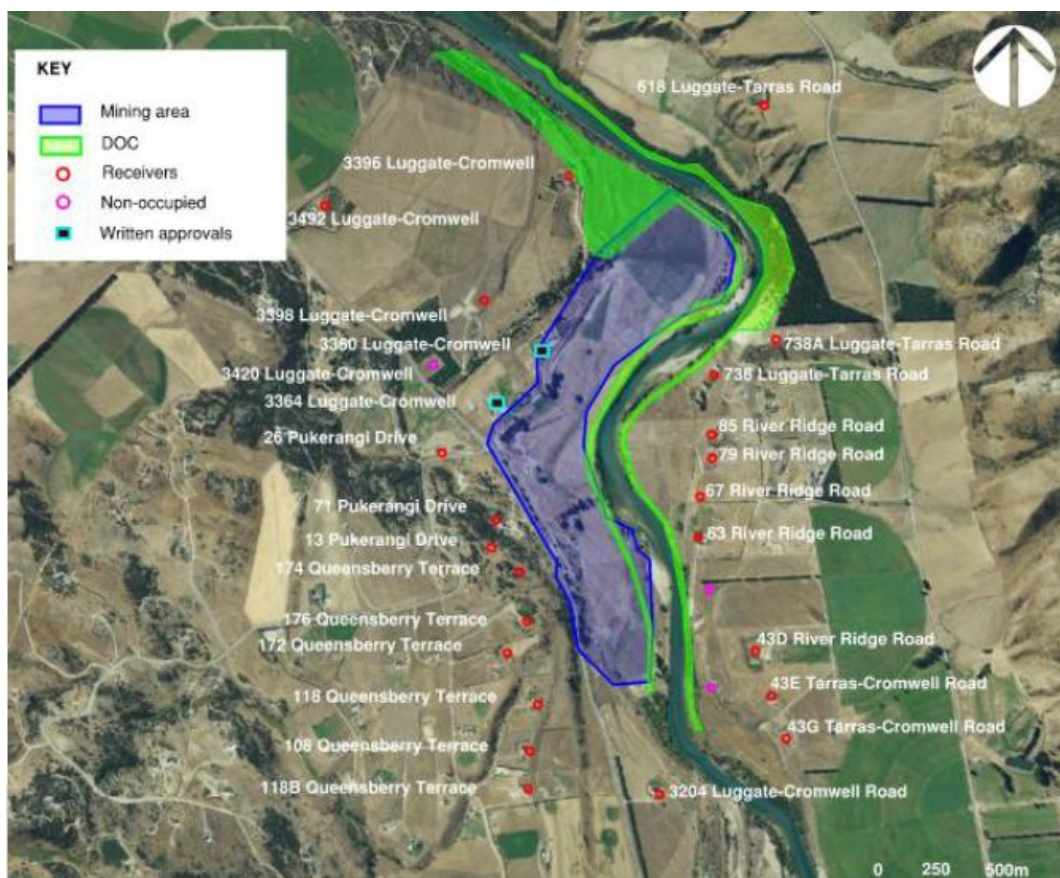


Fig. 19– Location of Sensitive Receivers Assessed by Marshall Day Acoustics

Marshall Day concluded “the predicted noise levels from three scenarios representing activity at different locations on the site comply with the daytime noise limit in both CODP and QLDP at all relevant receivers”.

On that basis, it is my opinion the noise effects of the activity on all those properties owners identified by Council as affected parties will be less than minor.

Hazard Risk

The site is not subject to a hazard overlay in the District Plan but is subject to hazards identified in the Otago Natural Hazards Database. In respect of the flood hazard risk, the Preliminary Flood Assessment associated with the approved 8-lot subdivision identified that parts of the site are susceptible to surface inundation from the Clutha River in extreme events and that modelled water velocities on the flood plain are sufficiently low that erosion.



Fig.20 Extreme Flood Model (source Otago Regional Council Natural Hazards Portal)

Effects on Hydrology, Groundwater and Other Water Users

Following a pre-application meeting with Aukaha staff, a report was commissioned by Environmental Associates Limited in September 2025 to assess the effects of the mining activity on hydrology. This assessment considered effects on-

- existing water takes,
- the effects on the Clutha River hydrology,
- the effects of taking water from the pit for dust-mitigation measures if required, and
- the implications on groundwater and the risk of potential loss of sediment from the mine pit to the Clutha River.

Whilst the report is appended to this application, the key takeaways are detailed below-

- Utilising existing local aquifer hydraulic parameters from previous aquifer testing in the area, the impact of seasonal drawdown from the net water abstraction for dust suppression and minor rehabilitation uses, does not exceed the permitted baseline (of 0.2 m maximum seasonal drawdown), upon any neighbouring well utilised for water abstraction.
- The effect of stream depletion upon perennial surface water bodies (solely the Clutha River Mata-Au), is of a De Minimis nature, and within permitted activity limits.
- Any potential for sediment migration from the mine pit pond, will be minimal or not-measurable, due to the net abstraction of water from the pond and the resulting groundwater flow toward the pit.
- This assessment of water use and allocation, potential drawdown interference, stream depletion and sediment migration for the requested alluvial mining proposal, represents a less than minor or non-measurable effect upon the environment in all cases.

It is therefore my opinion the effects of the activity on groundwater, other water users or the Clutha River are less than minor.

Hazardous Substances

Fuel tank locations are chosen to be located at one of two depot on the site. These will be outside the potential flood risk zone identified above. The bulk tank stores 10,000L of fuel and will be double-skinned and bunded with $\geq 120\%$ of the tanks total capacity and greater than 50m from any waterbody. Fuel (3c hazardous substance) will comply with the 10,000L maximum as specified in Schedule 19.14 of the District Plan. The tank will have industry compliant hoses, and fittings, manual shutoff valves and an automatic shutoff dispensing nozzle. Refuelling is a 100% monitored procedure and spill kits are maintained at the bulk tank.

The storage of fuel will be a permitted activity.

Light Spill

The proposed activity will be carried out in a manner to ensure light spill shall result in greater than 10 lux spill (horizontal and vertical) of light onto any adjoining property or road, measured at the boundary of a road or the notional boundary of a neighbouring property.

As such, lighting will be a permitted activity and the effects on other properties is assessed as less than minor.

Economic Analysis & Contribution to Local Economy

Section 5 promotes the sustainable management of natural and physical resources by managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.

An economic assessment has been commissioned from Benje Patterson⁴ People&Places, an expert in regional economies. This report is appended to the application. He concluded-

⁴ Benje is a member of Economic Development New Zealand and an approved All-of-Government provider of consultancy services across four sub-categories (finance and economics, human resources, procurement, and policy, research and development).

- *It is estimated that the Project will directly contribute an average of \$2.57 million each year to the local economy once the mine is operational, with a cumulative total direct GDP effect of \$26.46 million over the 10-year mining permit (including capital investment and start-up costs).*
- *On top of the \$2.57 million of direct GDP effects each year, there is the potential for a further \$0.53 million of GDP from economic multiplier effects, comprising:*
 - *Indirect GDP of \$0.29 million annually supported with suppliers in Otago from procurement by the mine.*
 - *Induced GDP of \$0.24 million of GDP annually in Otago supported by spending by workers to service their lifestyles (e.g. on retail, medical, education, personal services, etc).*
- *The Project will directly support an average 4 staff. On top of the jobs directly supported by the Project's mining operations, there are also employment multiplier effects that could accrue. It is estimated that up to 3.3 further jobs could be supported by the indirect effects of the mine's procurement and the induced effects of providing goods and services to meet the needs of workers.*
- *Jobs will be highly productive. The Project is estimated to contribute \$643,493 of GDP per worker on average each year. GDP per worker for the Project is 4.8 times the current average productivity across the local Inland Otago (Central Otago and Queenstown Lakes) economy of \$133,811 of GDP per job in 2024.*

The proposed mining venture will provide for the economic well-being of a New Zealand (South Island) owned company. The project and its contribution to the regional GDP, procurement of goods and services, including indirect or multiplier effects will ensure a significant contribution to the local community.

Cumulative Effects

With respect to cumulative effects, it is appropriate to recognise irrespective of the mining proposal an 8-lot rural lifestyle development will occur on the land. Whilst the proposed mining activity is temporary, the residential activity and the effects arising from that, will be in perpetuity.

In terms of the building platforms associated with the approved subdivision, the landscape assessment found

"It is important to note that other rural residential development is highly visible within the receiving landscape. This existing development is generally sited on top of terrace risers, near the base of the risers, or on the foothills of the Pisa Range. Sometimes, but not always, rural living type development is grounded in the landscape by planting around the dwellings. While this existing rural living is ever-present in views, the dominance of the wider, 'big sky' landscape of the Upper Clutha Basin and the surrounding mountains remains dominant."

Overall, that landscape assessment found that the proposed development will not be prominent in the landscape and that the visual effects of the proposed subdivision are considered to be no more than low-moderate (minor). The s42A author found "the cumulative effects of the subdivision and future development on rural character and amenity, and visual amenity, will be no more than minor, and therefore acceptable".

The proposed mining activity over a maximum of three years will result in less than minor cumulative effects to that already consented and the permanent effects associated with it. The mining proposal only defers the subdivision and residential activity on the land.

Positive Effects

The applicant will largely access the site via the State Highway. There will be no other restriction on public access by other people to the site and, as such, effects on public access will be less than minor.

Positive effects include a significant contribution to the local economy as demonstrated by the economic analysis by Benje Patterson, but will also extend to a national benefit. NZ Inc will benefit by increased productivity and a contribution to the GDP, whilst the Government will benefit from royalties associated with the sale of gold. The company is locally owned, and profit will be retained in New Zealand.

Section 3 of the Act defines the meaning of “effect”, which includes any positive effects. Whilst the consideration cannot be taken into account by a consent authority to consider positive when making a decision to notify, positive effects can be weighted as part of an overall assessment. In this case, the proposal provides for the social, economic and cultural wellbeing of the applicants and their families and provides a meaningful benefit to local contractors and businesses.

Cross Boundary Issues

Section 1.3 of the District Plan sets out processes relating to cross boundary issues that may arise in respect of adjoining territorial authorities include land use activities and development strategies which may give rise to adverse environmental effects in a neighbouring district.

The District Plan notes in dealing with potential cross boundary issues, the Council will utilise the following processes;

- Notification of adjoining territorial authorities that may be affected
- Protocols with respect to joint processing of resource consent applications
- Pre-hearing meetings pursuant to section 99 of the Act between applicants/developers, submitters, and relevant territorial authorities
- Promote and participate in joint hearings pursuant to section 102 of the Act.
- Undertake regular consultation with all agencies having responsibility for the sustainable management of the District’s environment and to promote and encourage protocols and mechanisms to address and resolve cross boundary issues where they arise.

In this case, the effects of the mining activity are relatively discrete and temporary. With respect to landscape, it is accepted the activity will be visible from the Queenstown Lakes District, however being visible or audible does not trigger the need to notify, or introduce a requirement for joint processing with QLDC. Landscape expertise from Mike Moore does not indicate the visual effects on the Queenstown Lakes District crossed any threshold where they should be involved. The 8-Lot rural lifestyle subdivision will change the visual and aural amenity in perpetuity, and in that recent subdivision QLDC were not involved in processing those applications.

It is my opinion that whilst it is reasonable to notify QLDC of the proposal, the activity does not warrant the need for joint processing. It is my opinion the effects on those within the QL District are less than minor.

Consideration of Alternatives

Where it is likely that an activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity is required (Schedule 4 clause 6 (1)(a)).

Where an activity includes the discharge of any contaminant, a description of any possible alternative methods of discharge, including discharge into any other receiving environment, is required (Schedule 4 clause 6 (1)(d)(ii)). Where it is likely that an activity will have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group) is required (Schedule 4 clause 6 (1)(h)).

The proposed activity is not expected to result in any significant adverse effects on the environment, does not include the discharge of any contaminant beyond active mine pond, where sediments are trapped in the soils and will not have any relationship with the Clutha River/Mata-Au. Access to the site will via the road and there will be no restriction on public access along the river margin and, as such, effects on public access will be less than minor.

The proposed works will not affect the exercise of a protected customary right. Therefore, no description of any possible alternative locations or methods for undertaking the proposed activity need be provided in this assessment of environmental effects.

Summary of Adverse Effects on the Environment

The assessment above demonstrates that the activity can be carried out with no physical adverse effects on the environment. There will be landscape effects which are at worst minor, however the temporary nature of those effects and the final use of the land as a 8-lot lifestyle development soften that assessment such that they are, in my view, no more than minor. The proposal will have a less than minor effects on public access and amenity, will not alter the natural character or water quality of the river. Cultural or heritage values will not be adversely impacted by the mining activity provided the applicant remains observant and complies with the requirements of the accidental discovery protocol.

Overall, it is determined that the effects of the proposal on the environment are no more than minor.

Affected Parties Assessment

Below is a list of parties we consider to be potentially affected and as such we will seek their written approvals to the applications.

- Heritage New Zealand
- Department of Conservation
- Te Runanga o Ngai Tahu
- Aukaha Limited on behalf of papatipu Rūnaka
- New Zealand Transport Agency
- Hawea Motors Limited- Kim Landreth
- Gold View Holdings Limited –Paul & Raewyn Hardaker (3360 Luggate-Cromwell Road, Cromwell 9383)

Kim Landreth of Hawea Motors Limited owns the subject site and intends to advance the 8-lot subdivision without delay following completion of the mining activity. Kim owns the dwelling immediately adjacent to the area proposed for mining. The applicant has an agreement in place for the mining and therefore affected party approval is implied.

For 3360 Luggate-Cromwell Road, the Hardaker family resides on the terrace immediately adjacent to the mining area and will be impacted by the activity more than any other party. They have provided their agreement to the proposal.

The Department of Conservation is an affected party given the adjacent reserve. A 10m setback from that reserve will be applied as promoted by New Zealand Heritage Properties assessment. Given the history of the immediate and wider area it is appropriate that Heritage New Zealand is considered as an affected party. NZTA are an affected party on the basis the activity will be accessed from a State Highway.

There is no justification for Fish & Game to be considered an affected party given there will be no effects on the river, no sediment loss to any waterbody and any water take will fall within the permitted activity provisions of the ORC RP:W.

With the influx of urban lifestylers moving into the District's rural zone, a number of adjoining nearby property owners could reasonably expect to be considered an affected party to this application. Whilst not acknowledging there are any effects on them, they will nonetheless consider themselves affected. On that basis, we accept the following properties and the owners will have an interest in the proposal. Council may or may not elect to consider them as affected parties for the purpose of limited notification.

- 618 Luggate-Tarras Road, Lot 1 DP 61937, located in the adjacent QLDC District,
- Lot 3 DP 574733, also located in the QLDC District,
- 13 Pukerangi Drive,
- 71 Pukerangi Drive,
- 176 Queensberry Terrace,
- 174 Queensberry Terrace,
- 172 Queensberry Terrace,
- 118 Queensberry Terrace,
- 3204 Luggate-Cromwell Road,
- 738A Luggate-Tarras Road,
- 738 Luggate-Tarras Road,
- 85 River Ridge Road,
- 79 River Ridge Road,
- 67 River Ridge Road,
- 63 River Ridge Road,
- Lot 1 DP 332092,
- Lot 2 DP 332092,
- 43D River Ridge Road,
- Lot 4 DP 332902.

We do not believe any other parties are considered to cross the threshold of being potentially affected on the basis any effects on other parties will be temporary effects, and will occur during normal working hours where noise and activity is anticipated in the Rural General zone.

As detailed previously, once mining is complete, the site will be progressively be converted into an 8-lot rural lifestyle development which comes with its own suite of effects. Adjoining property owners cannot expect their open rural views remain unmodified indefinitely, and in this case, the residential development is a fair accompli. Consent is simply sought to extract the minerals within the gravels before the commencement of that subdivision and the opportunity is then lost.

No other private landholders are affected as the activity is temporary in nature and will progressively move throughout the mining permit area. The rural zone anticipates land based activities and a degree of activity. In this case, noise and lighting will be managed to ensure the effects are less than minor on adjacent landowners. The floating wash plant will be partially below existing ground level and will be in part obscured by way of bunded soils for remediation.

Term of Consents

The applicants seeks a term of consent of three years for the mining activity, and therefore seek a term of three years and six months to allow for construction and resourcing including employing staff.

Statutory Considerations

This application must be considered in terms of Section 104 of the RMA. Subject to Part 2 of the RMA, Section 104(1) sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) any actual and potential effects on the environment of allowing the activity; and

- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
- (b) any relevant provisions of:
 - (i) a national environmental standard;
 - (ii) other regulations;
 - (iii) a national policy statement;
 - (iv) a New Zealand coastal policy statement;
 - (v) a regional policy statement or proposed regional policy statement;
 - (vi) a plan or proposed plan; and
- (c) any other matters the consent authority considers relevant and reasonably necessary to determine the application.

The application is assessed as a **discretionary** activity.

Resource Management Act 1991

Resource consent applications must be considered under Part 2 of the Act. Part 2 includes the purpose and principles of the Act. As provided in Section 5, the purpose of the Act is “...to promote the sustainable management of natural and physical resources.” The Act defines the term sustainable management as follows:

...means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil and*
- (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The proposal will have a less than minor effect on the environment, subject to conditions such as those volunteered, and potential adverse effects associated with the proposal are expected to be avoided or otherwise mitigated. The proposal is considered to be consistent with Section 5.

Regard must also be had to Section 6 of the Act – Matters of National Importance. The relevant sections have been included below:

Section 6 of the Act – Matters of National Importance states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognize and provide for the following matters of national importance:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*

- (g) *the protection of recognised customary activities:*
- (h) *the management of significant risks from natural hazards.*

The Clutha River/ Mata-Au is identified as a Statutory Acknowledgment under the Ngai Tahu Claims Settlement Act 1998. The river holds high natural character values, is of high cultural significance and is valued for recreation and commercial uses.

In terms of (d), public access will be maintained for all users such as people boating, camping and/or fishing in the area river or its margin. As has been detailed in assessing historic values, spiritual and cultural values including taonga species, the proposal is not inconsistent with (e), (f) and (g), and written approval will be sought from Papatipu Rūnaka and Iwi.

Overall, the proposal is considered to be consistent with Section 6 and pre-application written approvals are being sought.

Section 7 – Other Matters prescribes other matters to which persons shall “have particular regard”, and of relevance to the proposal are the following:

- (a) *kaitiakitanga:*
- (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon:*

The proposal will not result in any bed disturbance or the release of sediment. Written approval will be sought from the affected parties detailed above. Overall, the proposal is not considered to be inconsistent with Section 7 of the Act. The proposal is small scale over with the active mine area comprising only 2ha at any one time within a rural area where adverse effects are assessed as being no more than minor for a temporary period. The total term for the mining activity is three years before the site converts to an 8-lot residential lifestyle development.

Section 8 – Treaty of Waitangi states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

With regard to Section 8 of the Act, the proposal is not inconsistent with the principles of the Treaty of Waitangi. Iwi management plans provide further guidance and consultation with Rūnaka and Iwi will commence following lodgement. Overall it is my opinion, effects from the activity are expected to be less than minor.

Overall, the proposal is consistent with Part 2 of the Act.

National Policy Statement for Highly Productive Land

The subject site comprises a combination of LUC 4 and 6 soils with a small area identified as LUC 3 soil, and therefore an assessment against the National Policy Statement for Highly Productive Land (NPS-HPL) is appropriate.

Effects on LUC3 soils were considered during the 8-lot subdivision process where the application was supported by a report by Agronomist Ben Trotter. Mr Trotter considers that the soils are quite fragile

and extremely sensitive to cultivation. The CODC GIS below identifies the LUC3 soils as being outside the area identified for mining.



National Policy Statement for Highly Productive Land permits on highly productive land in certain situations, and where there is a "functional or operational need" for that mining to occur. In this case, there is a known resource located within the existing farm. Gold is identified on the Critical Minerals list⁵ and the mining activity will provide a credible addition to New Zealand's mining inventory.

Once mining on the site is completed, there will be zero loss of productive potential on the site and the land will be converted to residential use. The benefits of the mining activity outweigh the loss of productive land over the short term and will result in zero change once completed and therefore it is my opinion the proposal is consistent with the NPS-HPL.

National Policy Statement for Freshwater Management 2020

The National Policy Statement for Freshwater Management 2020 (NPS-FM) provides local authorities with direction on how to manage freshwater under the RMA. It applies to all freshwater (including groundwater) and, to the extent they are affected by freshwater, to receiving environments (which may include estuaries and the wider coastal marine area).

The relevant policies of the NPSFM are discussed below.

- *Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.*
- *Policy 2: Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.*
- *Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.*
- *Policy 5: Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.*
- *Policy 7: The loss of river extent and values is avoided to the extent practicable.*
- *Policy 8: The significant values of outstanding water bodies are protected.*
- *Policy 9: The habitats of indigenous freshwater species are protected.*
- *Policy 10: The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.*
- *Policy 12: The national target (as set out in Appendix 3) for water quality improvement is achieved.*
- *Policy 15: Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.*

The National Policy Statement for Freshwater Management 2020 (NPSFM) establishes Te Mana o Te Wai as a fundamental concept at the centre of New Zealand's freshwater management system. Te Mana o Te Wai as a concept is defined in the NPSFM to mean:

⁵ New Zealand Government- A Critical Minerals List for New Zealand, January 2025.

That refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o Te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

Te Mana o Te Wai is intended to be a multi-faceted concept that includes consideration of both use and protection. It is not intended to operate as a strict hierarchy, as this would fail to achieve the purpose of the Resource Management Act. Te Mana o Te Wai recognises that protecting the health of freshwater, then protects mauri and restores balance between water, the wider environment and the community.

In the NPSFM Te Mana o Te Wai is achieved through the single objective setting out a hierarchy of priorities:

- (a) First, the health and well-being of water bodies and freshwater ecosystems.
- (b) Second, the health needs of people (such as drinking water).
- (c) Third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and into the future.

The assessments available in relation to the health and wellbeing of the water body and ecosystems conclude that effects from the proposal will be less than minor. On this basis it is submitted that the obligation of the first priority has been satisfied. There is no suggestion that the proposed activity will affect the health needs of people, so the question comes down to whether the proposal will allow people and communities to provide for their social, economic and cultural well-being. With respect to cultural wellbeing, it is appropriate to circle back to whether the proposal affects the water in way that compromises mana whenua's interests.

In the context of the NPSFM, Mauri appears twice. In the fundamental concept, as an outcome of Te Mana o Te Wai and in respect of the compulsory Mahika kai value in appendix 1A. Appendix 1A sets out what the consequence of intact Mauri is.

“customary resources are available for use, customary practices are able to be exercised to the extent desired and tikanga and preferred methods are able to be practised.”

It is submitted that the proposal implements the objective of the NPSFM and is consistent with Te Mana o Te Wai.

The relevant policies of the National Policy Statement for Freshwater Management 2020 that are relevant to this application are listed below:

- i. Water Quality: Policies 1, 5, 6, 7 and 12
- ii. Water Quantity: Policies 1, 3, 11 and 13
- iii. Integrated Management: Policies 1, 3, 11 and 13
- iv. Tangata Whenua Roles and Interests: Policies 1 and 2

Overall, the application is not inconsistent with the NPSFM. There is no direct effect on the river, with the exception of an occasional permitted water take. It also gives effect to the hierarchy of Te Mana o te Wai in as much as the health of the river is given the top priority. The mining proposal will result in less than minor effects on the waterbody and the aquatic species that occupy it.

National Environmental Standards for Sources of Human Drinking Water 2020

The Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (NES-HDW) requires regional councils to ensure that effects of activities on drinking water sources are considered in decisions on resource consents and regional plans.

Specifically regional councils are required to:

- decline discharge or water permits that are likely to result in community drinking water becoming unsafe for human consumption following existing treatment.
- be satisfied that permitted activities in regional plans will not result in community drinking water supplies being unsafe for human consumption following existing treatment.
- place conditions on relevant resource consents that require notification of drinking water suppliers if significant unintended events occur (e.g., spills) that may adversely affect sources of human drinking water.

The proposal is not within the vicinity of any registered surface water drinking water sites. It is considered that the proposed activity will have no more than minor effects on the environment. Overall, the proposal is not expected to adversely affect any registered human drinking water supplies.

Objectives and Policies Assessment

In accordance with Section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Central Otago District Plan have been assessed when preparing this application.

Objectives	Supporting Policies	Assessment
<u>Objective 3.3.1- Kaitiakitanga (Guardianship)</u> To have particular regard to Kai Tahu ki Otago's concept and spirit of Kaitiakitanga in relation to managing the effects of the use, development, and protection of Central Otago's natural and physical resources. <u>Objective 3.3.2-waahi tapu)</u> To recognise and provide for the importance of waahi tapu to Kai Tahu ki Otago and the protection of waahi tapu from physical disturbance, erosion, degradation, and inappropriate land use activities. <u>Objective 3.3.3- Waahi Taoka</u> To recognise and provide for the special significance that Waahi Taoka have in the culture of Kai Tahu ki Otago. <u>Objective 3.3.4 – Wai</u> To recognise the significance of wai to Kai Tahu ki Otago's spiritual beliefs, cultural traditions	<u>Policy 3.4.1 - Kai Tahu Ki Otago - Natural Resource Management Plan (1995)</u> To recognise the Kai Tahu Ki Otago - Natural Resource Management Plan (1995) as the principal Kai Tahu ki Otago resource management reference planning document for the Central Otago District and to use this document as a basis for consultation on issues of importance to Kai Tahu ki Otago. <u>Policy 3.4.3- Koiwi Tangata (Unidentified Human Skeletal remains)</u> To adopt appropriate procedures for (a) notifying Kai Tahu ki Otago of koiwi tangata finds; and (b) the appropriate management of koiwi tangata finds. <u>Policy 3.4.4 - Wai (Water)</u> To recognise and provide for the relationship Kai Tahu ki Otago have with the water resource through (a) consulting and working with Kai Tahu ki Otago and the Otago Regional Council on water quality issues that affect Kai Tahu ki Otago (b) promoting the avoidance, remedying or mitigation of significant adverse effects of activities undertaken within riparian margins and on the surface of water, and (c) ensuring the significance of water to Kai Tahu ki Otago spiritual beliefs, cultural traditions and practices are taken into account when considering resource consent applications that may have an effect on water quality. <u>Policy 3.4.5 - Mahika Kai</u>	The proposal recognises the awa is a statutory acknowledgement area and has a significant history to Māori. No effects on the river and water quality are anticipated and the proposal recognises the hierarchy of Te Mana o Te Wai. An accidental discovery protocol will be applied to all works and all staff will be aware of this requirement as part of the staff induction package. No interaction with, or adverse effects on waahi tapu, waahi taoka or mahika kai are anticipated by the mining proposal. The proposal is considered to be consistent with these objectives and policies.

and practices, and to provide for these where appropriate. <u>Objective 3.3.5 – Mahika Kai</u> To recognise and provide for the importance of mahika kai and access to mahika kai to Kai Tahu ki Otago. <u>Objective 5.3.5- Cultural Values</u> To recognise and provide for Kai Tahu ki Otago’s spiritual beliefs, cultural traditions and practices in the management of the surface and margins of the District’s water bodies.	To recognise and provide for the importance of mahika kai to Kai Tahu ki Otago through; (a) consulting with Kai Tahu ki Otago on the location of mahika kai resources, (b) maintaining and enhancing mahika kai resources by ensuring that significant adverse effects of land use activities on this resource are avoided, remedied or mitigated, (c) maintaining and enhancing access to mahika kai resources where this is appropriate and practicable	
<u>4.3.1 Objective - Needs of the District’s People and Communities</u> To recognise that communities need to provide for their social, economic and cultural wellbeing, and for their health and safety at the same time as ensuring environmental quality is maintained and enhanced. <u>4.3.2 Objective – Outstanding Natural Landscapes and Outstanding Natural Features, and Land in the Upper Manorburn/Lake Onslow Landscape Management Area</u> To protect the Districts outstanding natural landscapes and outstanding natural features, and land in the Upper Manorburn/Lake Onslow Landscape Management Area (including landforms) from the adverse effects of inappropriate	<u>Policy 4.4.1 - Outstanding Natural Landscapes and Outstanding Natural Features and Land in the Upper Manorburn/Lake Onslow Landscape Management Area</u> To recognise the District’s outstanding natural landscapes and outstanding natural features and land in the Upper Manorburn/Lake Onslow Landscape Management Area which: (a) Are unique to the district, region or New Zealand; or (b) Are representative of a particular landform or land cover occurring in the Central Otago District or of the collective characteristics and features which give the District it’s particular character; or (c) Represent areas of cultural or historic significance in the district, region or New Zealand; or (d) Contain visually or scientifically outstanding geological features; or (e) Have characteristics of cultural, historical and spiritual value that are significant to Kai Tahu ki Otago; (f) Have high natural character values and high landscape quality that can be distinguished from the general landscapes of the Central Otago District and provide protection for them from inappropriate subdivision, use and development. <u>Policy 4.4.2 – Landscape and Amenity Values</u>	The proposal has been considered mindful of the landscape values of the area. Whilst the Clutha River is not part of the outstanding natural landscape or outstanding natural feature, it is however significant in itself and contributes to the wider landscape. Landscape architect Mike Moore has assessed the extent of the river margin, and determined no works or activity will occur within the river margins. The proposed mining is temporary and will move through the site over the three year term of consent. There are no permanent structures, and the offices, fuel storage will be sited in locations not visible to private property owners. Once completed, the site will revert to the approved 8-lot residential lifestyle development which will then introduce permanent structures however these effects are already approved and unrelated to the proposed activity. The proposal is therefore considered to fit within the landscape and is consistent with these objectives and policies.

subdivision, use and development. <u>4.3.3 Objective - Landscape and Amenity Values</u> To maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District's rural environment, and to maintain the open natural character of the hills and ranges. <u>Objective 5.3.1 – Amenity Values, Environmental Quality and Natural Character</u> To maintain and enhance the amenity values and environmental quality, and to preserve the natural character of the District's lakes and rivers and their margins.	To manage the effects of land use activities and subdivision to ensure that adverse effects on the open space, landscape, natural character and amenity values of the rural environment are avoided, remedied or mitigated through: (a) The design and location of structures and works, particularly in respect of the open natural character of hills and ranges, skylines, prominent places and natural features, (b) Development which is compatible with the surrounding environment including the amenity values of adjoining properties, (c) The ability to adequately dispose of effluent on site, (d) Controlling the generation of noise in back country areas, (e) The location of tree planting, particularly in respect of landscape values, natural features and ecological values, (f) Controlling the spread of wilding trees. (g) Encouraging the location and design of buildings to maintain the open natural character of hills and ranges without compromising the landscape and amenity values of prominent hillsides and terraces. (h) Strongly discouraging buildings in the Rural Resource Area of the Wooing Tree Overlay Area to ensure a vineyard or treed park-like character with an absence of built form.	
<u>Objective 4.3.4 Recreation Resources</u> To maintain and enhance the quality of the District's recreation resources and public access to those resources. <u>Objective 5.3.2 – Recreational Values</u> To maintain, where appropriate, the recreational values of the surface and margins of the District's water bodies. <u>4.3.9 Objective – Integrated, Comprehensive Mixed-Use Development</u> To recognise and provide for an appropriately located development which integrates farming,	<u>Policy 4.4.8 - Adverse Effects on the Amenity Values of Neighbouring Properties.</u> To ensure that the effects associated with some activities including (but not limited to): (a) Noise (including noise associated with traffic generation, night time operations), and vibration, (b) The generation of a high level of traffic, in particular heavy vehicles, (c) Glare, particularly from building finish, (d) A reduction in visual amenity due to excessive signage and the storage of goods or waste products on the site, (e) The generation of odour, dusts, wastes and hazardous substances, and (f) The use and/or storage of hazardous goods or substances do not significantly adversely affect the amenity values and privacy of neighbouring properties or the safe and efficient operation of the roading network. <u>Policy 4.4.9 - Effects of Rural Activities</u>	The mining activity will introduce a discernible presence in the immediate area. This will be a temporary effect as mining progresses through the site. Crucially, mining will occur during normal 'working hours' and not on Sundays or Public Holidays. Once complete, the site will be developed with permanent effects associated with day to day residential activities. The effects of the entire proposal are considered to be consistent with these objectives and policies.

horticulture, recreational, visitor, residential and lifestyle development and supporting infrastructure in a sustainable manner, but avoids, remedies or mitigates potential adverse effects on: • landscape and amenity values of the rural environment; • natural and physical resources including soils, water and groundwater resources, and existing viticultural areas; • existing lifestyle amenities; • core infrastructural resources; • the functioning of urban areas. <u>Objective 5.3.3 - Public Access</u> To maintain and enhance, where appropriate, public access, to and along the surface and margins of the District's lakes and rivers. <u>Objective 5.3.4 - Safe and Efficient Navigation</u> To ensure that the safety and efficiency of navigation is maintained on the surface of the District's water bodies.	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. <u>Policy 4.4.15 - Conflict between Recreation Activities Cross Reference</u> To recognise and avoid, remedy or mitigate the potential conflict between different types of recreation activities that occur within the District, whilst encouraging multiple use of public open space and recreation areas wherever this is possible and practicable. <u>Policy 5.4.5 – Recreation</u> To recognise the importance of lakes and rivers and their margins to the existing and future recreational needs of the District's people and visitors while ensuring that adverse effects on amenity values and environmental quality are avoided, remedied or mitigated by such activities and that the safety of the recreational users is not compromised. <u>Policy 5.4.6 - Public Access</u> To ensure activities make adequate provision for public access except where a restriction is necessary: (i) To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; (ii) To protect Kai Tahu ki Otago's cultural values; (iii) To protect public health and safety; (iv) To provide an appropriate level of security for the continued operation of existing hydroelectric power stations; or (v) In other circumstances that justify the restriction notwithstanding the national importance of maintaining public access.	
<u>4.3.5 Objective - Water Resources</u> To maintain and enhance the quality of the District's water resources by avoiding, remedying or mitigating the adverse	<u>4.4.4 Policy - Riparian Margins</u> To manage the effects of the use, development or protection of land within riparian margins of water bodies (including wetlands) to ensure that the natural character and amenity of water bodies and	The proposed mining has been assessed as not being within the river or river margin. Occasional water takes will be required, however this will comply with the ORC RP:W permitted activity rules.

effects of land use activities adjacent to water bodies. <u>4.3.6 Objective - Margins of Water bodies</u> To preserve the natural character of the District's water bodies and their margins.	their margins are preserved, by, as far as practicable: (a) Maintaining bank stability, (b) Protecting, and where appropriate, enhancing riparian and instream habitat quality, (c) Maintaining and enhancing riparian vegetation, (d) Maintaining water quality, (e) Maintaining and enhancing public access to and along the lakes and rivers, (f) Reducing the incidence and severity of flooding where this is achievable, and (g) Maintaining and enhancing the safety and efficiency of navigation on the adjacent water body where this is relevant while recognising that some activities need to locate within riparian margins to operate efficiently. <u>4.4.7 Policy – Significant Indigenous Vegetation, Wetlands and Wildlife</u> To protect areas of: (a) Significant indigenous vegetation, (b) Significant habitats of indigenous fauna, (c) Significant wetlands, (d) Indigenous vegetation or habitats that support a significant indigenous fresh water fishery, and (e) Habitats of statutorily managed sports fish and game from the adverse effects of land use activities and subdivision and to promote and encourage, where practicable, the retention, enhancement and reinstatement of indigenous ecosystems within the District. <u>Policy 5.4.1 - Water Surface and Margin Activities</u> To manage the effects of activities (including the design, location and/or operation of structures) upon the water surface and margins to ensure that: (a) The safe and efficient navigation of any powered or non-powered craft using the water surface is not compromised; (b) Ecological values including significant indigenous vegetation and significant habitats of indigenous fauna and instream values of the water body are protected and where appropriate, enhanced; (c) The protection of amenity, recreational and landscape values in or near the water body is promoted or otherwise provided for; (d) Conflict with other resource users	No effects on indigenous vegetation given the proposed setbacks from establishing kanuka, wetlands or wildlife. With respect to public access and navigation, the proposal will have no effects on the river margins or marginal strip. The proposal is therefore considered consistent with these objectives and policies.
--	--	---

	on the water surface and adjoining land, including the effects that noise and/or wave generation may have, are avoided, remedied or mitigated; (e) The quality of the water within the water body is maintained and/or enhanced; (f) The stability of the bed and bank of the water body is maintained and/or enhanced; (g) The stability of any structure located in, on or near the water body is maintained; (h) The severity and incidence of flooding is not exacerbated by the activity; (i) The safe and efficient operation of the adjacent road network is maintained and enhanced; (j) Public access (where appropriate) is provided for; (k) The spread of undesirable aquatic plants is avoided, remedied or mitigated; and (l) The integrity of Kai Tahu ki Otago's spiritual beliefs, cultural traditions and practices in respect of water resources is considered.	
<u>12.3.1 Objective</u> Safe and Efficient Roding Network To promote the safe and efficient operation of the District's roading network	<u>12.4.1 Policy</u> Parking, Loading and Manoeuvring To avoid, remedy or mitigate adverse effects on the safe and efficient operation of the roading network by requiring: (a) Safe and efficient access points to the roading network, and (b) Off-road loading and manoeuvring space and facilities, and (c) Off-street parking, where these are appropriate.	The relocation of the heavy equipment will have an effect on the roading network. It will however be a temporary effect and will be managed using appropriate road control measures. Subject to appropriate mitigations, the proposal is considered consistent with this objective and policy.

Having regard to the relevant objectives and policies individually, and considering these holistically, the above assessment indicates that the application is consistent with those provisions set out in the Plan.

Partially Operative 2019 Regional Policy Statement and the Partially Operative Otago Regional Policy Statement 2021

Section 104(1)(b)(v) of the Act requires that any relevant regional policy statements be considered. The Partially Operative 2019 Regional Policy Statement for Otago (RPS) was reviewed in respect of this proposal and must be given effect to. The Partially Operative Otago Regional Policy Statement 2021 was also reviewed and whilst not operative must be given regard to. No policies specifically relevant to this proposal were identified.

Relevant to this application are the following objectives and policies for the 2019 RPS.

Objectives	Supporting Policies	Assessment
<u>Objective 2.1</u> The principles of Te Tiriti o Waitangi are taken into account in resource	<u>Policy 2.1.2 Treaty principles</u> Ensure that local authorities exercise their functions and powers, by: a) Recognising Kāi Tahu's status as a Treaty partner; and	The mining proposal has been cognisant of Manawhenua values and heritage both within the site. The mining activity will have no effects on the river, its

management processes and decisions	b) Involving Kāi Tahu in resource management processes implementation; c) Taking into account Kāi Tahu values in resource management decision-making processes and implementation; d) Recognising and providing for the relationship of Kāi Tahu's culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka; e) Ensuring Kāi Tahu have the ability to: - Identify their relationship with their ancestral lands, water, sites, wāhi tapu, and other taoka; - Determine how best to express that relationship; f) Having particular regard to the exercise of kaitiakitaka; g) Ensuring that district and regional plans: - Give effect to the Ngāi Tahu Claims Settlement Act 1998; - Recognise and provide for statutory acknowledgement areas in Schedule 2; - Provide for other areas in Otago that are recognised as significant to Kāi Tahu; h) Taking into account iwi management plans.	margins or the values associated with them. As part of the consenting process the Rūnaka whom have an interest in the Clutha River/ Mata-Au are able to participate and provide their commentary to the proposal. The application is considered to be consistent with this objective and these policies.
Objective 3.1 The values (including intrinsic values) of ecosystems and natural resources are recognised and maintained, or enhanced where degraded.	<u>Policy 3.1.1 Fresh water</u> Safeguard the life-supporting capacity of fresh water and manage fresh water to: a) Maintain good quality water and enhance water quality where it is degraded, including for: - Important recreation values, including contact recreation; and, - Existing drinking and stock water supplies; b) Maintain or enhance aquatic: - Ecosystem health; - Indigenous habitats; and, - Indigenous species and their migratory patterns. c) Avoid aquifer compaction and seawater intrusion; d) Maintain or enhance, as far as practicable: - Natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers; - Coastal values supported by fresh water; - The habitat of trout and salmon unless detrimental to indigenous biological diversity; and - Amenity and landscape values of rivers, lakes, and wetlands; e) Control the adverse effects of pest species, prevent their introduction and reduce their spread; f) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion; and, g) Avoid, remedy or mitigate adverse effects on existing infrastructure that is reliant on fresh water. <u>Policy 3.1.2 Beds of rivers, lakes, wetlands, and their margins</u> Manage the beds of rivers, lakes, wetlands, their margins, and riparian vegetation to: a) Safeguard the life supporting capacity of fresh water; b) Maintain good quality water, or enhance it where it has been degraded; c) Maintain or enhance bank stability; d) Maintain or enhance ecosystem health and indigenous biological diversity; e) Maintain or enhance, as far as practicable: - Their natural functioning and character; and	No effects on the river, its margins or water quality will occur. Mining will occur within the mine pond and water will be re-circulated. Water will 'go to ground' through the gravels and any sediments will be retained in the soil profile. The will be no effect on drinking water supplies, or ecosystems. Once mining is complete, the site will revert to the residential development approved by the previous subdivision consent. The application is considered to be consistent with this objective and these policies.

	ii. Amenity values; f) Control the adverse effects of pest species, prevent their introduction and reduce their spread; and, g) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion <u>Policy 3.1.11</u> Natural features, landscapes, and seascapes Recognise the values of natural features, landscapes and seascapes are derived from the biophysical, sensory and associative attributes in Schedule 3.	
Objective 3.2 Otago's significant and highly-valued natural resources are identified and protected, or enhanced where degraded	<u>Policy 3.2.4 Managing outstanding natural features, landscapes and seascapes</u> Protect, enhance or restore outstanding natural features, landscapes and seascapes, by all of the following: a) In the coastal environment, avoiding adverse effects on the values (even if those values are not themselves outstanding) that contribute to the natural feature, landscape or seascape being outstanding; b) Beyond the coastal environment, maintaining the values (even if those values are not themselves outstanding) that contribute to the natural feature, landscape or seascape being outstanding; c) Avoiding, remedying or mitigating other adverse effects; d) Encouraging enhancement of those areas and values that contribute to the significance of the natural feature, landscape or seascape. <u>Policy 3.2.6 Managing highly valued natural features, landscapes and seascapes</u> Maintain or enhance highly valued natural features, landscapes and seascapes by all of the following: a) Avoiding significant adverse effects on those values that contribute to the high value of the natural feature, landscape or seascape; b) Avoiding, remedying or mitigating other adverse effects; c) Encouraging enhancement of those values that contribute to the high value of the natural feature, landscape or seascape. <u>Policy 3.2.14 Managing outstanding freshwater bodies</u> Protect outstanding freshwater bodies by all of the following: a) Maintaining the values that contribute to the water body being outstanding; b) Avoiding, remedying or mitigating other adverse effects on the water body; c) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread; d) Encouraging enhancement of those values that contribute to the water body being outstanding.	Mining will occur within a rural farming context and over a three year period, and during typical working hours for activities in a rural zone. Effects will be temporary and then fully reinstated before being converted to the residential development. There will be no effects on the receiving water body. No parties are considered to be affected by the visual or audible effects on the landscape beyond less than minor effects. The application is considered to be consistent with this objective and these policies.
Objective 5.1 Public access to areas of value to the community is maintained or enhanced. Objective 5.4 Adverse effects of using and	<u>Policy 5.1.1 Public access</u> Maintain or enhance public access to the natural environment, including to the coast, lakes, rivers and their margins and where possible areas of cultural or historic significance, unless restricting access is necessary for one or more of the following: a) Protecting public health and safety; b) Protecting the natural heritage and ecosystem values of sensitive natural areas or habitats;	With the exception of the occasional pump and soft-hose water pipe extending into the river for topping up the pond water, there will be no interaction from the mining activity on the river or the river margins. The applicant has indicated this is not likely, but does remain as possibility to consider.

enjoying Otago's natural and physical resources are minimised.	c) Protecting identified sites and values associated with historic heritage or cultural significance to Kāi Tahu; d) Ensuring a level of security consistent with the operational requirements of a lawfully established activity. <u>Policy 5.2.1 Recognising historic heritage</u> Recognise all the following elements as characteristic or important to Otago's historic heritage: a) Residential and commercial buildings; b) Māori cultural and historic heritage values; c) 19th and early 20th century pastoral sites; d) Early surveying, communications and transport, including roads, bridges and routes; e) Early industrial historic heritage, including mills and brickworks; f) Gold and other mining systems and settlements; g) Dredge and ship wrecks; h) Coastal historic heritage, particularly Kāi Tahu occupation sites and those associated with early European activity such as whaling; i) Memorials; j) Trees and vegetation.	Access and navigation will be unhindered. The application is considered to be consistent with this objective and these policies.
--	---	---

The assessment of environmental effects has established that, subject to conditions, the extraction activity will not:

- have an adverse effect on water quality, aquatic ecosystems, amenity values, public access or heritage values
- will not threaten existing defences against water;
- will not have any adverse effects on the cultural or heritage values of the area,
- will not have an adverse effect on the landscape, and
- will provide for the economic well-being of the applicant and as a result the community by providing jobs.

Overall, the proposal is assessed as **consistent** with the provisions of the RPS.

Partially Operative Otago Regional Policy Statement 2021

The relevant provisions of the PORPS include:

MW-O1 – Principles of Te Tiriti o Waitangi

The principles of Te Tiriti o Waitangi are given effect in resource management processes and decisions, utilising a partnership approach between councils and Papatipu Rūnaka to ensure that what is valued by mana whenua is actively protected in the region.

MW-P2 – Treaty principles

Local authorities exercise their functions and powers in accordance with Treaty principles, by:

- (1) recognising the status of Kāi Tahu and facilitating Kāi Tahu involvement in decision making as a Treaty partner,
- (2) including Kāi Tahu in resource management processes and implementation to the extent desired by mana whenua,
- (3) recognising and providing for Kāi Tahu values and resource management issues, as identified by mana whenua, in resource management decision-making processes and plan implementation,
- (4) recognising and providing for the relationship of Kāi Tahu culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka by ensuring that Kāi Tahu have the ability to identify these relationships and determine how best to express them,

- (5) ensuring that regional and district plans recognise and provide for Kāi Tahu relationships with Statutory Acknowledgement Areas, tōpuni, nohoaka and customary fisheries identified in the NTCSA 1998, including by actively protecting the mauri of these areas,
- (6) having particular regard to the ability of Kāi Tahu to exercise kaitiakitaka,
- (7) actively pursuing opportunities for:
 - (a) delegation or transfer of functions to Kāi Tahu, and
 - (b) partnership or joint management arrangements, and
- (8) taking into account iwi management plans when making resource management decisions.

MW-P3 – Supporting Kāi Tahu well-being

The natural environment is managed to support Kāi Tahu well-being by:

- (1) protecting customary uses, Kāi Tahu values and relationships of Kāi Tahu to resources and areas of significance, and restoring these uses and values where they have been degraded by human activities,
- (2) safeguarding the mauri and life-supporting capacity of natural resources, and
- (3) working with Kāi Tahu to incorporate mātauraka in resource management.

IM-O2 – Ki uta ki tai

Natural and physical resource management and decision making in Otago embraces ki uta ki tai, recognising that the environment is an interconnected system, which depends on its connections to flourish, and must be considered as an interdependent whole.

IM-P2 – Decision priorities

Unless expressly stated otherwise, all decision making under this RPS shall:

- 1. first, secure the long-term life-supporting capacity and mauri of the natural environment,
- 2. secondly, promote the health needs of people, and
- 3. thirdly, safeguard the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

IM-P4 – Setting a strategic approach to ecosystem health

Healthy ecosystems and ecosystem services are achieved through a planning framework that:

- (1) protects their intrinsic values,
- (2) takes a long-term strategic approach that recognises changing environments,
- (3) recognises and provides for ecosystem complexity and interconnections, and (4) anticipates, or responds swiftly to, changes in activities, pressures, and trends.

LF-WAI-O1 – Te Mana o te Wai

The mauri of Otago's water bodies and their health and wellbeing is protected, and restored where it is degraded, and the management of land and water recognises and reflects that:

- 1. water is the foundation and source of all life
- 2. there is an integral kinship relationship between water and Kāi Tahu whānui, and this relationship endures through time, connecting past, present and future,
- 3. each water body has a unique whakapapa and characteristics,
- 4. water and land have a connectedness that supports and perpetuates life, and
- 5. Kāi Tahu exercise rakatirataka, manaakitaka and their kaitiakitaka duty of care and attention over wai and all the life it supports.

LF-WAI-P1 – Prioritisation

In all management of fresh water in Otago, prioritise:

- (1) first, the health and well-being of water bodies and freshwater ecosystems, te hauora te wai and te hauora o te taiao, and the exercise of mana whenua to uphold these,
- (2) second, the health and well-being needs of people, te hauora o te tangata; interacting with water through ingestion (such as drinking water and consuming harvested resources) and immersive activities (such as harvesting resources and bathing), and

- (3) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

The application will not impact on water quantity. The discharge component will be solely into the mine pond that has no immediate hydraulic connection to the river body. There will be no effects on the river or its values. This application involves an activity that supports the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future. To this extent, it sits third in this priority list in LF-WAI-P1. Nevertheless, since the proposal is not likely to result in any effects on the health and well-being of the resource, nor on the health needs of people, it is considered consistent with these policies.

LF-WAI-P2 – Mana whakahaere

Recognise and give practical effect to Kāi Tahu rakatirataka in respect of fresh water by:

- (1) facilitating partnership with, and the active involvement of, mana whenua in freshwater management and decision-making processes,
- (2) sustaining the environmental, social, cultural and economic relationships of Kāi Tahu with water bodies,
- (3) providing for a range of customary uses, including mahika kai, specific to each water body, and
- (4) incorporating mātauraka into decision making, management and monitoring processes.

Aukaha on behalf of the local Rūnaka will be given the opportunity to engage in the early process of this application. Therefore, we submit the proposal is consistent with the above policy.

LF-WAI-P3 – Integrated management/ki uta ki tai

Manage the use of freshwater and land in accordance with tikanga and kawa, using an integrated approach that:

1. recognises and sustains the connections and interactions between water bodies (large and small, surface and ground, fresh and coastal, permanently flowing, intermittent and ephemeral),
2. sustains and, wherever possible, restores the connections and interactions between land and water, from the mountains to the sea,
3. sustains and, wherever possible, restores the habitats of mahika kai and indigenous species, including taoka species associated with the water body,
4. manages the effects of the use and development of land to maintain or enhance the health and well-being of freshwater and coastal water,
5. encourages the coordination and sequencing of regional or urban growth to ensure it is sustainable,
6. has regard to foreseeable climate change risks, and
7. has regard to cumulative effects and the need to apply a precautionary approach where there is limited available information or uncertainty about potential adverse effects.

LF-WAI-P4 – Giving effect to Te Mana o te Wai

All persons exercising functions and powers under this regional policy statement and all persons who use, develop or protect resources to which this regional policy statement applies must recognise that LF-WAI-O1, LF-WAI-P1, LF-WAI-P2 and LF-WAI-P3 are fundamental to upholding Te Mana o te Wai, and must be given effect to when making decisions affecting freshwater, including when interpreting and applying the provisions of the LF chapter.

This application involves an activity that supports the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future. To this extent, it sits third in this priority list. Nevertheless, since the proposal does not result in any effects on the health and well-being of the resource, nor on the health needs of people and is considered consistent with this policy. The proposed activity involves a (generally) non-consumptive permitted water take and therefore water will be used efficiently and sustainably. The health and wellbeing of the Clutha River/Mata-Au is not

degraded by the proposed activity. The application is considered to be generally consistent with LF-WAI-P3 and LF-WAI-P4.

LF-VM-O2 – Clutha Mata-au FMU vision

In the Clutha Mata-au FMU:

- (1) management of the FMU recognises that:
 - (a) the Clutha River / Mata-au is a single connected system ki uta ki tai, and
 - (b) the source of the wai is pure, coming directly from Tawhirimatea to the top of the mauka and into the awa,
- (2) freshwater is managed in accordance with the LF-WAI objectives and policies,
- (3) the ongoing relationship of Kāi Tahu with wāhi tūpuna is sustained,
- (4) water bodies support thriving mahika kai and Kāi Tahu whānui have access to mahika kai,
- (5) indigenous species migrate easily and as naturally as possible along and within the river system,
- (6) the national significance of the Clutha hydro-electricity generation scheme is recognised,
- (7) in addition to (1) to (6) above:
 - (a) in the Upper Lakes rohe, the high quality waters of the lakes and their tributaries are protected, recognising the significance of the purity of these waters to Kāi Tahu and to the wider community,
 - (b) in the Dunstan, Manuherekia and Roxburgh rohe:
 - (i) flows in water bodies sustain and, wherever possible, restore the natural form and function of main stems and tributaries to support Kāi Tahu values and practices, and
 - (ii) innovative and sustainable land and water management practices support food production in the area and reduce discharges of nutrients and other contaminants to water bodies so that they are safe for human contact, and
 - (iii) sustainable abstraction occurs from main stems or groundwater in preference to tributaries,
 - (c) in the Lower Clutha rohe:
 - (i) there is no further modification of the shape and behaviour of the water bodies and opportunities to restore the natural form and function of water bodies are promoted wherever possible,
 - (ii) the ecosystem connections between freshwater, wetlands and the coastal environment are preserved and, wherever possible, restored,
 - (iii) land management practices reduce discharges of nutrients and other contaminants to water bodies so that they are safe for human contact, and
 - (iv) there are no direct discharges of wastewater to water bodies, and
- (8) the outcomes sought in (7) are to be achieved within the following timeframes:
 - (a) by 2030 in the Upper Lakes rohe,
 - (b) by 2045 in the Dunstan, Roxburgh and Lower Clutha rohe, and (c) by 2050 in the Manuherekia rohe.

The Applicant will engage with Aukaha on behalf of Rūnaka. It is assessed that any ecological adverse effects on the waterbody will be de minimus. The application is consistent with this policy.

LF-VM-O7 – Integrated management

Land and water management apply the ethic of ki uta ki tai and are managed as integrated natural resources, recognising the connections and interactions between freshwater, land and the coastal environment, and between surface water, groundwater and coastal water.

LF-FW-O8 – Freshwater

In Otago's water bodies and their catchments:

- (1) the health of the wai supports the health of the people and thriving mahika kai,
- (2) water flow is continuous throughout the whole system,

- (3) the interconnection of freshwater (including groundwater) and coastal waters is recognised,
- (4) native fish can migrate easily and as naturally as possible and taoka species and their habitats are protected, and
- (5) the significant and outstanding values of Otago's outstanding water bodies are identified and protected.

LF-FW-O10 – Natural character

The natural character of wetlands, lakes and rivers and their margins is preserved and protected from inappropriate subdivision, use and development.

The natural character of the Clutha and the surrounding area will not be affected from the proposed activity. There is no effects on the river, and Landscape Architect Mike Moore confirms the activity will not extend into the river margins.

LF-FW-P12 – Protecting outstanding water bodies

The significant and outstanding values of outstanding water bodies are:

- (1) identified in the relevant regional and district plans, and
- (2) protected by avoiding adverse effects on those values.

The Clutha River contains many values, however none will be affected by this application and is considered consistent with this policy.

LF-FW-P13 – Preserving natural character

Preserve the natural character of lakes and rivers and their beds and margins by:

- (1) avoiding the loss of values or extent of a river, unless:
 - (a) there is a functional need for the activity in that location, and
 - (b) the effects of the activity are managed by applying:
 - (i) for effects on indigenous biodiversity, either ECO-P3 or ECO-P6 (whichever is applicable), and
 - (ii) for other effects, the effects management hierarchy,
- (2) not granting resource consent for activities in (1) unless Otago Regional Council is satisfied that:
 - (a) the application demonstrates how each step of the effects management hierarchies in (1)(b) will be applied to the loss of values or extent of the river, and
 - (b) any consent is granted subject to conditions that apply the effects management hierarchies in (1)(b),
- (3) establishing environmental flow and level regimes and water quality standards that support the health and well-being of the water body,
- (4) wherever possible, sustaining the form and function of a water body that reflects its natural behaviours,
- (5) recognising and implementing the restrictions in Water Conservation Orders,
- (6) preventing the impounding or control of the level of Lake Wanaka,
- (7) preventing modification that would reduce the braided character of a river, and
- (8) controlling the use of water and land that would adversely affect the natural character of the water body.

LF-FW-P14 – Restoring natural character

Where the natural character of lakes and rivers and their margins has been reduced or lost, promote actions that:

- (1) restore a form and function that reflect the natural behaviours of the water body,
- (2) improve water quality or quantity where it is degraded,
- (3) increase the presence, resilience and abundance of indigenous flora and fauna, including by providing for fish passage within river systems,
- (4) improve water body margins by naturalising bank contours and establishing indigenous vegetation and habitat, and

- (5) restore water pathways and natural connectivity between water systems.

Any adverse effects on the waterbody have been assessed as de minimus. Although the proposed activity will alter the natural character of the rural land adjacent to the Clutha River/Mata-Au it will nonetheless have no interaction with the river or its values. Any effects will be temporary and less than minor. On that basis, the application is consistent with this policy.

Overall, the proposed activities associated with the mining including the water take and discharge to water are assessed as consistent with the policies within the Proposed Otago Regional Policy Statement.

Other Planning Instruments

Kai Tahu Ki Otago Natural Resource Management Plan 2005

The Natural Resource Management Plan 2005 has been reviewed in respect of this application. The following relevant issues in respect of proposal are identified:

- Cumulative effects of extraction activities in the Clutha/Mata-au.
- Effects on aquatic ecosystems.

The above issues are sought to be managed through the following policies:

To require applications to include information on the following:

- cumulative effects
- effects on aquatic ecosystems
- effects on indigenous fisheries
- proposed timing of works, and
- effects on cultural values of Kā Papatipu Rūnaka

In this instance, it is respectfully assessed that:

- The activity will be land based, entirely within private property;
- The activity will be outside the river margin;
- There will be no effects on the river, or its margin, or the values associated with them;
- There will be no discharge to water;
- There are no known Māori sites in the immediate area;
- An accidental discovery protocol is proposed to address any unforeseen discovery;
- The activity will occur for only three years before the site is converted into eight rural lifestyle properties.

Whilst Rūnaka are best placed to determine if an activity is consistent with the policies of their plan, it is the applicant's intention that they be as consistent with the plan as possible and are willing to discuss any additional matters of concern with the Rūnaka.

Offsetting or compensation measures

In accordance with Section 104(1)(ab) of the Resource Management Act 1991, there are no offsetting or compensation measures offered nor are any deemed necessary.

Notification

With regard to notification:

- The applicant does not request notification. It is accepted the site sits within a statutory acknowledgement area, it nonetheless will be consistent with Te Mana o te Wai and will not affect the Mauri of the waterbody. Iwi and Runanga who consider the Clutha River/ Mata-Au as part of their rohe will be able to participate in the consenting process.

- The proposal does not relate to the exchange of reserves land and does not involve an affected protected customary rights group.
- Given the context of the receiving environment and the land use within the landscape, there are no rules in the Plan which require notification.
- It is considered that there are no special circumstances relating to the application.
- It is assessed that the effects of the proposal on the wider environment are less than minor.

Conclusion

Resource consent is sought to carry out a small scale commercial mining venture on a farm zoned Rural General in the Central Otago District Plan. The proposed consent term sought is three years of active mining with a further six months for site management.

The application includes an assessment of the likely effects of the proposal on the environment. Overall, it is considered that these effects will be no more than minor. The reasons for the proposed consent term are:

- The effects of the proposal are well understood and, provided consent conditions are adhered to, will be unlikely to result in adverse effects; and
- Section 128 of the RMA allows for conditions of resource consents to be reviewed, it is considered any issues will be able to be dealt with through this process.

The proposal is consistent with the purpose and principles of the Resource Management Act (1991), and the relevant statutory documents. The proposal is consistent with CODC District Plan, the National Policy Statement for Freshwater Management 2014, the Otago Regional Policy Statements.

Overall, given the nature of the activities proposed, the extent of temporary effects, proposed 3 ½ year term of consent is in my opinion subject to conditions, any adverse environmental effects will be avoided, or mitigated.

I respectfully seek consent be approved on a without notification basis.

Yours faithfully
Terramark Ltd



Darryl Sycamore
Resource Management Planner