BEFORE THE CENTRAL OTAGO DISTRICT COUNCIL

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of Resource Consent Application RC250077 for the purpose of mining at Sandy Point, Queensberry
BY	**AWA KOURA MINING LIMITED** Applicant

SUMMARY STATEMENT OF MICHAEL SMITH
ON BEHALF OF PHILIPPA AND RODERICK FEE

30 October 2026

INTRODUCTION

1. My name is Michael Smith. I have prepared a statement of evidence dated 21 October 2026. A corrected version was re-issued on the morning of 22 October 2026 and is labelled as such.

SUMMARY OF EVIDENCE

Existing environment

2. I have visited the site, undertaken noise monitoring, and discussed the current use of 79 River Ridge Road with the submitters, Philippa and Roderick Fee.

3. I have described the existing environment in terms of a soundscape: river, birds and wind, with distant road traffic. It is not free of human sound, but nor is it dominated by it. The river, distant traffic and wind form the background; birds, occasional vehicles and aircraft, and sounds of rural activity form the foreground.

4. I measured daytime background levels of typically 35 to 40 dB L_{A90}, and 45 dB L_{A90} by the river. The river is the characteristic sound of the property, at about 30 to 35 dB L_{Aeq} at the outdoor areas depending on the wind. Distant traffic is audible but not intrusive.

Predicted noise levels

5. Mining noise is predicted at 45 to 46 dB L_{Aeq} at the Fees' notional boundary for five of the seven mining locations.

6. While the predictions are described as worst case, I consider them representative of a typical day of operation. The screen and feed excavator dominate and run whenever the mine operates. With fewer machines working, levels would drop only 1 to 2 dB.. In this context, the reduction in noise would be barely perceptible, and noise from the mine will be perceived equally prominent.

7. Mr Walker has told you that the hole will be no more than about 3 m deep, that the pond surface sits 1 to 1.5 m below ground, and that the screen floats on the pond and stands 3.5 m high. The top of the screen will therefore be about 2 m above the surrounding ground, and the feed excavator will work from the edge of the hole.

8. The original Marshall Day predictions placed the screen and excavator in a 7 m pit, which shielded the plant towards the Fees. That screening will not exist, and those predictions are not relevant.

9. The character is rock-on-rock noise from the screen and the clangs and bangs of heavy plant, through every working day. None of the sources needs a special audible characteristic adjustment if well managed, but the sound of material tumbling through the screen draws attention, and operating large plant always carries the potential for clangs and bangs from metal on metal, or rocks dropped from height.

Effects of the proposal

10. Mining noise is expected to be 5-11 dB above the typical background of 35 to 40 dB L_{A90}. It would be clearly audible at the western outdoor area through the whole working day, every weekday, for about two to three years. That combination of margin, continuity and duration is what makes the mine part of the everyday sound of the property.

11. Two effects follow. The first is a change to the soundscape. The river and birds are the sounds that give the property its character. With the river at about 30 to 35 dB L_{Aeq} at the outdoor areas and mining at 45 to 46 dB, the river would be masked to a varying degree. On some days it would not be heard at all. On others, depending on the mining location, the wind and the river level, it would be heard against plant noise rather than against the natural background.

12. The second is intrusion. The western outdoor area is the principal outdoor living area of the dwelling, and it is where the Fees go for quiet activities. A continuous source this far above the background leaves no period in the working day free of plant noise, and individual events from operating the plant, buckets striking rock and engines under load, draw attention away from what people are doing. Over two to three years, I expect this would change how the Fees use that area on weekdays.

13. On the lower terrace and riverbank the predicted levels are higher, up to 54 dB L_{Aeq}, but the river is louder there. It would still be clearly audible where the Fees use that land.

14. The predicted levels comply with the 55 dB L_{A10} standard at the notional boundary. Compliance does not describe the effect at the Fees' property. The acoustic factors that do are the level above the background, how often the noise occurs, how long it continues, and its character. These are the matters my evidence assesses, and they are the matters Policy 12.4.2 lists. I present them as the acoustic factors that determine the effect.

THE APPLICANT'S CRITICISM

15. The oral and written submission criticise me (and Mr Styles) for “straying from our lane” by discussing planning matters.

16. The specific criticism of my evidence is that paragraphs 13 and 43 state an understanding of what the District Plan anticipates without saying where that understanding came from. It came from reading Section 4 of the District Plan, as paragraph 43 says, and from discussion with counsel. It is context for the assessment.

17. Assessing noise effects is the ordinary work of an acoustic engineer, and the approach taken in my evidence is the normal one. I do not consider that I have strayed beyond my expertise.

18. A noise level is not an effect. The effect is what the noise does to the people and the places that receive it: whether it is heard, how prominent it is, what it masks, what activity it interrupts, and how long and how often that happens. The sound level is the principal input to that assessment, and a plan permitted activity standard is a key reference point, but neither describes the effect on its own. Two sources at the same level at a notional boundary can have quite different effects. Identifying those differences is acoustic work.

19. An assessment of noise effects usually contains the following elements. They are the same for a quarry, a wind farm, a road, and entertainment venue or a mine.

    (a) A description of the existing acoustic environment at the receivers.

    (b) The predicted level of the new source at each receiver, and cumulative noise levels when relevant.

    (c) The change in noise level.

    (d) The character of the noise.

    (e) What is affected by the noise (eg sleep, conversation, concentration, the use of outdoor living areas, or impacts on other values).

    (f) The likely human response to that combination.

    (g) The mitigation adopted and their effectiveness..

20. Each of those elements is a matter of acoustic expertise.

21. An applicant and their acoustics engineer cannot know at lodgement how each neighbour uses their property, where the outdoor living areas are, or which sounds they value. The submissions process helps to fill that gap.

22. Mr Shanks told you that noise effects are “reasonable and acceptable”. In response to questioning, Mr Shanks stated that his role is “Describing that [received noise levels] in the context of the environment.”

23. He acknowledged, that noise from the mine would be clearly audible over the background at some receivers for varying periods of time, that it "will be the dominant noise source for a period of time", and that against a background which is at times very low it is "definitely an increase in the background noise level". When the Panel asked whether reasonableness is within his expertise, he said "ultimately, that's Mr Sycamore's area" and that his own is "describing that in context of the environment".

24. Identifying the planning context is different from evaluating against it. Paragraphs 43 to 46 of my evidence identify the uses the zone provides for and describe, in acoustic terms, the noise each produces: rural living is noise-sensitive, primary production such as cultivation and harvesting is seasonal, and mining at the permitted scale is small and short-lived, with noise broadly comparable to the occasional machinery noise of farming. That is description. It lets the Panel compare the proposal, a screen and excavators operating through every working day for two to three years, with the noise the zone otherwise produces. Whether the proposal is consistent with the zone's objectives and policies is an evaluation I have not made.

FURTHER DISCUSSION ON EFFECTS

25. There is a large amount of common ground.

26. All experts agree that the existing environment is relatively quiet, and that that mining noise would be clearly audible above the background at some receivers for varying periods, that it would be the dominant noise source for a period of time. There would be masking the sounds of the river and birdsong. In answer to the Panel he agreed that, against an existing background which is at times very low, the mine is "definitely an increase in the background noise level".

27. Audibility alone is not a benchmark for adverse effects, and I have not said that it is. The assessment describes the degree of prominence, what is masked, what is intruded on, and for how long, and leaves the decision-maker to weigh those effects against the plan. That is

the distinction between describing an effect, which is the acoustic expert's role, and determining its acceptability under the policy framework.

28. So there is agreeement that noise from mining will be at least “clearly audible” at the rural residential dwellings on River Ridge Road, of varying degree, for the two to three years that mine operates.

29. Noise at the full noise limit has not been assessed, nor has noise beyond the notional boundaries, for example on the Fees’ river terrace.

THE NOISE LIMIT

30. The noise limit as proposed allows for a significantly higher level of noise than assessed by Mr Shanks for the applicant.

31. At 53 dB L_{Aeq}, mining noise would likely be heard inside (with windows open), and would entirely dominate the acoustic environment in the outdoor amenity areas. Noise at this level has not been assessed by the applicant.

32. If consent is granted, I recommend the daytime limit at the notional boundary of the River Ridge Road dwellings be set closer to the predicted levels. Setting noise limits at the predicted levels is not novel, and in this case, I consider it to be appropriate. The applicant says its predictions already assume favourable propagation and all plant operating. If so, the applicant should be able to meet a limit set at those levels.

33. Core equipment (screen, excavator, dump trucks, bulldozer or ancillary pumps associated with the mining activity) is subject to both the proposed noise limit and an hours of operation restriction (0800-1700h, Monday to Friday). Condition 7 states that other activities may occur outside of these, provided the remainder of the conditions are complied with.

34. There is no lower noise limit for the night time period, or the periods of the day outside of 0800-1700h. I consider this an oversite. To provide respite to neighbours, I consider that outside of the core hours, all plant on the site should be limited to 30 dB $L_{Aeq(15\ min)}$ at the notional boundary, which is at or below the evening and night-time background.

THE PROPOSED CONDITIONS

35. I have reviewed the conditions included in the applicant’s opening submission.

36. Condition 7 has provided greater clarify or which activities (discussed above at 33) are included in the daytime restriction. The condition has confirmed that the use of dewatering pumps will be daytime only, which has allayed the concern in my primary statement.

37. I understand Condition 8 is being updated to say 53 dB L_{Aeq} within CODC.

38. I support the reintroduction the objective to condition 10. However, in my opinion the requirement should be to minimise noise effects at neighbouring properties as far as practicable.

39. Condition 10 lists the minimum requirements of the ONMP. Where possible, things should be fixed in conditions. Specifically, the conditions should include:

    (a) A prohibition on tonal reversing beepers.

    (b) Attended monitoring at start-up, reported to the District Council and compared with the predictions, with a stated consequence for an exceedance.

    (c) The five-month sequencing of mining locations. This would provide certainty to neighbours as to when they would be most affected by mining noise.

CONCLUSION

40. Having heard the applicant's evidence, my assessment is unchanged. Noise from the proposed activity will materially change the soundscape of the area for prolonged periods. Based on this exposure, I consider it likely that is will adversely affect how residents use their land and their sense of enjoyment.