SUMMARY STATEMENT OF EMMA SPALDING

Introduction

1. My name is Emma Spalding. I am a Partner at Taylor Planning. I prepared the Section 42A Report on behalf of Central Otago District Council for the resource consent application RC250077 by Awa Koura Mining Limited. My qualifications, experience and commitment to the Code of Conduct for Expert Witnesses are set out in Section 2 of my report. I became the processing planner for this application at the time of notification, following the resignation of the original processing planner.

2. This statement provides a summary of my s42A Report and addresses the issues that have arisen during the course of the hearing. I note that this statement was prepared prior to hearing the evidence presented by the submitter this morning, and I will provide any further updates in response to this evidence as necessary.

Section 42A Report

3. The application seeks land use consent to undertake alluvial gold mining at Sandy Point, Queensberry for a period of three years, with progressive rehabilitation of the site following extraction activities.

4. The application site is located within the Rural Resource Area between State Highway 6 and the Clutha River/Mata-Au and has an existing consent for an eight-lot subdivision.

5. A description of the site, surrounding environment and the proposal are set out in my report, which I will not repeat here in detail.

6. The proposal is a discretionary activity under the provisions of the Central Otago District Plan.

7. The application was publicly notified on 19 February 2026. 22 submissions were received, 19 in opposition, 1 in support, 1 neutral and 1 did not state a position. Key issues and concerns raised in the submissions related to noise effects; visual and landscape effects; dust generation; effects on the river environment; effects on rural amenity and lifestyle properties; effects on recreation users of the river corridor; and cumulative effects.

8. Sections 7 and 8 of my report set out my assessment of effects on the environment.

9. My assessment relies on the expert input of Mr Tony Milne in relation to landscape, Mr Jon Styles in relation to noise, and Mr John Iseli in relation to dust.

<u>Natural Character and Landscape</u>

10. In terms of landscape and visual effects generated by mining activity, Mr Milne generally agreed with Mr Moore's assessment for the applicant, but requested greater detail regarding the effects from private properties. Mr Moore has provided this assessment in his evidence. Although these have been assessed as more than minor from some viewpoints, Mr Milne has confirmed that these effects are acceptable and are mitigated through progressive reinstatement of the mine pit as it progresses across the site. The effects are not permanent and reduce substantially following remediation of the landform and reinstatement of pasture.

11. Relying on the expert opinion of Mr Milne, I consider that landscape effects are acceptable. Although not able to be mitigated by planting or bunding, the actively mined

area will be limited to 2ha, the mine pit will be progressively reinstated and grassed, and any adverse effects will be short term.

Noise

12. My s42A report outlined that while noise from rural activities is expected within a Rural Resource Area, the scale and extent of the proposed goldmine is likely to generate noise which is not characteristic of general rural activities. The District Plan permits extractive activities up to an area of 2,000m2 and a volume of 3,000m3. The proposed mine will progressively cover an area of approximately 50ha, and will involve processing approximately 1.5 million cubic metres of material.

13. One of the key issues for noise outlined in the s42A report is whether the permitted noise standards in the District Plan should be used as a measure of 'reasonableness' for the proposal. While compliance with District Plan noise standards is relevant, I do not consider it determinative in this case. The proposal is a discretionary activity because it exceeds the scale of extraction anticipated by the Plan. In assessing reasonableness, I have considered not only predicted noise levels but also the duration, continuity and character of the noise, together with the receiving environment.

14. Based on the expert opinion of Mr Styles, my assessment of noise concluded that the noise effects generated from the mine will be potentially unreasonable and go beyond an acceptable threshold, in the context of the receiving environment. The levels of noise described by Mr Styles as a result of the mining activities will be noticeably adverse and will detract from amenity of surrounding properties, businesses and recreational users of the river and public land in the vicinity of the site.

Dust and Air Quality

15. Dust effects were assessed through a detailed air quality assessment, a draft dust management plan and an independent peer review by Mr Iseli. Mr Iseli concluded that dust effects can be appropriately managed through the careful application of best-practice dust control measures, implementation of real-time PM10 monitoring, and the imposition of robust consent conditions. However, he emphasised that the effectiveness of mitigation would be highly dependent on diligent site management and compliance with the recommended controls. Mr Iseli recommended a suite of conditions, which were subsequently adopted by the applicant.

16. Subject to the conditions recommended by Mr Iseli, I concluded that dust effects can be appropriately avoided or mitigated to an acceptable level.

Natural Hazards

17. The application did not include a geotechnical assessment. Given the scale of the proposed excavation and rehabilitation works, the presence of approved future residential building platforms, and the hazards affecting the site, my s42A report noted that it would be appropriate to require a targeted geotechnical assessment prior to works commencing, and included draft conditions to address these matters.

18. Subject to implementation of the recommended consent conditions, I considered that adverse effects associated with flooding, erosion, land stability and other natural hazards would be no more than minor.

19. I note that the applicant seeks deletion of these conditions. My recommendation is that they should be retained.

Other effects

20. Other effects relating to ecology, rural productivity, hazardous substances, access and transport, heritage values, cultural effects and cumulative effects were assessed as being acceptable and able to be managed through conditions of consent. I also took into consideration the positive economic effects as assessed by the applicant's economic assessment.

Overall effects conclusion

21. Having considered the technical assessments and peer reviews, I concluded that noise remained the principal unresolved issue.

Objectives and Policies Assessment

22. Section 9 of my report assessed the objectives and policies of the Central Otago District Plan, and concluded that the proposal has inconsistency with several provisions and is contrary to Policy 4.4.8 relating to amenity values of neighbouring properties, policy 12.4.2 relating to noise and Objective 5.3.2 relating to recreational values.

23. My report concluded that the proposal is considered to be consistent with the Otago Regional Policy Statement, and the National Policy Statements on Highly Productive Land, Indigenous Biodiversity, Freshwater Management, and Natural Hazards.

24. In terms of Part 2 of the Resource Management Act, my report noted that the application creates some inconsistency with Part 2 matters, as it does not maintain and enhance amenity values for surrounding neighbours over the three year mining term.

Recommendation

25. My report recommended refusal of the consent, based on the noise effects associated with the mining activity which will have potentially significant effects on surrounding properties.

26. A set of conditions were provided in Appendix 1 of my report, in the event that the Panel is of a mind to grant consent to the application.

Applicant's Revised Conditions

27. The applicant has subsequently provided a revised set of conditions, and I have met with the applicant to discuss the conditions and provide feedback.

Condition 3

28. I am comfortable with the changes to Condition 3 to amend the lapse date to 3 years from certification of the relevant management plans.

Condition 7

29. I discussed this condition with Mr Styles who advised that the list of machinery and equipment should include a general provision covering any other machinery used on the site. It may also be helpful for the applicant to provide a list of activities that they intend to undertake outside the hours of operation (such as office work at the site depot, sowing grass on rehabilitation areas, or watering the site).

Condition 8

30. I rely on the evidence of Mr Styles and consider the noise limits should apply to any dwelling constructed during the course of mining and that the deleted sentence should be retained.

Condition 12, 23, 31 and 39

31. I do not agree that the relevant management plans should be 'deemed to be certified' if the Council has not provided a response within 20 working days. The effects to be managed by these management plans are potentially significant, and Council should not be precluded from providing input. I note there is no equivalent clause in the ORC conditions.

32. My preference would be to include an advice note which sets out the expected timeframes and process as follows:

> ***Advice Note: Certification of Management Plans***
>
> *Following receipt of the management plans specified in the above conditions of consent, the Consent Authority will aim to provide written certification or feedback within 20 working days.*
>
> *If the response from the Consent Authority is that they are not able to certify the management plan, such a response should include detailed reasons with reference to the conditions of consent that the Consent Authority considers the management plan does not meet. The Consent Holder should consider any reasons and recommendations provided by the Consent Authority, amend the management plan accordingly, and resubmit the management plan for certification to the Consent Authority.*

33. This approach would avoid the conditions imposing an obligation on the consent authority rather than the consent holder.

Conditions 44-48

34. I consider these conditions should be retained and are important to address potential natural hazard effects.

35. I note that the underlying subdivision consent report did include recommendations relating to geotechnical matters, but these were not carried through into the conditions. The application material included a suite of hazard assessments prepared by Geosolve, including a Geotechnical Report dated December 2023, a Preliminary Flood Hazard Assessment dated April 2020, a Flooding/Updated Building Platform Location Assessment dated 1 December 2023, and a Flooding Hazard Addendum dated 23 February 2024. I understand that this information would form part of the resource consent application material and would be covered by Condition 1 of the subdivision consent which requires the subdivision to be undertaken in general accordance with the information provided with the resource consent application.

36. However, I consider that the previous geotechnical and flood hazard reporting would not have anticipated the goldmining activity occurring, and I consider that the conditions 44-48 should be imposed on the current consent as originally drafted.

37. In terms of condition 46 which requires confirmation that the mining setbacks from the approved building platforms are adequate, I note that the latest plan provided by the

applicant now includes building platforms 1 and 3 within the active mining area. Previously the applicant had stated (in their response to further information request dated 29 August 2025) that all building platforms will be outside of the mining area. It was stated that approved building platforms 1, 3-8 will be located on the terrace outside of the proposed mining area and that approved building platform 2 is sited towards the river margin, but that no mining would occur within 5m of the approved building platform for Lot 2. The applicant may need to clarify this in their reply, and provide an updated mining plan if necessary.

Conditions 50-55

38. I am comfortable that the now-granted ORC consents are adequate to deal with erosion and sediment control, and these conditions can now be deleted from the CODC draft conditions.

Dust conditions

39. I consider it appropriate to retain the dust conditions in the CODC consent decision, if granted. While there is overlap with the ORC conditions, the two authorities are regulating different effects. The ORC conditions primarily address human health effects, whereas the CODC conditions focus on amenity and nuisance effects. I have reviewed the conditions and they are largely consistent, although the ORC conditions have imposed a lower stockpile height limit of 0.6m. The CODC conditions should be amended to ensure consistency.

40. The ORC conditions also require a pre-start meeting with the consent holder and ORC monitoring officer. I consider that a similar condition should be included in the CODC conditions so that a CODC monitoring officer is also in attendance at the pre-start meeting.

Additional conditions

41. I note that Mr Milne has identified that the six monthly review of rehabilitation has not been included in the draft conditions. This should be included, should consent be granted.

42. Mr Sycamore also recommended in his evidence that conditions relating to accidental fuel spillage be included. I agree this would be appropriate.

43. I am happy to work with the applicant to prepare a final set of draft conditions for the Panel which incorporates these aspects, if requried.

Key Issue

44. The key issue in contention from my perspective is noise effects. Related to this is whether the mining activity is ‘anticipated’ by the District Plan, and how to assess the ‘reasonableness’ of the noise effects.

45. I have not changed my opinion that the noise effects resulting from this proposal are unacceptable.

46. In his evidence, Mr Sycamore relies heavily on the National Planning Standards definition of "primary production" to argue that mining is a primary production activity, is anticipated in the Rural Resource Area and is therefore acceptable. I do not consider

that the National Planning Standards definition of primary production should be relied upon to inform what is an anticipated rural activity in the Central Otago District Plan.

47. The CODC Plan pre-dates the National Planning Standards. It is my understanding that the standards do not apply retrospectively to existing plans. They are intended to be used to improve future plan preparation by standardising the format, structure and definitions of planning documents across New Zealand.

48. I accept that mining is an anticipated activity in the Rural Resource Area, as reflected in Issue 4.2.4 and the Plan's recognition that mineral extraction must locate where the resource occurs. However, I also acknowledge that the proposal exceeds the permitted thresholds for extractive activities, and as a discretionary activity, the adverse effects of the proposal must be fully assessed.

49. In my view, recognition of mining as an activity that may occur within the Rural Resource Area does not create a presumption that all mining proposals are acceptable. The relevant question is whether the adverse effects of this particular proposal are acceptable having regard to its scale, duration, location and effects on surrounding amenity values and an assessment of all the relevant statutory provisions.

50. Mr Sycamore states at paragraph 60 of his evidence that the Road Metals Case has determined that machinery noise associated with quarrying is anticipated in the residential amenity expectations in the RRA. He notes that the RRA acknowledges and accepts that mining is anticipated, and that residents can expect noise effects, albeit of limited duration. For these reasons Mr Sycamore concludes that the predicted noise is not unreasonable. I do not agree with this assessment that the noise effects of this proposal are reasonable because mining is an anticipated activity.

51. The applicant's evidence also places significant weight on the Road Metals Quarry decision and the Hawkswood decision. The Hawkswood applicant was able to obtain the written approvals of 26 affected parties, and the noise effects on these properties were disregarded. Noise was not an issue in contention at the hearing for this application. I understand that the Road Metals site had large separation distances (approximately 1.5km) from the nearest sensitive receiver who had not provided written approval, whereas the current application has numerous dwellings located much closer to the subject site. I consider that the current consent needs to be assessed on its merits.

52. Overall, the noise effects of the proposal have been comprehensively assessed through the evidence of Mr Styles and in the information provided by the applicant and submitters. Based on this information, and having regard to the nature of the receiving environment and the duration and character of the mining activity, I conclude that the resulting noise effects would be unreasonable and would diminish the amenity values of neighbouring properties and nearby recreational users to an unacceptable extent. I do not consider that the reduction in operating hours proposed by the applicant materially alters that conclusion. No other mitigation measures have been proposed that would reduce the noise effects to an acceptable level.

Recommendation

53. My recommendation is informed by the specialist evidence of Mr Styles in relation to noise, together with my planning assessment of the resulting effects on amenity values and the relevant District Plan provisions.

54. Having considered the evidence presented by the applicant and submitters, and for the reasons outlined in my s42A report and this summary statement, I remain of the view that the adverse noise effects of the proposal are unacceptable and cannot be adequately mitigated. Accordingly, I recommend that the application for resource consent be declined.



Emma Spalding

29 October 2026