

Submission Form 16 to the Otago Regional Council on consent applications

This is a Submission on (a) limited notified/publicly notified resource consent application/s pursuant to the Resource Management Act 1991.

Submitter Details:

(please print clearly)

Full Name/s: Dr Marilyn Duxson & Dr John Harris

Postal
Address:

[REDACTED]

Post Code:

[REDACTED]

Phone
number:

Business:

Private:

Mobile:

[REDACTED]

Email address:

[REDACTED]

I/ we wish to **OPPOSE** the application of:

Applicant's Name:

And/or
Organisation:

Application
Number:

RM 22.434

Location:

Bed of the Upper Clutha river/Mata-Au

Purpose:

Gold Dredging

The specific parts of the application/s that my submission relates to are: *(Give details)*

Entire application.

My/Our submission is *(include: whether you support or oppose the application or specific parts of it, whether you are neutral regarding the application or specific parts of it and the reasons for your views)*.

We live at [REDACTED], on 27 hectares of land that extend to the bank of the Clutha River /Mata-Au. At this address, we also have a working 8 hectare vineyard, a winery with tasting room, and a cottage providing visitor accommodation. In addition, the final part of the Wanaka to

Cromwell cycleway will soon run along the river bank adjacent to our property. In short, this is an active tourist destination, as well as our personal home.

We strongly oppose this application on five grounds;

- 1) that it will materially affect our personal quality of life
- 2) that it will degrade the experience of national and international visitors both visiting our winery and using the planned cycleway
- 3) on environmental grounds, particularly that the dredging poses a significant risk of spreading the invasive weed *lagarosiphon* along the entire section of river that is to be dredged.
- 4) that renewed dredging will again degrade the *mauri* of the Mata-Au, which was exploited to a devastating extent in the 1860s and through until the 1930s, and that the upper stretches of the *awa*/river should be left undisturbed as the last free-running section of the Clutha/Mata-Au River.
- 5) We strongly support the Cultural Impact Assessment submitted by Aukaha on behalf of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, and Hokonui Rūnanga.

1) Personal quality of life

The river is an integral part of our everyday life. We have put considerable energy into excluding stock from the river bank, removing invasive weeds and promoting regeneration of endemic species. There is a long-standing angler's track beside the river. Every morning starts with an hours walk along the river bank, notable for peace and quiet interrupted only by birdsong. In summer, swimming in the river, camping and picnicking on the river bank are staples for ourselves, and an extended network of friends, family and visitors. Visitors to our winery also often visit the river bank to picnic and walk. The enjoyment of these treasured moments would be materially degraded by the noise and diesel fumes from a large gold dredge.

The dredge also operates at night, and is floodlit, which would materially destroy the experience of walking, fishing or picnicking on the riverbank in the evening or camping overnight.

There is already a large diesel used for extracting river water for a vineyard on an immediately adjacent property (411 Maori Point Road). The noise of this diesel is enough to significantly impact on our enjoyment of the river environment, but it fortunately runs only intermittently, perhaps 30-40 days a year. Noise from this diesel has been measured at 52 dB by a neighbour - so very similar to the noise level measured from the Cold Gold dredge at Millers Flat. The combination of noise from these two sources would be very much worse than one alone, both in noise volume and in time experienced.

Our part of the river is just downstream of the gravel pit at the northern end of Maori Point Road, which was sluiced for gold in the Otago gold rush. We fully expect that this section of the river would again be a focus for gold extraction, should this application be approved.

2) Effect on experience of national & international visitors

A cycle trail is planned for construction along the river bank extending from just downstream of the Luggate Bridge/Devil's Elbow to the head Lake Dunstan, completing the existing lakeside track that starts at Lake Wanaka outlet. Destination Central Otago has warned us the trail is likely to be extremely popular, as is the case for other sections of the trail such as along Lake Dunstan. This trail is a perfect chance to highlight the natural Central Otago environment, but also the historic connection of Maori to the river trail. Known sites of *nohoanga* (seasonal occupation sites) and *mahinga kai* occur along the river, including one close to our river boundary.

The presence of a noisy, industrial installation, likely to be working at any site along the river goes directly against the ‘clean, green’ and cultural experience we would wish for visitors to this special region.

3) Environmental risks

After reading the submission of e3 Scientific, the risk that dredging might result in spread of the invasive weed *lagarosiphon* along the upper reaches of the river seems significant, and the evidence supplied on its current dispersal seems inadequate to the risk.

There is no protocol to explain how the survey for the presence of *lagarosiphon* was done, so the rigour of e3 Scientific’s assessment is unknown. Their assessment in full is on p.24 of their report where they state “Macrophytes that were recorded within the Upper Clutha River / Mata-Au included the invasive *Lagarosiphon major* (Lagarosiphon); however, this was only noted in one location where a slow-moving pool had formed downstream of a willow tree.” They do not describe the search strategy used to identify places of *lagarosiphon* growth, the water levels at the time of the search, or anything else that allows assessment of the rigour of this conclusion, along 26 km of river.

On p.12 of the ORC report, under ‘Ecology values’ the planner quotes e3 Scientific’s conclusion as above, and later, assesses the risk as

“Overall, I concur with this assessment and consider that the adverse effects on macrophytes will be less than minor.”

She also states “Ms Coates did not raise any concerns with the E3 Scientific assessment of effects on macrophyte disturbance.”

We request that much more information is supplied by e3 Scientific to back up this conclusion. As the *lagarosiphon* can be propagated by small fragments, a dredge accidentally disturbing even a small amount of *the weed* is likely to have a severe downstream effect. In particular, it could lead to the ruin of the sandy beaches along the upper stretches of the river (such as at 413 Maori Point Road) which are such treasures of the Mata-Au. It is not enough to say that the dredge will avoid the shallow water, because this is so dependent on water level. Areas of weed that are clearly apparent at low flows in summer are, at times of higher flows, such as now in mid-winter and for perhaps the past 6 weeks, submerged under 1 - 1.5 metres of water, not easily seen, and fully accessible to a dredge with a 0.8 M

Effects on native fish also cannot be excluded, given the huge extent of riverbed that will be disturbed, and the very small area of river bed that was sampled by e3 Scientific. A true measure of the biological life present in the water might be more effectively assessed by testing for e-DNA present in the water, rather than by spot sampling.

As voiced by Auhaka, “Overall, the proposal is focused on the economic use of the Mata-Au to the detriment of environmental considerations.”

4) The proposal challenges the *mauri* of the river, with no or little gain for the community

As expressed by Auhaka “The Mata-au is a significant waterway for Kāi Tahu, connecting the mountainous regions of the inland area with the life-giving ecosystems of the coast. The awa

has its own whakapapa, is a source of life and well-being, a wellspring of knowledge, memory, and connection, and is a focus for identity.”

As a nation we need to be protecting these increasingly rare, pure waterways, not continuing to exploit them for gains which are negligible to the local community and the nation, even if they may be substantial to a particular operator, who we note is based well away from the area. To alter the largely natural environment of the Upper Clutha by the addition of a gold dredge burning 5,000 litres of polluting diesel a week, and making a constant noise (from 7 am until 10 pm) at close to the limit of 55 dB, in order to severely disturb the river bed, cannot be justified on a cost/benefit basis.

The proposed dredge is larger and will be more impactful than those envisaged by the current planning rules, which specify that dredges should be no more than 6 M in length (the proposed dredge is 23 M), use a dredging nozzle no more than 150 mm in diameter (250 proposed) and have no more than 3 persons operating (>3 proposed). According to the applicants information, the dredge generally operates only marginally below the 55 dB noise limit, and its noise may well exceed the limit on occasion. To accommodate this application, most of the restrictions currently placed on gold dredging will need to be set aside. While this might be acceptable in parts of the river that are already degraded, it seems outrageous to propose it for the pristine waters of the Upper Clutha. Also, once these exceptions are made for one dredge, others may well follow.

5) We strongly support the conclusion of the Cultural Impact Assessment submitted by Aukaha

“Overall, mana whenua are concerned that the current dredging proposal perpetuates existing inequities in environmental outcomes.”

I/We seek the following decision from the consent authority (*give precise details, including the general nature of any conditions sought*)

We ask that the ORC refuse this application in its entirety.

I/we:

- Wish to be heard in support of our/my submission
-

If others make a similar submission, I/we will consider presenting a joint case with them at a hearing.

- Yes
-

I, **am not** a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank.*

I, **am** directly affected by an effect as a result of the proposed activity in the application that:

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition.

I, **do not** (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I **do not** request* that the local authority delegates its functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

I **have** served a copy of my submission on the applicant.

Signature/s of submitter/s

(or person authorised to sign on behalf of submitter/s)

(Date)

Notes to the submitter

If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#).

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

Privacy: Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public, including publication on the Council website. Your submission will only be used for the purpose of the notified resource consent process

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.

If you make a request under [section 100A](#) of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

The address for service for the Consent Authority is:

Otago Regional Council, Private Bag 1954, Dunedin, 9054

or by email to submissions@orc.govt.nz

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I **have** served a copy of my submission on the applicant.

N. J. Dawson

Signature(s) of submitter/s
(or person authorised to sign on behalf of submitter/s)

21/6/23
(Date)