

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER

BY Cold Gold Clutha Limited
Applicant

AND The Central Otago District Council
RM220225

AND The Queenstown Lakes District Council
RM220834
(QLDC)

AND The Otago Regional Council
RM22.424.01-04

OPENING STATEMENT OF DARRYL ALLAN SYCAMORE

9 November 2023

Introduction

1. My full name is Darryl Allan Sycamore.
2. I am a Planner for Terrmark Limited and have held the position as Planning Manager with Terramark since January 2020. My qualification and experience are set out in my evidence in chief.

Code of Conduct

3. While this is a local authority hearing, I have read and agree to comply with the Code of Conduct for Expert Witnesses set out in the Environment Court Consolidated Practice Note. My evidence has been prepared on that basis.
4. The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence. The reasons and justifications for those opinions are also set out in my evidence. Where I have relied on other experts in forming an opinion, these have been referenced. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

The site and the proposal

5. The site and dredging activity has been fully described in the application documentation, the two consulting planners 42A reports and technical reports.
6. The application has evolved since the time of lodgement. Whilst the actual mining proposal remains much the same, forward planning to comply with our suggested conditions will require far more attention than that of the existing mining activity in the mid reaches of the Clutha River.

Overview of s42A conclusions

7. The evidence provided by submitters and the landscape peer review inform this summary and I have concluded that some additional conditions may be suitable

Noise Effects

8. Cold Gold Clutha have committed to carrying out the proposed activity in compliance with the relevant district plan noise limits. There is little benefit in obtaining noise monitoring data within the existing area downstream of Beaumont as the topography and background noise differs and Cold Gold wishes to undertake some further upgrades to the dredge prior to relocating it upstream to further mitigate noise effects. As such noise monitoring of the existing dredge would not be relevant. To provide certainty the applicant proposes to engage an acoustic expert and carry out noise measurements within 2 months of commencing operations in the Upper Clutha.
9. Noise sampling results will confirm compliance with the performance standards and any setbacks that need to be maintained from sensitive receivers to ensure compliance.
10. The dredge will then be able to forward plan where it will operate relative to private properties with a high level of confidence the noise standards will be met. It is foreseeable that some properties such as those identified by the submitter Mr Kenderdine may be sufficiently close to the riverbed that the dredge will need to adopt an exclusion around those properties.

Landscape Considerations

11. Landscape effects have been an issue of concern to many submitters. The Clutha River/Mata Au is identified as an ONF in the Queenstown Lakes District and I agree with the opinion of Ms Mckenzie, landscape architect for the applicant that whilst the Clutha River is not identified as an ONF in the Central Otago District, the values of the river are much the same.
12. Ms Royce for the Territorial Authorities concludes in [102] of her s42A report that-

in the context of the policy framework, and recognising the mobile nature of the dredge, the exclusion zones, and the minimal

disturbance to the form of the river, I consider that the proposal appears to sit comfortably within the policy framework in respect of natural character and landscape values.

13. Ms Mckenzie provided an assessment of the effects on visual amenity and landscape character from the dredge, including the sediment plume associated with the discharge.
14. Strategic policy 3.2.5.2 of the QLDPD confirms that land use is assessed as inappropriate unless the values identified in a landscape assessment of values and attributes as specified in strategic policy are protected. I consider the assessment by Ms Royce and the landscape report by Ms Mckenzie confirms the values are protected, consistent with the strategic policy.
15. Ms Mckenzie notes, the Clutha River/Mata Au is recognised as a for its recreational opportunities. The area has a high flow, strong current and there is limited public access and as such, it is less frequented by members of the public for recreational use than other more accessible areas e.g. between the Lake Wanaka Outlet and Luggate Bridge.
16. The land abutting the Clutha River/Mata Au is primarily productive rural land with lifestyle properties in pockets along the river margin. Whilst most are located on the upper terrace and are generally set well back from the river, some dwellings are 100m or less from the river margin. Ms Mckenzie found in her assessment that the incised nature of the river, views toward the surface of the river from the dwellings are relatively limited. Vegetation dominates the river margins, interrupting views toward the river from many locations.
17. Ms Royce in her reply to Minute 3 from the Panel in [9] provides some context of additional development and consented building platforms. It is accepted that from some sites, the dredge will be both visible and audible. This position is also identified in the submissions.

18. Effects on amenity or rural character from the presence of the dredge near those dwellings sited near the river do need to be managed.
19. Mr Denney in his landscape peer review differed in regard to visual effects. The Mckenzie report determined visual effects to be low at most whereas he consider they would be up very low to moderate high on specific views where the proposal is visible. Mr Denney promotes several conditions of consent to address his concerns.
20. Mr Denney in his peer review promotes additional controls where-
- The dredge shall not occupy a single 250m stretch of the river for a duration longer than three months or relocate back within that 250m stretch from the date of first anchoring within the ten year life span of the consent:*
- *within 1km of any visible rural dwelling from the river that is accessed from Māori Point Road and associated side roads (public and private), and River Ridge Road and associated side roads (public and private),*
 - *and within 500m of the Upper Clutha River Trail.*
21. I consider the first point is a measured response and should carry into the consent conditions.
22. I do not consider this necessary in relation to the Upper Clutha River Trail. Trail users will experience a fleeting exposure of the dredging operation. Mr Hall has commented on the extent of feedback he has received when mining in the mid reaches of the Clutha/ Mata Au. Cyclists on the Clutha Gold Trail have observed the dredge intermittently over the previous ten years and none have felt compelled to complain to the Council or media.
23. With respect to the blanket exclusion adjacent to the Mata-au Scientific Reserve promoted by Mr Denney, I consider this is unnecessary. The suggestion is a severe response given the effects of the activity will be a one-off event and for a temporary duration. There is also no suggestion the dredging operation will affect the ecological values. For the public, the rural zone includes a range of noise sources and the dredging operation will comply with the permitted noise

standards. It is my opinion this condition should be disregarded, or refined to avoid the summer months when it is more likely that people would be utilising the area.

24. Overall, Ms Mckenzie concludes in her assessment that the effects of the proposal will be of a low degree. This assessment is consistent with that by Ms Royce and broadly by Mr Denney. I do prefer the landscape assessment of Ms Mckenzie, although consider some of the conditions suggested by Mr Denney can be accommodated to respond to concerns raised by Submitters.
25. In relation to light-spill and the potential impact on adjoining property owners, Cold Gold holds the view the activity will meet Rules 31.5.7.1 and 21.5.7.3. The applicant has indicated that each down-facing light will also be fixed with a shroud to further minimise light-spill. Revised hours of operation and the provision of setbacks to comply with noise standards will provide additional comfort to light spill effects. Ms Royce's response to Minute 3 from the Panel has now proposed a revised condition consistent with Rule 21.5.7.2 of the QLPDP. I agree with that approach.
26. Overall when assessing the planning and landscape evidence, and the peer review I consider the effects on amenity, rural character and landscape are less than minor.

Effects on Cultural Values

27. The mana whenua submission and evidence raises concerns that the application does not appropriately protect the mauri of the Mata Au or give effect to Te Mana o te Wai. I accept Mauri is a critical element of the spiritual relationship of Kāi Tahu.
28. The Clutha River is a Statutory Acknowledgement Area and consultation with mana whenua has been carried out in good faith by the applicant.

29. As I have set out in my evidence in chief it is my opinion the Mauri of the river is not affected by the proposal. When applying the definition of the PORPS for Mauri, this is supported by the conclusions that the activity will not affect the life supporting capacity of the river.
30. On 24 October further consultation was carried out with mana whenua representatives Mr Vial, Mr Edwards and Dr Murchison. My interpretation of that meeting differs from that of Mr Vial in his evidence.
31. In my interpretation of that meeting, we found general consensus on a number of points, being
- (a) Options for managing turbidity. The use of a turbidity meter was agreed as an appropriate mechanism for measuring turbidity,
 - (b) That an ornithologist would carry out an assessment of the potential bird colony habitat in the permit area, and that prior to any mining in those identified areas a visual assessment by the applicant will be carried out to determine whether any colonies had established. In the event a bird colony had established, then a 250m exclusion setback would apply.
 - (c) The potential to link up with an existing pest trapping programme in the area to apply a halo around the nesting habitat was considered as positive approach.
32. Mana whenua representatives were invited whether there were any other matters they wished to discuss. They did not raise any additional matters.
33. Turning to the recommendations of the section 42A authors. They both find there is insufficient information to enable an assessment on the effects on cultural values.
34. Less tangible matters such as whakapapa or other metaphysical concepts have not been assessed. I rely on the approach set out in Ms Irving's legal submissions that biophysical effect need to manifest before concerns about metaphysical effects are engaged and weighed.

35. Both Ms Burrows and Ms Royce concluded there was not sufficient information to form a judgement. In my view the matters that can be assessed, have been done so thoroughly.
36. In terms of ecologically measurable values, both the applicants and Council's ecologist find the effects on the environment to be less than minor. In addition the applicants landscape architect finds the effects of the activity are low. Council's landscape architect Mr Denney draws generally similar conclusions with the key difference being potential imposition on private residents; which been now been addressed by way of proposed conditions.
37. Drawing on a manawhenua perspective, the applicant obtained a CIA which provided a Te Ao Māori context.
38. It would be helpful had the s42A authors specified what aspects of cultural values are incomplete, rather than making a broad statement without any context to enable further assessment.
39. The S42A report writers have put aside all the information provided such as the assessment against Mauri, the Cultural Indicators or the ecological advice from experts. Their recommendations effectively adopted a veto to the proposal by relying on the opposition of Ka Runaka. It is my opinion and that to the best of the applicant's ability the effects on cultural values have been sufficiently assessed and considered.

Conclusion

40. It is my opinion the proposed activity can be carried out respectful of the environment, the lifestyle property owners along the river terrace and the wider community.

APPENDIX

The policy framework of the QLDP helps to guide the assessment including:

- Policy 6.3.3.4 recognises that the landscape values of Outstanding Natural Landscapes are a significant intrinsic, economic and recreational resource, such that large scale mineral extraction development proposals are not likely to be compatible with them.
- Policy 6.3.3.5 seeks to maintain the open landscape character of Outstanding Natural Features and Outstanding Natural Landscapes where it is open at present.
- Policy 6.3.5.4 seeks to provide for appropriate commercial and recreational activities on the surface of water bodies that do not involve construction of new structures.
- Objective 21.2.12 seeks that the natural character of lakes and rivers and their margins is protected, or enhanced, while also providing for appropriate activities, including recreation, commercial recreation and public transport.
- Policy 21.2.5.4 seek to ensure potentially significant adverse effects of extractive activities (including mineral exploration) are avoided, or remedied particularly where those activities have potential to degrade landscape quality, character and visual amenity, indigenous biodiversity, lakes and rivers, potable water quality and the life supporting capacity of water.

The CODP also anticipates commercial activities occurring on the river.

Policy 4.4.8 of the CODP seeks to ensure that the effects associated with some activities do not significantly adversely affect the amenity values and privacy of neighbouring properties.

These effects are identified in-

- (a) Noise (including from night time operations),
- (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