

**BEFORE THE COMMISSIONER APPOINTED ON BEHALF OF
THE OTAGO REGIONAL COUNCIL, CENTRAL OTAGO DISTRICT
COUNCIL AND QUEENSTOWN LAKES DISTRICT COUNCIL**

Under The Resource Management Act 1991
(the **Act**)

In the Matter of an application for resource consents
for Suction Dredge Mining on the
Clutha River/ Mata Au

Between **COLD GOLD CLUTHA LIMITED**
Applicant

And **OTAGO REGIONAL COUNCIL**
(RM22.434)
QUEENSTOWN LAKES DISTRICT
COUNCIL (RM220834)
CENTRAL OTAGO DISTRICT
COUNCIL (RC220255)
Local Authorities

**SUMMARY OF EVIDENCE OF JESSICA MCKENZIE (LANDSCAPE
ARCHITECT)**



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INTRODUCTION

1. My full name is Jessica McKenzie. I have the qualifications and experience set out in paragraphs 1 to 2 of my brief of evidence dated 26 October 2023. In this Statement, I provide a summary of the key points of my evidence and elaborate on landscape matters raised in the Panel's Minute 3 and Peer Review Report prepared by Richard Denney dated 10 November 2023 (**the Peer Review**).

PROPOSAL AND STATUTORY CONSIDERATIONS

2. The applicant seeks consent from the Queenstown Lakes District Council (**QLDC**), the Central Otago District Council (**CODC**), and Otago Regional Council (**ORC**) for a suction dredge mining operation on the Clutha River/Mata Au and to construct a slipway.

SITE VISIT DETAILS

3. I had not seen the dredge itself at the time of drafting my evidence. I relied upon photographs, videos, and information provided by the applicant to carry out my assessment. I visited the dredge on the 4th of November while it was operating on the lower section of the Clutha River near Beaumont. I note that an earlier weather event meant there was high turbidity, and the sediment plume was not visible. The photograph below illustrates the weather conditions and turbidity at the time of the visit. The photograph is not intended to illustrate the degree of visibility and has not been taken in accordance with the New Zealand Institute of Landscape Architects (NZILA) Best Practice Guide and therefore does not accurately illustrate the full field of view (124° horizontal and 55° vertical).



Figure 1: View of the dredge from the service tender taken during a visit to the dredge on 4 November 2023, on the lower Clutha River near Beaumont.

MINUTE 3 COMMENTS

4. Clarification was sought regarding the Outstanding Natural Feature (**ONF**) / Outstanding Natural Landscape (**ONL**) status under Queenstown Lakes Operative District Plan (**QLODP**). Ms Royce responded to this on the 8th of November and attached QLODP Appendix 3B, Map 1. The landscape classifications shown on that map were determined by several environment court decisions, and Appendix 8A of the QLODP was updated as decisions came out. No landscape classification is given for the Clutha River/Mata Au. Either way, the ONF classification in the Queenstown Lakes Proposed District Plan (**QLPDP**) was determined by Hawthenden v Queenstown Lakes District Council [2019] NZEnvC 160 and is not under appeal. Therefore, I understand that full weight can be given to the provisions in the QLPDP.
5. Minute 3 and the response raise questions about the objectives and policies in the QLPDP which refer to appropriate and inappropriate development. These are QLDC objectives and policies and relate specifically to the stretch of river between the Luggate Bridge and Sandy Point. The objectives and policies related to landscape

matters are:

- *Policy 3.2.4.3 the natural character of the beds and margins of the districts rivers are preserved or enhanced where possible and protected from inappropriate development.*
 - *3.2.5.2 - Within the Rural Zone, new subdivision, use and development is inappropriate on Outstanding Natural Features or in Outstanding Natural Landscapes unless:

b. where the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are not specified in Schedule 21.22, the values identified according to SP 3.3.45 are protected.*
 - *Policy 6.3.5.4 Provide for appropriate commercial and recreational activities on the surface of water bodies that do not involve construction of new structures.*
6. Ms. Royce has provided a response that outlines key strategic matters that determine whether an activity is to be considered appropriate or inappropriate, which includes the activity protecting the ONF and its landscape values. Her response accords with the above policies. The values of the Clutha River are set out in *Hawthenden v Queenstown Lakes District Council [2019] NZEnvC 160*, and these are cited in paragraph 31 of my brief of evidence.
 7. The dredge will have an effect on the naturalness and aesthetic values that are confined to a very small portion of the river and are transient in nature. In terms of natural character, the impermanent nature of the dredge is such that the natural character of the bulk of the river will remain unchanged. Characteristics and quality that will be temporarily affected by the proposal include modification of the active bed and the presence of a dredge and sediment plume influencing the experiential qualities, including the turquoise water colour.
 8. In terms of values of the ONF, again, the impermanent nature of the dredge is such that the values will remain largely unchanged. Values

that will be temporarily affected to varying degrees (depending on the location of the dredge and people) relate to naturalness, aesthetic values, experiential values, and cultural values. Once the dredge has finished in a particular location and has moved on, the effects will be fully remediated, and there will be no lasting effects on the values of the ONF.

LANDSCAPE ASSESSMENT PEER REVIEW REPORT

9. In this section, I comment on differing opinions and queries raised in the Peer Review.
10. In terms of landscape character, the Peer Review concludes that the proposal would have a moderate-low adverse effect on the values that contribute to landscape character of the overall river landscape, specifically with regard to experiential, shared and recognised, and aesthetic values; while I conclude that the degree of adverse effects will be of a low degree at most. This is largely due to dredging being an anticipated activity within the Clutha River/Mata Au and the temporary nature of the activity.
11. There is disagreement about the degree of adverse effects on views and visual amenity from Maori Point Road. The Peer Review concludes that adverse effects are of a moderate degree; while I conclude that the degree of adverse effects on views and visual amenity from Maori Point Road will be of a very low degree at most. The Clutha River adjacent to Maori Point Road is incised and generally fully screened by topography. The stretch of road from which the river can be seen is approximately 500m. From this stretch of road, views are complex, panoramic, and comprise a mix of natural and modified landscapes. When operating in this area, the dredge will form a small part of wider views and given the viewing distance, recessive nature of the dredge and the brevity of views, the degree of adverse effects on views and visual amenity will be of a very low degree at most.
12. There is disagreement about the degree of adverse effects on views and visual amenity from the Mata-Au Scientific Reserve. The Peer

Review concludes that adverse effects vary from very low to a moderate – high degree; while I conclude that the degree of adverse effects on views and visual amenity will be of a low degree at most. When considering effects on views and visual amenity, we must consider the viewing audience. The viewing audience from the reserve is likely to be limited as the purpose of the reserve is to preserve remnant semi-arid ecosystems and associated threatened species rather than for recreation. The reserve does provide access to the river for recreation, including walking and fishing, but this access is not well signposted and likely limited to locals. Due to the limited viewing audience, dredging being anticipated and the transient nature of the dredge, I consider the adverse effects on views and visual amenity from the Mata Au Scientific Reserve to be of a low degree at most.

13. There is disagreement about the degree of adverse effects on views and visual amenity from the Upper Clutha River Track. The Peer Review concludes that adverse effects are of a very low up to a moderate degree; while I conclude that the degree of adverse effects on views and visual amenity will be of a low degree at most. This is largely due to the transient nature of both the dredge and the users of the Upper Clutha River Trail.
14. There is disagreement about the degree of adverse effects on views and visual amenity from private properties. The Peer Review concludes that adverse effects are of a very low up to a moderate degree; while I conclude that the degree of adverse effects on views and visual amenity from private properties will be of a low degree at most. Again, the permitted dredging has been considered as part of the receiving environment when determining the degree of adverse effects, and while the proposed dredge is of a larger scale, mitigating factors, including the colour and the transient nature of the dredge, ensure adverse effects on views and visual amenity will be of a low degree at most.
15. The Peer Review raises concerns about the duration of the activity in particular locations and suggests the volunteered condition of consent regarding exclusion areas and times is changed to include:

“the dredge shall not occupy a single 250m stretch of river for a duration longer than three months or relocate back within that 250m stretch within the ten year lifespan of the consent: within 1km of any visible rural dwelling from the river from Maori Point Road and associated side road (public and private), and River Ridge Road and associated side road (public and private).”

16. I understand the applicant is happy to accept this condition to ensure there is certainty around the timeframes from static views from private dwellings.
17. Other conditions have been suggested including a condition requiring temporary land-based buildings being coloured in dark recessive colours. This is considered unnecessary to mitigate an identified adverse effect.

CONCLUSIONS FROM EVIDENCE

18. The proposed operational area is the stretch of Clutha River/Mata Au between the Luggate Bridge to Lindis Crossing (approximately 23km of river). With regard to effects on views and visual amenity, the proposed operational area will be considerably screened by topography and established vegetation from both public and private locations. The transient nature of both the dredge and the viewing audience creates limited viewpoints and a limited viewing audience; visibility is only available when both cross paths. Additionally, dredging can be carried out as a permitted activity in both the Queenstown Lakes District and the Central Otago District, and as such, can be reasonably anticipated in views, and forms part of the anticipated amenity values of the Clutha River/Mata Au. In my opinion, the proposed suction dredge mining activity within the Clutha River/Mata Au will have an adverse effect on views and visual amenity of a low degree at most.
19. With regard to landscape character, I note that the Clutha River/Mata Au is identified as an ONF in the QLPDP and it possess the same or similar values within Central Otago District, despite not being formally recognised as an ONF. It is also subject to Section 6 of the

RMA regarding matters of national importance. The suction dredging activity is anticipated in both the Central Otago District and the Queenstown Lakes District. The bulk of the operational area is within the Central Otago District, which provides for commercial dredging operations using vessels up to 6m and up to three staff as a permitted activity. A separation distance of 500m is required, and therefore several commercial activities could be carried out simultaneously along the 23km stretch of the river. As such, when compared to what is reasonably anticipated, I consider that adverse effects on landscape character, including natural character are very low at most and the values and natural character of the Clutha River/Mata Au are preserved.

20. The relevant Objectives and Policies provide for mining and commercial activities on the river if landscape character, visual amenity values, and the natural character of rivers and their margins are protected or enhanced. I consider that, on balance, landscape character, visual amenity, and the values of the Clutha River/Mata Au are maintained and protected. The activity will have a limited viewing audience and scale, colour, and the transient nature of the dredge will ensure that the degree of adverse effects on views and visual amenity from these locations is of a low degree at most.
21. I consider that the proposal sits comfortably with the Central Otago District Plan and QLPDP and provisions that relate to the proposed activity. I consider that the proposal will appropriately protect the natural character, landscape character, and amenity values of Clutha River/Mata Au.

Jessica McKenzie

13 November 2023