

BEFORE THE Independent Hearing Panel

IN THE MATTER OF The Resource Management Act 1991

AND

**IN THE MATTER OF Land Use Consent Applications
RC220255 to Central Otago District
Council and RM220834 to
Queenstown Lakes District Council**

By Cold Gold Clutha Limited

Response to Minute 3

**Kirstyn Jane Royce
8 November 2023**

Introduction

- [1] On 9 October 2023, Minute 3 was issued by the Chair of the Hearings Panel which directed me, as the author of the s42A report prepared on behalf of Central Otago District Council, to clarify matters within that report.
- [2] This response is intended to address those matters raised by the Panel. I apologise that there were matters contained within the report which were not as clear as they should have been.
- [3] Where the matters relate to the body of the report, I have repeated the format contained in the minute and responded directly. Where the matters raised are in respect of the draft conditions, I have prepared a revised suite of conditions and included comments where necessary and attached these as Appendix 1.

Matters raised in the Report

- [4] *[21] The operational area within CODC's jurisdiction refers to the area between the Lindis River Confluence and Queensbury (see Figure 4). However, Figure 4 is an exclusion area south of the Lindis Crossing. Can you please confirm that the operational area extends from the CODC/QLDC boundary downstream to the Lindis River crossing?*

Within CODC jurisdiction, the applicant's mining permits extend from Queensberry to Lake Dunstan/Te Wairere. The applicant identifies that the operational area that they are proposing as part of this application is between Queensberry and the Lindis River confluence.

Earlier in the processing of the application, the applicant sought to include the area between the Lindis River and the confluence with Lake Dunstan/Te Wairere. Given the extent of the applicant's mining permit area, and the changes which have occurred during the processing of the application, I have treated the area between the Lindis River and the confluence with Lake Dunstan/Te Wairere as an exclusion area so that it is clear that mining is not to occur in this area.

- [5] *[41] Can you please:*
- (a) direct us to where in the QLDPD it classifies the Clutha/Mata-Au as an ONF, and*

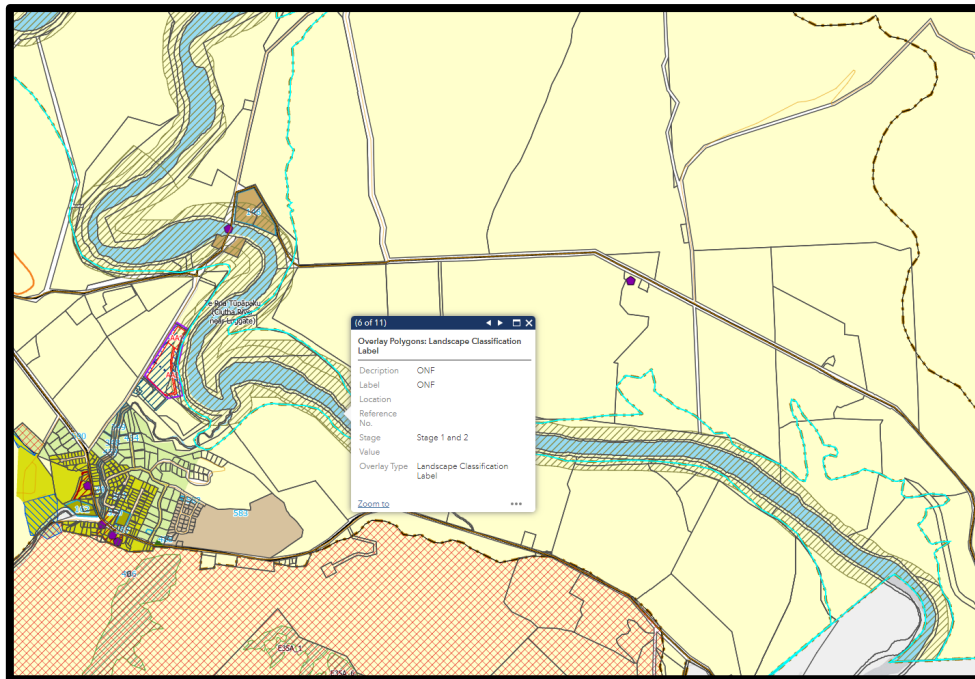


Figure 1: QLDC GIS: Landscape Classification Stage 1 and Stage 2

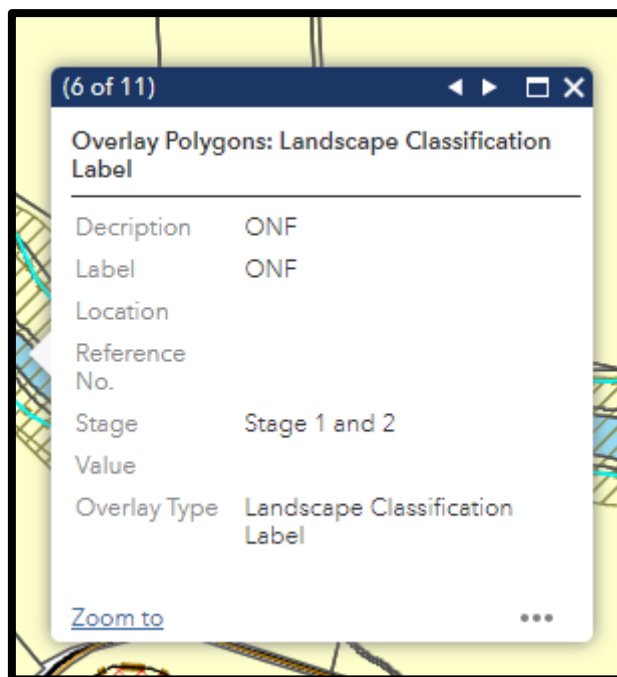


Figure 2: QLDC GIS: Label for Landscape Classification Stage 1 and Stage 2

(b) advise us what the landscape classification is under the QLODP?

There does not appear to be a landscape classification for this stretch of River under the QLODP. However, advice from a QLDC Senior Planner is that the landscape 'classification' under the ODP was previously determined by a multi-factor method, more a case by case assessment (rather than necessarily being 'mapped' on the ODP maps). This approach commenced with Environment Court decisions (origin **C180/99** which was the first 'landscape decision' of the Environment Court in regard to landscapes in the QL District). The Court set

out the categories of ONL/ONF, VAL and ORL which were subsequently utilised for landscape assessment in the District – until the PDP). The landscapes in question with regard to a Resource Consent application were assessed and categorised by the reporting landscape experts in any case/application made – with reference to any relevant preceding EC cases.

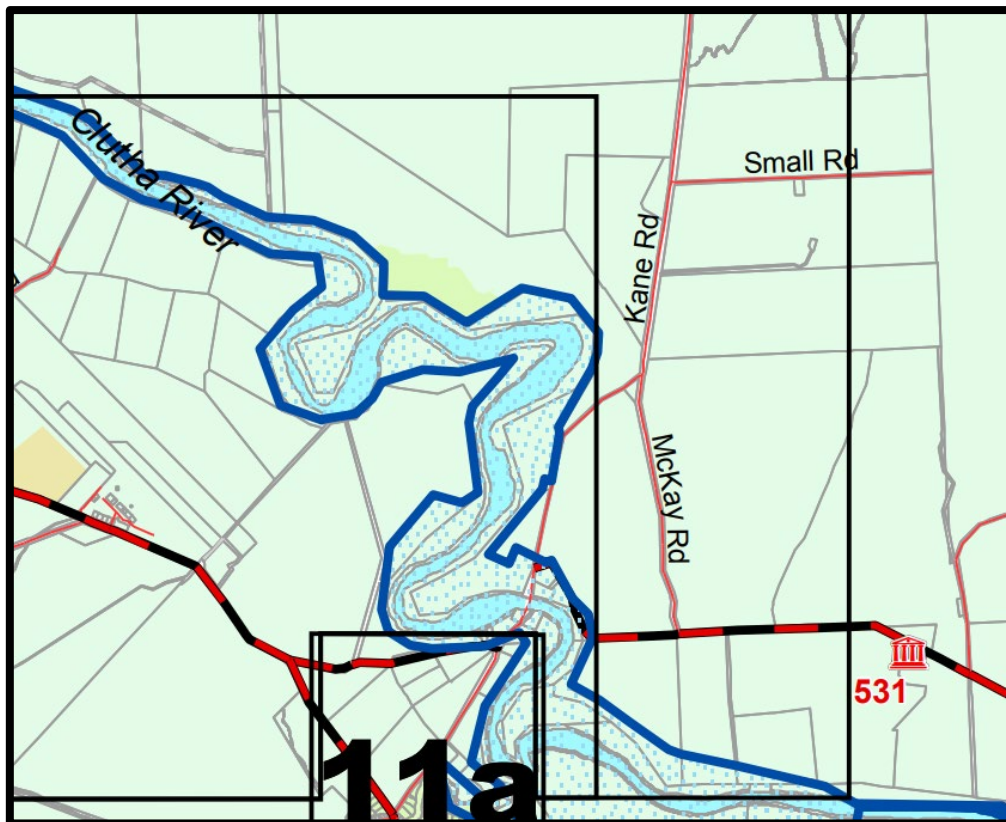


Figure 3: QLODP Planning Map 8.

The QLDC Senior Planner advises that, with the exception of the Frankton Arm of Lake Wakatipu, the relevant experts would often agree in the case of rivers and lakes, the landscape classification were ONL/ONFs. In the cases where landscape experts disagreed on the classification of a landscape (ONL v VAL etc), then the decision maker would determine which evidence they preferred. Often this would proceed to an Environment Court appeal and the Court would then make a finding. The resulting series of EC decisions on landscape lines, eventually resulted in the creation of *Appendix 8* of the ODP Maps which outlines this process, and shows lines / boundaries of the landscapes where determined by EC decisions (copy below). As not every landscape in the District was challenged in the EC, the maps *Appendix 8* are not a full assessment of every area rather *Appendix 8* includes those landscapes which were under appeal or which upon which a decision was made.



Figure 4: QLODP Appendix 8B – Map 1.

[6] [47] *What is the status of the QLODP Assessment Matter 5.4.2.3, Assessment Matters General, xv Discretionary Activity Surface of Lakes & Rivers*

Rule 21.15.8 of the QLPDP states that any structure or mooring that passes across or through the surface of any lake or river is a discretionary activity. This rule is not under appeal and supersedes the corresponding Rules in the QLODP. As such, I have also treated the assessment matters relevant to the Rules in the QLODP as superseded, relying instead on the assessment matters, relevant to Rule 21.15.8, (being the objective and policy framework) of the QLPDP.

[7] [56] & [57] *You refer to the applicant not specifically applying to breach Rule 21.15.8 and Rule 21.15.11 of the QLODP. Given the mooring requirements of the dredge and the use of a jet boat to service the barge, do you consider the proposal can operate without these consents?*

I consider that consent is required under these rules in order for the activity to be undertaken as proposed. While these rules breaches are not specifically identified in the application, the activities governed by those rules do form part of overall operation of the dredge and mining activity as applied for.

[8] [58] *You refer to the applicant not applying to breach QLPDP Rules 21.5.7.1, 21.5.7.2 and 25.5.7.3 relating to lighting and glare. Given the hours of operation do you consider the activity can either comply with those rules or operate without any consents necessary under those rules?*

The information detailed in the application suggests that the applicant considers that the lighting can be undertaken as a permitted activity. The application states that lights are directed downward to limit light-spill (as required by Rules 21.5.7.1 and 21.5.7.3). However, I recognise that the applicant has not provided evidence to confirm that the

proposed lighting will not result in greater than a 3.0 lux spill (horizontal and vertical) of light onto any other site measured at any point inside the boundary of the other site (noting that Rule 21.5.7.2 states that this rule shall not apply where it can be demonstrated that the design of adjacent buildings adequately mitigates such effects).

Subsequent to the preparation of the s42A report, the applicant confirmed, in Mr Sycamore's evidence dated 19 October 2023, that the applicant will comply with the permitted activity rules for both the CODP and QLPDP.

I note that draft condition 14 provides for compliance with the CODC lighting and glare standard. I consider that it would be preferable to swap the wording of that condition to duplicate Rule 21.5.7.2 of the QLPDP. If the activity was able to be undertaken in accordance with the revised conditions (attached at Appendix 1), then the Panel could have confidence that the applicant would comply with QLPDP Rules 21.5.7.1, 21.5.7.2 and 25.5.7.3.

[9] [96] *Can you please provide a map or aerial photograph showing the location of the consented building platforms?*

The map below is not exhaustive but provides an indication only that additional development is proposed for this area along the river edge.



Figure 4: Approved Building platforms within CODC jurisdiction

- [10] [127] *What do you mean by the second sentence? Are you recommending that, as provided for in RMA s41C(3) we request the applicant to provide an expert assessment of likely compliance with the respective district plan permitted activity noise standards?*

As part of the further information requests issued by CODC and QLDC, the applicant was requested to provide an acoustic assessment by a suitably qualified and experienced person which addressed the sound levels of the dredge and provide an analysis of sensitive receivers in alignment with the respective zone provisions. The applicant declined to provide this assessment.

The applicant subsequently indicated that they may provide additional noise evidence, prior to the hearing. My comments at Paragraph 127 of the report were intended to signal to the applicant that the Panel may find this helpful.

In Mr Sycamore's evidence dated 19 October 2023, he confirms that the dredge will operate between 8am to 8pm unless a suitably qualified person assessed and confirmed the dredge can comply with the permitted 7am to 10pm standards prescribed in the QLDC plan.

- [11] [146] *What hydraulic effects did you have in mind? Are you recommending that, as provided for in RMA s41C(3), we request the applicant to provide an expert assessment of potential hydraulic effects from the Rongahere Road slipway?*

Adverse hydraulic effects associated with the Queensberry slipway would include an increased risk of scouring and flooding. However, I consider the potential for adverse hydraulic effects arising from the Queensberry slipway will be minor, due to the scale of modification proposed.

The applicant advised, in their further information response to CODC, that Mr Neil Johnstone could be made available to Panel to discuss the installation of the slipway at Queensberry, should the Panel require. If the Panel after weighing the application, the s42A reports and any evidence from the applicant or submitters, may request Mr Johnstone be made available for questions under section 41(1)(c) of the RMA if they deem it necessary.

- [12] [152] *Is it appropriate to include a condition that requires subsequent 'approval' of a consent authority or should any such condition instead require 'technical certification' from the consent authority?*

The Chair is correct that a condition of consent should not rely on subsequent approvals as this is *ultra vires*. In this instance, the conditions were volunteered by the applicant. The corresponding condition 26 did not require further approval from the consent authority, rather it required consultation with the consent authority in respect of determining an appropriate location and then condition 27 required that the consent authority, and the harbourmasters be advised of the final location via a notice and marked plan.

I have revised draft conditions 26 and 27 in line with the redrafting suggested by the Chair as follows:

Each time the fuel tank is to be relocated, the consent holder must provide the relevant consent authority a copy of the proposed location for technical certification prior to installation. Within 5 days of the fuel tank being installed, the ORC and QLDC Harbour masters must be provided with written notice and a plan which shows the location of the fuel tank.

- [13] [173] *Is it reasonable for us to assume that most (if not all) of the Ngai Tahu concerns (apart from potential effects on the Te Rua Tupapaku wahi tupuna and ara tawhito) relate to instream matters that fall within the jurisdiction of the ORC?*

It is correct that in the submission from Aukaha Limited on behalf of Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga, and the Cultural Impact Assessment (CIA) focuses on instream effects which primarily fall within the jurisdiction of ORC.

However, there are relevant objectives and policies within the QLODP (4.3.4 – Objectives 1, 3, 4 and 5), QLDP (Policy 5.3.1.4, Objective 5.3.3 and Policy 5.3.3.1, Objective 5.3.5 and Policy 5.2.5.5, Objective 39.2.1, Policies 39.2.1.1, 39.2.1.2 and 39.2.1.3) and CODP (Objectives 3.3.1, 3.3.4, 3.3.5 and 5.3.1 and Policies 3.4.4, 3.4.5 and 5.4.1, SO 3.2.7 and SO 3.2.7.1) which require an assessment of the proposal against mana whenua values including Mahika Kai, Wai, Wahi Tupuna, and adverse effects of activities undertaken within riparian margins and on the surface of water.

Both the submission from Aukaha Limited and the CIA identify that the application provides insufficient information such that Manawhenua are unable to assess whether the proposed dredging activity provides for the mauri of the Mata-au and gives effect to Te Mana o te Wai. As such, the Panel will need to have confidence that any effects on cultural values are appropriate when assessed in context of the objective and policy framework. I consider that the extent of the effects on cultural values is undetermined at this time.

- [14] [196] *Can you please clarify what you mean by “other water users”?*

Other water users include recreational water users (swimmers, anglers, non-motorised vessels such as kayakers, canoeists, tire tubers, jet boaters) and commercial recreational water users (jetboat operators, river guiding, fishing charters).

- [15] [202] *Are you saying that we need to assign little or no weight to your Table 3 assessment?*

The QLDP rules relevant to the mooring and suction dredge activity are not under appeal and may be treated as operative pursuant to section 88F of the RMA. As such, the objectives and policy weighting should be in favour of the QLDP and less weight should be given to the objectives and policies in the QLODP.

- [16] [203] *You refer to QLDP clause 3.1B ‘Interpretation and Application’ of Chapter 3 Strategic Directions and conclude that a separate assessment of the Chapter 3 provisions is not required because the lower order objectives and policies are intended to give effect to the Strategic Directions. Mr Sycamore provided an assessment of these provisions. How do we reconcile this approach with the directions set out in Clause 3.1B2?*

Clause 3.1.B.2.a states that:

“Strategic Objectives and Strategic Policies in this Chapter may provide guidance on what the related objectives and policies in other chapters of the Plan are seeking to achieve in relation to the Strategic Issues.”

Clause 3.1.B.2.b states that:

“the relevant objectives and policies of the plan (including Strategic Objectives and Strategic Policies in this Chapter) are to be considered together and no fixed hierarchy exists between them.”

In my original reading of the above clauses, I interpreted that was no requirement to assess the application against the Strategic Objectives and Policies as these are intended to provide clarification in respect of the interpretation or intent (if required) for the substantive objectives and policies. In my assessment of Chapter 6 objectives and policies, these appeared clear and complete and often mirrored the language used in the Strategic Directions Objectives and Policies. I initially considered that no additional clarification offered by the strategic directions was necessary.

In reviewing Clause 3.1.B.2.b, I interpreted this to confirm a lack of hierarchy between the substantive objectives and policies of the plan and the Strategic Objectives and Policies. I assessed that this clause did not impose a requirement to undertake an assessment against the Strategic Objectives and Policies, rather it directed that if the Strategic Objectives and Policies are to be assessed, there is to be no fixed hierarchy between these and the substantive provisions.

However, after further direction from QLDC Senior Planner, I advise that my interpretation was too narrow and did not take into account the direction set out at Chapter 6 whose purpose is to provide greater detail as to how the landscape, will be managed in order to implement the Strategic Objectives and Policies in Chapter 3 which identify the outcomes the policies in this Chapter are seeking to achieve. I attach an assessment of the Strategic Objectives and Policies at Appendix 2.

[17] [221 – 226] *To what extent is the NPSFW relevant to our consideration of the QLDC and CODC land use consents?*

The NPS-FW is a relevant consideration for all consenting authorities and decision makers where applications involve freshwater. The NPS-FW applies to all freshwater (including groundwater) and, to the extent they are affected by freshwater, to receiving environments.

Policy 1 of the NPSFQ requires that freshwater is managed in a way that gives effect to Te Mana o te Wai while Policy 15 requires that communities are enabled to provide for their social, economic and cultural well being in a way that is consistent with the NPSFW. For the territorial authorities, the application of the NPS-FW is most relevant in terms of the receiving environment.

Te Mana o te Wai is a water management concept which refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. Te Mana o te Wai is relevant to all freshwater management and not just to the specific aspects of freshwater management referred to in the National Policy Statement.

Consideration is most relevantly focussed on the impact that the proposed activity will have on the first and third tranches of Te Mana o Te Wai; being the health and well-being of water bodies and freshwater ecosystems, and the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

[18] *[page 56] Second column. Policy 6.3.3.1 (and various other Plan provisions) refer to subdivision and development. Can you please clarify if 'development' is defined anywhere in the relevant provisions?*

- Development is not included in the definitions of the QLPDP consolidated District Plan.
- Development is not defined in the CODC District Plan
- Development is not defined in the RMA 1991

[19] *[page 57] Objective 6.3.5, Second column. Policy 6.3.5.4 seeks to provide for appropriate commercial activities on the surface of water bodies. This policy as set out in the QLPDP is followed by italicised text referring to a series of Plan provisions. In deciding what constitutes an 'appropriate' commercial activity on the surface of water, what is the purpose of these references?*

The references refer to the relevant strategic objectives and policies which provide guidance as to how to interpret what is considered to be an appropriate commercial activity on the surface of water bodies that do not involve new structures. An assessment of the relevant Strategic Objectives and policies are included at Appendix 2.

[20] *[page 57] Objective 6.3.5, third column, second paragraph. You advise 'providing the panel are satisfied that commercial activity is of a scale and nature which is appropriate, then the proposal is consistent with this objective and policy'. In light of your response to the page 57 question above, what is your opinion on whether the scale and nature of the proposal is 'appropriate'?*

In terms of determining what is an appropriate commercial activity, the strategic directions objectives and policies confirm the policy framework provided by the Chapter 6 and often use the same or similar language.

In my reading of the Strategic Objectives and policies, as referenced by Policy 6.3.5.4, it is the extent of the effects which determines whether an activity is appropriate or not. Key strategic matters to determine whether an activity is appropriate or not include whether it:

- Contributes to a prosperous, resilient and equitable economy
- is a traditional activity within rural areas
- sustains or enhances the life-supporting capacity of air, water, soil and ecosystems, and maintain indigenous biodiversity
- preserves, enhances or protects the natural character of the beds and margins of the District's lakes, rivers and wetlands from inappropriate subdivision, use and development
- maintains and enhances the water quality and functions of the District's lakes, rivers and wetlands
- maintains or enhances public access to the natural environment
- land use protects the ONF and its landscape values and related landscape capacity.

- enables residents and communities to provide for their social, cultural and economic wellbeing and their health and safety.
- Protects Ngāi Tahu values, interests and customary resources, including taonga species and habitats, and wāhi tupuna.

I consider that gold mining is a traditional activity in the Rural area and it does not represent a diversification of rural land use. The applicant also asserts that the proposal will contribute economically to the District. I have assessed that public access to the river margins is to be reasonably maintained. Furthermore, I consider that, providing the dredge operation operates within the permitted noise and lighting limits and conditions of consent ensure that the dredge can reasonably share the river with other water users then, the proposal will not have an adverse effect on the ability of residents and communities to provide for their social, cultural and economic wellbeing and their health and safety.

At this time, the effects on water quality, life-supporting capacity of air, water, soil and ecosystems, and maintain indigenous biodiversity are to be addressed by ORC and, as requested in the s42A report, I would like to reserve the right to review the assessment prepared on behalf of ORC and confirm my support (or otherwise) of the findings of the ORC s42A report as these reasonably apply to the planning framework for CODC and QLDC.

In terms of effects on landscape and natural character values, the applicant was advised on, or around, 5 July 2023 that a landscape assessment should be prepared due to the ONF landscape classification within the QLDC jurisdiction. The applicant chose not to provide this.

As recommended in the s42A report, a landscape assessment has now been provided by the applicant which will help to determine the extent to which the proposal will protect the ONF and its landscape values within the QLDC jurisdiction. The landscape assessment is currently being peer reviewed.

I note that strategic policy 3.2.5.2 (as repeated in Policy 6.3.3.1) confirms that land use is assessed as inappropriate unless the values identified in strategic policy 3.3.45 are protected. A separate s42A assessment of landscape and natural character values is to be prepared as directed by the Panel and will be submitted as soon as the peer review is completed.

I also consider that the effects on those matters relating to Kāi Tahu values, interests and customary resources are unresolved at this time.

Overall, I cannot provide a complete assessment as to whether the proposal is an appropriate commercial activity, until the matters relating to cultural and landscape values are addressed.

[21] *[page 61] Policy 21.2.12.6, second column relates to recognising and providing for maintenance and enhancement of public access to and enjoyment of the margins of the River. Page 62, first paragraph last sentence provides your assessment stating 'The proposal is considered to reasonably maintain public access surface (sic) and margins of the District's lakes and rivers.' What is your opinion on whether the proposal will maintain and enhance the enjoyment of the margins of the river?*

The application identifies the dredge will operate in the centre of the river and will not encroach into the river margins. Minor works will occur in the river margin where the slipway is to be established. The use of the slipway is expected to be infrequent. The

dredge is a moving maritime vessel and, as such, any adverse effects on any particular area of the river margin is expected to be transient. There are a number of locations along the operational stretch of river where access is limited (over private land) or where public access is infrequent.

While I do not expect the operation to enhance the enjoyment of the margins of the river, I do anticipate the effects to be limited at any given location such that, enjoyment of the river margins is able to be maintained overall.

[22] *[110], [182], pages 52 (third column, fourth paragraph) and 54 (third column, last paragraph). The text appears to contain errors or be incomplete. Can you please provide amended wording?*

Complete Paragraph [110]

In making an assessment, as to whether the area has ~~a-in~~ areas of high passive recreational use, significant nature conservation values and wildlife habitat, ~~as noted above~~, a number of submitters identify that they value the high passive recreational use offered by the Clutha River/Mata Au.

Complete Paragraph [182]

The submission from Central Otago Whitewater identifies that the Upper Cutha is a busy stretch of river with many recreational users and small commercial operators. The submission is concerned with the mooring system and its potential risk to river users such as kayakers etc. The submitter notes that the stretch of the Clutha River/Mata Au from the Red Bridge is a beginner whitewater section which would draw a lot of unskilled recreational users **that may conflict the dredge operation.**

Complete paragraph [pages 52 (third column, fourth paragraph)]

With regarding to lighting, **this has been assessed as being appropriately managed, subject to recommended conditions of consent.**

Complete paragraph [54 (third column, last paragraph)]

In respect of these objectives and policies, it is assessed that the proposed activity is consistent with these.

Further Questions

[23] I am happy to take further questions.

Appendix 1: Recommended conditions of consent

[Attached separately]

Appendix 2 - Strategic Objectives

Note: Subsequent to preparation of the s42A report, the applicant has provided an expert landscape assessment which is to be peer reviewed on behalf of QLDC and CODC. Further assessment of Strategic Objectives and policies where these relate to landscape will be included 3.3.43, 3.3.44, 3.3.45 and I can provide further analysis on these once this has been completed.

<p>3.2.1 - The development of a prosperous, resilient and equitable economy in the District.</p>	<p>The applicant confirms that the proposal will contribute economically to the District. The details of staff and other economic benefits are set out in the evidence of Mr Peter Hall.</p> <p>The proposal is considered to be consistent with this objective.</p>
<p>3.2.4 - The distinctive natural environments and ecosystems of the District are protected.</p>	<p>The addendum S42A landscape assessment will assist in determining if the natural environment will be protected, while the assessment of the protection of the ecosystems is deferred to ORC.</p>
<p>3.2.4.3 - The natural character of the beds and margins of the District's lakes, rivers and wetlands is preserved, or enhanced where possible, and protected from inappropriate subdivision, use and development</p>	<p>The dredge will operate within the main channel of the river away from the river margins and tributaries.</p> <p>Within QLDC jurisdiction, minor disturbance to the bed of the river is anticipated during the operation works but this is expected to be transient and temporary and the natural character of the bed will be preserved overall.</p> <p>The proposal is considered to be consistent with this objective in respect of the two components above. However, the addendum S42A landscape assessment will assist in determining whether the proposal is an appropriate land use.</p>
<p>3.2.4.4 - The water quality and functions of the District's lakes, rivers and wetlands are maintained or enhanced</p>	<p>The assessment of water quality is deferred to ORC in respect of this application.</p> <p>In terms of the function of the Clutha River/Mata Au, it is recognised as a important water body within the QL District. It has recreational, cultural, commercial and landscape values. Subject to conditions of consent, the proposal will not adversely detract from the recreational and commercial functions of the river.</p>

	<p>The effect that the proposal will have on the cultural and landscape functions is still undetermined at the time of writing this response.</p>
<p>3.2.4.5 - Public access to the natural environment is maintained or enhanced</p>	<p>The dredge will operate within the main channel of the river away from the river margins and tributaries. Mining will occur over a stretch of ~22 kilometres, such that the operation will not be concentrated within a single area for extended periods of time.</p> <p>The proposal is considered to reasonably maintain public access surface and margins of the District's lakes and rivers and is assessed as consistent with this objective.</p>
<p>3.2.4.6 - The values of significant indigenous vegetation and significant habitats of indigenous fauna are protected.</p>	<p>Areas of high ecological value are to be excluded from the worked area and no work will occur in the River Margins, (beyond the establishment of the slipway which is located within the CODC jurisdiction).</p> <p>As noted previously, the assessment of the proposal with regard to ecological values of water is deferred to ORC.</p>
<p>3.2.4.7 - The survival chances of rare, endangered, or vulnerable species of indigenous plant or animal communities are maintained or enhanced.</p>	<p>Areas of high ecological value are to be excluded from the worked area and no work will occur in the River Margins, (beyond the establishment of the slipway which is located within the CODC jurisdiction).</p> <p>As noted previously, the assessment of the proposal with regard to ecological values of water is deferred to ORC.</p>
<p>3.2.5 - The retention of the District's distinctive landscapes.</p>	<p>The addendum S42A landscape assessment will assess the effects on the District's Landscape.</p>
<p>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:</p> <p>b. where the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are not specified in Schedule 21.22, the</p>	<p>The application is for a single barge which traverses along a ~22km stretch of river, such that the operation will not be concentrated within a single area for extended periods of time.</p> <p>The barge is not a fixed structure (rather it is defined as a maritime vessel) but will be located on the river for the life of the consent.</p>

<p>values identified according to SP 3.3.45 are protected.</p>	<p>The dredge is coloured sympathetically to the rural environment.</p> <p>The dredge is a single slow-moving vessel. Speed and wash from the vessel are unlikely to be of a concern. The dredge will operate within the main channel of the river away from the river margins and tributaries.</p> <p>For much of the working area, the river is incised and the barge is recessively coloured. The barge is not expected to breach any skyline.</p> <p>Dredging is not repeated over the same area, so once an area is mined, the landscape will revert to as it was prior to dredging.</p> <p>Any effects of the mining on the landscape and natural character will not be evident once the dredge has finished mining in a particular area. The effects of the dredge on natural character and landscape of the Clutha River/Mata Au will be temporary in any given location along the stretch of river.</p> <p>Further assessment of this objective will be undertaken in the supplementary s42A report in respect of landscape values and natural character values.</p>
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Strategic Policies

Natural Environment	
Strategic Policy	
<p>Manage subdivision and / or development that may have adverse effects on the natural character and nature conservation values of the District's lakes, rivers, wetlands and their beds and margins so that their life-supporting capacity is safeguarded; and natural character is maintained or enhanced as far as practicable.</p>	<p>Areas of high ecological value are to be excluded from the worked area and no work will occur in the River Margins, (beyond the establishment of the slipway which is located within the CODC jurisdiction). As noted previously, the assessment of the proposal with regard to ecological values of water is deferred to ORC.</p>
<p>3.2.1.8 Diversification of land use in rural areas beyond traditional activities, including farming, provided that:</p>	<p>I consider that mining is a traditional land use within the Queenstown Lakes and Central Otago areas and the proposal does not result in a diversification of land use beyond a traditional activity.</p>

<p>a. the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes are protected;</p> <p>b. the landscape character of Rural Character Landscapes is maintained and their visual amenity values are maintained or enhanced; and</p> <p>c. significant nature conservation values and Ngāi Tahu values, interests and customary resources, are maintained</p>	<p>Any impact of the land use on the ONF landscape values will be assessed in the addendum s42A landscape assessment.</p>
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Rural Activities	
Strategic Policy	
<p>3.3.24 Provide for non-residential development with a functional need to locate in the rural environment, including regionally significant infrastructure where applicable, through a planning framework that recognises its locational constraints, while ensuring maintenance and enhancement of the rural environment</p>	<p>Development is not defined in the QLPDP. However, it is noted that the suction dredge mining activity will only occur in a river where gold is present. In this regard, the dredge has a functional need to operate within the river.</p>

Outstanding Natural Features and Landscapes and Rural Character Landscape	
Strategic Policy	
<p>3.3.30 Protect the landscape values of Outstanding Natural Features and Outstanding Natural Landscapes</p>	<p>Further assessment of this policy will be undertaken in the supplementary s42A report in respect of landscape values and natural character values.</p>

Cultural Environment	
Strategic Policy	
<p>3.3.49 Avoid significant adverse effects on wāhi tūpuna within the District.</p>	<p>To establish that the application is consistent with these objective and policies, there needs to be confidence that the proposal does not threaten wāhi tūpuna values.</p>
<p>3.3.50 Avoid remedy or mitigate other adverse effects on wāhi tūpuna within the District.</p>	<p>The CIA and the submission from the rūnaka raise concerns regarding the effects of the proposal on wāhi tūpuna areas and in this regard the application has not established that any effect on the wāhi tupuna area is acceptable.</p>
<p>3.3.51 Manage wāhi tūpuna within the District, including taonga species and habitats, in a culturally appropriate manner through early consultation and involvement of relevant iwi or hapū.</p>	<p>As noted previously, to avoid a duplication of assessment, the assessment of ecological effects within the waterbody, and by default effects on taonga species and habitats of significance, has been largely deferred to ORC.</p>

Outstanding Natural Features, Outstanding Natural Landscapes and Rural Character Landscapes

Strategic Policy

3.3.43 In applying the Strategic Objectives and Strategic Policies for Outstanding Natural Features, Outstanding Natural Landscapes and Rural Character Landscapes, including the values identification frameworks in SP 3.3.37, 3.3.38, 3.3.40 and 3.3.41 and the landscape assessment methodology in SP 3.3.45, have regard to the following attributes:

a. Physical attributes:

- i. geology, geomorphology and topography;
- ii. ecology;
- iii. vegetation cover (exotic and indigenous);
- iv. the presence of waterbodies including lakes, rivers, streams, wetlands, and their hydrology;
- v. land use (including settlements, buildings and structures; and

b. Sensory (or experiential) attributes:

- i. legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;
- ii. aesthetic values including memorability and naturalness;
- iii. wild or scenic values;
- iv. transient values including values at certain times of the day or year;
- v. experiential attributes, including the sounds and smells associated with the landscape; and

c. Associative attributes:

- i. whether the attributes identified in (a) and (b) are shared and recognised;
- ii. cultural and spiritual values for Tangata Whenua;
- iii. historical and heritage associations; and
- iv. recreational values.

Assessment of this policy will be undertaken in the supplementary s42A report in respect of landscape values and natural character values

3.3.44 Where any or any part of an Outstanding Natural Feature, Outstanding Natural Landscape or a Rural Character Landscape is not identified as a Priority Area

Assessment of this policy will be undertaken in the supplementary s42A report in respect of landscape values and natural character values

<p>in Schedule 21.22 or 21.23, this does not imply that the relevant area:</p> <p>a. is more or less important than the identified Priority Areas in terms of:</p> <ul style="list-style-type: none"> i. the landscape attributes and values, in the case of an Outstanding Natural Feature or Outstanding Natural Landscape; ii. landscape character and visual amenity values, in the case of a Rural Character Landscape; or <p>b. is more or less vulnerable to subdivision, use and development.</p>	
<p>3.3.45 Landscape Assessment Methodology Landscape assessments shall:</p> <p>a. for Outstanding Natural Features and Outstanding Natural Landscapes:</p> <ul style="list-style-type: none"> i. identify landscape attributes and values; and ii. assess effects on those values and on related landscape capacity; <p>b. for Rural Character Landscapes:</p> <ul style="list-style-type: none"> i. define a relevant landscape character area and its wider landscape context; ii. identify the landscape character and visual amenity values of that landscape character area and within its wider landscape context; and iii. assess effects on that character and those values and on related landscape capacity; <p>c. in each case apply a consistent rating scale for attributes, values and effects. Note: QLDC may, from time to time, promulgate and update guidelines that provide assistance in the application of best practice landscape assessment methodologies</p>	<p>Assessment of this policy will be undertaken in the supplementary s42A report in respect of landscape values and natural character values</p>