

Before the Independent Hearing Panel

In the Matter of the Resource Management Act 1991 (**RMA**)

And

In the Matter of an application to the Central Otago District Council and Otago Regional Council for resource consent to establish and operate a gold mining activity at 1346 – 1536 Teviot Road, Millers Flat

Reference RC230325 (Central Otago District Council)
RM23.819 (Otago Regional Council)

Summary Statement of Anita Collie on behalf Hawkeswood Mining Limited

Planning

Dated 14 May 2024

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Summary Statement of Evidence

1. My name is Anita Collie. My experience and qualifications are recorded in my statement of evidence dated 29 April 2024. I confirm that I have continued to comply with the Code of Conduct for expert witnesses in preparing this summary statement.
2. My evidence is focussed on planning matters relating to the district council consents.
3. Resource consent is sought to establish a gold mining activity, at 1346-1536 Teviot Road, Millers Flat (the “**application site**”). A ten-year duration is sought. The activity is described in detail in the application, s42A report and my statement of evidence.
4. Subsequent to notification and having considered the submissions received, the Applicant has provided additional information to address matters of clarification identified by submissions. The Applicant has engaged with various submitters in refining its proposal prior to hearing and made minor amendments to aspects of the application; adaptations to address submitter concerns which refine the proposal. These matters are reflected in particular in my evidence section “Nature of the Proposal”, the recommended conditions appended to my evidence and in the Site Plans appended to Mr Johnstone’s evidence.
5. The site is located within the Rural Resource Area under the Central Otago District Plan (“**District Plan**”). Resource consent is required for a Discretionary Activity. The s42A reporting officer and I are agreed on the activity status, but I consider two additional land use consent requirements are triggered in addition to those identified in the s42A report. These were identified in the application, so do not introduce any new areas of assessment that have not been evaluated. The overall activity status remains discretionary.
6. There is a high degree of alignment between the s42A report and my evidence in regard to the site and the nature of the existing environment.

Ambient noise monitoring provided by Mr Hegley provides an understanding of the acoustic characteristics of the existing environment.

7. In regard to effects of the proposal, the key areas of disagreement between my evidence and the s42A report relate to the level of certainty regarding effects on noise, landscape, rural amenity, hazards, biodiversity and cultural effects. There appears to be general agreement that the other adverse effects of the activity can be appropriately managed by conditions.
8. In regard to effects of noise, the evidence provided by Mr Hegley demonstrates that the noise arising from the proposal will be well within both the District Plan daytime and nighttime standards, and only for a short duration higher than ambient noise levels. Mitigation proposed reduces the level and duration of noise to a reasonable and acceptable level.
9. Effects on visual amenity and landscape character will be mitigated by the strategic placement of bunds to screen the site, and the timing of these has been confirmed through the revised set of site plans and recommended conditions relating to the bunding (22-25, Appendix [B]). I note that there is a high degree of alignment between the two landscape experts, Mr Moore and Ms McKenzie, and the matters that remained to be resolved prior to the pre-circulation of evidence related to the timing of bund construction and providing certainty by way of conditions. I consider that these matters have now been addressed and certainty can be provided as to the management of landscape effects.
10. In assessing effects on rural amenity, I have considered the same range of effects as Ms Stirling, with reference to the objectives and policies that relate to amenity and the rural environment. The relevant District Plan provisions do not seek to preserve a pristine environment where there is no activity or noise or vehicle movements. Rather, it recognises the working nature of the rural environment and controls the effects of activities. I consider that the mitigation proposed protects rural amenity appropriately and consistently with the relevant objectives and policies.
11. Mr Williman's evidence confirms that the proposal does not create any adverse effects of flood hazard on the surrounding environment and that

any adverse effects are internal to the site. Mr Williman clarifies that his advice applies to flood events of greater magnitudes than the 1 in 100 year storm event.

12. Additional investigation on biodiversity matters has been undertaken by Dr Wills and Mr Chapman, in respect of native vegetation and lizards / skinks respectively. These experts confirm very low biodiversity values within the project area, noting it is predominantly farmland. Positive effects arise in respect of biodiversity planting along the Clutha / Mata-au that the Applicant proposes to form part of the rehabilitation / reinstatement of the Clutha Gold cycle trail.
13. In regard to archaeology, Ms Ross sets out a bespoke mitigation strategy for the site, which addresses both known and unknown archaeology. Her opinion is that effects on known archaeology and unknown archaeology are suitably mitigated. Unknown archaeology, including potential Māori archaeology, is approached with a methodology tailored to the degree of risk. In my experience, it is not unusual to have a degree of uncertainty associated with unknown archaeology; that is its nature. Based on Ms Ross's evidence, I am confident that the management regime put forward is the most appropriate method.
14. I have read the evidence of Mr Vial, Ms Murchison and Mr Cassidy in relation to cultural effects. I find Mr Cassidy's evidence to be very helpful in understanding the cultural values of the Mata-au. Turning to Mr Vial's evidence, it is apparent that the issues in contention have narrowed somewhat since the submission period, though are not resolved in his view. I understand that the concerns of Kā Rūnaka¹ to be founded on the sufficiency of information provided in relation to four key matters outlined in Mr Vial's paragraph 103: the potential for unrecorded Māori archaeological sites, site rehabilitation, effects on flows in the Tima Burn

¹ In this summary, used as a collective term for submitters 167 and 171 - Te Rūnanga o Ngāi Tahu and Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga

and consequent effects of the same, and effects on water quality in relation to the closed landfill.

15. At 104, Mr Vial notes options for addressing the first two uncertainties. I agree that these matters can be managed through conditions. The latter two matters relate to the regional consents and I refer to Mr Heller and Mr MacDonell in respect of these.
16. There are a number of other matters raised by Mr Vial, which I address briefly. At 19, he notes that sediment ponds are not shown on the site plans beyond plan 1. The reason for this is addressed in the accompanying description circulated on 5 April 2024: *“The sediment retention pond and infiltration pond will have several locations during the project. It is shown on plan 1 in its current location. To minimise pumping distances, it will be relocated several times, but will be located behind visual mitigation bunding and at least 50 metres from any surface waterway.”* The approach taken is one of setting appropriate parameters for the location of the ponds. These parameters should be included in conditions of consent.
17. At 20, Mr Vial references a draft rehabilitation plan. This was provided to Aukaha to start the conversation and demonstrate the Applicant’s commitment to engagement with Kā Rūnaka on rehabilitation. It is not a final version. My evidence proposes a condition requiring the rehabilitation plan to be prepared in consultation with Kā Rūnaka.
18. In respect of the submission from Fire and Emergency NZ (**FENZ**), I understand that their concerns are resolved by way of conditions, noting that the Applicant has engaged in with FENZ in discussions external to this formal process. At 144 – 146 of my evidence I provided a minor amendment to the condition proposed by FENZ. I note the submitter has not responded to this minor edit, but I clarify that the nature of my suggested change is for efficiency, and the Applicant is prepared to accept the full wording proposed by FENZ.
19. In respect of the submission from Millers Flat Water Company (**MFWC**), I also understand that their concerns relating to effects on their interests are also resolved by way of conditions. The MFWC note some concern with

their ability to provide a water connection on short notice. I understand that Mr Johnstone is aware of the relevant limitations and risks and will address the practicalities of providing alternate water supply.

20. In relation to submissions from other parties, who have not pre-circulated evidence, I consider that concerns relating to effects of the proposal have been addressed in evidence and are able to be appropriately managed by conditions.
21. I provided a recommended set of conditions appended to my evidence. I propose the following edits following the circulation of submitter evidence:
 - a. Delete condition 21 limiting the duration of stage 2 to two years. The purpose of this condition was to mitigate effects on the owners of 1334 Teviot Road. This property is now owned by the Applicant. I understand the current occupier will move out by the end of June 2024², which is likely before possible commencement of works if consent is granted.
 - b. Delete condition 25 relating to bunding adjacent to 1334 Teviot Road for the same reasons as above.
 - c. Add in parameters for the location of settlement ponds, with reference to paragraph 15 above.
22. In relation to duration of the consent, I remain of the view that the appropriate duration is 10 years for all except the water permit, which is restricted to a maximum of 6 years. I only add comment that the Otago Regional Council (**ORC**) are preparing a draft land and water regional plan. This plan has not yet been notified and has no statutory weight but may change the approach to the allocation of water, and hence impact renewal of the water permit. The ORC note that two options are being considered in relation to the management of water allocation from the Clutha / Mata-au mainstem and both result in additional available water for allocation in

² Pers.comm, Andrew Hawkeswood, 10/4/24.

the vicinity of the application site (**Appendix [A]**).³ The information currently available on the draft land and water plan therefore does not change my conclusions.

23. My evidence provides an evaluation of the proposal against the relevant provisions of the National Policy Statement on Indigenous Biodiversity (**NPS-IB**), the Regional Policy Statement 2019 (**RPS**), the Proposed Otago Regional Policy Statement 2021 (**PORPS**) and the Central Otago District Plan (**District Plan**). Key objectives and policies addressed in my evidence (with the corresponding paragraph number) that I draw the Commissioners attention to are:

- a. The Objective of the NPS-IB to “*maintain indigenous biodiversity*” (paragraph 208).
- b. Objective 2.2 and Policy 2.2.2 in the RPS which seek to provide for Kāi Tahu values and the protection of identified wāhi tūpuna sites (paragraph 214). Policy 2.2.2 states:

Recognise and provide for the protection of wāhi tūpuna, by all of the following:

- a) Avoiding significant adverse effects on those values that contribute to the identified wāhi tūpuna being significant;*
- b) Avoiding, remedying, or mitigating other adverse effects on the identified wāhi tūpuna;*
- c) Managing the identified wāhi tūpuna sites in a culturally appropriate manner.*

I consider this proposal sits well under this policy. The evidence does not suggest that the effects arising from the proposal will be

³ <https://www.orc.govt.nz/plans-policies-reports/land-and-water-regional-plan/proposed-changes-to-rules-and-regulations/clutha-mata-au-main-stem>. Appendix [A] contains a screenshot of the provisions.

at a significant level referred to in part (a) of the policy, which is in part because of the nature of the proposal and assisted through conditions.

Other adverse effects on the wāhi tūpuna are to be avoided, remedied or mitigated in accordance with part (b) of the condition. I consider this is achieved by the nature of the proposal and assisted through conditions.

Ongoing management of cultural values is proposed through ongoing engagement with Kā Rūnaka particularly in respect of potential archaeology and rehabilitation planning. I understand that the Applicant has provide a commitment to work with Kā Rūnaka and ensure that the lines of communication and engagement remain open.

- c. RPS Policy 5.3.4 recognises the functional needs of mineral extraction and processing activities to locate where the resource exists (217) and Policy 5.4.8 manages the adverse effects from mining activities (218).
- d. District Plan Objective 4.3.3 requires that landscape values are maintained and where practicable enhanced. While there will be a change in the landscape for a period of time, this is controlled by the consent duration and rehabilitation requirements proposed by the Applicant. Enhancement is not a mandatory requirement under this objective and should be a fit for purpose assessment (229). Notwithstanding this, a degree of enhancement is realised through the planting along the Clutha / Mata-au and cycle trail, and remediation of the green waste landfill when viewed from Teviot Road.⁴

⁴ M. Moore evidence, paragraph 18 and Appendix A.

- e. District Plan Policy 4.4.2 addresses landscape and amenity using very specific wording around the methods for achieving the policy (230). District Plan Policy 4.4.8 is also very specific, directing that effects on certain activities “*do not significantly adversely affect the amenity values and privacy of neighbouring properties*” (232). In my view, consistency with these policies is achieved.
24. In regard to the Kāi Tahu Ki Otago Natural Resource Management Plan 2005 (**NRMP**), mitigation measures have been proposed relating to the effects of earthworks and mining and, in particular, are targeted at protection of the Clutha / Mata-au and Tima Burn. I consider that, as a package, the mitigation appropriately responds to and achieves the NRMP.
25. My opinion remains that the proposal is consistent with the relevant statutory documents.
26. Overall, I find that the application meets the necessary tests for approval.



Anita Clare Collie

Dated 14 May 2024

Clutha Mata-au main stem

This summary paper provides an overview of the environmental flows and take limits relating to the main stem of the Clutha Mata-au, Kawarau River and Hawea River main stems.

[Definition/map of main stem](#)

[Setting take limits and environmental flows](#)

[Draft proposed environmental flows](#)

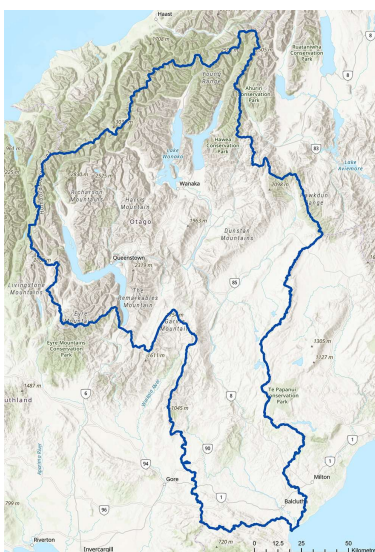
[Draft proposed take limits](#)

Definition/map of main stem

The “Cutha Mata-au main stem” includes the

- Hawea River from Lake Hawea Dam Outlet to the Confluence with Clutha Mata-au
- Kawarau River from outlet of Lake Whakatipu to the Confluence with Clutha Mata-au arm of Lake Dunstan

A map of the Cutha Mata-au main stem is shown below.



Setting take limits and environmental flows

The Clutha Mata-Au main stem is a high valued and unique water body. There are many values present and other matters that will inform the setting of take limits and environmental flows, these include:

- High natural character and unique river form
- The Kawarau River and parts of the Clutha Mata-Au main stem have been identified as a potential Outstanding Water Body
- Water Conservation Order on the Kawarau River
- High recreational values
- Ecological habitat/flow relationship is in reverse and not the key driver for setting EFL and take limit (less water means more habitat)
- Renewable electricity generation
- Water quality and the requirement to maintain or improve where degraded

Draft proposed environmental flows

It is proposed to retain existing environmental flow regime as established by the conditions of the resource consents held by Contact Energy Limited for operating hydro-electricity generation infrastructure at the Lake Hawea outlet and the Clyde and Roxburgh dams.

The draft proposed environmental flows for the Clutha Mata-au, Kawarau River and Hawea River main stems are shown in Table 1 below.

Draft proposed take limits

Two options have been developed for setting take limits for the Clutha Mata-au main stem, the Kawarau River and the Hawea River. These options are shown in table 1 below.

Option A:

This option proposes a take limit of 5 % of the Clutha Mata-au's 7dMALF for different sections of the Clutha Mata-au main stem, the Kawarau River and Hawea River. This option reflects a more precautionary approach to limit setting that seeks to provide for the river's environmental, recreational and cultural values while still providing for future water demand.

Under this option more water it is likely that more water can be allocated from the Clutha Mata-Au main stem, Kawarua and Hawea Rivers.

Option B:

This option proposes a take limit at 10 % of the Clutha Mata-au's 7dMALF for different sections of the Clutha Mata-au main stem, the Kawarau River and Hawea River. This approach is consistent with the approach applied by ORC for developing default take limits for rivers in other parts of the Otago region.

Table 1 Draft proposed environmental flows and take limits for the Clutha Mata-au main stem, the Kawarau River and the Hawea River.

Name	Environmental flow(s) (l/s)	Take limit (l/s)		Further allocation available (estimate based on best available information)
		Option A	Option B 10 % of 7dMALF	
Upper Clutha <ul style="list-style-type: none"> Clutha Mata-au main stem from outlet of Lake Wanaka to Clyde Dam; Hawea River from Lake Hawea outlet to Clyde Dam 	Minimum flow of 10,000 l/s for the Hawea River	5,500 l/s*	11,000 l/s*	Likely
Kawarau river from outlet of Lake Whakatipu outlet to confluence with Clutha arm of Lake Dunstan at Cromwell	120,000 l/s below Clyde Dam	4,650 l/s**	9,300 l/s**	Yes
Clyde dam to Roxburgh Dam	250,000 l/s below Clyde Dam	4,850 l/s***	9,700 l/s***	Yes
Lower Clutha from below Roxburgh dam to mouth	250,000 l/s below Roxburgh Dam			

* Based on estimated 7dMALF of upper Clutha Mata-au at confluence with Cardona (111, 000 l/s)

** Based on estimated 7dMALF of MALF of Kawarau River at chards (93,000 l/s)

** Based on estimated 7dMALF of MALF of Clutha Mata-au at mouth (298,000 l/s)