

**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)

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**Evidence of Barry James MacDonell on behalf Hawkeswood Mining Limited**

**(Planning - Regional)**

**Dated 2 May 2024**

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## Introduction

1. My full name is Barry James MacDonell. I am a resource management consultant with 29 years planning experience. I have a BSc(Hons) degree in geology and a Masters degree in resource planning, both from Otago University. I am a full member of the New Zealand Planning Institute.
2. I have experience in the preparation of resource consent applications for developers and in the processing of consents on behalf of councils. Past and current projects include subdivisions, dams, roading infrastructure, quarries, cleanfills, mines, telecommunication infrastructure, and other commercial developments.
3. I was instructed by Hawkeswood Mining Limited (**HML / Applicant**) in 2023 to prepare an application for regional resource consent (**Application**)<sup>1</sup> to establish and operate an alluvial gold mine located at located at 1346 – 1536 Teviot Road, Millers Flat (**Site**). I am familiar with the area to which the application for resource consent relates. I have visited the Site and surrounds on several occasions.
4. Although this is not a hearing before the Environment Court, I record that I have read the Code of Conduct for expert witnesses as outlined in the Environment Court’s practice note 2023 and have complied with it in preparing this evidence. I confirm that the issues addressed in this brief of evidence are within my area of expertise and that I have not omitted to consider material facts known to me that might alter or detract from my opinions.

## Scope of Evidence

5. My evidence solely addresses HML’s application for regional resource consent. It should be read in conjunction with Ms Collie’s district planning evidence.

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<sup>1</sup> Otago Regional Council Reference RM23.819. Application titled: Proposed alluvial gold mine at Millers Flat Resource Consent Applications – Otago Regional Council dated 16 October 2023.

6. My evidence:
  - a. Provides an overview of the proposal;
  - b. Describes the Site;
  - c. Assesses the effects of the proposal;
  - d. Comments on proposed conditions of consent;
  - e. Assesses the proposal against the relevant planning framework;  
and
  - f. Responds to matters raised by submitters.

## **Overview of the Proposal**

7. The proposal is described in detail in the application material,<sup>2</sup> the Otago Regional Council's (ORC) s 42A report,<sup>3</sup> and in the evidence of Ms Collie.<sup>4</sup> I agree with those descriptions.
8. From a regional perspective, these activities require authorisation for water take and use and discharges to water, land, and air. A complete list of the regional consents required is set out in the s 42A report.<sup>5</sup>
9. To summarise, the proposed alluvial gold mine operation involves the removal and subsequent stockpiling of overburden, staged mine pit excavation, the on-site processing of gold-bearing gravel 'wash', and progressive rehabilitation of the Site back to pasture.

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<sup>2</sup> Section 2 of the Application titled Proposed alluvial gold mine at Millers Flat Resource Consent Applications – Otago Regional Council dated 16 November 2023.

<sup>3</sup> Section 2.2.

<sup>4</sup> Paragraphs 14 – 23.

<sup>5</sup> Section 2.1, pg 7.

10. From a technical perspective I note:

- a. The principal water source for washing gold-bearing gravels is groundwater extracted from the mine pit.
- b. The water take is predominantly non-consumptive, with water taken during initial dewatering returned to land overlying the aquifer and soaking back into groundwater.
- c. The extraction, screening and gold recovery process will be undertaken without the use of chemicals.
- d. Discharge of transient mine pit dewatering is likely to be continually or intermittently made to land within or adjacent to the mine footprint.
- e. Discharges will contain suspended sediment from the mine pit pond which will settle in the initial discharge settlement pond before soaking into the ground.
- f. Discharges of particulates to air will arise from activities such as topsoil and overburden removal, stockpiling, and vehicle movements.
- g. The processing of alluvium through the gold recovery plant is undertaken as a wet process, thus the likelihood of that activity generating particulate emission is very low.
- h. There will be no earthworks within 20 m of any watercourse, and no discharge of treated water to land within 50 m of any watercourse, including the Clutha River / Mata-au and Tima Burn. This will be secured by way of consent condition.

11. Overall, the proposal requires discretionary regional resource consent. A consent duration of 10 years is sought with the exception of the water take, which has a maximum duration of 6 years.

## Site Description

12. The Site and surrounding environment are described in the s 42A report.<sup>6</sup> I agree and adopt Ms Ter Huurne's description. I add that:

- a. The predominant land use on the Site is pastoral farming while the surrounding area contains a mixture of rural and rural residential land uses;
- b. The Millers Flat township is approximately 2 km to the southeast of the Site and the Ettrick township approximately 1.5 km to the northwest;
- c. I adopt and rely upon Mr Heller's<sup>7</sup> description of the groundwater and surface water environment in my assessment; and
- d. Unconsented regional activities undertaken on the Site that are the subject of this consenting exercise do not form part of the "environment" against which this application is to be assessed.

13. From a regional perspective,<sup>8</sup> I note the Site and surrounds have the following natural and cultural values and features:

- a. The Site is located in proximity to the Clutha River / Mata-Au which (between Alexandra and Island Block) is a habitat for eel, trout, salmon and lamprey. The Clutha River / Mata-Au also has cultural value for mana whenua.
- b. The Clutha Gold Cycle Trail;
- c. The Tima Burn; and
- d. Recorded sites of archaeological value.

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<sup>6</sup> Section 4.

<sup>7</sup> EIC Heller at [17].

<sup>8</sup> In particular, see Schedules 1A and 1D of the Regional Plan which identifies a range of natural and cultural values in the Otago Region.

## **Resource Management Act**

14. Section 104 of the Resource Management Act 1991 (**RMA**) requires the proposal to be assessed in terms of actual and potential effects on the environment, the relevant objectives and policies of the relevant planning documents, and Part 2 of the RMA. Overall, this is a discretionary activity.

## **Assessment of Environmental Effects**

15. I have read the Council's s 42A report. We are generally in agreement as to the extent of adverse effects and their appropriateness. To this end, I will not duplicate the assessment and mainly focus on the areas of disagreement relating to cultural and historic heritage values. Given the high degree of alignment, I will utilise the general structure of the s 42A report to order my evidence.
16. I agree with the summary of key potential adverse effects identified by Ms Ter Huurne:<sup>9</sup>
- a. Aquifer Allocation;
  - b. Surface Water Bodies and Allocation;
  - c. Natural Character and Amenity values;
  - d. Surface Water Quality;
  - e. Other Water Users;
  - f. Groundwater Quality;
  - g. Freshwater Ecology;
  - h. Cultural Values;

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<sup>9</sup> Section 6, s42A report.

- i. Heritage Values; and
- j. Air Quality and Human Health.

17. In summary the planning report considers that adverse effects on the matters listed above can be appropriately managed and mitigated to be less than minor except for adverse effects on cultural values and heritage values (effects considered to be at least minor) and adverse effects on groundwater quality (effects considered to be minor).

18. In my opinion, all effects are no more than minor and do not present a barrier to approval of consent. I would add that because the gateway tests of s 104D are not engaged, whether effects are minor or less, or more than minor, is not of itself determinative of whether the grant of consent is appropriate.

#### ***Consent Duration and Nature of the Proposal***

19. Before I discuss the effects of the proposal, it is first important to discuss the nature of the proposal. A maximum consent term of 10 years is sought, meaning the activity is not permanent. As set out in the application, the proposal includes the full rehabilitation of the land. This is a typical approach to most mining operations in current times, which in effect means that adverse effects by their very nature are temporary. Often this also occurs when mining and rehabilitation is staged across a larger site. In my experience, a focus on mitigating significant effects is essential and remedying long term effects by way of rehabilitation. To this end, the outcome for the land and environment is often enhanced.

#### ***General Considerations***

20. I agree with the general considerations identified by Ms Ter Huurne,<sup>10</sup> encompassing the permitted baseline and receiving environment assessment.

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<sup>10</sup> Section 6.1.1 ORC s 42A report.

21. Turning to positive effects, I disagree with the reporting planner's view, who suggests it is unclear if benefits will arise. Considering the application and the evidence, in my opinion:
- a. There will be positive economic and employment benefits. Mr Hawkeswood's evidence<sup>11</sup> indicates 20 – 25 full-time employment opportunities on site with a further 8 – 10 off-site with the bulk of these positions being filled from the local and wider community. Approximately \$28 million will be directly paid in local employment remuneration and royalty payments, with significant additional expenditure on a range of services from local providers.
  - b. There will be a level of positive effect arising from new indigenous vegetation planting proposed.<sup>12</sup>
22. I agree in the context of considering any adverse effects, that such effects on persons who have provided written approvals must be disregarded.
23. The table of written approvals<sup>13</sup> should be updated. I note the s 42A report, identifies written approvals in two tables. Table 4 identifies written approvals received with respect to bores and Table 6 also lists written approvals received. The tables are set out slightly differently and do not directly reflect each other.
24. Table 4 identifies two bores owned by Wendy Gunn and one bore owned by Gregory Sligo for which written approval had not been received. To that list can be added the two additional bores identified by Mr Heller.<sup>14</sup> Subsequently written approval has been received from Mr Sligo and the Fairhursts - so these persons can be added to Table 4. I include additional written approvals received in **Appendix A**.

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<sup>11</sup> EIC Hawkeswood at [12] – [15].

<sup>12</sup> EIC Dr Wills at [45] – [46] and [62]; EIC Johnstone at [27]; EIC Moore at [34].

<sup>13</sup> ORC s 42A report, Table 4 (at pages 20 – 21) identifies written approvals received with respect to bores. Table 6 (at pages 31 – 32) also lists written approvals received.

<sup>14</sup> G43/0184 and G 43/0185 owned by Bruce Fairhurst and Sheree Dianne Fairhurst.



25. Table 6 identifies three additional written approvals received<sup>15</sup> not listed in Table 4 – that difference between the tables is presumably because the additional approvals listed do not relate specifically to a bore (and because Jacks Ridge purchased the Liyanarachchi property).

### ***Aquifer Allocation***

26. I agree with Ms Ter Huurne’s assessment.<sup>16</sup> Of importance, the take is predominantly non-consumptive with water taken during initial dewatering returned to land overlying the aquifer and soaking back into groundwater. I rely on the evidence of Mr Heller in reaching my conclusions.<sup>17</sup> Effects will be less than minor.

### ***Surface Water Bodies and Allocation***

27. I reach the same effects conclusion as Ms Ter Huurne.<sup>18</sup> I rely on the evidence of Mr Heller and Mr Allibone in reaching my opinion that potential stream depletion effects will be no more than minor.

28. Important to findings with respect to Tima Burn is HML’s commitment to ongoing monitoring of flows and flow augmentation at a specified trigger level if required<sup>19</sup> - there is agreement this represents appropriate mitigation.

29. There is a difference of opinion as to the detailed wording of a condition of consent addressing maintenance of an agreed level of dissolved oxygen.<sup>20</sup> The evidence of Mr Allibone recommends the agreed dissolved oxygen requirement be applied to the augmented water being introduced not the subsequent mixed flow downstream in Tima Burn itself, for reasons set out.<sup>21</sup> This outstanding issue does not alter my opinion as to effects with respect to surface water bodies and allocation considerations.

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<sup>15</sup> Gabrielle Claire Campbell-Lloyd and Gareth David Wilson; Jacks Ridge Limited; L.A. and P.F. Crawford.

<sup>16</sup> ORC s 42A report, section 6.1.2.

<sup>17</sup> EIC Heller, which addresses hydrology and water quality in detail.

<sup>18</sup> ORC s 42A report, section 6.1.3.

<sup>19</sup> Groundwater Permit recommended conditions 5 and 11.

<sup>20</sup> Groundwater Permit recommended condition 13.

<sup>21</sup> EIC Allibone at [54] – [55].

### ***Surface Water Quality***

30. I reach the same effects conclusion as Ms Ter Huurne.<sup>22</sup> Excess water from dewatering will be discharged via a sediment retention pond to an infiltration pond. Discharge is to land, and the infiltration pond is appropriately set back from the Clutha River/Mata-Au and surface water bodies. I rely on the evidence of Mr Heller<sup>23</sup> to undertake my assessment.

### ***Natural Character and Amenity Values***

31. I agree with Ms Ter Huurne that the proposal will not impact the topography, natural flow characteristics, natural water colour, clarity or water level, or ecology of the Clutha River/Mata-Au. We are also aligned in our view that the setback of works from water bodies and the setback for any discharges, along with the predominantly nonconsumptive nature of the water take and mitigation measures proposed are effective together to mitigate potential adverse effects.

32. Like Ms Ter Huurne, I conclude potential effects on natural character and amenity values of the Clutha River/Mata-Au and the Tima Burn will be less than minor.<sup>24</sup> I rely on evidence on behalf of HML to inform my opinion.

### ***Groundwater Quality***

33. Ms Ter Huurne addresses these matters with reference to two subset considerations, being contaminated land and sedimentation.<sup>25</sup>

34. The contaminated land consideration is better described as potential groundwater contamination. As already mentioned, the discharge to land proposed is not of chemically contaminated water. Chemical inputs are not used in the mine processing, and water to be discharged to land is first being settled in a pond to remove sediment. Therefore, the issue for consideration in this case is the potential for the cone of depression created by water

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<sup>22</sup> ORC s 42A report, section 6.1.4.

<sup>23</sup> See EIC Heller at [31] – [35].

<sup>24</sup> ORC s 42A report, section 6.1.5.

<sup>25</sup> ORC s 42A report, section 6.1.6.

abstraction to extend to an area where it “draws out” contaminated water from below or in proximity to the old, closed landfill.

35. A generous buffer zone has been imposed around the old landfill site, with the location of that zone being informed by contaminated land testing. It has also been established that there is an unsaturated zone beneath the landfill. Furthermore, extensive monitoring conditions have been agreed.<sup>26</sup>
36. For these reasons, and with reference to the expert evidence of Mr Heller, I agree with the reporting planner that potential effects in respect of groundwater contamination are expected to be no more than minor.
37. I also agree with Ms Ter Huurne that potential adverse effects on groundwater quality arising from sediment laden water from the mine pond are no more than minor, taking account of relevant technical assessments by Mr Heller and conditions of consent requiring an ongoing groundwater monitoring program.

#### ***Other Water Users***

38. This potential issue also relates to the cone of depression and groundwater levels (drawdown) which extends laterally from an area of water abstraction. I generally agree with Ms Ter Huurne’s description of the issue<sup>27</sup> and we are aligned as to the degree of effect, being less than minor.
39. I note the s 42A report refers to the Applicant’s assessment of predicted maximum drawdowns for neighbouring bores and related written approvals. At the time of lodgement 11 domestic water supply wells and one irrigation bore were identified as potentially affected. That analysis was subsequently adjusted through further investigation, to determine up to 14 water supply wells may experience an interference drawdown as a result of dewatering.<sup>28</sup>

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<sup>26</sup> Mr Heller recommends a minor change to condition 15 of the discharge to land to permit, which does not alter the purpose and effectiveness of the monitoring conditions.

<sup>27</sup> ORC s 42A report, section 6.1.7.

<sup>28</sup> See ORC section 42A report, section 4.1 Table 4 and subsequent bullet point for summary of relevant bores.

40. The Applicant has now obtained written approval from all but one (Wendy Gunn) of the potentially affected bore owners.<sup>29</sup> Accordingly Table 7 needs to be updated.<sup>30</sup> Only the potential effect on Ms Gunn's bores can be considered. The Applicant has also obtained affected written approval from all landowners within the mine footprint.
41. Continuity of water supply for potentially affected well owners is proposed through conditions requiring continuity of supply. The Applicant agrees to adopt these conditions. I consider these conditions will appropriately mitigate effects on other water users.

### ***Freshwater Ecology***

42. I reach the same effects conclusion as Ms Ter Huurne<sup>31</sup> - namely that the adverse effects on the ecological values of the Tima Burn are no more than minor.
43. I rely upon the assessment and evidence of Mr Allibone. His analysis generally aligns with the review conclusions of Mr Hamer – they both agree the lower Tima Burn is in poor ecological health.
44. Mr Allibone's response to the s 42A report<sup>32</sup> identifies one factor that Mr Hamer has incorrectly assessed in his review which alters the proper ecological value to assign to the Tima Burn, and he also records that Schedule 1A of the Regional Plan: Water for Otago is outdated when it states the Tima Burn is significant habitat for koaro. Fieldwork undertaken by Mr Allibone demonstrated that koaro is not present.
45. Stream augmentation is already addressed in this evidence along with the clarification required to associated conditions to ensure dissolved oxygen monitoring is of the augmented water added.

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<sup>29</sup> Ms Gunn did not lodge a submission.

<sup>30</sup> ORC section 42 A report, Table 7 (page 38).

<sup>31</sup> ORC section 42 A report, section 6.1.8.

<sup>32</sup> EIC Allibone, at [46] – [56].

### ***Cultural Values***

46. I disagree with the conclusions as to degree of effect with respect to cultural matters reached by Ms Ter Huurne.<sup>33</sup> I acknowledge the matters raised in the Aukaha submission; since receiving this the Applicant has sought to address uncertainties and technical concerns with additional assessment and information, as addressed in the evidence from the Applicant's experts.
47. The Aukaha submission noted that effects on cultural landscapes were unable to be assessed due to uncertainties around staging, visual impacts and mitigation, and rehabilitation.<sup>34</sup> More detailed plans have been provided showing staging and visual mitigation,<sup>35</sup> the visual assessment has been updated<sup>36</sup> and a draft rehabilitation plan has been provided to Aukaha for comment.<sup>37</sup> Further, conditions proposed in Ms Collie's evidence provide for further engagement around rehabilitation, biodiversity enhancement and test trenching in relation to areas with potential Māori archaeology.<sup>38</sup>
48. Aukaha raises concerns with the hydrological technical assessments,<sup>39</sup> however on the basis of Mr Heller's evidence and the peer review undertaken on behalf of ORC by E3, I consider any technical hydrological issues have been resolved, such that the ORC s42A report concludes that effects on water quality and quantity are no more than minor.<sup>40</sup>
49. Further concerns raised in regard to discharges to land<sup>41</sup> relate to excavation, sedimentation, overland flow paths to waterbodies and impacts of dewatering. An Erosion and Sediment Control Plan will address overland flow and sedimentation,<sup>42</sup> while monitoring conditions will ensure that the

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<sup>33</sup> ORC s 42A report, section 6.1.9.

<sup>34</sup> Aukaha submission, 8.8.

<sup>35</sup> Site plans dated 22 April 2024.

<sup>36</sup> EiC Moore, Appendix A.

<sup>37</sup> By email from S. Johnstone, 26/4/24.

<sup>38</sup> EiC Collie, Appendix [B] conditions 45 and 47.

<sup>39</sup> Aukaha submission, 8.12 – 8.15

<sup>40</sup> ORC s 42A report, sections 6.1.2 – 6.1.4 and 6.1.6

<sup>41</sup> Aukaha submission 8.16.

<sup>42</sup> EiC Johnstone, Appendix I.

effects of dewatering and excavation are as predicted in the technical assessments.

50. The s 42A report concludes that *“adverse effects on the physical aspects and mauri of water bodies, i.e. water quality and ecological values, can be appropriately managed and mitigated to an acceptable level. However, there is insufficient information to assess adverse effects on the metaphysical aspects of mauri and the intrinsic values of ecosystems, and to determine whether the proposal provides for the mauri of water bodies and gives effect to Te Mana o Te Wai.”*<sup>43</sup>

51. I consider that appropriate consultation with manawhenua has been undertaken by the Applicant and this is detailed in Mr Johnstone’s evidence. The Applicant has engaged with manawhenua representatives on a number of occasions including in person hui at Aukaha offices and on the application site, and online meetings. The Applicant has been responsive to concerns raised by manawhenua, as indicated by the commissioning of additional reports and provision of updated information to Aukaha, along with requests for feedback in respect of these. Consultation has been responsive to concerns raised, and overall, I find that effects on cultural values have been addressed to the extent possible by the Applicant.

52. I agree that effects on water quality, water quality and ecological values, as relates to the mauri of the Clutha River / Mata-Au are mitigated to an acceptable level. I address the matter of Te Mana o Te Wai in the Statutory Assessment section below. The Applicant is open to consider any additional conditions proposed to provide further certainty in regard to effects on cultural values.

### ***Historic Heritage Values***

53. Ms Ter Huurne and I also part ways as to the degree of effect with respect to historic heritage values.<sup>44</sup> This matter is addressed at length in Ms Ross’ and Ms Collie’s evidence<sup>45</sup> and I am generally in agreement with their

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<sup>43</sup> ORC s 42A report, section 6.1.9.

<sup>44</sup> ORC s 42A report, section 6.1.10.

<sup>45</sup> EIC Collie at [72] – [76].

conclusions; that the mitigation proposed is appropriate in relation to the management of known archaeological sites and risk of discovery of unknown archaeological material.

### ***Air Quality and Human Health***

54. I reach the same effects conclusion as Ms Ter Huurne.<sup>46</sup> A comprehensive assessment has been undertaken by Mr Goodhue who is of the opinion based on the assessment of effects, and subject to the proposed mitigations being implemented, that the effects of nuisance and health-related dust will be less than minor on the receiving environment.<sup>47</sup> Mr Goodhue's recommendations include an Air AEE and Dust Management Plan (**DMP**).
55. The processing of gold bearing wash through the gold plant will not generate dust because the process is wet. Gold bearing gravels are excavated from below the water level in the mine pond and then run through a screen with spray bars. Screened wet gravel is then returned to the pond while gold bearing fines are transported by water to gold separation devices.
56. The sources of dust generation are visible and readily identifiable. The DMP identifies potential sources of dust and how they will be managed. The mitigation measures proposed include:
- a. Ceasing high risk dust generating activities in dry conditions when wind speeds exceed certain limits as confirmed in the DMP.
  - b. Keeping exposed, unvegetated, surfaces to a minimum.
  - c. Limiting stockpile heights to 7 m.
  - d. Applying water or other dust suppressants to potential dust generating areas as necessary to minimise dust emissions.
  - e. Restricting vehicle speeds on site to a maximum of 15 km/hr.

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<sup>46</sup> ORC s 42A report, section 6.1.11.

<sup>47</sup> EIC Goodhue at [47].

- f. Regularly maintaining internal access roads to best industry practice, including grading and replenishing the aggregate surface.
- g. Existing shelter belts around the boundary to be retained.

57. The review by Mr Brown of PDP agrees with Mr Goodhue's assessment.

58. Of note, HML will have two water trucks on site. In addition, there will be a comprehensive dust monitoring programme in place recording for PM<sub>10</sub>, including a weather station and dust monitors at the boundary. These dust monitors will be moved as mining progresses through the site. The two real time PM<sub>10</sub> dust monitors will allow for effective and adaptive management of any dust issues.

59. Neighbouring property owners will be provided with the Site Manager's phone number in the event of any dust nuisance complaints.

60. All relevant effects have been assessed, including particular concerns raised by submitters<sup>48</sup> and a comprehensive management and mitigation package is proposed secured by conditions of consent.<sup>49</sup>

### ***Duration***

61. It is noted that a 6 year term is being recommended for the groundwater take. I understand the reason for this, being a policy matter related to the new Regional Plan. However, there is no reason why the other consents cannot be granted for the full 10 year term being sought, with an advice note on these consents that they cannot be implemented without a current groundwater take consent.

### ***Conditions***

62. Conditions influencing, avoiding, controlling or mitigating the degree of effect are relevant to an effects assessment. I have reviewed the conditions proposed in the s 42A report and generally agree with these, except as noted below:

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<sup>48</sup> EIC Goodhue at [51] – [76].

<sup>49</sup> EIC Goodhue comments on proposed conditions of consent at [79] – [84].



- a. In relation to the air discharge permit:<sup>50</sup>
- i. Recommended condition 1(c) refers to survey plans dated 26 February 2024. This should be amended to refer to the updated site plans dated 22 April 2024.
  - ii. Recommended condition 4 states that extracted material shall not be processed, crushed, or screened on the Site. The gold recovery plant will screen and process alluvial wash within the dredge. Therefore, the terms “processing and screening” should be deleted from the condition.<sup>51</sup>
  - iii. Recommended condition 6 limits the maximum excavation area, backfill area, and rehabilitation area to 2 ha. It is unclear where the proposed maximum area has been sourced from and what activities are intended to be included in the ‘excavation’ and ‘rehabilitation’ areas.<sup>52</sup>
  - iv. Condition 19(d) requires annual reporting on aggregate volumes. The proposal does not involve aggregate extraction and therefore this condition should be deleted.
- b. In relation to the water discharge permit:<sup>53</sup>
- i. Recommended condition 15 does not take into account instances where groundwater quality already naturally exceeds the NZ Drinking Water Standards and could result in onerous repeated reporting for the consent holder.<sup>54</sup> The conditions should be amended to state “...(as specified in the relevant NZ Drinking Water Standards at the time of sampling), where this was not previously exceeded from the results of baseline monitoring....”

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<sup>50</sup> RM23.819.04.

<sup>51</sup> Refer EIC Goodhue at [80].

<sup>52</sup> Refer EIC Goodhue at [81] – [84].

<sup>53</sup> RM23.819.03.

<sup>54</sup> Refer EIC Heller at [60] – [63].

ii. Recommended condition 4(b) should reference replace L/day with m<sup>3</sup>/day.

c. In relation to the groundwater permit:<sup>55</sup>

i. Recommended condition 13 should be amended to refer to a dissolved oxygen requirement of 8 mg/L to the augmented water in the lower Tima Burn.<sup>56</sup>

ii. Recommended condition 3(ii) should replace L/day with m<sup>3</sup>/day.

63. I agree with and support the amendments above for the reasons addressed in HML's evidence. Subject to the amendments noted above, the Applicant accepts the proposed conditions of consent identified in the ORC s 42A report.

***Summary Position – Effects***

64. I consider environmental effects of the proposal are appropriately mitigated to an acceptable level, including effects on physical and natural values underpinning cultural values. I consider that an assessment of objectives and policies may assist with a broader consideration of effects on cultural values, along with any further / updated information the submitter may table at the hearing.

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<sup>55</sup> RM23.819.02.

<sup>56</sup> Refer EIC Allibone at [54] – [55].

## Evaluation of Objectives and Policies (s 104(1)(b))

65. The following evaluation has been undertaken in accordance with s 104(1)(b) of the RMA. I commence with the relevant higher-order planning documents.

### *National Policy Statement on Freshwater Management*

66. The National Policy Statement on Freshwater Management 2020<sup>57</sup> (**NPS-FM**) sets out the objectives and policies for freshwater management under the RMA. The NPS-FM applies to all freshwater including groundwater.<sup>58</sup>

67. The NPS-FM directs that every Regional Council must engage with communities and tangata whenua to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region. I note that this has not yet occurred for the Otago Region and therefore that guidance is unavailable. I therefore consider the proposal on its effects in the assessment below.

68. The sole objective of the NPS-FM is to ensure that natural and physical resources are managed in a way that prioritises:

- a. First, the health and well-being of water bodies and freshwater ecosystems.
- b. Second, the health needs of people (such as drinking water).
- c. Third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

69. The effects on the health and well being of water bodies is assessed as no more than minor. The s 42A report refers to uncertainty in the assessment of effects on groundwater quality,<sup>59</sup> however monitoring and adaptive management conditions are proposed to manage this uncertainty, which is

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<sup>57</sup> Amended January 2024.

<sup>58</sup> Clause 1.5(1).

<sup>59</sup> ORC s 42A Report, section 6.3.3, Table 8.

acknowledged as an appropriate approach.<sup>60</sup> The s42A report also identifies concern raised by Aukaha as to whether the proposal provides for mauri.<sup>61</sup> I acknowledge concerns in the Aukaha submission relating to mauri, however additional technical information has been provided since the date of submission. Further certainty is provided through the proposed conditions of consent. On the basis of Mr Heller's evidence and Mr Allibone's evidence, I am satisfied that the proposal will ensure that the health and well-being of water bodies and freshwater ecosystems is protected.

70. I agree with comments in the s 42A report, that the proposal will not affect the health needs of people.<sup>62</sup> Effects on people's drinking water supplies are appropriately mitigated.
71. In regard to the third priority, I consider that the proposal enables people and communities to provide for their social, economic, and cultural well-being. In my opinion, this part of the objective does not require there to be social, cultural or economic benefits, rather it sets the priority for enabling people to provide for these matters behind the first two priorities. The proposal is consistent with this by meeting the first two priorities and then enabling the development of a proposal which may contribute to social, economic, and cultural well-being.
72. Policy 1 gives effect to Te Mana o Te Wai, which is detailed in section 1.3 of the NPS-FM. The hierarchy of obligations in Te Mana o Te Wai are reflected in the Objective of the NPS-FM.
73. The Aukaha submission is uncertain whether the activity gives effect to Te Mana o Te Wai and provides for the mauri of wai māori, noting uncertainties with aquifer testing and water quality. Mr Heller has provided some additional commentary on this, noting additional testing undertaken and concluding that "In this respect HML are in a very strong position in relation to prediction of effects of the proposed activity...".<sup>63</sup> I consider the

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<sup>60</sup> ORC s 42A report 6.1.6a.

<sup>61</sup> ORC s 42A report section 6.3.3, Table 8.

<sup>62</sup> ORC s 42A report section 6.3.3, Table 8.

<sup>63</sup> EIC Heller at [96].

additional assessment undertaken, alongside the monitoring conditions, provide additional confidence that the proposal will adequately protect water and give effect to Te Mana o Te Wai.

74. Policy 2 requires the active involvement of tangata whenua and that Māori freshwater values are identified and provided for. Māori freshwater values are defined in the NPS-FM however these values have not yet been identified in this area as the NPS-FM establishes a prescribed process through which this must be achieved. However, consideration has been given to Māori freshwater values identified by tangata whenua based on direction provided in the RPW and relevant iwi resource management plans.
75. Notwithstanding the above, given that the proposed take and discharge will have effects that are less than minor on the receiving environment, in respect of both hydrology (surface water and groundwater) and ecology, it is considered that the proposal is consistent with this policy.
76. Policy 3 requires consideration of effects in an integrated way. I consider that the range of effects associated with this proposal have been assessed and mitigated in an integrated way.
77. Policy 5 requires improvement to the health and well-being of degraded water bodies and freshwater ecosystems, and the maintenance or improvement of the health and wellbeing of all other waterbodies and freshwater ecosystems. Based on the mitigation measures proposed and the assessment of effects above, I consider this policy is met.
78. Policies 9 and 10 protect the habitat of indigenous freshwater species and the habitat of trout and salmon. I agree with comments in the s42A report that this is achieved by setbacks and mitigation measures in the draft conditions.<sup>64</sup>
79. Policy 11 addresses freshwater allocation and efficient use. The take is mostly non-consumptive and there are no issues of inefficiency. The proposal is consistent with this policy.

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<sup>64</sup> ORC s 42A report, section 6.3.3, Table 8.

80. Policy 15 enables communities to provide for social, economic and cultural wellbeing. The s42A report indicates that evidence is required of social and economic benefits to meet this policy.<sup>65</sup> I disagree; the policy wording is to 'enable' not 'require'. The proposal is consistent with this by enabling a development which may contribute to social, economic, and cultural wellbeing.
81. Overall, I consider the proposal to be consistent with the NPS-FM.

#### National Policy Statement for Highly Productive Land

82. The NPS-HPL is about ensuring the protection of NZ's most favourable soils for productive purposes, now and for future generations. The provisions of this NPS-HPL do not apply in this instance because the Site is not 'highly productive land' and furthermore the soil resource is being preserved, and the land rehabilitated back to pasture.

#### Otago Regional Policy Statement 2019

83. The Otago Regional Policy Statement 2019 (RPS) was made fully operative on 4 March 2024.
84. Objective 1.1 relates to the sustainable use of resources to promote economic, social and cultural wellbeing. Supporting policies relate to enabling the sustainable use and development of resources, recognising and providing for Kāi Tahu values and avoiding significant effects on human health. The Objective enables development subject to the protection of certain values. Based on the effects assessment, I consider the proposal to be a sustainable development and avoids effects on human health. Kāi Tahu values are recognised and provided for in the consultation and additional assessment undertaken in order to provide a high degree of certainty that the effects will be as predicted, and that they can be appropriately managed.
85. Objective 2.1 requires that the principles of the Treaty of Waitangi are taken into account in resource management processes and decisions and Policy

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<sup>65</sup> ORC s 42A report, section 6.3.3, Table 8.

2.1.2 sets out matters which relate to the exercise of powers by local authorities. I consider that the listed matters have been addressed, including the involvement of Kāi Tahu in this process, and taking into account Kāi Tahu values, though noting that any additional information that could be provided by Aukaha on their views following the provision of the additional technical information would assist in this regard. The relationship of Kāi Tahu with ancestral lands, water, sites, wāhi tapu, and other taoka, is recognised throughout the assessment, and provided for in mitigation measures that prevent effects on the recognised values.

86. Objective 2.2 recognises and provides for Kāi Tahu values and interests. Policy 2.2.1 seeks to manage the natural environment to support Kāi Tahu wellbeing by recognising and providing for matters listed in Schedule 1A and 1B of the RPS and safeguarding the life-supporting capacity of natural resources. It is evident from the effects assessment that the proposal will not undermine the life-supporting capacity of natural resources. Matters listed in Schedule 1A and 1B relate to a range of cultural values. Aukaha may choose to present additional commentary based on how the proposal has changed since their submission, and comment directly on these matters.
87. Policy 2.2.2 recognises sites of cultural significance and I consider that the Applicant has provided for the protection of these on the basis of the information available. If there are effects on values of cultural significance that are not appropriately mitigated, I would consider additional conditions that may provide for the protection of these.
88. Objective 3.1 seeks to maintain the values of ecosystems and natural resources. Policy 3.1.1 safeguards the life-supporting capacity of fresh water. Given the detailed s42A report assessment<sup>66</sup> of this policy I note general agreement with that assessment and address the areas of disagreement.
89. Policy 3.1.1a seeks to maintain good quality water and enhance water quality where it is degraded, including for nominated values. The effects on water quality will be no more than minor. The s 42A report notes a degree

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<sup>66</sup> ORC s 42A report, section 6.3.6, Table 9.

of inconsistency as there is potential for groundwater contamination from the landfill, albeit groundwater quality for potable supply will be unaffected due to the mitigation measures below.<sup>67</sup> The contamination of groundwater is considered to be a low probability effect and the monitoring proposed will enable this effect to be identified if it occurs and appropriate action taken. The proposal does not add contamination to groundwater; rather, if it is present already, the effect will be one of diffusion. Therefore, I do not agree that the proposal is inconsistent with this aspect of the policy.

90. Policy 3.1.1b maintains or enhances aquatic ecosystem health, indigenous habitats and indigenous species and their migratory patterns. The s42A report concludes the flow augmentation conditions will support ecological values and the habitats of indigenous species but determines inconsistency on the basis that effects on ecosystem health are uncertain.<sup>68</sup> I disagree, as the proposal will have no effect on the Tima Burn ecosystem, as outlined in Mr Allibone's evidence.<sup>69</sup>

91. Overall, I consider the proposal to be consistent with Policy 3.1.1.

92. Policy 3.1.3 relates to water allocation and use and as that take is mostly non-consumptive, I consider the proposal to be consistent with this policy.

93. In relation to Policy 3.1.6, I consider the dust mitigation measures sufficient to maintain amenity values and maintain good ambient air quality.

94. Policy 3.1.7 safeguards the life supporting capacity of soil. Conditions proposed by Ms Collie require the separate stockpiling of topsoil,<sup>70</sup> and Mr Johnstone has provided an Erosion and Sediment control plan.<sup>71</sup> I consider the proposal consistent with this policy.

95. In regard to Policy 3.1.9, the s42A report notes that there are two threatened native fish species present in the Tima Burn.<sup>72</sup> Mr Allibone clarifies that this

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<sup>67</sup> ORC s 42A report, section 6.3.6, Table 9.

<sup>68</sup> ORC s 42A report, section 6.3.6, Table 9.

<sup>69</sup> EIC Allibone at [43].

<sup>70</sup> EIC Collie, Appendix B, Condition 47.

<sup>71</sup> EIC Johnstone, Appendix I.

<sup>72</sup> ORC s 42A report, section 6.3.6, Table 9.



is not the case.<sup>73</sup> On the basis of Mr Allibone's assessment, I consider the proposal provides for ecosystem health (in particular through the augmentation of the Tima Burn) and is consistent with this policy.

96. Objective 4.6 relates to contaminated land and Policy 4.6.5 requires that contaminated land does not pose an unacceptable risk to the environment. I agree with comments in the s42A report regarding the buffer from the closed landfill being suitable to ensure contaminated land is undisturbed and recommended conditions represent a precautionary approach to groundwater quality.<sup>74</sup>

97. In regard to Policy 3.1.9, the s 42A report notes that there are two threatened native fish species present in the Tima Burn.<sup>75</sup> Mr Allibone clarifies that this is not the case.<sup>76</sup> On the basis of Mr Allibone's assessment, I consider the proposal provides for ecosystem health (in particular through the augmentation of the Tima Burn) and is consistent with this policy.

98. Objective 5.1 relates to public access and Objective 5.2 relates to historic heritage. I refer to the evidence of Ms Collie, as she covers these matters in some detail.<sup>77</sup> In relation to Policy 5.2.3, the s 42A report concludes that the proposal is inconsistent because the proposal will not protect and enhance historic heritage.<sup>78</sup> I consider the Policy does not require protection and enhancement 'at all costs'. Subclauses provide for a more nuanced approach, by:

*c) Avoiding adverse effects on those values that contribute to the area or place being of regional or national significance;*

*d) Minimising significant adverse effects on other values of areas and places of historic heritage;*

*e) Remedying when adverse effects on other values cannot be avoided;*

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<sup>73</sup> EIC Allibone paragraph 47-49.

<sup>74</sup> ORC s 42A report, section 6.3.6, Table 9.

<sup>75</sup> ORC s 42A report, section 6.3.6, Table 9.

<sup>76</sup> EIC Allibone at [47]-[49].

<sup>77</sup> EIC Collie at [98] – [106] and [216] in relation to public access and Objective 5.1, Paragraph 72-76 in relation to historic heritage.

<sup>78</sup> ORC s 42A report, section 6.3.6, Table 9.

*f) Mitigating when adverse effects on other values cannot be avoided or remedied;*

99. My understanding of the archaeological report is that there are no known historic heritage values of regional or national significance, hence the appropriate approach is to minimise *significant* adverse effects and remedy or mitigate effects that cannot be avoided. I consider the proposal to be consistent with this approach based on Ms Ross' evidence, and conclude the proposal is consistent with this policy.

100. Objective 5.4 addresses adverse effects of resource use. Policy 5.4.1 refers to offensive or objectionable discharges. On the basis of Mr Goodhue's evidence, I consider that discharges to air will be suitably managed such that the effects are not offensive or objectionable. I do not consider the proposal to give rise to any other potential offensive or objectionable discharges. The s42A report agrees that significant adverse effects of discharges will be avoided but remains concerned about the effect of offensive or objectionable discharges on cultural values.<sup>79</sup> I consider the effects of the proposed discharges are appropriately mitigated.

101. Policy 5.4.2 refers to an adaptive management approach where potential adverse effects might arise and can be remedied. Policy 5.4.3 recommends a precautionary approach where the effects are uncertain. I consider the recommended conditions in response to groundwater quality to give effect to these policies.

102. Policy 5.4.8 specifically addresses effects from mineral extraction and processing. Effects of the activity are managed by:

- a. The proposal is located where it avoids the identified areas for avoidance in part a. of the policy. The s42A report notes that there may be historic heritage in the area,<sup>80</sup> but the policy specifically refers to avoidance of nationally or regionally significant historic heritage. That is not evidenced on the application site.

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<sup>79</sup> ORC s 42A report, section 6.3.6, Table 9.

<sup>80</sup> ORC s 42A report, section 6.3.6, Table 9.

- b. The proposal avoids the coastal environment (part ba).
- c. Subject to conditions of consent which protect drinking water quality in neighbours' bores and adherence to the dust management plan,<sup>81</sup> the proposal avoids adverse effects on the health and safety of the community (part c.).
- d. Based on the assessment of effects, the proposal avoids, remedies or mitigates effects on other values (part d.). Notably, the activity is temporary with full rehabilitation, and so any long-term effects are remedied after the activity is complete. Effects on cultural values are identified as a concern by the s 42A report,<sup>82</sup> however I consider that the physical effects noted in the Aukaha submission have been appropriately mitigated. I consider the submitter may update their position on the basis of the additional information received and there may be additional mitigation that could address cultural effects to the submitters satisfaction.
- e. I do not consider biological diversity offsetting to be necessary (part. e), given the scale of impact on biodiversity in the Tima Burn is less than minor.<sup>83</sup>
- f. The proposal is staged and progressively rehabilitated, consistent with part f.
- g. A precautionary approach is applied in respect of groundwater quality monitoring, consistent with part g.

103. Overall, I find the proposal to be consistent with the RPS.

***Proposed Otago Regional Policy Statement 2021 (PRPS)***

104. Decisions on the Proposed Otago Regional Policy Statement 2021 (**PRPS**) were notified on 30 March 2024. My assessment below refers to this version

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<sup>81</sup> EIC Goodhue at [47].

<sup>82</sup> ORC s 42A report, section 6.3.6, Table 9.

<sup>83</sup> EIC Allibone at [58].

of the PRPS, which I note contains differences to the version assessed in the s 42A report.<sup>84</sup> The differences are few, and not fundamental to conclusions except in relation to LF-FW-O8 (detailed below).

#### Air

105. In regard to AIR Objectives and Policies, the evidence of Mr Goodhue confirms that effects of the discharge of dust to air can be appropriately managed by the DMP such that the effects are less than minor. The PDP review is similarly supportive. I am not aware of any issues in regard to ambient air quality, and so I consider the proposal consistent with Objective AIR-O1 and Policy Air-P1.

106. I consider the mitigation proposed will ensure that any localised effects will not compromise human health, amenity values or the life supporting capacity of ecosystems, consistent with Objective AIR-O2, and hence the activity is provided for in accordance with Policy AIR-P3. The final component of AIR-O2 is that discharges to air do not compromise manawhenua values. This has not been raised as a concern, and given the degree of effect on other values, I conclude manawhenua values will also not be compromised (AIR-P6).

107. In regard to Policy AIR-P4, the proposed discharge is not expected to be noxious, dangerous, offensive or objectionable. Part (3) of the policy therefore requires that adverse effects of dust are avoided, remedied or mitigated. I consider the proposed mitigation achieves this.

#### Land and Freshwater

108. Objective LF-WAI-O1 relates to Te Mana o Te Wai. The Objective seeks to protect the health and well-being of waterbodies, and their restoration where they are degraded, so that the mauri of those water bodies is protected. The s 42A report declines to make an assessment on this objective, essentially adopting Aukaha's position in its submission that there

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<sup>84</sup> Version of the PRPS available: <https://www.orc.govt.nz/media/16513/appendix-3-final-version-of-porps-2021-incorporating-panel-recommendations.pdf>

was a lack of information and therefore insufficient information to determine consistency (or otherwise) with the objective.<sup>85</sup> I consider that the Applicant has provided sufficient information to Aukaha enable an assessment. Further, the Applicant has made where a number of additional refinements to the proposal.

109. I acknowledge Aukaha's concerns, supported by Te Runanga o Ngai Tahu, and note that the Applicant has worked through the submission matters, and other matters discussed directly with manawhenua outside of the formal Council process. I consider this to be essential engagement on the issues raised. I make my analysis on the information currently available at the time of writing, though may reassess based on any additional information the submitter provides.

110. At 6.11 of their submission, Aukaha state "Kāi Tahu has undertaken a robust process to formulate a definition for Te Mana o te Wai in our takiwā.", which is realised in Objective LF-WAI-O1. The NPS-FM, as discussed above, also places Te Mana o Te Wai as a fundamental concept. In section 8 of the submission, Aukaha detail concerns in regard to Te Mana o Te Wai. These matters have been discussed in sections above, so I summarise here rather than detailing:

- a. The hydrology technical assessment is considered robust as a result of additional testing undertaken.<sup>86</sup>
- b. The effect on surface water flows is agreed to be less than minor, and suitably mitigated by augmentation of the Tima Burn.
- c. The potential for contaminants to be mobilised from the closed landfill has now been assessed. The potential for adverse effects is no more than minor and precautionary monitoring forms part of the draft recommended conditions.
- d. An erosion and sediment control plan has been submitted as part of the evidence of Mr Johnstone.

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<sup>85</sup> ORC s 42A report, page 66.

<sup>86</sup> EIC Heller at [93]-[95].

- e. Draft conditions require monitoring of the take in compliance with the Resource Management (Measurement and Reporting of Water Takes) Regulations.
- f. Draft conditions require piezometric monitoring of groundwater levels around the mine pit.
- g. While the exact degree of flow loss to the Tima Burn is unknown, the flow augmentation will provide mitigation for effects.
- h. Water quality monitoring conditions addressing sediment and landfill related parameters form part of the draft conditions.
- i. The scale of the discharge is proposed to be controlled by a rate and volume condition (rather than a sizing of the settlement ponds). Parameters are proposed to ensure the ponds locate no closer to surface water than 50m.

111. Aukaha are concerned that the notified version of the proposal did not recognise and sustain connections and interactions between surface water and the aquifer, nor the ongoing relationship of Kai Tahu with wahi tupuna in the catchment. Comprehensive water management supported by robust monitoring is noted as required to mitigate these effects. I consider that the technical assessment and monitoring requirements have progressed since notification of the proposal.

112. Aukaha also are concerned about the discharge of contaminants to land and water, sedimentation and migration of soils, overland flow paths and impacts of dewatering on the mauri and aquatic ecology of the surrounding water bodies. Additional information provided includes an erosion and sediment control plan and additional assessment and monitoring of the discharge of contaminants. The effects of dewatering on surface water ecology and flows have been assessed as less than minor.

113. Overall, I consider that significant progress has been made in addressing the matters of concern to Aukaha. I conclude that there is likely some degree of inconsistency with Objective LF-WAI-O1, for the reason that, notwithstanding the progress made, it seems likely that there are still some

outstanding concerns in regard to the mauri of water in particular, and hence Te Mana o Te Wai. However, I do not consider that the degree of inconsistency is so high that the proposal is contrary to the policy or unsupportable. As noted above, I will reassess my analysis if the submitter provides additional information.

114. Policy LF-WAI-P1 is consistent with the Objective of the NPS-FM and I refer to my analysis above.

115. Policy LF-WAI-P2 sets out how to recognise and give practical effect to Kāi Tahu rakatirataka in respect of fresh water. Active involvement of manawhenua is part of this consent process. The proposal has been developed to minimise effects on water bodies, giving effect to sustaining the relationships of Kāi Tahu with water bodies and managing wai in a holistic and interconnected way.

116. Policy LF-WAI-P3 details integrated management / ki uta ki tai. In respect of this proposal. I consider that the mitigation proposed, particularly the progressive rehabilitation and augmentation of the Tima Burn, sustains the natural connections and interactions between water bodies and between the land and water. I consider the effects of the proposal to be managed to maintain the health and wellbeing of freshwater and associated ecosystems, and appropriately applies a precautionary approach where there is a degree of uncertainty in regard to potential effects on groundwater quality. I consider the proposal to be consistent with this policy.

117. Policy LF-WAI-P4 sets out how to give effect to Te Mana o te Wai, which encompasses all the preceding LF-WAI policies and objective. On the basis of my assessment above, I consider the proposal to be consistent with this policy.

### **Freshwater**

118. Objective LF-FW-O1A sets out a vision for each freshwater management unit at a general level. The objective recognises the interconnectedness of water and seeks sustainable abstraction of water. The proposed take is non-consumptive, and with the augmentation of the Tima Burn, I consider that

the proposal appropriately recognises the interconnectedness of water and sustainability of the take.

119. Objective LF–FW–O10 protects the natural character of rivers and their margins. Policy LF–FW–P13 seeks to avoid the loss of values or extent of a river, and I consider this is achieved. The use of water and land that would adversely affect natural character of the water body is appropriately controlled by mitigation measures.

120. Objective LF–FW–O8 now relates only to outstanding water bodies, and so this objective is no longer relevant to the assessment (as these are yet to be identified in the regional plan).

121. Policies LF–FW–P7 (Fresh water) and LF–FW–P7A (Water allocation and use) refer to limits not yet set, and I consider they have limited relevance to this proposal.

#### Land and Soil

122. Objective LF–LS–O12 addresses the use, development, and protection of land and soil. I consider rehabilitation of the site and erosion and sediment control during works to address the matters in the objective and supporting policies LF–LS–P16 (Maintaining soil quality) and LF–LS–P18 (Soil erosion).

123. Policy LF–LS–P19 – Highly productive land is not relevant as the Site is not highly productive land in accordance with the NPS-HPL.

124. Policy LF–LS–P22 – Public access seeks to maintain existing access. I consider this is achieved and rely upon Ms Collie’s evidence and discussion of the issue.

#### Ecosystems and Indigenous Biodiversity

125. Objectives ECO–O1 seeks to achieve healthy and thriving biodiversity in Otago, and to halt any decline in biodiversity. I consider the proposal to be consistent with this objective as effects on freshwater ecology and biodiversity are mitigated through augmentation of the Tima Burn, and appropriate mitigation of effects of discharges. There are no significant



natural areas affected by this proposal and no taoka species are at risk of loss, based on Mr Allibone's assessment. For these reasons I consider the proposal is also consistent with ECO-P6 (Maintaining indigenous biodiversity).

#### Hazards and Risks

126. I agree with commentary in the s 42A report that the proposal is consistent with relevant objectives and policies in this chapter. I note the wording of Policy HAZ-NH-P11 (Kāi Tahu rakatirataka) has changed, and I consider this policy now has little relevance to the proposal.

#### Historical and Cultural Values

127. Objectives HCV-WT-O1 seeks to identify and protect wāhi tūpuna and their associated cultural values. There are currently no identified wāhi tūpuna near the proposal, though the Aukaha submission has noted a new draft wāhi tūpuna area. I have not seen a map or assessment of values. I consider the proposal as it stands is consistent with this objective, though may revise my opinion if new information is provided on wāhi tūpuna and associated cultural values.

128. Objective HCV-HH-O3 recognises the contribution of historic heritage to the region and seeks protection for future generations against inappropriate subdivision, use and development. Policy HCV-HH-P5 sets out how to manage historic heritage by avoiding remedying or mitigating effects thereon. I consider the proposal as advanced appropriately achieves this and refer to the discussion of effects in Ms Collies's evidence.

#### ***Regional Plan: Water***

129. The Regional Plan: Water for Otago (**RPW**) is considered at 6.3.7 of the ORC s42A Report.

130. Objective 5.3.1 seeks to maintain or enhance the natural and human use values, identified in Schedules 1A, 1B and 1C, that are supported by Otago's lakes and rivers.

131. Objective 5.3.2 seeks to maintain or enhance the spiritual and cultural beliefs, values and uses of significance to Kai Tahu, identified in Schedule 1D, as these relate to Otago's lakes and rivers. In the "principal reasons for adopting" the objective, it is noted that "It is intended to ensure that Kai Tahu spiritual and cultural beliefs, values and uses associated with water can continue". I will touch back on this further in my evidence.
132. As set out in Policy 5.4.1, Schedule 1D assists with the identification of spiritual and cultural beliefs, values and uses of significance to Kai Tahu. The values identification has also been assisted through consultation and through the submission made on the application.
133. As set out in the AEE and in the evidence of others, effects on water have been thoroughly assessed, and concluded to be no more than minor taking into account the nature of the proposal and the conditions suggested to assist with avoiding, remedying or mitigating effects.<sup>87</sup> My focus here is on the connection of these effects on water to cultural considerations.
134. Policy 5.4.2 of the RPW is of direct importance to the issues relating to cultural and heritage effects. This policy is focused on the management of adverse effects relating to water, with a priority given to avoiding adverse effects in preference to remedy or mitigate. Notably, the policy does not preclude an effect from being remedied or mitigated. Given the nature of the mining operation and the 10 year term sought, I consider mitigation and remediation to be a practical and appropriate consideration when it comes to adverse effects.
135. Subclause 1D relates to spiritual, cultural beliefs, values, and uses of significance to Kai Tahu as identified in Schedule 1D of the RPW. Turning to Schedule 1D, it is noted in this document that the issues that have been set out in the Schedule were identified by Kai Tahu.

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<sup>87</sup> I note that Schedule 1AA of the RPW identifies Otago resident native freshwater fish and their threat status. The Clutha River/Mata-Au is known to provide habitat for lamprey, but that river and habitat will not be affected by this proposal as addressed in the effects assessment. Koaro are listed in the schedule, but there are none in the Tima Burn (EiC of Allibone). Schedule 1C identifies registered historic places which occur in, on, under or over the beds or margins of lakes and rivers. There are none in proximity to the Site.

136. The application has been further informed by consultation and feedback from Kai Tahu. While the submission notes that there are concerns, evidence that has been presented on behalf of the applicant concludes that the effects overall will be no more than minor. I have taken into account and relied on that technical expertise.
137. The Clutha River has a range of cultural attributes that are recognised within Schedule 1D and importantly have been taken into account in the proposal itself. The activity is not taking place in the river. As addressed previously in this evidence the water take is nonconsumptive and discharge of water treated to remove sediment is to land, set back from water bodies.
138. As set out above, the nature of the mining activity is one that is temporary in nature and features a full rehabilitation programme. The scenario itself is distinct from an activity such as a long-term discharge of treated wastewater or a long-term quarry or landfill development, for example. The very nature of the proposal is that the adverse effects will not be permanent and, given they will be appropriately managed, the effects on the environment will be appropriate.
139. Turning to how this relates to the cultural considerations, these are being addressed in the evidence of Ms Collie and set out in the applications for resource consent that have been put to the councils.
140. Further informing the evaluation of effects, regard has been given to the Kai Tahu Ki Otago Natural Resource Management Plan.
141. The Applicant proposes to maintain an active engagement with Kai Tahu throughout the mining process, which can be secured through a condition requiring ongoing consultation. That can include for example, that prior to each stage of the development advancing, there will be discussions and dialogue around what the following stage entails and how the applicant intends to manage adverse effects as part of that stage. This, in my opinion, is the most efficient way to maintain consultation and engagement to ensure

that cultural values are at least maintained throughout the operation of the activity and would align with Policy 5.4.4.<sup>88</sup>

142. As relevant to Objective 5.3.2, the proposal ensures that the Kai Tahu spiritual and cultural beliefs, values and uses associated with water can continue.

143. Policy 5.3.5 requires the maintenance and enhancement of public access to and along the margins of Otago's rivers. The applicant will maintain public access to the river and continue to provide for operation of the Clutha Gold Rail Trail by a temporary and relatively minor realignment. Access to and along the river will not be affected in any material way during the activity and therefore this objective is achieved. I disagree with the reporting planner's alternative view.

144. In my opinion, the adverse effects of the activity where it relates to surface water, groundwater or the bed or margin of any lake or river can in some cases be avoided, other mitigated and at the completion of the activity will be remedied, such that the proposal is consistent with this policy.

***Regional Plan: Air***

145. The Regional Plan: Air for Otago (**RPA**) is addressed at 6.3.8 of the ORC s42A Report. In short, Ms Ter Huurne concludes the proposal is consistent with relevant objectives and policies of the RPA. I agree (with the exception of a differing view as to duration of the consent), in reliance on the evidence of Mr Goodhue and the effects assessments already canvassed in this evidence above.

146. Objective 6.1.1 seeks to maintain ambient air quality and Objective 6.1.2 avoids effects of discharges to air on human health and amenity values. Policy 8.2.3 sets out specific matters for Council to consider, including values of significance to Kai Tahu, ecosystems, amenity values and human health. Based on Mr Goodhue's assessment and my assessment of effects above, I consider the proposal consistent with these provisions.

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<sup>88</sup> To recognise Kai Tahu's interests in Otago's lakes and rivers by promoting opportunities for their involvement in resource consent processing.

147. Policy 8.2.4 gives guidance on the appropriate duration of consent, with regard to the nature of the discharge, the receiving environment and any existing discharge from the site. Given this application is for discharge of dust, particulate matter is the only contaminant and the effects have been assessed as less than minor, I consider the duration sought of 10 years to be appropriate.
148. Policy 8.2.5 requires review provisions in respect of air discharge consents, and these are reflected in the recommended condition of consent.
149. Policy 8.2.8 seeks to avoid noxious, dangerous, offensive or objectionable air discharges. On the basis of the effects assessment, I consider the proposal achieves this.
150. Overall, I consider the proposal to be consistent with the RPA.

### **Relevant Other Matters (s104(1)(c))**

#### ***Resource Management (Measurement and Reporting of Water Takes) Regulations***

151. While the activity (water take) is considered to be technically non consumptive, the activity will nevertheless fully comply with the regulations, as there will be full metering and reporting of all water taken. This is as per the recommended conditions of consents provided in the groundwater evidence.

#### ***Kai Tahu ki Otago Natural Resource Management Plan 2005***

152. The ORC s42A Report considers the Kāi Tahu ki Otago Natural Resource Management Plan 2005 (NRMP) at 6.4.1 and expresses the view that the proposal is not consistent with the objectives and policies of the NRMP. I disagree.
153. I adopt the assessment of Ms Collie<sup>89</sup> with respect to the NRMP (including in particular section 5.6.4). In addition, I observe that section 5.3.2 identifies

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<sup>89</sup> EIC Collie, at [242] – [246].

Wai Māori General Issues, 5.3.3 Wai Māori General Objectives and 5.3.4 Wai Māori General Policies. Commencing with issues, concerns raised include cultural values, cross mixing of water, deteriorating water quality and adequacy of minimum flows. Water extraction from mining allowing for complete dewatering is mentioned, as are mining activities including groundwater discharges, treated mine water discharges and stormwater run-off.

154. Objectives include recognition of spiritual and cultural significance of water and reduction in contaminants being discharged directly or indirectly to water. There are 59 policies covering a range of matters which I will not attempt to summarise here. They include policies relating to the cultural importance of water, policies engaging with the effects of discharges and requirements for monitoring.
155. The NPS-FM, RPS, PRPS and RPW between them engage with the same or similar themes, issues and concerns (and thus issues, objectives and policies). I have already set out extensive assessment of the proposal with respect to these matters and am of the opinion that they appropriately respond to the objectives and policies of the NRMP.
156. The mining operation has been designed to avoid any known features that may have significant cultural values in the context of water, by proposing setbacks from the Tima Burn and Clutha River, adequately treating any discharges that may enter the Clutha River via groundwater infiltration alongside the river and implementing a regular water quality monitoring programme.

***Te Rūnanga o Ngāi Tahu Freshwater Policy Statement 1999***

157. The following section of the ORC section 42 A report (section 6.4.2) addresses the Ngāi Tahu Freshwater Policy Statement 1999 (NTFP). Ms Ter Huurne is of the opinion that the proposal is not consistent with the objectives and policies of the NTFP. I disagree, for essentially the same reasons as expressed above with reference to the NRMP.
158. Of most relevance are objectives and policies which seek:

*To restore, maintain and protect the mauri of freshwater resources.*

*Accord priority to ensuring the availability of sufficient quantities of water of appropriate water quality to restore, maintain and protect the mauri of a waterbody, in particular priority is to be accorded when developing water allocation regimes.*

*Protect the opportunities for Ngai Tahu's uses of freshwater resources in the future.*

159. Again I say I have already set out extensive assessment of the proposal with respect to plans which between them raise the same or similar themes and issues. With respect to the provision noted above, the Applicant's proposal for nonconsumptive use of water which is then returned to land after treatment does not reduce the availability of quantities of water of appropriate quality for the relevant water bodies in proximity (noting the condition requiring augmentation of Tima Burn as needed), nor does it threaten either in the short term or the long-term (recalling it is a temporary activity) opportunities for Ngai Tahu's uses of freshwater resources.

## **Consultation**

160. HML has undertaken extensive consultation with potentially affected bore owners, manawhenua, local residents and the wider community. In my opinion, HML's consultation demonstrates a real and genuine attempt to consult with and gain feedback from the local and wider community.
161. HML has undertaken consultation with all potentially affected bore owners. Written approval has been received from all landowners within the mine footprint and from all but one of the potentially affected bore owners.
162. I note that while the ORC s 42A report records Mr Sligo and the Fairhursts as affected bore owners from whom written approval has not been obtained, I confirm that the applicant has now obtained their written approvals.
163. Significant consultation has also been undertaken with Ahukaha. The evidence of Mr Johnstone details the steps taken by HML to engage and

consult with Aukaha,<sup>90</sup> commencing in September 2022 when Mr Johnstone first initiated discussions with Ahukaha. Invitations to meet face-to-face and in person onsite with Ahukaha have been forthcoming and resulted in three meetings and various correspondence. Details of those meetings and correspondence are included in the Mr Johnstone's evidence.<sup>91</sup> I understand that Mr Johnstone has continued to liaise with Ahukaha throughout the application process, most recently to seek feedback in relation to the proposed erosion and sediment plan and the proposed rehabilitation for the Site.<sup>92</sup>

164. I note that HML has been active in consulting and engaging with the local and wider community. Mr Johnstone's evidence records his efforts in consulting neighbours, community groups, local clubs, the Millers Flat Water Company, the Clutha Gold Cycle Trust, the Millers Flat School and Fire and Emergency New Zealand.<sup>93</sup> That engagement has taken many forms including one-on-one discussions, information evenings at the Millers Flat Hall, coffee club meetings and open invitations to discuss the project further.

## **Response to Submitters**

165. The matters raised in submissions have been addressed thematically above in the context of my effects assessment. I make some limited additional/summary comment below.

### ***Culling Family Trust***

166. In respect of the ORC matters, this submission is focused on adverse effects on the Culling bore, dust effects and effects on the Clutha River / Mata Au generally.

167. The Culling bore is not one of the bores predicted to be adversely affected, in the groundwater evidence (Tom Heller), however it is noted that in any

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<sup>90</sup> EIC Johnstone at [15] – [20].

<sup>91</sup> For example, EIC Johnstone Appendices D, E, F and G.

<sup>92</sup> Refer EIC Johnstone Appendix G April 2024 correspondence.

<sup>93</sup> EIC Johnstone at [8]- [14].



event the submitter has joined the Millers Flat Water Company, although they have not connected to this reticulated supply. Mr Heller provides a detailed response to this submission.<sup>94</sup>

168. As confirmed in the evidence of Mr Heller, in the proposed conditions, Hawkeswood Mining agrees to provide an alternative water source if any bore is affected by mining, notwithstanding that this bore is outside the predicted drawdown area.

169. The submitter has also expressed concerns about dust effects. The Applicant has provided an assessment on air effects (Mr Goodhue) and a DMP. Both have been peer reviewed at Council's request by PDP. PDP has concluded that potential dust effects can be effectively controlled using the appropriate proposed mitigation measures, along with appropriate monitoring.

170. Regarding potential effects on the Clutha, the only contaminant being discharged from the mine will be suspended sediment, which will be treated in sediment retention ponds before being discharged to land. This water will then percolate through the underlying gravels to the groundwater and then travel horizontally for at least 50 m to the Clutha River. The water quality of the Clutha River will be monitored upstream and downstream of the discharge area. The proposed water quality monitoring condition requires that there is no conspicuous change in visual clarity.

171. Simon Johnstone and I met with representatives of the Culling Family Trust on 21 March 2024 to discuss their concerns.

***Clarke, Franklin & FG Works Ltd***

172. This submission is focused primarily on dust effects, but also biodiversity and water quality. As noted above, the Applicant has a peer reviewed Dust Management Plan and assessment of effects regarding air discharges. The

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<sup>94</sup> EIC Heller, at [74] – [77].

conclusion from independent consultants is that any potential dust effects can be effectively controlled.<sup>95</sup>

173. Likewise, regarding water quality, the peer reviewed water reporting (and evidence), concludes that there will be no adverse water quality effects in respect of surface water or groundwater.

174. In respect of biodiversity, the Applicant has provided a freshwater ecology report and a terrestrial ecology report.<sup>96</sup> Both concluded that there will be no adverse effects that are more than minor. Regarding freshwater, the Applicant agrees to a condition requiring augmentation of the water flow in the Tima Burn, if required.

***Graeme Young***

175. This submission also focuses on potential effects on air and water quality. In respect of air quality, this matter has already been addressed.

176. In respect of water quality, the submission notes that the mine could affect the Millers Flat Water Water Company bore, located around 1.5 km downstream. The Environmental Associates water report and Mr Heller's evidence<sup>97</sup> concludes that the bore will not be affected, and in any event the Applicant will undertake monitoring and report regularly to MFWC.

177. The submission also comments on the potential for sediment to enter groundwater and surface water, a matter which has already been covered off in the peer reviewed expert report.

***Aukaha***

178. The Aukaha submission traverses a range of topics from cultural and spiritual values, to water quality and the need to revegetate in native species.

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<sup>95</sup> See EIC Goodhue, at [52] – [76].

<sup>96</sup> EIC Allibone; EIC Chapman.

<sup>97</sup> EIC Heller, at [78].

179. I appreciate that the Aukaka is not supportive of the proposal however I am aware that the Applicant has made significant efforts to consult. These efforts are referred to in the evidence of Mr Johnstone.
180. HML contacted Aukaka early in the process and requested a Cultural Impact Assessment at Hawkeswood's expense, however Aukaka advised they could not provide one. Notwithstanding, the Applicant has engaged with Aukaka as best it could in the development of the proposal and has provided for ongoing consultation in proposed conditions of consent. I agree with Ms Collie that additional information from Aukaka may assist in the decision-making process, particularly in regard to wāhi tupuna.
181. I have the same understanding as Ms Collie that Aukaka are concerned that activities including mining and earthworks and taking and use of water are a threat to the values of the wāhi tūpuna landscape, the mauri of the water and their relationship with the Mata-au. The Applicant has acknowledged and sought to protect cultural values as discussed above, including (with respect to matters subject to district consents) providing for test trenching to identify any unknown Māori archaeological sites prior to earthworks, consultation regarding works and rehabilitation, and ensuring works are set back from the Mata-au and Tima Burn. For those aspects requiring a regional consent, I have referred in this evidence to the design of the water treatment process in reliance on specialist expert input, the nonconsumptive use of water, the wet gold processing methodology (without chemicals), discharge to land well set back from water bodies, detailed dust management plan, and extensive conditions of consent providing for monitoring, reporting and augmentation of Tima Burn flows if required. Additional information has been provided in evidence in regard to concerns raised by Aukaha.
182. Further, ongoing engagement is included in draft recommended conditions to continue to recognise and provide for the relationship of Kāi Tahu whānau with the Mata-au and wāhi tūpuna.
183. The submission notes at 8.17 that if mining proceeds there should be native revegetation as part of site rehabilitation, to enhance biodiversity. The

Applicant agrees and is prepared to undertake native riparian enhancement planting along the margins of the Mata-au.

***Te Runanga o Ngai Tahu***

184. This submission supports the Aukaha submission and reiterates matters raised by Aukaha regarding the cultural and spiritual significance of the Mata-au. Several attempts to engage directly with the writer of the Ngai Tahu submission have been unsuccessful.

***Millers Flat Water Company (Neutral)***

185. The Millers Flat Water Company (MFWC) submission notes that the Applicant's groundwater report predicts there will be no effects on the MFWC bore, however to be sure they are requesting consent conditions requiring monitoring of groundwater quality and levels, and that there is regular report of this information to MFWC. The Applicant has agreed to such conditions.

***Ministry of Education***

186. While this submission was lodged in respect of the CODC application it notes some water related concerns about adverse effects on the Millers Flat school bore and acid mine drainage (AMD). The groundwater evidence of Mr Heller confirms that the mine will not adversely affect this bore, and that there is no risk of AMD.

***Supporting submissions***

187. A significant number of supporting submissions were lodged in favour of the proposal which I acknowledge.

**Council Planner's Report**

188. Extensive references to the ORC section 42A report have been made throughout this evidence, and my responses to the reporting planner identified.

## **Sections 105 and 107 RMA**

189. These sections of the RMA are relevant to an application for a discharge permit. I agree with Ms Ter Huurne's conclusions at part 10 of the section 42 A report with respect to these considerations - namely that the proposal can be granted with respect to those matters.

## **Part 2**

190. Turning to Part 2, I have a different view from that expressed by Ms Ter Huurne's conclusions at part 11 of the section 42 A report (acknowledging that in some respects she found alignment between the proposal and specific subclauses of Part 2).

191. To avoid repetition, I adopt the assessment undertaken by Ms Collie.<sup>98</sup> In summary, I consider the proposal to be consistent with the purpose and principles as set out in Part 2 of the RMA.

## **Conclusion**

192. There is a high level of agreement between the ORC experts and HML's experts that the effects of the proposal, other than cultural matters, will be no more than minor.

193. Like Ms Collie I acknowledge there is a degree of uncertainty in the overall assessment of cultural effects given the absence of a cultural impact assessment. An updated view on cultural effects may eventuate through evidence. I concur with Ms Collie that the Applicant's degree of engagement to date with manawhenua is appropriate, and that ongoing engagement on key matters of cultural concern, as noted in evidence and reflected in recommended conditions, is appropriate to ensure cultural values are appropriately protected.

194. Where opinions with ORC experts diverge, I conclude that HML's comprehensive conditions of consent (subject to amendments I have

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<sup>98</sup> EIC Collie, at [247] – [258].

recommended) will ensure that the operation of the alluvial goldmine will appropriately avoid, remedy, or mitigate adverse effects.

195. Overall, the proposal will result in significant economic and social benefits for the local community through direct employment opportunities and downstream benefits for the local and regional communities.

196. In my opinion the proposal is consistent with the relevant ORC objectives and policies and higher-order planning documents such that the consent authority has the ability to grant consent.



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**Barry MacDonell**

Dated 2 May 2024

Written Approval of Affected Persons  
Form 8A

Section 95E, Resource Management Act 1991

## Resource Consent Applicant's Details Form 8A

Applicant(s) name (please write all names in full):

Hawkeswood Mining

Consent number (if known):

RM.23819

## Affected Person's Details

Full name(s) (please list the full names of all persons and/organisations providing their written approval):

A. Bruce Fairhurst

B. Sheree Fairhurst

C.

Tick whether you are the:



Owner



Occupier

Other (please specify)

Address of affected property:

1294 Teviot Road.

## Details of Proposal

I/We hereby give written approval to the following activity that is the subject of a resource consent application (please provide a brief description of the proposed activity):

Operate an alluvial gold mine including de-watering

Address of proposed activity:

1346-1536 Teviot Road Millers Flat

**Information Sighted**

I have read or sighted the following information:

- 1. Full application for resource consent
- 2. Assessment of Environmental Effects
- 3. Plans as follows (*Please list plan title, author and date*):

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

Stage Plan Millers Flat

**Declaration**

- I/We have signed each page of the plans in respect of the proposal. These need to accompany this form.
- I/We understand that by giving my/our written approval, the Council when considering the application cannot take account of any actual or potential effects of the activity on my/our property.
- I/We understand that at any time before the hearing, if there is one, or, if there is not, before the application is determined, I/we may give notice in writing to the Council that this approval is withdrawn.

**Note:** You should only sign below if you fully understand the proposal. If you require the resource consent process to be explained you can contact the Customer Service Team at the Council who can provide you with information.

Signature(s): A. 

Date: 20-4-24

Signature(s): B. 

Date: 20-4-24

Signature(s): C.

Date:

**Privacy Information:** The Council requires the information you have provided on this form to process your application under the RMA and to collect statistics. The Council will hold and store the information, including all associated reports and attachments, on a public register. The details may also be made available to the public on the Council's website. These details are collected to inform the general public and community groups about all consents which have been processed or issued through the Council. If you would like to request access to, or correction of any details, please contact the Council.

**Notes to affected person signing written approval**

Conditional written approvals cannot be accepted.  
There is no obligation to sign this form, and no reasons need to be given.  
If this form is not signed, the application may be notified with an opportunity for submissions.  
If signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.



## Written Approval of Affected Persons Form 8A

Section 95E, Resource Management Act 1991

### Resource Consent Applicant's Details

Applicant(s) name (please write all names in full):

Hawkeswood Mining

Consent number (if known):

RM.23819

### Affected Person's Details

Full name(s) (please list the full names of all persons and/organisations providing their written approval):

A. PHILIPPA MARY MAWDE HARRIS

B. GREGORY FENWICK SLIGO

C.

Tick whether you are the:



Owner



Occupier

Other (please specify)

Address of affected property:

23 OVEN HILL ROAD, MILLERS FLAT

### Details of Proposal

I/We hereby give written approval to the following activity that is the subject of a resource consent application (please provide a brief description of the proposed activity):

Operate an alluvial gold mine including de-watering

Address of proposed activity:

1346-1536 Teviot Road Millers Flat

**Information Sighted**

I have read or sighted the following information:

- 1. Full application for resource consent
- 2. Assessment of Environmental Effects
- 3. Plans as follows (Please list plan title, author and date):

STATE PLAN. OVERVIEW SURVEYING, 6/9/23

**Declaration**

- I/We have signed each page of the plans in respect of the proposal. These need to accompany this form.
- I/We understand that by giving my/our written approval, the Council when considering the application cannot take account of any actual or potential effects of the activity on my/our property.
- I/We understand that at any time before the hearing, if there is one, or, if there is not, before the application is determined, I/we may give notice in writing to the Council that this approval is withdrawn.

**Note:** You should only sign below if you fully understand the proposal. If you require the resource consent process to be explained you can contact the Customer Service Team at the Council who can provide you with information.

Signature(s):	A. <u>Art Harris</u>	Date:	<u>28/4/24</u>
Signature(s):	B. <u>G.P. Ship</u>	Date:	<u>28/4/24</u>
Signature(s):	C.	Date:	

**Privacy Information:** The Council requires the information you have provided on this form to process your application under the RMA and to collect statistics. The Council will hold and store the information, including all associated reports and attachments, on a public register. The details may also be made available to the public on the Council's website. These details are collected to inform the general public and community groups about all consents which have been processed or issued through the Council. If you would like to request access to, or correction of any details, please contact the Council.

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## Written Approval of Affected Persons Form 8A

Section 95E, Resource Management Act 1991

### Resource Consent Applicant's Details

Applicant(s) name (please write all names in full):

Hawkeswood Mining

Consent number (if known):

RM.23819

### Affected Person's Details

Full name(s) (please list the full names of all persons and/or organisations providing their written approval):

A. Central Otago District Council

B.

C.

Tick whether you are the:



Owner



Occupier

Other (please specify)

Address of affected property:

Teviot Road, Millers Flat (Section 92 Block VIII Bengier Survey District)

### Details of Proposal

I/We hereby give written approval to the following activity that is the subject of a resource consent application (please provide a brief description of the proposed activity):

Operate an alluvial gold mine including de-watering

Address of proposed activity:

1346-1536 Teviot Road Millers Flat

**Information Sighted**

I have read or sighted the following information:

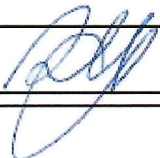

- 1. Full application for resource consent
- 2. Assessment of Environmental Effects
- 3. Plans as follows (*Please list plan title, author and date*):

Biodiversity Cluster Site Plan

**Declaration**

- I/We have signed each page of the plans in respect of the proposal. These need to accompany this form.
- I/We understand that by giving my/our written approval, the Council when considering the application cannot take account of any actual or potential effects of the activity on my/our property.
- I/We understand that at any time before the hearing, if there is one, or, if there is not, before the application is determined, I/we may give notice in writing to the Council that this approval is withdrawn.

**Note:** You should only sign below if you fully understand the proposal. If you require the resource consent process to be explained you can contact the Customer Service Team at the Council who can provide you with information.

Signature(s):	A. 	Date:	30 April 2024
Signature(s):	B. 	Date:	
Signature(s):	C.	Date:	

**Privacy Information:** The Council requires the information you have provided on this form to process your application under the RMA and to collect statistics. The Council will hold and store the information, including all associated reports and attachments, on a public register. The details may also be made available to the public on the Council's website. These details are collected to inform the general public and community groups about all consents which have been processed or issued through the Council. If you would like to request access to, or correction of any details, please contact the Council.

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## Written Approval of Affected Persons Form 8A

Section 95E, Resource Management Act 1991

### Resource Consent Applicant's Details Form 8A

Applicant(s) name (please write all names in full):

Hawkeswood Mining

Consent number (if known):

RM.23819

### Affected Person's Details

Full name(s) (please list the full names of all persons and/organisations providing their written approval):

A. John Raymond Eckmann

B.

C.

Tick whether you are the:



Owner



Occupier

Other (please specify)

Address of affected property:

5474 Ettrick-Raes Junction Rd.

### Details of Proposal

I/We hereby give written approval to the following activity that is the subject of a resource consent application (please provide a brief description of the proposed activity):

Operate an alluvial gold mine including de-watering

Address of proposed activity:

1346-1536 Teviot Road Millers Flat

**Information Sighted**

I have read or sighted the following information:

- 1. Full application for resource consent
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- 3. Plans as follows (*Please list plan title, author and date*):

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

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**Declaration**

I/We have signed each page of the plans in respect of the proposal. These need to accompany this form.

I/We understand that by giving my/our written approval, the Council when considering the application cannot take account of any actual or potential effects of the activity on my/our property.

I/We understand that at any time before the hearing, if there is one, or, if there is not, before the application is determined, I/we may give notice in writing to the Council that this approval is withdrawn.

**Note:** You should only sign below if you fully understand the proposal. If you require the resource consent process to be explained you can contact the Customer Service Team at the Council who can provide you with information.

Signature(s):

A. 
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Date:

29/4/24
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Signature(s):

B. 
--------

Date:

--

Signature(s):

C. 
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Date:

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**Privacy Information:** The Council requires the information you have provided on this form to process your application under the RMA and to collect statistics. The Council will hold and store the information, including all associated reports and attachments, on a public register. The details may also be made available to the public on the Council's website. These details are collected to inform the general public and community groups about all consents which have been processed or issued through the Council. If you would like to request access to, or correction of any details, please contact the Council.

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