

**CENTRAL OTAGO DISTRICT COUNCIL**  
**CENTRAL OTAGO DISTRICT PLAN**  
**REPORT OF PLANNING STAFF**

**BEFORE THE INDEPENDENT HEARING PANEL**

**IN THE MATTER OF      The Resource Management Act 1991**

**AND**

**IN THE MATTER OF      Land Use Consent Application**  
**RC230325 to Central Otago District Council**  
**by Hawkeswood Mining Limited to establish and**  
**operate an alluvial gold mining operation**

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**Section 42A Report by Olivia Stirling**

**15 April 2024**

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## **INTRODUCTION**

- [1] Resource consent is sought by Hawkeswood Mining Limited (“the applicant”) to establish and operate an alluvial gold mining operation in a Rural Resource Area at 1346 – 1536 Teviot Road, Millers Flat, Roxburgh. The applicant has made applications to the Central Otago District Council (CODC) and the Otago Regional Council (ORC) separately. The following is a report prepared under section 42A of the Resource Management Act 1991 (RMA) on behalf of CODC. A separate report is being prepared on behalf of ORC.
- [2] The applicant provided further information to CODC on 22 November 2023 in response to the Section 92 Further Information Request, and provided updated information relating to several aspects of the proposal on 5 April 2024. This information is considered to form part of the application and where the information differs from the application further information is considered to take precedence.
- [3] The further information includes:
- Town Planning Group Response to Further Information Request, dated 22 November 2023;
  - Acoustics Letter by Hegley Acoustics, dated 17 November 2023;
  - Stockpiling & Ancillary Activity Map, dated 22 November 2023;
  - Landscape Letter by Mike Moore Landscape Architect, dated 20 November 2023;
  - Sampling Summary Report, prepared by ECOtago, Environmental Consultants Otago Ltd, dated 12 February 2024;
  - An Archaeological Assessment, reviewed by, Dr Dawn Cropper and dated March 2024;
  - Indigenous Biodiversity report, titled, Hawkeswood Mining Ltd 2024, RM23.819: Summary of Vegetation and Biodiversity Values across Proposed Gold Mine land at Millers Flat, dated March 2024 and prepared by Dr BJ Wills of Central Environmental Services;
  - Site Plan description, prepared by Hawkeswood Mining Limited, received by CODC on 5 March 2023;
  - Revised Site Plans, prepared by Overview Surveying, received by CODC on 5 March 2023.

## **AUTHOR**

- [4] My name is Olivia Stirling and I am a Planning Consultant for Barker & Associates, based in the Wānaka office. I am acting on behalf of Central Otago District Council

(CODC) as the processing planner for this application. I hold a Post Graduate Diploma in Planning from Massey University and a Bachelor of Arts Majoring in Geography and Sociology from the University of Canterbury. I am an Associate New Zealand Planning Institute (NZPI) member.

- [5] I have five years' experience in district planning. I currently provide planning assistance to a number of Councils in the South Island, and I also assist a number of private clients with planning work across Aotearoa New Zealand.
- [6] I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses contained within Practice Note 2023 and, while this is not an Environment Court hearing, I agree to comply with the Code of Conduct. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.
- [7] I undertook site visits on 7 March 2023 and 19 June 2023 and intend on undertaking a further site visit prior to the hearing.

## **BACKGROUND**

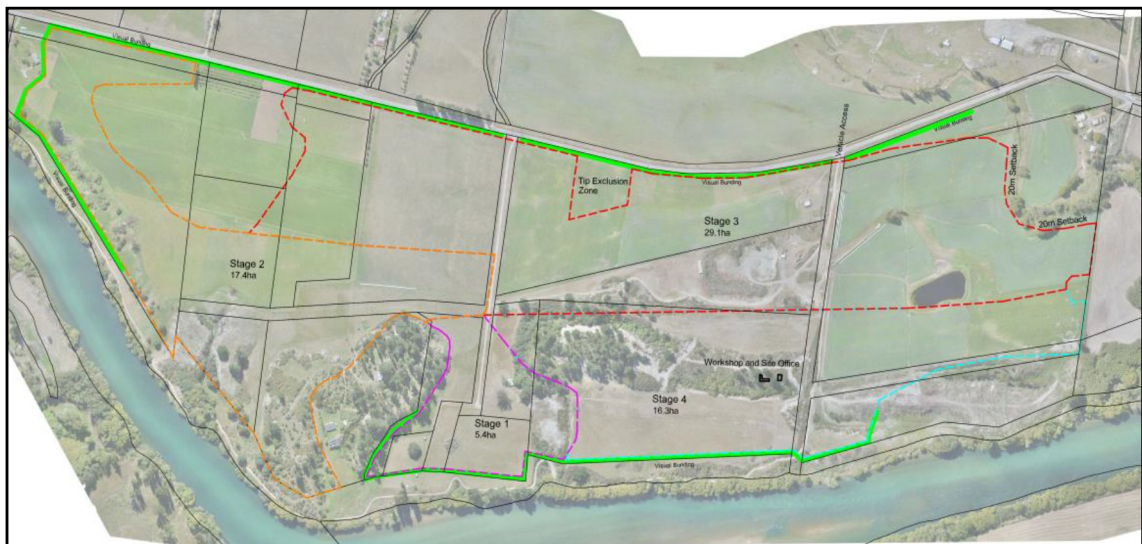
- [8] Resource consent RC220350 was lodged on 13 October 2022, to establish and operate an alluvial gold mining operation in a Rural Resource Area at 1346 – 1536 Teviot Road, Millers Flat, Roxburgh. This application proposed an open mine area of 2 hectares with a five-year duration. The application was publicly notified on 3 August 2023 following a section 95 decision determining that the adverse effects of the proposal were likely to be more than minor. The Council received 609 submissions by the submission close date of 31 August 2023.
- [9] Subsequently, RC220350 was placed on hold, pursuant to section 91B of the Resource Management Act ("RMA") as requested by the applicant, whilst they submitted a new application (RC230325), which is considered by way of this assessment.
- [10] Two abatement notices have been issued onsite. The first was on 15 May 2023 for undertaking mining activities and breaching a number of District Plan standards associated with earthworks. The second abatement notice was issued on 20 February 2024 for the establishment of a green waste recycling facility. Retrospective consent is sought by way of this application for the earthworks that have been already undertaken on the site.

## PROPOSAL

[11] The application to CODC seeks approval to establish and operate an alluvial gold mining operation in a Rural Resource Area. A detailed description of the proposal and the existing environment is outlined within Sections 2 and 3 of the Assessment of Environmental Effects, titled, *Application for Resource Consent to the Central Otago District Council: Hawkeswood Mining Limited, Land use consent to establish and operate a gold mining activity at 1346-1536 Teviot Road, Millers Flat*, dated 25 October 2023, and completed by Town Planning Group (hereon referred to as the “Applicant’s AEE”) and this agreed description of the proposal is summarised below with the following exception:

- The applicant has not identified Record of Title OT4C/1031 consisting of Section 115, 116, and 117 Block VIII Benger Survey District as being part of the subject site.<sup>1</sup> As shown in the application plans, these parcels of land are proposed to be partially mined. The parcels of land contained within this Record of Title, therefore, form part of the subject site.

[12] A 10-year term of consent is proposed and works onsite are expected to be undertaken in four stages as shown in Figure 1 below.



**Figure 1:** Proposed staging plan. Source: Application.

[13] The total project area is 68 hectares with a maximum work area of 27 hectares which includes the following:

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<sup>1</sup> Table 1 of the Applicant’s AEE

**Table 1: Breakdown of the total work area**

Active pit area (including roading and area being rehabilitated)	12 hectares
Stockpiles (temporary, not vegetated)	7 hectares
Settling Ponds and water discharge area	3 hectares
Workshop/ laydown (stabilised with a metalled surface)	3 hectares
Bunding (stabilised with vegetation)	2 hectares

- [14] The total volume of earthworks is expected to be approximately 11.9 million cubic metres. This encompasses approximately 2.3 million cubic meters of gold-bearing wash, while the remaining 9.6 million cubic meters consists of overburden. These quantities are further detailed in the Mining Methodology report by Hawkeswood Resources which accompanies the application.
- [15] Overburden will primarily be removed with excavators and dump trucks and stockpiled on-site in piles of up to 7 meters above natural ground level or used to form a maximum of 4-metre-high bunds. While stockpiles may not be vegetated due to their temporary nature, the bunds will be vegetated with grass. Topsoil, with an average depth of 0.4 metres will be stripped and stockpiled separately for rehabilitation purposes. The topsoil will be grassed to prevent erosion.
- [16] The depth of excavation varies across the site, with the base of the gold bearing wash layer being located approximately 13m to 18m below existing ground level.
- [17] The applicant expects to encounter groundwater and the mine pit will be partially dewatered, to allow access to the resource. Dewatering is proposed to begin at approximately 9 metres below surface level to a depth of approximately 13 metres. An electrically driven pump will be utilised to extract water from the mine pit, into settling ponds that run adjacent to the mine pit. Once the suspended solids have settled, the water will be discharged to ground.
- [18] A floating dredge will be established within the active mine pit and will contain the Gold Recovery Plant (“GRP”). It was clarified in the Further Information Response<sup>2</sup>, that the GRP is 35 metres in length, 15 metres in width and 9 metres in height. The GRP is supported within the mine pit on a pontoon and moved by four hydraulic winches.
- [19] Gold will be processed onsite within the GRP, with an estimated processing rate of around 180 cubic meters per hour as projected by the applicant. The recovery of gold will involve screening and gravity concentration methods. As areas are cleared of the

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<sup>2</sup> Further information response received on 22 November 2023.

gold-bearing wash, they will be backfilled with overburden from successive stages of the process.

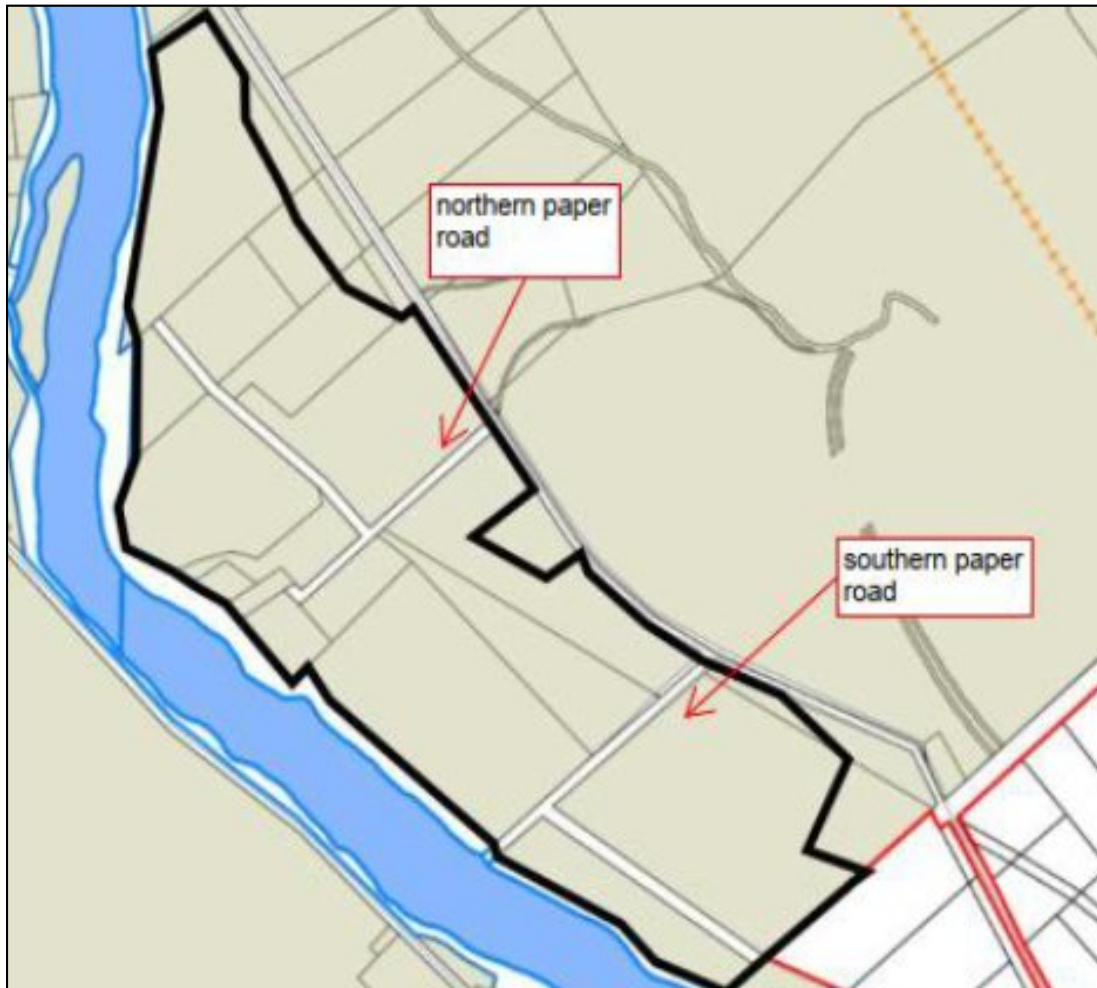


**Figure 2:** The Gold Recovery Plant. Source: Further Information submitted (8 November 2023).

- [20] On-site operations will run from Monday to Friday, from 7 am to 7 pm, and on Saturdays from 7 am to 1 pm. There will be no work on Sundays or public holidays, except for occasional machinery maintenance and dust control activities, which may take place on Saturday afternoons, Sundays, and public holidays.
- [21] Up to 20 staff will be employed on the project including machinery operators, administrators, mechanics and engineers. Therefore, there will be a maximum of 20 persons onsite at any one time.
- [22] In terms of servicing, drinking water will be sourced from an existing on-site private scheme and the applicant proposes to provide two 'portaloos' with wastewater cleared from the site by a contractor weekly.
- [23] A number of temporary buildings including six 40-foot containers, a container shelter and a portacom are proposed to be established and maintained on the site for the duration of the project to provide a site office, a storage area and a machinery workshop area.
- [24] Lighting fixtures are proposed around the processing area, the site office area, and at the active work area within the mine pit. The application confirms that lights will be compliant with light spill standards in the CODP and will be located away from

neighbouring dwellings and roads. The applicant proposes to use lighting specialists to measure and verify levels of onsite lighting.

- [25] The applicant proposes to close two paper roads, within the site, one on the northern side of the site, which provides access to private properties, and one on the southern side of the site which provides access to the Clutha River / Mata-au, as shown in Figure 3 below.



**Figure 3:** Image of the paper roads in the site which are affected by the proposal.  
Source: Figure 12 of the Application.

- [26] Prior to the closure of the southern paper road, a separate temporary river access will be established for the general public, either through a rehabilitated portion of the work site north of the existing river access or via unmined land to the south.
- [27] Signage is proposed to be established to inform the public of the duration of the closure of the paper road, and the location of the alternative access to the river.
- [28] The Clutha Gold cycle trail which runs along the Clutha River / Mata-au, adjacent to the western side of the site is proposed to be diverted around the work site along Teviot

Road. The total length of the diversion is approximately 1150 metres. The applicant has advised that the temporary cycle trail will be formed to the same standard as the existing cycle trail. For completeness, at the time of writing the S42A, the applicant has not provided the written approval of Clutha Gold Trail Charitable Trust, as the administrator of the trail.



**Figure 4:** The blue dashed line indicates the section of the cycle trail that will be temporarily affected, the yellow shows the proposed diversion route. Source: Application.

- [29] Rehabilitation will entail the removal of all bunds, plant, stockpiles, roadways and buildings and the land will be restored as closely as possible to the pre-existing contour with exception to a potential small terminal void, and grassed. The applicant has volunteered conditions to this effect. Rehabilitation will be undertaken progressively as overburden from the next stage is used to fill in the mine pit from the previous stage.
- [30] The applicant considers that the activity can be operated without a breach of the noise standards for the CODP.



- [31] No works will be undertaken within 20 metres from the Tima Burn and Clutha River / Mata-au.
- [32] Dust is proposed to be controlled on site in accordance with good industry practise, as detailed in the Dust Management Plan provided with the application. Dust management onsite includes the use of water carts, slow vehicle speeds on unsealed roads, and the establishment of vegetation on the bunds.
- [33] Up to 60,000 litres of diesel is proposed to be kept onsite and stored in a containment facility adhering to the Health and Safety at Work (Hazardous Substances) Regulations 2017. The diesel storage area will be located near the workshop, and outside of flood prone areas and areas of excavation.
- [34] The applicant has already undertaken significant earthworks on the site for the purpose of establishing the internal accessways, bunding and establishing a test pit as shown in Figures 5 and 6. Earthworks that have been undertaken are included in the total earthwork's quantities proposed in the application. Earthworks within the test pit on Section 91 Block VIII Bengier SD have totalled 5,118m<sup>3</sup>, exceeding the District Plan allowance by 2,118m<sup>3</sup>. Retrospective consent is sought for these works as part of this application.



**Figure 5:** Works already undertaken on the site. Source: Council compliance site visit photos taken on 15 May 2023.



**Figure 6:** Aerial photo of the works undertaken on the site. Source: Google Maps, Screenshot taken 11 March 2024.

## **PLANNING FRAMEWORK**

### Central Otago District Plan

- [35] The subject site is located within areas identified on District Planning Maps 20, 63 and 64 and is with the Rural Resource Area.
- [36] The proposal requires resource consent for the following reasons in accordance with the Central Otago District Plan (“CODP”):
- A restricted discretionary activity pursuant to Rule 4.7.3(iii) for breaching the colour and finish requirements for buildings. In this case, the workshop will not comply with the finish requirements of Standard 4.7.6D, as the container shelter is made of PVC, which is not on the list of compliant materials in 4.7.6D(a)(i).
  - A restricted discretionary activity under Rule 4.7.3(i) for non-compliance with Standard 4.7.6F which requires storage areas and stockpiles to be screened from all public viewpoints and neighbouring properties. In this case the stockpiles may be visible from Teviot Road, the paper road to the north of the site and the Clutha River / Mata-au at various stages of the proposed operation and from neighbouring properties.
  - A discretionary activity pursuant to Rule 4.7.4(i) for more than three persons being engaged in an activity of industrial or commercial in nature, resulting in a breach to

Standard 4.7.6B(b)(i). In this case the application is proposing up to twenty persons to be engaged in the activity which is of an industrial and commercial nature.

- A discretionary activity pursuant to Rule 4.7.4(i) as the proposed earthworks do not comply with the earthworks quantities as stipulated in Standard 4.7.6J(b) being a maximum of 2000m<sup>2</sup> and 3000m<sup>3</sup> per site. In the case of this application, the total volume of earthworks is expected to be approximately 11.9 million cubic metres over sixteen records of title with a project area of 68 hectares.
- A restricted discretionary activity under Rule 4.7.3(vi) for the construction of tracks that don't comply with Rule 4.7.6J. The proposed tracks within the site are to be established for limited vehicle access. It is anticipated that cut or fill batters on ramps within the mine pit may exceed 2 metres in height.
- A restricted discretionary activity pursuant to Rule 12.7.1(iii) as the existing accesses to Teviot Road are not sealed.

[37] I note that the applicant has sought consent for a discretionary activity under Rule 4.7.4(ii) as the proposal will involve 60,000 litres of on-site diesel storage, which exceeds the permitted volume of 10,000 litres of a class 3c substance in the Rural Resource Area, as listed in Schedule 19.14. However, as temporary activities are excluded from this rule, consent is not required in for this breach.

[38] For completeness, Section 18 of the CODP defines temporary activity as:

*“means any land use or structure of a temporary nature and includes:*

- *building, scaffolding and false work, storage yards, workshops and buildings or uses of similar character where such activities are incidental to a building or construction project or filming on the site*
- *sporting events, galas, market days, carnivals, shows and similar events*
- *temporary military training activities*
- *activities undertaken pursuant to a prospecting or exploration permit in terms of the Crown Minerals Act 1991.”*

[39] I note that the applicant has obtained a Mining Exploration Permit under the Crown Minerals Act 1991 for a term of 10 years commencing on 17 April 2023.<sup>3</sup> Provided that the proposed activities are undertaken in accordance with an exploration permit in terms of the Crown Minerals Act 1991, the activity meets the definition of “temporary activities” under the CODP.

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<sup>3</sup> See Minerals Exploration Permit 60712 and Minerals Mining Permit. 60908.01 appended to the application.

## **NATIONAL ENVIRONMENTAL STANDARDS**

- [40] NES for Assessing and Managing Contaminants in Soil to Protect Human Health (NES CS)
- [41] The applicant provided a Preliminary Site Investigation (“PSI”) with the application, prepared by Environmental Consultants Otago (“EC Otago”), and dated June 2022. The PSI identified a 2.4-hectare historic landfill on Sec 118 Blk VIII Benger SD and a likely set of historic stockyards. While the historic landfill is excluded from the proposed mine area, the applicant proposes to undertake earthworks within the area that was likely used as a stockyard in the 1970s.
- [42] The application states that the part of the site where the stockyards were located is defined as a ‘piece of land’ under clause (5) of the NESCS, and that a Detailed Site Investigation (DSI) has not been undertaken, for the proposed soil disturbance of the piece of land, therefore, resource consent is required pursuant to clause 11 of the NESCS.
- [43] On 5 April 2024, the applicant provided a report titled, *Sampling Summary Report - 1484 and 1534 Teviot Road* completed by EC Otago, and dated 12 February 2024. This report details the findings as a result of soil sampling and analysis of the area of land within 1484 Teviot Road which presently contains a farm shed and stock yards, and the area of land within 1534 Teviot Road which formerly contained a set of stockyards in the 1970s. The report concludes that “*all sampling locations are consistent with the predicted background levels, indicating that the presence of the stockyards on the site does not constitute a HAIL activity. Consequently, the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES) does not apply to these two sections of land.*” Given the findings of this report the applicant has confirmed that consent under the NESCS is no longer required.

### Overall Status

- [44] Under the particular circumstances of this case, I consider it appropriate that the bundling principle established in *Locke v Avon Motor Lodge* (1973) is applied, and that the application be considered, in the round, as a discretionary activity under the CODP, pursuant to sections 104 and 104B of the Resource Management Act 1991 (‘the Act’).

### **SECTION 104(1)**

- [45] This application must be considered in terms of Section 104 of the RMA. Subject to Part 2 of the RMA, Section 104(1) sets out those matters to be considered by the

consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of:*
  - (i) *A national environmental standards;*
  - (ii) *Other regulations;*
  - (iii) *a national policy statement*
  - (iv) *a New Zealand coastal policy statement*
  - (v) *a regional policy statement or proposed regional policy statement*
  - (vi) *a plan or proposed plan; and*
- (c) *any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

### **SECTION 108**

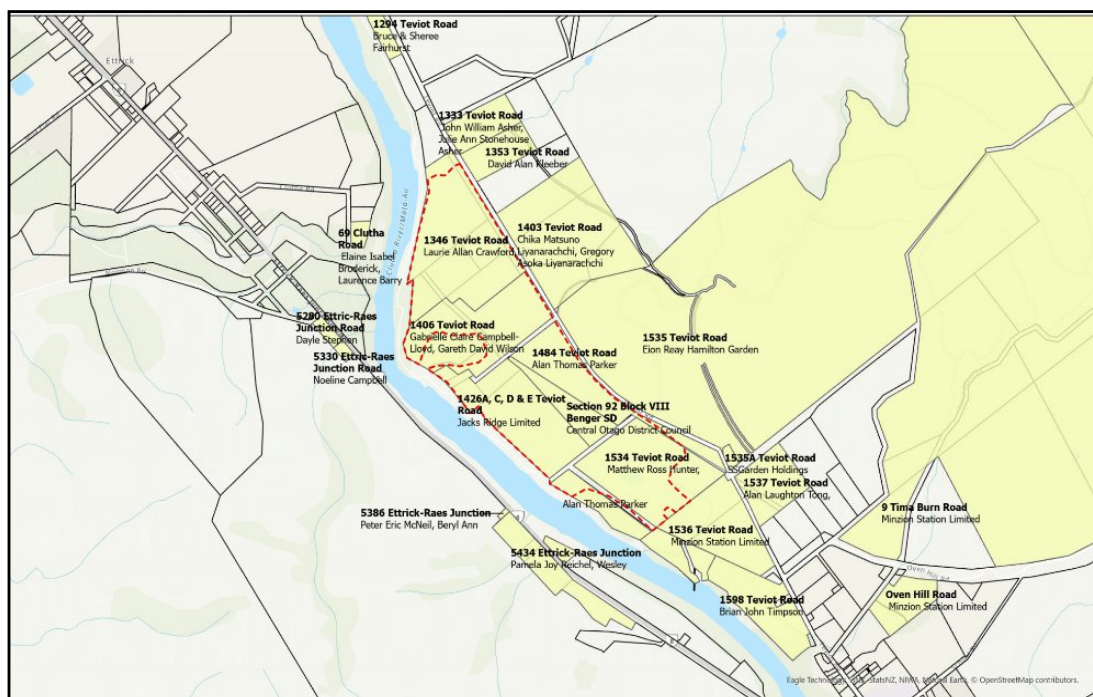
[46] Section 108 empowers the Hearings Panel to impose conditions on a resource consent should it be of a mind to grant consent under section 104B.

### **WRITTEN APPROVALS, AND NOTIFICATION**

[47] Written approvals have been provided by the Applicant, as detailed below and shown in Figure 7.

- Andrew Hawkeswood on behalf of Jacks Ridge Limited being the owner of 1426A-E Teviot Road
- L A Crawford, being the owner of 1346 Teviot Road
- G Parker & M Hunter, being the owners of 1534 Teviot Road
- A T Parker being the owner of 1484 Teviot Road
- G.C. Campbell-Lloyd and G D Wilson, being the owners of 1406 Teviot Road
- G A and C M Liyanarachchi, being the owners of 1403 Teviot Road
- D MacDougal on behalf of Minzion Station Limited, being the owners of 9 Tima Burn Road, Millers Flat and 1536 Teviot Road, Millers Flat
- B. Tomkin, being the owner of 5386 Ettrick-Raes Junction Rd
- W S Reichel, being the owner of 5434 Ettrick-Raes Junction
- D A Kleeber, being the owner of 1353 Teviot Road, Millers Flat
- J W Asher, being the owner of 1333 Teviot Rd, Millers Flat
- Shanon & Shelley Garden on behalf of SS garden Holdings Limited, being the owners of 1535a Teviot Road
- A L Tong, being the owner of 1537 Teviot Road, Millers Flat
- B Naylor and E Broderick being owners of 69 Clutha Road, Ettrick

- B Timpson, being the owner of 1598 Teviot Road
- B and S Fairhurst, being the owners of 1294 Teviot Road
- N Campbell, and J Fletcher on behalf of Downie Stewart Trustee 2013 Limited as the owner of 5330 Ettrick-Raes Junction Road
- D Stephen, being the owner of 5280 Ettrick Raes Junction Highway
- Peter Kelly (CEO), on behalf of Central Otago District Council, being owners of Section 92 Block VIII Benger SD



**Figure 7: Written approval map.** The owners/occupiers of the land highlighted yellow have provided their written approval to the application. Source: Additional information submitted by the applicant on 5 April 2024.

[48] The applicant requested the application be publicly notified. The application was publicly notified on 27 February 2024 and submissions closed on 19 February 2024.

### Submissions

[49] The application received 416 submissions by the close of the submission period, with two submissions subsequently withdrawn, and 55 submissions received after the close of the submission period. In total 469 submissions were received with 8 opposing, 457 in support, 3 neutral and 1 unspecified.

[50] A summary of submissions is included at Appendix 2 of this report.

### Late Submissions

[51] As mentioned above, 55 late submissions were received between the closing date of 19 February 2024 (post 4pm) and 5 March 2024.

[52] A memorandum was prepared by the processing officer to Commissioner Taylor, Chair, on behalf of the Independent Hearing Panel, on 19 March 2024. The memorandum recommended that the time frame for the submission period be extended for RC230325 pursuant to S37A of the RMA, and that the late submissions be accepted. On 19 March 2024, Minute 1 was issued by Commissioner Taylor, on behalf of the Independent Hearing Panel confirming that all late submissions are accepted.

### **Permitted Baseline (s104(2))**

[53] Under section s104(2) of the RMA, an adverse effect of the activity on the environment may be disregarded if the plan permits an activity with that effect. That is, an application can be assessed by comparing it to the existing lawful and consented activities on the site and development that could take place on the site as of right, without a resource consent, but excluding development that is fanciful.

[54] The applicant has considered that applying a permitted baseline, in relation to noise, buildings and structures, storage areas and earthworks, sets a useful comparison as to the nature and scale of an activity that could be carried out on the site.<sup>4</sup>

[55] The Environment Court, in *Lyttleton Harbour Landscape Protection Association Inc v Christchurch CC [2006]*, helpfully provides the following list of questions aimed at assisting decision makers to determine whether or not it is appropriate to apply a permitted baseline to their consideration of a given application;

- *Does the plan provide for a permitted activity or activities from which a reasonable comparison of adverse effect can conceivably be drawn?*
- *Is the case before the Court supported with cogent reasons to indicate whether the permitted baseline should, or should not, be invoked?*
- *If parties consider that application of the baseline test will assist, are they agreed on the permitted activity or activities to be compared as to adverse effect, and if not, where do the merits lie over the area of disagreement?*
- *Is the evidence regarding the proposal, and regarding any hypothetical (non-fanciful) development under a relevant permitted activity sufficient to allow for an adequate comparison of adverse effect?*
- *Is a permitted activity with which the proposal might be compared as to adverse effect nevertheless so different in kind and purpose within the plan's framework that the permitted baseline ought not to be invoked?*
- *Might application of the permitted baseline have the effect of overriding Part 2 of the RMA?*
- *Whether the application of the baseline might have the effect of overriding the intention of the restricted discretionary criteria in the plan, or might compromise plan policies or objectives'.*

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<sup>4</sup> See Section 5.3 of the Applicant's AEE.

- [56] Having regard to the above questions, it is important to acknowledge that the proposal will result in a development, with numerous breaches to the CODP standards, which significantly exceeds specified limits. For example, the proposed quantity of earthworks of approximately 11.9 million cubic metres is 397 times the permitted quantity of 3,000m<sup>3</sup> per site. While it is acknowledged that the earthworks are over sixteen records of title, the quantity is still well in excess of the permitted quantity per allotment when averaged across the site. Additionally, the proposed project area is 340 times greater than the permitted 2,000m<sup>2</sup> of earthworks per site.
- [57] In terms of noise, as stated in the peer review undertaken by Jamie Exeter on 26 May 2023 and confirmed in the subsequent assessment, dated 19 January 2024, the scale and duration of the earthworks is significantly greater than for a permitted activity and may give rise to noise effects that are not anticipated in the zone. I therefore, do not consider that a reasonable comparison of adverse effect can conceivably be drawn between a permitted activity in the plan and this proposal.
- [58] The CODP is an effects-based plan<sup>5</sup>, whereby the effects of an activity, rather than the activity itself, are managed by the CODP provisions. As such specific activities are not generally identified as being permitted or requiring resource consent, rather performance standards are utilised to define an acceptable level of potential environmental effects. Therefore, while the applicant has demonstrated that the proposal complies with noise standards and bulk, location and design standards for structures and buildings, the establishment and operation of the proposed gold mine does not comply with a number of other performance standards including, earthworks, hazardous substances, traffic generation, storage and access. Considering the above points, in my opinion, the CODP does not provide for a reasonable comparison of adverse effects which can conceivably be drawn upon.
- [59] Overall, I consider that there is no helpful permitted baseline to be applied to the application.

### **Receiving Environment**

- [60] As shown in Figures 5 and 6 above, earthworks have been undertaken on the site to facilitate test pitting activities, which are not compliant with the District Plan earthworks standards. Consequently, these works do not form part of the receiving environment as retrospective consent is sought for these earthworks by way of this application.

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<sup>5</sup> See section 1.2.1 of Chapter 1 of the CODP.



[61] Prior to the non-compliant earthworks, the site was largely rural pasture land, with supporting rural sheds and an existing residence. The surrounding area predominantly consists of pastureland, with occasional horticultural blocks, containing rural dwellings and farm buildings to support the rural activities. The Rural Residential Resource Area is located directly to the south east of the site, which comprises rural lifestyle allotments generally sized between 6,660m<sup>2</sup> and 4.6 hectares with associated residential dwellings. Millers Flat Residential Resource Area is located approximately 900 metres to the south east of the subject site. The site adjoins the Clutha Gold Cycle Trail and the Clutha River / Mata-au to the south west.



**Figure 8:** Photo taken of the subject site looking west from Teviot Road. Bunding is shown established around the test pit works, in which retrospective consent is sought. Source: Site visit on 7 March 2023.

#### **ASSESSMENT: EFFECTS ON THE ENVIRONMENT**

- [62] In undertaking my assessment, I have relied upon the following documents:
- The Applicant's AEE, titled, *Application for Resource Consent to the Central Otago District Council: Hawkeswood Mining Limited, Land use consent to establish and operate a gold mining activity at 1346-1536 Teviot Road, Millers Flat*, dated 25 October 2023, and completed by Anita Collie of Town Planning Group (NZ) Limited;
  - The Mining Methodology Report, titled: *Mining Methodology* and completed by Hawkeswood Resources;

- The Preliminary Site Investigation (PSI), titled: *Preliminary Site Investigation, 1484 Teviot Road, Millers Flat for Hawkeswood Civil Limited, June 2022*, and prepared by ECOtago Environmental Consultants Otago Ltd, dated 28 June 2021;
- The Sampling Summary Report, titled, *Sampling Summary Report - 1484 and 1534 Teviot Road*, dated 12 February 2024, prepared by Ciaran Keogh and provided by Otago Regional Council;
- The Transport Assessment Report, titled *Millers Flat Gold Mine Transport Assessment Report*, dated 25 October 2023 and prepared by Dave Smith of Abley;
- The Landscape Assessment titled, *Proposed Alluvial Gold Mine 1346 – 1536 Teviot Road, Millers Flat Landscape Effects Assessment Report*, dated 24 October 2023 and completed by Mike Moore;
- Landscape Letter by Mike Moore Landscape Architect, dated 20 November 2023;
- The Acoustic Assessment, titled *Proposed Alluvial Mining Millers Flat Assessment of Noise Effects*, dated 20 March 2023 and completed by Nevil Hegley of Hegley Acoustic Consultants;
- The Acoustic Assessment Addendum, titled *Proposed Alluvial Mining - Millers Flat*, dated 22 September 2023, and completed by Nevil Hegley of Hegley Acoustic Consultants;
- The Dust Management Plan, titled, *Hawkeswood Mining Limited: Dust Management Plan; Millers Flat Gold Mine 1346-1536 Teviot Road* dated 25 October 2023 and prepared by Town Planning Group (NZ) Limited;
- The Dust Management Plan Review, titled *Dust Management Plan – Peer Review – Hawkeswood Mining Limited, Teviot*, dated 12 October 2023 and completed by Nigel Goodhue of Air Matters;
- The Vibration Report, titled, *Proposed Alluvial Mining, Millers Flat*, dated 11 November 2022 and completed by Nevil Hegley of Hegley Acoustic Consultants;
- The Dust Peer Review, completed by Cameron Brown and Chris Bender of Pattle Delamore Partners Ltd, titled *Technical Review – RC220350 – Hawkeswood Mining Limited – Air Quality Assessment* and dated 15 December 2023;
- The Acoustic Peer Review, titled, *Acoustic review, Establish and operate an alluvial gold mining operation* dated 25 May 2023 and completed by Jamie Exeter of Styles Group;
- The Acoustic Peer Review, titled, *Acoustic review, Update to application to establish and operate an alluvial gold mining operation*, dated 19 January 2024 and completed by Jamie Exeter of Styles Group;

- The Acoustic Peer Review Memorandum, titled, *Establish and operate an alluvial gold mining operation – with updated plans and further written approvals obtained*, dated 15 April 2024, and completed by Jamie Exeter of Styles Group;
- The Flood Hazard Assessment, titled, *Flood Hazard Assessment Millers Flat Alluvial Goldmine 1346-1536 Teviot Road, Millers Flat Roxburgh* completed by GeoSolve, and dated September 2023;
- The Landscape Peer Review, titled *Landscape and Visual Effects Assessment - Peer Review Memo*, dated 13 December 2023 and completed by Jess McKenzie of Vivian Espie;
- Landscape memorandum, titled, *Landscape and Visual Effects Assessment - Peer Review Memo*, dated 3 April 2024 and prepared by Jess McKenzie of Vivian Espie;
- The response to the Further Information Request, titled, *Response to Further Information Request – RC 230325: Teviot Road Alluvial Gold Mining Operation*, dated 22 November 2023 and completed by Town Planning Group (NZ) Limited.
- Town Planning Group Response to Further Information Request, dated 22 November 2023;
- Acoustics Letter by Hegley Acoustics, dated 17 November 2023;
- Stockpiling & Ancillary Activity Map, dated 22 November 2023;
- Sampling Summary Report, prepared by ECOtago, Environmental Consultants Otago Ltd, dated 12 February 2024;
- Archaeological Assessment, titled, *1346 1536 Teviot Road, Roxburgh An Archaeological Assessment*, reviewed by: Dr Dawn Cropper and dated March 2024;
- Indigenous Biodiversity report, titled, *Hawkeswood Mining Ltd 2024, RM23.819: Summary of Vegetation and Biodiversity Values across Proposed Gold Mine land at Millers Flat*, dated March 2024 and prepared by Dr BJ Wills of Central Environmental Services.

### **Visual amenity and landscape character effects**

[63] The application is supported by a Landscape Effects Assessment Report prepared by Mike Moore, dated 24 October 2023 (“the Moore Report”). The Moore Report recommends a number of landscape and visual mitigation measures that have been integrated into the design of the proposed goldmine. These include the maximum height of bunds, a limited consent duration, maximum stockpile height, reinstatement and rehabilitation, setbacks from the Tima Burn, and the colour and finish of buildings. Mr Moore acknowledges that the proposal will result in a change of character from rural to semi-industrial, however considers that the recommended measures will limit

the visual impact of this change to some extent. The Moore Report concludes that the effects of the activity on rural amenity values will be adverse/high (significant in RMA terms), however, as the activity duration is limited to 10 years, the long-term effects are assessed as nil or positive.<sup>6</sup>

[64] A peer review of the Moore Report was commissioned by Council and completed by Jessica McKenzie of Vivian Espie, dated 13 December 2023. The peer review generally agrees with the findings in the Moore Report, however, notes that the findings hinge on mitigation measures that lack sufficient detail in the application.<sup>7</sup> In their submission, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (Kā Rūnaka<sup>8</sup>) concur with the concerns raised in the peer review of Ms McKenzie, that the mitigation measures proposed by the applicant lack sufficient detail. In particular, Kā Rūnaka note that there are no photographs, visual simulations, or structural landscape plans to show the degree of visibility of the mine or to provide certainty regarding the proposed mitigation and rehabilitation of the site.

[65] In the peer review, Ms McKenzie also raises concerns with the description of the activity being temporary, in both the Applicant's AEE and the Moore Report. The 'temporary' description of the activity was also a matter of concern for opposing submitters. In particular JP Clarke & KL Franklin and FG Works Limited stated that;

*"The suggestion that the change is temporary is misleading. A 10-year project for 5 and half days (66 hours) a week for mining operations (and 7 days a week for dust (but not noise) mitigation and mechanical maintenance activities) is not considered a temporary project. Even if considered temporary, temporary effects are relevant to whether the consent should be granted. Further, it is not clear that the mining operation can be completed within a ten-year duration."*

[66] As detailed above in this report, provided that the proposed activities are undertaken in accordance with an exploration permit in terms of the Crown Minerals Act 1991, the activity meets the definition of "temporary activities" under the CODP. I also note however that as this is an effects-based plan, temporary activities do not have an activity status in this zone.

[67] As a discretionary activity overall, notwithstanding the definition of temporary in the CODP, I have taken guidance from Section 3(b) 'Meaning of Effect' of the RMA, which

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<sup>6</sup> See page 9 of the Landscape Effects Assessment Report prepared by Mike Moore, dated 24 October 2023, provided with the application.

<sup>7</sup> See paragraph 11 of the Landscape Peer Review, dated 13 December 2023, prepared by Jess McKenzie.

<sup>8</sup> The three papatipu rūnaka with shared authority for the Mata-au (Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga). See the submission of Kā Rūnaka.

states that effects include any temporary or permanent effects. Therefore, I agree with the submission of JP Clarke & KL Franklin and FG Works Limited that the effects of the activity are still required to be considered regardless of whether the activity is temporary or not.

[68] In this case, the stockpiles and earthworks activities onsite will be present throughout the 10-year duration, and will result in associated visual effects. Considering the 10-year duration of the activity, in her assessment, Ms McKenzie does not view the temporary nature of the activity as a mitigating factor in determining the extent of adverse effects, especially concerning private residences.<sup>9</sup> I note that Ms McKenzie has considered the effects on the owners located at 5474 Ettrick-Raes Junction Road (SH 8), 61-69 Clutha Road, 1334 Teviot Road, as the surrounding properties that had not given their written approval, at the time of writing.<sup>10</sup>

[69] Ms McKenzie also recommends that the applicant consider ways in which amenity values can be enhanced through the establishment of indigenous species around the Clutha River / Mata-au and the Tima Burn. Ms McKenzie references Section 4.3.3 of the CODP which seeks to 'where practicable enhance rural amenity value' and section 5.4.6 (17) of the Kāi Tahu Ki Otago Natural Resource Management Plan 2005 (NRMP) which states that all applications for mining should include site rehabilitation plans that include the planting of indigenous species and address long term concerns.

[70] In response to the recommendations of Ms McKenzie, specifically relating to ambiguous mitigation measures proposed, the applicant has provided revised plans on 5 April 2024, illustrating locations of the workshop, offices, stockpiles and bunding as the mine progresses through the site.

[71] As stated in a memorandum dated 3 April 2024, Ms McKenzie finds that the updated site plans provide more certainty, in relation to the management of the activity, staging and positioning of visual elements onsite throughout the duration of the consent. Notwithstanding this, the suitability of the mitigation hinges on appropriate screening along the Clutha River / Mata-au in Stage 2, and relative conditions being offered by the applicant to support the rehabilitation, timing of bunding and the progression of the activity through the site.<sup>11</sup> I note that bunding along the western boundary only extends a short distance adjacent to the Clutha River for Stage 2 as shown in Figure 9 below.

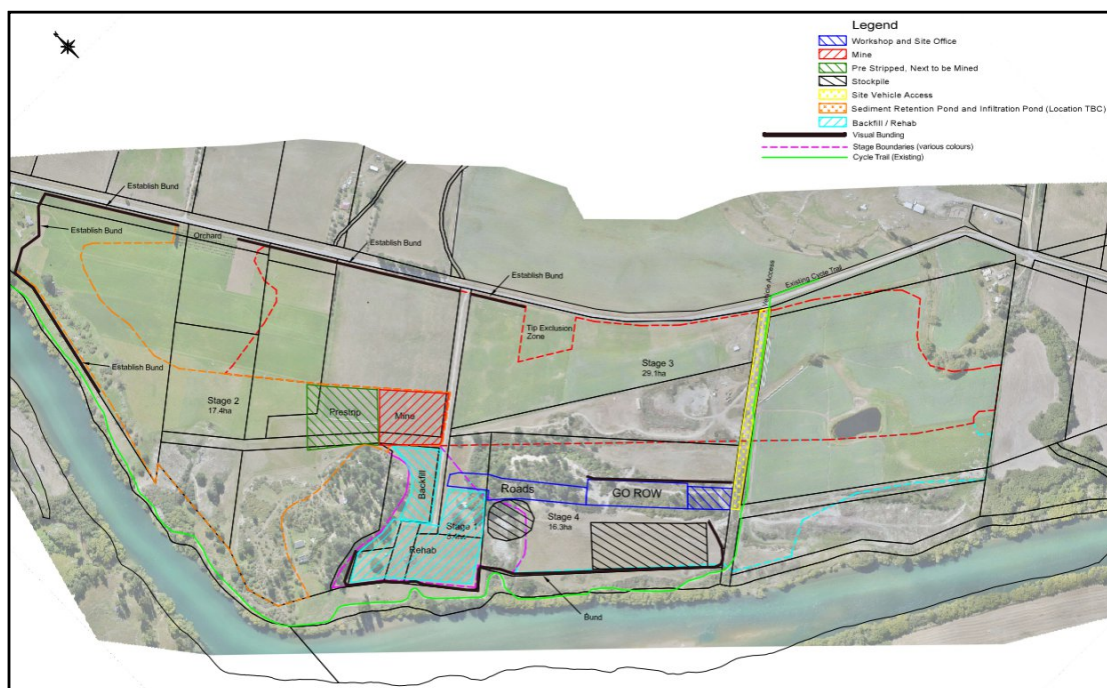
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<sup>9</sup> Paragraph 17 of the landscape assessment commissioned by Council and completed by Jessica McKenzie of Vivian Espie, dated 13 December 2023.

<sup>10</sup> For completeness, the owners and occupiers of 69 Clutha Road have now provided written approval, therefore, the effects on them are disregarded.

<sup>11</sup> See paragraph 4 of the Landscape and Visual Effects Assessment - Peer Review Memo completed by Jess McKenzie on 3 April 2024.

Consequently, Ms McKenzie states that the effects of the activity are not mitigated from the cycle trail or from the opposite side of the Clutha River / Mata-au, during Stage 2 as there is no visual separation between the site, the cycle trail, and the opposite side of the Clutha River / Mata-au River.<sup>12</sup>



**Figure 9:** Screenshot of Stage 2 Site Plan. Bunding is shown as black lines. Source: Application Site Plans provided to Council on 5 April 2024.

- [72] Considering the findings of the Moore Report, the peer review and the subsequent memorandum undertaken by Ms McKenzie, as described above, I do not consider there is sufficient evidence, by way of offered conditions, to demonstrate that mitigation measures will be successfully implemented. In addition to this, based on the information provided, the rural landscape values currently experienced in this environment will be compromised throughout the 10-year duration particularly when experienced from the Clutha Gold cycle trail, neighbouring properties and State Highway 8, due to the gap in the bunding along the Clutha River / Mata-au in Stage 2.
- [73] Ultimately, I cannot conclude that the adverse landscape and visual effects will be acceptable on both owners and occupiers of neighbouring properties, particularly 5474 Ettrick-Raes Junction Road (SH 8) and 1334 Teviot Road and on the wider environment. In addition to this, the applicant has not sought to address long term concerns, by way of remediation planting to enhance rural amenity values, and I consider that the applicant's reliance on the duration of the consent as a mitigation

<sup>12</sup> See paragraph 2 of the Landscape and Visual Effects Assessment - Peer Review Memo prepared by Jess McKenzie on 3 April 2024.

measure is not sufficient. I consider that the proposal has the potential to impact the visual amenity values currently experienced in the receiving environment substantially throughout the 10-year duration of the consent, and that I do not have sufficient evidence that, the visual and landscape effects will be acceptable post-cessation of the activity. Therefore, based on the information I have at this time, I consider that the proposal will result in an unacceptable level of visual and landscape effects.

### **Noise Effects**

- [74] A number of submissions raise noise effects as a significant matter of concern. Key issues relate to noise arising through the duration of the activity being undertaken 5 days per week, 12 hours per day and 6 hours on a Saturday, in an environment that the submitters consider is presently tranquil. Concerns are also raised that noise will impact on those who live in the area and those who experience the Clutha Gold cycle trail. In addition to this, submissions also raise that there are inconsistencies and inaccuracies in the noise assessments provided by the applicant.
- [75] As noted in the submission of JP Clarke, KL Franklin and FG Works Limited, the Noise Assessment “...does not account for an increase in equipment from the original application. (ie. 7 items of machinery plus moving trucks cf. 21 items of machinery which suggests up to 15 full time machine operators).”
- [76] The application is supported by a Noise Assessment Report, titled *Proposed Alluvial Mining Millers Flat Assessment of Noise Effects*, dated 20 March 2022 (“Noise Assessment Report”),<sup>13</sup> and a noise memorandum titled *Proposed Alluvial Mining – Millers Flat* and dated 22 September 2023 (“Noise Memorandum”) prepared by Nevil Hegley of Hegley Acoustic Consultants. Further information was also supplied by Nevil Hegley on 17 November 2023, in response to the further information request. These assessments all confirm that the applicant will not breach the noise standards as stipulated in Rule 4.7.6E in the District Plan as a result of the proposed works, due to the bunding proposed.
- [77] The Noise Memorandum stated that while the noise assessment was completed in the context of an earlier application, that the proposed change to the mining area is minor with respect to the noise effects, and that the noise predictions in the assessment completed in March 2022 are still relevant. Further to this, Mr Hegley confirmed that

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<sup>13</sup> This Noise Assessment Report was completed in the context of an earlier application (RC220350), and also provided for this application.

the mine boundary would decrease from 340m to 300m from the notional boundary of 1334 Teviot Road, with no change to the location of the proposed bund.<sup>14</sup>

- [78] CODC commissioned Jamie Exeter of Styles Group to undertake a peer review of the applicant's noise assessment, dated 19 January 2024 (intended to be read alongside the peer assessment completed for RC220350). The peer review states that the information in the application suggests that noise generating activities could now be undertaken closer to neighbouring notional boundaries than has been assessed by Mr Hegley. Additionally, it notes that the Noise Memorandum which relies on the findings of the report completed for RC220250 fails to acknowledge the extended duration and changes to the application. Ultimately, the assessment of Mr Exeter<sup>15</sup>, accepts that the noise from the site will be similar in level and character to activities that are anticipated by the permitted standards, but that the larger scale and the duration of the activity may give rise to noise effects that are not anticipated in the zone.
- [79] In response to the additional information submitted by the applicant on 5 April 2024 and the submissions received, Mr Exeter of Styles Group provided an updated noise assessment, dated 15 April 2024 ("Updated Peer Review"). In his assessment, Mr Exeter noted that while the minimum distance between the mining activity and the notional boundary at 1334 Teviot Road is shorter than Mr Hegley indicated<sup>16</sup>, the information provided by the applicant is sufficient to agree that noise emissions can comply with the noise limit for permitted activities in the zone based on worst-case assumptions.
- [80] In terms of ambient noise, Mr Hegley, provided ambient noise data to Mr Exeter on 19 March 2024 as measured at two locations on Teviot Road from 24 August to 31 August 2023. In the Updated Peer Review, Mr Exeter acknowledges that the  $L_{10}$ ,  $L_{eq}$ , and  $L_{95}$  levels at the monitoring locations suggest the possibility of an ambient sound environment that is controlled by variable and/or intermittent noise events. Notwithstanding this, Mr Exeter cannot be confident that the measured levels represent the existing ambient sound environment at the nearest notional boundaries. The Updated Peer Review concludes that noise from the site during the day will be audible at the neighbouring notional boundaries, that it may be dominant at times, and that it has the potential to mask natural sounds in the environment. Mr Exeter also acknowledges that noise effects resulting from the activity would be experienced over

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<sup>14</sup> Further information was supplied by Nevil Hegley on 17 November 2023, in response to the RFI

<sup>15</sup> See peer assessment completed for RC220350.

<sup>16</sup> Noise further information response on 17 November 2023.



a considerably longer duration than would be expected for a permitted activity, which could result in the potential for annoyance.

[81] In the Updated Peer Review Mr Exeter addresses some of the concerns from submitters, specifically, 1581 Teviot Road (Ms Gunn), the Ministry of Education, 1266 Teviot Road (Mr Young), and the submitters located at 1334 Teviot Road (JP Clarke KL Franklin and FG Works), by recommending an Operational Noise Management Plan. In their submissions Ms Gunn and JP Clarke KL Franklin and FG Works, also requested noise monitoring devices at their properties. Noise monitoring is supported by Mr Exeter, albeit from the closest notional boundary.

[82] Ultimately, I agree with Mr Exeter that the assessment completed by Mr Hegley does not address the scale and intensity of the activity as proposed. This is because the memorandum provided in the context of this application, relies on the findings, of an application with a much smaller area, and a duration of 5 years as opposed to 10 years.

[83] I also note that the assessment of Mr Hegley has relied on permitted noise levels. In this case, resource consent is required for the proposed gold mining activity as a discretionary activity, with the provisions in the Rural Resource Area of the CODP directing careful consideration to be given to effects on rural amenity associated with noise. I consider that adherence to noise standards to be an overly simplistic approach to determining effects on rural amenity in the receiving environment, of a new activity which results in various significant breaches to the District Plan standards. This is because it does not take account of the change in ambient noise, albeit at levels that can achieve the standards of the plan.

[84] I acknowledge that while rural areas typically have lower ambient noise, noisy activities in the Rural Resource Area such as harvesters, tractors and frost fans are commonplace. However, these activities typically occur at sporadic intervals and are limited to certain times of the year. The noise resulting from this application will be evident in the receiving environment, for five and a half days per week over a period of 10 years, and continuous throughout the operating hours.

[85] I accept the assessment of Mr Exeter and consider that noise associated with this proposal has the potential to result in adverse effects on rural amenity values currently experienced in this environment. When considering the noise evidence provided to date, I consider that the potential noise generated from proposal will inappropriately impact on the quality of life of those residing in the area, who have not provided their written approval, and when experienced from the cycle trail. This is because the noise

created from the activity has the potential to mask natural sounds in the environment, be dominating, and could cause annoyance.

- [86] Should the Panel be of a mind to grant consent, then I recommend that they require the applicant to provide a greater level of confidence to the Panel regarding noise effects. This should include an assessment on the potential effect on the ambient noise level of the receiving environment, consideration of the activity from the accurate notional boundaries of properties where owners and occupiers have not provided written approval and noise monitoring options from the closest notional boundary.

### **Vibration Effects**

- [87] A Vibration Report was provided with the application, prepared by Nevil Hegley of Hegley Acoustic Consultants and dated 11 November 2022 which confirmed that vibration levels would be well within reasonable levels, when considering the potential vibration sources, of a bulldozer, excavation, trucks and recovery plant. Jamie Exeter of Styles Group undertook a peer review of the Hegley vibration report and they generally agree with the assessment completed by Hegley Acoustic Consultants and do not expect the vibration as a result of the activity will interfere with residential activities or cause unreasonable disruption or annoyance within dwellings.

- [88] Notwithstanding this, the submission of JP Clarke an, KL Franklin and FG Works Limited states that;

*“The vibration assessment by Hegley Acoustics Consultants appears to be inconsistent with the modelling in the Noise Assessment, in considering that bund construction will be within 35m of our dwelling and mining would be “just over 50m”.*

- [89] The submission also raises concerns relating to the level of vibration effects resulting from the proposal during construction of the bunds and when the closest mining-based activities are being undertaken, particularly given the proximity of their property to the proposed works.

- [90] Further assessment by Mr Exeter from Syles Group, dated 15 April 2024 confirms that, the potential vibration levels have been assessed based on a separation distance of 35 metres from the dwelling at 1334 Teviot Road during construction of the bund, and approximately 50 m during mining activities, which are inconsistent with the site plans provided by the applicant on 5 April 2024. Notwithstanding this, Mr Exeter agrees with the conclusion of the applicant, that the guideline values of the referenced Standard DIN 4150–3 to avoid cosmetic building damage can be readily complied with during the proposed construction and operational activities.

- [91] Relying on the findings of the expert reports, I consider the vibration effects are appropriate.

### **Effects of light spill**

- [92] Policy 4.4.8 (c) of the CODP seeks to manage the effects of glare and Rule 12.7.6(i) of the CODP states that:

*“No activities shall result in greater than 10 lux spill (horizontal and vertical) of light onto any adjoining property or road, measured at the boundary of a road or the notional boundary of a neighbouring property, provided that this rule shall not apply to headlights of moving vehicles or vehicles that are stationary for less than 5 minutes or to street lighting. The amount of light that may be spilled onto a neighbouring property may be increased by not more than 100%, in cases where the activity on that neighbouring property is not residential”.*

- [93] In their submission, JP Clarke, KL Franklin and FG Works Limited, raised that the effect on flood lighting on both amenity / ambience and on the dark sky natural character have not been adequately assessed in the application. I agree that the applicant has not assessed the effect on night sky, however the reduction of hours will ensure that the effect on the night sky is minimised. I also acknowledge that the applicant intends to verify the lighting by a suitably qualified person.

- [94] At the time works cease, it is expected that lights will be extinguished. Notwithstanding this, the applicant has proposed that dust control activities and the occasional maintenance work can be undertaken outside of the operating hours. While dust control activities relate to the management of a potential environmental effect, I do not consider that maintenance of equipment is necessary to be undertaken throughout these hours. I also consider the nature of maintenance outside of operational hours as applied for, is ambiguous, and could mean that lighting at variable levels is required throughout the night, at a time where the receiving environment is more sensitive to the effect of light spill.

- [95] JP Clarke, KL Franklin and FG Works Limited also raise that activities should be limited to (official) daylight times only, not exceeding 12 hours in any one workday and not exceeding 5 hours on Saturday morning, with one weekend every month to be completely work-free. Notwithstanding this, the applicant has confirmed that lights will be located away from dwellings and roads, and that the hours of operation are limited, thus reducing nighttime light spill. I consider that subject to conditions of consent and the limitation of machinery maintenance work to the operational hours, that the effect

of the light spill within the receiving environment will be appropriate and will not compromise the rural character and amenity values of the area.

### **Effects on Rural Amenity Values**

[96] Amenity values is defined in section 2 of the RMA as:

*“means those natural and physical qualities and characteristics of an area that contribute to peoples’ appreciation of its pleasantness, aesthetic coherence and recreational attributes.”*

[97] The various effects associated with the proposed gold mine have the potential to change the current amenity attributed to the area by those who live and work in it, use recreational spaces including the Clutha Gold cycle trail and otherwise experience it. I understand that a change in amenity values is not necessarily an adverse effect in itself, rather, it is the scale and the intensity of the change against the existing amenity levels that require consideration.

[98] The amenity values and neighbourhood characteristics of an area can be described as those special attributes, relating particularly to natural and physical characteristics, that make an area or neighbourhood unique. Nonetheless, amenity values are a subjective concept, and are reliant on context and personal perspective, with amenity values being directly experienced and articulated by those people living in the neighbourhood or area in question.

[99] I consider the chapter 4 provisions in the District Plan to provide useful context when considering amenity values in the Rural Resource Area, particularly, the following objective and policy;

[100] **Objective 4.3.3.** *To maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District’s rural environment, and to maintain the open natural character of the hills and ranges.*

[101] **Policy 4.4.2.** *To manage the effects of land use activities and subdivision to ensure that adverse effects on the open space, landscape, natural character and amenity values of the rural environment are avoided, remedied or mitigated through:*

- a. The design and location of structures and works, particularly in respect of the open natural character of hills and ranges, skylines, prominent places and natural features,*
- b. Development which is compatible with the surrounding environment including the amenity values of adjoining properties,*
- c. The ability to adequately dispose of effluent on site,*

- d. *Controlling the generation of noise in back country areas,*
- e. *The location of tree planting, particularly in respect of landscape values, natural features and ecological values,*
- f. *Controlling the spread of wilding trees.*
- g. *Encouraging the location and design of buildings to maintain the open natural character of hills and ranges without compromising the landscape and amenity values of prominent hillsides and terraces.*
- h. *Strongly discouraging buildings in the Rural Resource Area of the Wooing Tree Overlay Area to ensure a vineyard or treed park-like character with an absence of built form*

[102] I consider that the subject site and receiving environment exhibits many of the characteristics outlined in the above provisions. While built environment is experienced, it is to the extent that maintains the openness of the area. Rural outbuildings and dwellings are positioned sporadically throughout the environment to support production activities, whereby the presence of rural production, horticultural, and viticultural activities are reasonably expected to occur within a productive rural environment. The surrounding area is also influenced by the presence of the Clutha Gold cycle trail, the Clutha River/Mata-au and the background hills and ranges. There are no large-scale mining activities in the vicinity and the only large-scale rural activities are productive farming and horticultural activities.

[103] Policy 4.4.9 of the CODP states that mining activity is expected to be located in a rural environment, and that the remnants of the early goldmining era has made a significant contribution to the landscape values of Central Otago. Notwithstanding this, as described above, as the CODP is an effects-based plan, it is the combined effects of the activity, rather than the activity itself that this considered in determining the appropriateness of an activity.

[104] A number of submitters that currently reside in the area have raised concerns in relation to the proposal, that the proposed activity compromises the rural amenity values currently experienced. Submitters main concerns indicate that the proposal has the potential to:

- Compromise the open-space and natural character amenity values currently experienced in the environment;
- Result in an unacceptable level of adverse effects arising from noise and compromise the quietness of the receiving environment;

- Compromise the rural amenity values associated with dwellings within close proximity of the activity;
- Result in dust emissions which will have a significant impact on the ability to collect potable water from rainwater and undertake other domestic activities;
- Result in a significant loss of the amenity values of the Clutha Gold cycle trail and remove local and visiting public access to the adjoining stretch of the Clutha/Mata-au River.

[105] I have considered the submissions in opposition, the intensity of the activity in the context of the receiving environment, and the rural amenity outcomes anticipated by the CODP. For clarity, I have separated out the noise, vibration, traffic, dust and landscape effects assessments within this report but note that these matters also influence the effects on rural amenity values.

[106] The applicant has considered rural character in the context of the nature and scale of the activities and associated effects, including traffic movements, dust and noise and considers that the effect on rural character will be mitigated by the screening, bunding, the underground nature of the activities and by limiting the activities to between Monday to Friday 7am – 7pm and Saturday 7am -1pm with a maximum of 20 employees.

[107] The Applicant's AEE states that the key mitigation factor is that the proposed operation will be temporary, thus the effects will be for a limited time, as the site will be remediated back into pasture. As considered above, I do not consider the duration to be a sufficient mitigation measure, whereby the effects of the activity will be experienced within the receiving environment for the duration of the consent.

[108] I consider the existing amenity values associated with the receiving environment to be higher and more sensitive to intensive activities than a typical rural environment. This heightened sensitivity is attributable to the presence of tourists and other recreational users along the cycle trail, as well as the site's proximity to the Rural Residential Resource Area, where existing residential activities are more prevalent, and the proximity to neighbouring dwellings. I note that this proposal will result in various significant breaches to the CODP standards, and will have resulting adverse noise and landscape effects as detailed above. When combining the effects of the activity, it is evident that the nature and character of the area will be compromised.

[109] As stipulated in the Moore Report, the activity is of an industrial nature, as opposed to being rural. While the Applicant's AEE states that "*given the impact of the exploratory mining already underway, with stripped vegetation and gravel stockpiles etc., the site*

*itself has now taken on a somewhat industrial character in the area where this work is proceeding*<sup>17</sup> it is important to note that this work undertaken onsite is not consented and does not form part of the receiving environment. Effectively, I agree with the Moore Report, that this proposal has the potential to modify the site from rural to industrial throughout the duration of the consent.

[110] I have taken into account the submitters perception of the receiving environment, as being ‘tranquil’<sup>18</sup>, and the low intensity of existing land uses, including, the cycle trail, the Rural Residential Resource Area, Millers Flat township and other dwellings where owners have not provided written approval, including the dwelling located at 1334 Teviot Road which is setback approximately 80 metres from the operational area<sup>19</sup>, the dwelling at 5474 Ettrick-Raes Junction Road located approximately 500 metres from the operational area, and the dwelling located at 1581 Clutha Gold Trail approximately 440 metres from operational area. I consider that the ‘industrial’ change in the receiving environment, will be more evident by the owners and occupiers of these sensitive activities, and by the users of the cycle trail.

[111] Whilst it is acknowledged that mining activity is not an unexpected activity within a rural context, this does not mean that such activities can’t have significant environmental effects. In this case, the degree of visual and acoustic change to the environment is considered to be inappropriate.

[112] If the panel is of mind to grant consent, the submission of JP Clarke an, KL Franklin and FG Works Limited requests that the consent holder refurbish all buildings at 1334 Teviot Road with new window glazing and doors to achieve a nominated certifiable standard of noise and thermal performance, sealable against dust and noise intrusion. I do not consider that this condition is necessary from a dust perspective, as the effects are assessed below in this report, as being appropriate. In terms of noise, I consider that for noise to be appropriate, that it should be managed onsite. If the applicant can demonstrate and effectively address noise impacts on-site, including the effect on ambient noise levels, then this condition is not considered to be necessary to mitigate an environmental effect.

[113] The submission of JP Clarke, KL Franklin and FG Works Limited also requests, that a staged approach to mining be undertaken, so that the land in the vicinity of their property is mined first, and rehabilitated first, to reduce the duration effects on them. Ultimately, while I consider that limiting the duration of the mine within proximity to the

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<sup>17</sup> Page 5 of the Applicant’s AEE

<sup>18</sup> See submission of Ms Gunn, Culling Trust and Graeme Young

<sup>19</sup> As measured in the Noise Memorandum of Styles Group, dated 15 April 2024.

sensitive activities will shorten the timeframe in which they experience the effect, it has been assessed that without sufficient evidence to the contrary that the proposal will still have temporary inappropriate effects on sensitive receivers in the receiving environment.

### **Effects on Public Access**

[114] The Clutha Gold Cycle Trail is located adjacent to the Clutha River/Mata au and the applicant proposes to divert the trail for a period. The proposal will also have the effect of restricting public access to paper roads within the site, one of which provides access to the Clutha River / Mata-au.

[115] Submitters in opposition have raised concerns regarding effects on the cycle trail and the removal of public access to the river. I consider that the reconfiguration of the cycle trail has the potential to impact on public users of the trail, where they will be required to be redirected up the northern unformed legal road, and along Teviot Road, as opposed to along the Mata-au where the trail is currently located. I also note that Clutha Gold Trail Charitable Trust, being the administrators of the Clutha Gold cycle trail did not provide their written approval to the proposal. Notwithstanding this, they were notified, and did not submit on the proposal. While this change will alter users' experience of the trail, this proposed arrangement still provides for the same level of public access to the trail.

[116] In terms of the restricted access to the two paper roads, one is located on the southern side of the site and the other to the northern side of the site. The application states that the northern paper road provides access to private properties, and that the owners of the affected properties have all provided their written approval. In terms of the northern access road, the application acknowledges that various people use this road for access to the river and for recreational purposes, therefore, they intend to provide a separate access to the river, over a part of the rehabilitated area of the site.

[117] While the applicant proposes to restrict access to the northern paper road which is currently publicly accessible, the applicant advises that this road is primarily utilised by persons who have given their written approval. I note that this road does not currently provide access to the Clutha River/ Mata-au.

[118] It should be noted that the Clutha Gold cycle trail currently traverses a portion of the southern paper road and the application is seeking separate approval from Council to mine a portion of the paper road. I consider that the cycle trail diversion and southern road diversion has the potential to result in adverse effects on recreational amenity currently experienced by those accessing the river and using the cycle trail, given the



uncertainty created by relocating the road and cycle trail. Notwithstanding this, I consider the effect on public access to be appropriate given the short distance of the diversions and that public access to the Clutha River/ Mata-au will not be restricted.

### **Air Quality effects**

- [119] In terms of the effects of dust emissions from the site (these being emissions generated from all areas of disturbed land and site accesses), a Dust Management Plan has been submitted as part of the application and reviewed by Nigel Goodhue of Air Matters. A peer review of the Dust Management Plan was undertaken by Chris Bender and Cameron Brown of Pattle Delamore Partners Limited (PDP) on behalf of ORC which identifies that the receiving environment generally has a relatively low sensitivity to air quality effects, other than rural residential dwellings in the vicinity of the site, which have medium to high sensitivity, and the cycle trail, users of which will be sensitive to dust effects.
- [120] A range of controls are proposed by the applicant with the intention of avoiding potential dust nuisance generated from the site. The controls relate to using a suitable water cart for dampening down working areas and stockpiles when required, monitoring weather conditions and ceasing operations during high wind and dry conditions, limiting vehicle speeds on site, using covered trucks to transport material and retaining existing wind breaks on the boundary of the site. Various monitoring, complaints, management and mitigation measures are detailed within the proposed Dust Management Plan.
- [121] In their submission JP Clarke, KL Franklin and FG Works Limited requested that any works occurring within 400m of the dwelling curtilage at 1334 Teviot Rod, be subject to best practice controls and continuous real-time PM10 monitoring. In addition, that at least one real-time dust monitoring station be located on their southern boundary, to provide for proactive dust management. In his submission, Mr Young also raised concerns on the quantity of diesel storage onsite, in relation to the potential onsite emissions
- [122] I acknowledge that a real time dust monitoring station would pre-emptively ensure the effects of dust are controlled onsite. However, the PDP peer assessment concludes that the dust mitigation methods in the Dust Management Plan is sufficient, subject to adequate implementation of the methods and continuous monitoring to ensure dust effects are managed.
- [123] It is acknowledged that ORC are responsible for managing airsheds to meet ambient air quality standards for fine particulate matter (PM<sub>10</sub>) and greenhouse gas emissions,

therefore, these matters have not been considered further for the purpose of this report.

- [124] Overall, I concur with the findings in the PDP peer review and consider that subject to relevant conditions, the effects relating to dust are appropriate and can be managed.

### **Duration**

- [125] The submission of JP Carke, KL Franklin and FG Works states that *“the applicant relies heavily on access to water to mitigate the effects of dust, and since a maximum duration for the water permit is 6 years, the land use consent must be aligned to that same duration and not for 10 years as proposed. The essentiality of water use to the proposed mine is such that, if the water permit is declined, the application for land use consent from CODC must also be declined.”* I concur with this statement that the proposed mitigation measures are reliant on water and acknowledge that a water take consent can only be granted for a duration of no more than six years. As the findings of the dust reviews rely on effective management to ensure that the effects of dust created from the activity are appropriate on neighbouring properties, I consider that if the Panel were of mind to grant consent, that the duration should be limited to six years to align with a significant mitigating factor, being water-take.

### **Earthworks Effects**

- [126] The visual effects of earthworks have been assessed in the landscape and visual assessment above, and the runoff effects from earthworks in relation to the potential effect on water quality falls within the jurisdiction of ORC and is appropriately determined as part of the ORC consent.
- [127] The submission of Kā Rūnaka states that the development of a detailed closure and site rehabilitation plan, secured by a bond, should be a pre-requisite for mining of this scale. There also needs to be certainty over the timing of the rehabilitation stages and outcomes. I agree that if the Panel are of mind to grant consent, that a detailed closure and site rehabilitation plan, secured by a bond should be conditioned, to ensure, the adequate rehabilitation of the site.

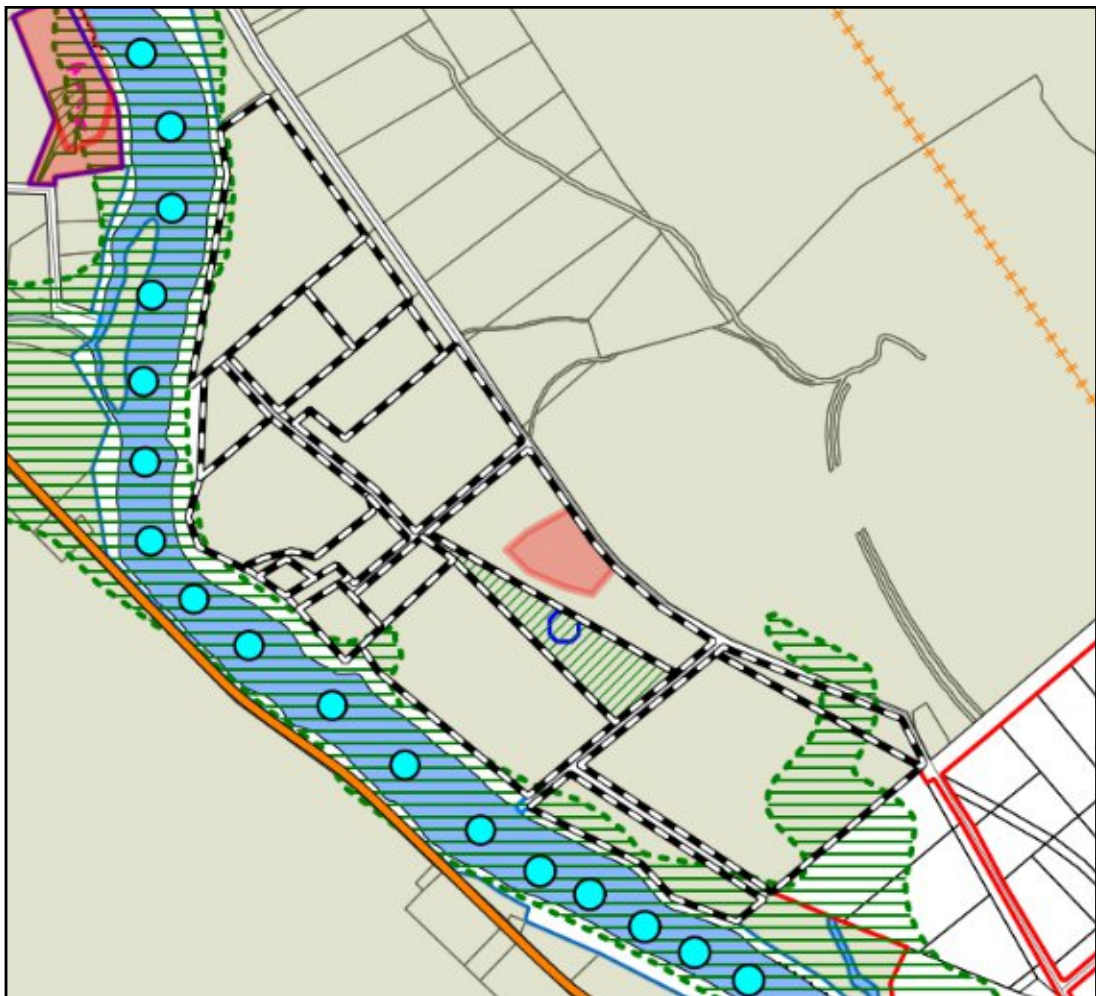
### **Groundwater and water quality effects**

- [128] Submissions in opposition, including the submission of the Ministry of Education raised concerns with regard to effects on water quality.
- [129] The applicant proposes to discharge to groundwater. The groundwater discharge is subject to a consent requirement from ORC. There are no requirements within the

CODP for groundwater discharges as this is a matter which falls within the jurisdiction of ORC and is appropriately determined as part of those consents.

### Natural Hazards

- [130] The site is partially located in a flood hazard area, shown in Figure 10. The applicant has confirmed that no buildings will be established within flood hazard area on the site and that all works will be undertaken on the plateau above the river. The applicant proposes to manage the effect of displacing flood water by establishing bunds at least 20 metres from water bodies and by not establishing bunds parallel to the Tima Burn.



**Figure 10:** Screenshot of the subject site outlined with black and white lines in relation to the flood hazard area shown as green diagonal hatched lines. Source CODC GIS.

- [131] A flood hazard assessment was provided with the application, prepared by GeoSolve, titled *Flood Hazard Assessment Millers Flat Alluvial Goldmine 1346-1536 Teviot Road, Millers Flat Roxburgh* (Geosolve Report). The Geosolve Report concludes that the proposed activity is not expected to adversely affect or exacerbate off-site flood hazard.

- [132] The Geosolve Report states that approximately 2% of the mine site, near the Tima Burn, could be susceptible to flooding, but only during a 100-year ARI storm event or greater. The report indicates that the area near the Tima Burn that is susceptible to flooding will be backfilled once mining operations in that area are complete, which is expected to take approximately 6 months.
- [133] In the event that the mining operation is affected by flooding from the Clutha River / Mata-au and/or Tima Burn the Geosolve Report states that this will be managed internally by the applicant.
- [134] The submission of Kā Rūnaka requests further clarity over the conclusions of the flood hazard assessment report, particularly in relation to extreme flood events. I agree with this submission, that further assessment would provide certainty around the effects on the Tima Burn, should a 100-year ARI storm event or greater occur.
- [135] Ultimately, I consider that when relying on the Geosolve report, the risk of flood hazard effects is minimal, however, if the panel is of mind to grant consent, I recommend further assessment be provided by the applicant, in relation to the management of flooding onsite, and the adequacy of the proposed measures.
- [136] In their submission, Fire and Emergency New Zealand (FENZ) request that the consent holder prepare in consultation with Fire and Emergency New Zealand a Site Emergency Management Plan (SEMP), for fire, mining explosion, extreme weather events and floods. In addition, that prior to the commencement of mining operations, including the erection of any buildings, that sufficient water volume, pressure and flows in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 shall be provided. I consider that if the Panel is of mind to grant consent, that these requirements as stated in the submission of FENZ, should be imposed as conditions of consent, to ensure that onsite hazards are effectively managed throughout the duration of the consent.

### **Storage of Hazardous Substances and Refuelling**

- [137] The applicant advises that 60,000 litres of diesel will be stored onsite to fuel the machinery. The Applicant's AEE states that diesel will be stored on-site within a containment facility that adheres to the Health and Safety at Work (Hazardous Substances) Regulations 2017. This facility includes a double-skinned tank accompanied by a secondary containment (bund) area of appropriate size.

- [138] The exact location(s) of the tank have not been identified in the application but the applicant advises that this will be located on flat land near the workstation, above flood hazard areas and setback from the active mine pit.
- [139] I note that in their submission Millers Flat Water Company (“MFWC”) stated that conditions should be imposed to ensure the appropriate storage, maintenance and operation of hazardous materials, and that if there is any breach to these conditions that, MFWC be notified. I agree with MFWC that appropriate conditions should be imposed relating to the storage and protocols around the storage of hazardous substances, to ensure that the storage adheres to the Health and Safety at Work (Hazardous Substances) Regulations to 2017.
- [140] In my experience, fuel tanks are not uncommon within Rural areas and, subject to the applicant demonstrating the location of the tank, I consider that subject to conditions of consent, that effects on human health, health and safety and potential contamination as a result of the fuel storage to be no more than minor and appropriate.

#### **Transport effects**

- [141] The application is supported by a transport assessment report, titled *Millers Flat Gold Mine Transport Assessment Report*, dated 25 October 2023 and prepared by Dave Smith of Abley (“Transport Report”).
- [142] The assessment in the Transport Report concludes that traffic generation as a result of this proposal can be accommodated by the existing roading network, this is due to the acceptable sight distances from the access points and low risk ratings. The applicant adopts the recommendations of the Abley report.<sup>20</sup>
- [143] Council’s Environmental Engineer, Dominic Haanen assessed the Abley Report and generally concurs the Abley Report findings. While the proposal will result in a breach to District Plan rule 12.7.1. (iii).(d).iii) due to the northern entranceway not having sufficient legal width to construct an adequate access, Council’s Engineer considers that there is more than sufficient sight-distance along the roads for oncoming traffic to react to manoeuvring heavy vehicle, therefore, recommends allowing this non-compliant access/entranceway in this instance. In terms of the standard of the accesses, the Traffic Report recommends that the entrances be constructed to Roothing Policy / CODP Figure 12.2 standard. Council’s Engineer considers this standard of access is suitable if both accesses are used concurrently, notwithstanding this, if only one access is used at a time, then the Engineer considers that accesses

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<sup>20</sup> Section 5.7 of the Applicant’s AEE

should be upgraded to the Figure 12.3 standard. The engineer notes that the sight distances and access-spacing proposed are safe and adequate.

[144] Effectively, with exception to the imposition of conditions, as recommended by Council's Engineer, I consider the assessment completed by Abley to be complete and accurate and I agree with it for the purpose of this assessment.

[145] I note that the submission of the Ministry of Education raises concerns relating to traffic volume, and requests that Council undertake a peer review of the Abely Report provided with the application. I consider the review by Council Engineers to be sufficient in this instance and consider that subject to conditions, that the proposal will not impact on the safe and efficient operation of the road.

[146] Subject to relevant conditions being imposed to ensure the accessways meets Council standards, I consider the proposed access arrangement to adequate for the proposed use and appropriate.

### **Servicing effects**

[147] Council's Environmental Engineer assessed the proposed service arrangements. In terms of water, the applicant proposes to connect to the Millers Flat Water Company Ltd's scheme to supply up to 2000L/day (1000L/day + 5 x 200L/person/day) to the proposed mine. Council's Engineer considers that this arrangement is acceptable for the 20 workers who are proposed to be engaged onsite, for domestic supply only. The applicant has advised that water for dust suppression is available in ample quantities from the dewatering of the mine pit.<sup>21</sup>

[148] The submission of Millers Flat Water Company Ltd (MFWC) raised that there is a pipeline which serves three connections, one of which is to the goldmine, within the northern paper road. I note that the reticulation plan for the northern extension to the Millers Flat water scheme was not provided to CODC at the time of its installation, and the applicant did not consider the effect on this pipeline in the application.

[149] MFWC understands that the applicant intends to ensure ongoing water supply to the three connections by relocating the feeder pipeline as required. MFWC have submitted that any relocation or alteration of the pipeline should not occur without their prior approval, and has requested a condition to this effect. I agree that given MFWC's legal duty under Water Services Act 2021 to ensure ongoing, safe supply of drinking water, that they should be consulted prior to the relocation of the pipeline, to ensure the three properties affected by the pipeline maintain appropriate access to water.

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<sup>21</sup> Section 5.1 of the Applicant's AEE

[150] In terms of wastewater, Council's Environmental Engineer considers that onsite wastewater disposal is inappropriate given the proposed mining activities. Notwithstanding this, the applicant proposes the use of two portaloos onsite, and stated that wastewater will be removed from site by a contractor weekly.<sup>22</sup> Council's Environmental Engineer considers this arrangement to be appropriate, subject to a wastewater management plan being provided. I recommend that if the Panel is of mind to grant consent that a condition be imposed, requiring this management plan to be accepted by Council's Engineer prior to operation.

[151] In terms of stormwater, Council's Engineer has recommended that stormwater from impermeable surfaces and buildings be managed onsite.

[152] Overall, I adopt the assessment of Council's Engineer and subject to appropriate conditions, I consider that the effects relating to servicing will be appropriate.

### **Ecology and biodiversity**

[153] As raised in the submission of Kā Rūnaka, the Kāi Tahu Ki Otago Natural Resource Management Plan 2005 (NRMP) requires a proposal to promote the retention, enhancement and reinstatement of indigenous ecosystems within the District. Given the extensive excavations proposed by this application, over a large area of land, the habitat for species present on the site will be modified. I acknowledge that while the land is largely farming land, whereby no native species were observed at the site visit, the submission of JP Clarke, KL Franklin and FG Works Limited, states that skinks are regularly observed on their property, located at 1334 Teviot Road, which is adjacent to the north of the site.

[154] A biodiversity survey was submitted by the applicant on 5 April 2024<sup>23</sup>, which confirmed that indigenous biodiversity is completely lacking onsite, due to the history of the site, being used for mining and pastoral farming. Notwithstanding this, while the biodiversity survey, considers potential vegetation onsite, it does not provide detail on potential fauna present within the site. Considering the findings of the biodiversity survey, I agree that the effect on indigenous vegetation is appropriate, however, I do not consider sufficient evidence has been provided to demonstrate that the potential effect on fauna, in particular on skinks, will be appropriate.

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<sup>22</sup> Section 3.5 of the Applicant's AEE

<sup>23</sup> As part of additional information submitted, to the Panel to support the application.

## **Cultural and heritage effects**

- [155] As acknowledged in the submission of Kā Rūnaka, the application area is identified within a draft wāhi tūpuna area as shown on Council's internal GIS maps. The site is identified as a wāhi tūpuna due to the cultural values associated with the Clutha Gold cycle trail, that include but are not limited to mahika kai, ara tawhito, archaeological values, nohoaka, wāhi tūpuna, water transport routes, place names, urupā, and pā. For clarity, the acknowledgement of this wāhi tūpuna area is not currently identified or proposed in the COPD. Nonetheless, the draft wāhi tūpuna area, and the submission of Kā Rūnaka demonstrate that the site is located in an area that has significance to Māori.
- [156] The application site is located within the Mata-au (Clutha) catchment, adjoining the Mata-au, the Tima Burn, Oven Hill Creek, and an unnamed tributary to the north of the site. The margins of these waterbodies form part of a significant cultural landscape for Kāi Tahu.<sup>24</sup> The Mata-au is a Statutory Acknowledgement Area under the Ngāi Tahu Claims Settlement Act 1998.
- [157] The NRMP was considered in the Applicant's AEE. Specifically, the applicant assessed the proposal against the issues, objectives and policies of Chapter 5 of the NRMP. The applicant concluded that the proposal adequately addresses the key matters as identified by the NRMP. In their assessment against NRMP, the applicant notes that the impact on water can be addressed through a groundwater study which was presently being completed, that no wāhi tapu sites had been identified in the application area, that an accidental discovery protocol would be followed, that the land would be remediated to farmland, and that effects on landform and soil instability are adequately assessed in the application.
- [158] The application report concludes, without any supporting evidence by way of a Cultural Impact Assessment or input from Kā Rūnaka, that there will be no discernible adverse effects on cultural values.
- [159] Three papatipu rūnaka (Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (Kā Rūnaka)), who have shared authority for the Mata-au, submitted on the proposal. The submission raises concerns with inconsistency of the proposal with the relevant objectives and policies of the statutory framework including the CODP, the Resource Management Act 1991 (RMA), the National Policy Statement for Freshwater Management (amended 2023), the Proposed Regional Policy Statement,

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<sup>24</sup> The submission of Kā Rūnaka on behalf of Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga Kā Rūnaka



and Iwi Management Plans. The reasoning for the opposition is highlighted in part below, further detailed in the summary of submissions and the full submission is included in the document bundle provided to the Panel:

- The effect of Mining Activity on Wāhi Tūpuna, due to the location and scale of the proposed mining activity which proposes a threat to the values of this cultural landscape.<sup>25</sup>
- Mining has the potential to destroy and modify archaeological sites. Given the scale and nature of the proposal, and depth of excavation proposed, concerns remain about the lack of protection against the destruction and modification of archaeological sites in a landscape that has a long history of occupation and use by Kāi Tahu.

[160] Overall, Kā Rūnaka seeks that the proposal be declined in its entirety.

[161] Te Rūnanga o Ngāi Tahu (Te Rūnanga) also submitted on the proposal and supports and adopts the submission of Kā Rūnaka on behalf of Papatipu Rūnanga in their takiwā. Te Rūnanga seeks that the application be declined.

[162] The site is located between two known Māori archaeological sites recorded by the New Zealand Archaeological Association, G44/12 midden/oven which adjoins the mine site to the north-east, and G43/2 a surface scattering of oven-stones and waste flakes, which is located further north-west adjoining the Mata-au as stated in the submission of Kā Rūnaka.

[163] In addition to this, an Archaeological Report was supplied by the applicant on 5 April 2024. This archaeological assessment states that archaeological sites G43/232, G43/233, G43/285 and G44/159 as detailed in the below figure will be affected by the proposed establishment and operation of the alluvial gold mine.

Table 10-1. Sites affected by the development of 1346-1536 Teviot Road, Roxburgh.

NZAA Site Id	Site Location	Brief Description
G43/232	Adjacent to the Clutha/Mata-Au on true left bank between Teviot and Millers Flat (E 1318894; N 4938374)	Large area of pre-1900 sluice faces and tailings as well as post-1900 dredge tailings and channels
G43/233	Adjacent to the Clutha/Mata-Au on true left bank between Teviot and Millers Flat (E 1318182; N 4939445)	Area of pre-1900 sluice faces and tailings.
G43/285	Between Teviot Road and the Clutha/Mata-Au (E 1318444; N 4939033)	Water races relating to the Kitto family mining complex
G44/159	Between Teviot Road and the Clutha/Mata-Au (E 1319190; N 4938182)	Artefact scatter likely relating to historic-domestic occupation

**Figure 10:** Table identifying the affected archaeological sites. Source: Archaeological Report, prepared by New Zealand Heritage Properties Ltd, dated March 2024.

<sup>25</sup> The values include but are not limited to mahika kai, ara tawhito, archaeological values, nohoaka, wāhi tūpuna, water transport route, place names, urupā, pā.

[164] The sites in Figure 10 are considered to have low to moderate archaeological values.<sup>26</sup> However, the archaeological study also indicates the potential presence of additional archaeological sites within the mining area. These sites could include mining sites, historical domestic sites, as well as midden/oven sites linked to early Māori activity, with their values ranging from low to high. The report concludes that due to the nature of the proposed activities, the overall impact on the values of both recorded and unrecorded archaeological sites is major. The report recommends a number of mitigation measures including protection of sites, an authority application, an Archaeological Management Plan (AMP), contractor briefings, and recording of structures. The report indicates that the impact of the works would be reduced, if the recommendation measures are followed. Considering the archaeological assessment findings, I concur with the concerns raised by Kā Rūnaka that the adoption of an accidental discovery protocol may not be sufficient to identify and protect unidentified Māori archaeological sites, especially given the depth of the mine and excavation methods, which could result in the inadvertent destruction of unidentified sites.

[165] While the applicant considers that there are no wāhi tapu associated with the site, the submission of Kā Rūnaka indicates that there are numerous urupā and wāhi tapu associated with the streams, rivers, and wetlands across the Clutha/Mata-au catchment. I do not consider the applicant has demonstrated that they maintain the values of this cultural landscape, due to the lack of consideration on the impact of wāhi tapu within and surrounding the site.

[166] While I do not presume to consider the application through a Te Ao Māori lens, I have considered the submission of Kā rūnaka whose takiwā the proposal falls within. Based on the details presented in the submission of Kā Rūnaka and supported and adopted by Te Rūnanga, I hold concerns the cultural impacts of the proposal have not been adequately assessed by the applicant and that the proposal is inconsistent with the objectives and policies of the NRMP. I consider that without sufficient evidence to the contrary that the application may lead to irreversible damage to the wāhi tapu linked with the site, and it is not appropriate in terms of its potential effect on cultural and Māori heritage values.

### **Positive effects**

[167] The majority of submitters have raised that the application will result in positive effects from increased employment opportunity and benefits to the economy. I agree that the proposal has the potential to result in positive economic effects, as it will result in the

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<sup>26</sup> Archaeological Report, prepared by New Zealand Heritage Properties Ltd, dated March 2024

creation of up to 20 jobs. Notwithstanding this, there is no economic evidence provided with the application, to demonstrate that the proposal will result in noticeable increase of local spend for the district and regional economy. While gold is a commodity, there is no certainty to the quantity of gold that will be extracted, and if the local economy will benefit from the extracted material.

[168] In their submission, Lauriea and Pamela Crawford state that their land will be greatly improved by the rehabilitation of the site, with better depth of top soil. They state that the site is currently gravelly, and requires lots of irrigation, and that less irrigation will be required in the future. I agree, that the applicant, has the opportunity to improve the soil quality within the site. Notwithstanding this, the quality of the soil relies of the remediation undertaken by the applicant. As mentioned earlier in this report, at this stage I consider there to be insufficient information, by way of offered conditions provided by the applicant to assess that the site will be adequately remediated throughout the various stages.

[169] I consider that the applicant has an opportunity to provide further positive effects, by planting indigenous vegetation within the site, to restore biodiversity values in this catchment, as mentioned in the submission of Kā Rūnaka, the landscape peer assessment of Ms McKenzie, and the biodiversity survey provided by the applicant on 5 April 2024. I consider that native planting around waterways would provide a level of positive effect to this proposal.

### **Summary of Effects**

[170] In accordance with section 104(1)(a) of the Resource Management Act 1991, the actual and potential adverse effects associated with the proposed activity have been assessed. At this time, the effects on rural amenity (noise and landscape), biodiversity effects and cultural values are unable to be fully assessed. Furthermore, the freshwater ecological effects and ability for the proposal to provide for the life supporting capacity of water have been deferred to ORC at this time.

a) While the proposal is considered to be appropriate in terms of the effects on servicing, transport, air quality, public access, storage of hazardous substances and lightspill, when considering the direction of the District Plan, cultural and amenity effects are key to ensuring an appropriate development. In this case these effects are potentially inappropriate.

b) There is either insufficient or inconsistent information provided in terms of the impact on noise, landscape, biodiversity, cultural effects, hazard effects and landscape effects.

- c) I consider that the adverse effects of this activity, specifically culturally, and on rural amenity outweigh the positive effects.

### **Objectives and policies**

[140] An assessment of the particularly relevant objectives and policies is undertaken below:

#### **Manuwhenua**

##### ***Objective 3.3.1 - Kaitiakitanga (Guardianship)***

*To have particular regard to Kāi Tahu ki Otago's concept and spirit of Kaitiakitanga in relation to managing the effects of the use, development, and protection of Central Otago's natural and physical resources.*

##### ***Objective 3.3.4 - Wai (Water)***

*To recognise the significance of wai to Kāi Tahu ki Otago's spiritual beliefs, cultural traditions and practices, and to provide for these where appropriate.*

##### ***Policy 3.4.1 - Kāi Tahu Ki Otago - Natural Resource Management Plan (1995):***

*To recognise the Kāi Tahu Ki Otago - Natural Resource Management Plan (1995) as the principal Kāi Tahu ki Otago resource management reference planning document for the Central Otago District and to use this document as a basis for consultation on issues of importance to Kāi Tahu ki Otago.*

##### ***Policy 3.4.4 - Wai (Water)***

*To recognise and provide for the relationship Kāi Tahu ki Otago have with the water resource through:*

- (a) consulting and working with Kāi Tahu ki Otago and the Otago Regional Council on water quality issues that affect Kāi Tahu ki Otago*
- (b) promoting the avoidance, remedying or mitigation of significant adverse effects of activities undertaken within riparian margins and on the surface of water, and*
- (c) ensuring the significance of water to Kāi Tahu ki Otago spiritual beliefs, cultural traditions and practices are taken into account when considering resource consent applications that may have an effect on water quality.*

##### ***Policy 3.4.5 - Mahika Kai***

*To recognise and provide for the importance of mahika kai to Kāi Tahu ki Otago through;*

- (a) consulting with Kāi Tahu ki Otago on the location of mahika kai resources,*
- (b) maintaining and enhancing mahika kai resources by ensuring that significant adverse effects of land use activities on this resource are avoided, remedied or mitigated,*
- (c) maintaining and enhancing access to mahika kai resources where this is appropriate and practicable*

[141] It is noted that the Kāi Tahu Ki Otago - Natural Resource Management Plan (1995) has been superseded. A separate assessment of the Kāi Tahu Ki Otago Natural Resource Management Plan 2005 is undertaken later in this report. It is important to note that as indicated in the submission of Kā Rūnaka the Natural Resource Management Plan 2005 discourages mining and quarrying activities within landscapes of cultural significance. Due to the location and scale of the activity, the proposal is considered by Kā Rūnaka to be a threat to a landscape which has cultural significance and ultimately it is considered that the proposal is inconsistent with Objective 3.3.1 and Policy 3.4.1.

[142] In terms of Objective 3.3.4, Policy 3.4.4 and Policy 3.4.5 the submission of Kā Rūnaka considers the environment holistically, and raises concerns regarding the impact of the development on Te Taiao (the natural environment), Te Mana o te Wai, and the ancestral landscape's values. While the applicant considers that the setback to waterbodies is sufficient to ensure the mauri of Otago's water bodies is protected, the applicant has not provided for Kāi Tahu spiritual beliefs, cultural traditions and practices associated with Wai, in their assessment. Various concerns raised in the submission of Kā Rūnaka demonstrates that the applicant has not consulted and worked with Kāi Tahu ki Otago, to resolve potential water quality issues, or recognise and provide for the importance of mahika kai to Kāi Tahu ki Otago from a holistic perspective.

[143] As above, a number of issues identified in the submission of Kā Rūnaka remain outstanding and it is unclear at the time of writing this report whether the activity will adequately provide for the importance of mahika kai and access to mahika kai to Kai Tahu.

## **Rural Resource Area**

**Objective 4.3.1 - Needs of the District's People and Communities**

*To recognise that communities need to provide for their social, economic and cultural wellbeing, and for their health and safety at the same time as ensuring environmental quality is maintained and enhanced.*

**Objective 4.3.3 - Landscape and Amenity Values**

*To maintain and where practicable enhance rural amenity values created by the open space, landscape, natural character and built environment values of the District's rural environment, and to maintain the open natural character of the hills and ranges.*

**Objective 4.3.4 - Recreation Resources**

*To maintain and enhance the quality of the District's recreation resources and public access to those resources.*

**Objective 4.3.5 - Water Resources**

*To maintain and enhance the quality of the District's water resources by avoiding, remedying or mitigating the adverse effects of land use activities adjacent to water bodies.*

**Objective 4.3.6 - Margins of Water bodies**

*To preserve the natural character of the District's water bodies and their margins.*

**Objective 4.3.8 - Significant Indigenous Vegetation and Habitats of Indigenous Fauna**

*To recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.*

**Policy 4.4.2 – Landscape and Amenity Values**

*To manage the effects of land use activities and subdivision to ensure that adverse effects on the open space, landscape, natural character and amenity values of the rural environment are avoided, remedied or mitigated through:*

- (a) The design and location of structures and works, particularly in respect of the open natural character of hills and ranges, skylines, prominent places and natural features,*
- (b) Development which is compatible with the surrounding environment including the amenity values of adjoining properties,*
- (c) The ability to adequately dispose of effluent on site,*
- (d) Controlling the generation of noise in back country areas,*
- (e) The location of tree planting, particularly in respect of landscape values, natural features and ecological values,*
- (f) Controlling the spread of wilding trees.*

- (g) *Encouraging the location and design of buildings to maintain the open natural character of hills and ranges without compromising the landscape and amenity values of prominent hillsides and terraces.*

**Policy 4.4.4 - Riparian Margins**

*To manage the effects of the use, development or protection of land within riparian margins of water bodies (including wetlands) to ensure that the natural character and amenity of water bodies and their margins are preserved, by, as far as practicable:*

- (a) *Maintaining bank stability,*
- (b) *Protecting, and where appropriate, enhancing riparian and instream habitat quality,*
- (c) *Maintaining and enhancing riparian vegetation,*
- (d) *Maintaining water quality,*
- (e) *Maintaining and enhancing public access to and along the lakes and rivers,*
- (f) *Reducing the incidence and severity of flooding where this is achievable, and*
- (g) *Maintaining and enhancing the safety and efficiency of navigation on the adjacent water body where this is relevant while recognising that some activities need to locate within riparian margins to operate efficiently*

**Policy 4.4.7 – Significant Indigenous Vegetation, Wetlands and Wildlife**

*To protect areas of:*

- (a) *Significant indigenous vegetation,*
- (b) *Significant habitats of indigenous fauna,*
- (c) *Significant wetlands,*
- (d) *Indigenous vegetation or habitats that support a significant indigenous fresh water fishery, and*
- (e) *Habitats of statutorily managed sports fish and game.*

*from the adverse effects of land use activities and subdivision and to promote and encourage, where practicable, the retention, enhancement and reinstatement of indigenous ecosystems within the District.*

**Policy 4.4.8 - Adverse Effects on the Amenity Values of Neighbouring Properties.**

*To ensure that the effects associated with some activities including (but not limited to):*

- (a) *Noise (including noise associated with traffic generation, night time operations), and vibration,*
- (b) *The generation of a high level of traffic, in particular heavy vehicles,*
- (c) *Glare, particularly from building finish,*
- (d) *A reduction in visual amenity due to excessive signage and the storage of goods or waste products on the site,*
- (e) *The generation of odour, dusts, wastes and hazardous substances, and*

- (f) *The use and/or storage of hazardous goods or substances do not significantly adversely affect the amenity values and privacy of neighbouring properties or the safe and efficient operation of the roading network.*

*do not significantly adversely affect the amenity values and privacy of neighbouring properties or the safe and efficient operation of the roading network.*

**Policy 4.4.9 - Effects of Rural Activities**

*To recognise that some rural activities, particularly those of a short duration or seasonal nature, often generate noise and other effects that can disturb neighbours by ensuring that new developments locating near such activities recognise and accept the prevailing environmental characteristics associated with production and other activities found in the Rural Resource Area.*

[144] In terms of Objective 4.3.1, while the proposal has the potential to provide for the social and economic wellbeing of communities due to the creation of jobs, as assessed above, I do not consider the application has considered the impact on cultural wellbeing as a result of this proposal, as shown through the submission of Kā Rūnaka. In addition to this, the applicant has not demonstrated that the environmental quality can be maintained and enhanced, through the proposal, by way of adequate mitigation measures, including conditions around the rehabilitation and the potential, landscape, noise, ecological and rural amenity effects throughout the consent's proposed duration of 10 years.

[145] As assessed above in this report, I do not consider that this proposal maintains and where practicable enhances rural amenity values created by the open space, landscape, natural character and built environment values of the District's rural environment. While the applicant proposes to remediate the site following completion, which if undertaken effectively, will not impact the landscape and amenity values in the long term, the effects throughout the duration of the consent are anticipated to compromise the natural character of this environment. It is also important to note that the applicant has not taken the opportunity to enhance landscape values, through the use of planting along waterways, upon the completion of the activity. Ultimately the industrial nature of this activity, which will create noise effects beyond those currently experienced in the receiving environment and will be evident 12 hours per day in the week days and 6 hours per day on a Saturday, for a duration of 10 years will change the nature and character of this environment. As the rural amenity values will be compromised throughout the duration of this consent, and the activity is not compatible with the surrounding land uses, including existing residential dwellings and the cycle trail, I do not consider that this proposal is consistent with Objective 4.3.3 and Policy 4.4.2.



- [146] While the applicant is restricting access to part of the Clutha Gold cycle trail and an unformed public road which is used to access the Clutha River / Mata-au, they propose to construct alternative routes to the cycle trail and river. They have offered a condition to ensure that the alternative road and cycle trail are constructed and operational, prior to the restriction of these public assesses. I acknowledge that the change in route will alter the experience for those that use these public routes, particularly where the cycle trail currently runs adjacent to the river, and will instead be rerouted to run along Teviot Road for a short distance. I, therefore, do not consider that the application will enhance the access to the recreational resource, however, the alternative access will ensure access is maintained to the cycle trail and the river. I consider that the proposal is, therefore, partially consistent with Objective 4.3.4.
- [147] In terms of the natural character and quality of water resources as provided for in Objective 4.3.5, Objective 4.3.6, Policy 4.4.4, I acknowledge the applicant seeks to mitigate effects on water bodies by ensuring a 20-metre setback from waterbodies. Notwithstanding this, as noted earlier in this report, I defer to the findings of ORC in respect of the effect on the water resource.
- [148] While I acknowledge that mining activities are anticipated within the rural environment as stipulated in Policy 4.4.9, as opposed to the urban environment, I consider that this policy is referring to activities in the rural environment which are already established and to the impact of introducing new noise sensitive activities to this environment. As this is not a noise sensitive activity, I do not consider that the proposal will be impacted by existing rural activities in the receiving environment which may generate noise.
- [149] In terms of Objective 4.3.8 and Policy 4.4.7 no indigenous fauna and flora was witnessed on the site visit, and as stated in the biodiversity survey submitted by the applicant. However, a submission has indicated that skinks are present within the receiving environment, which has not been specifically considered in the biodiversity study. Without evidence to the contrary I consider that the proposal will potentially impact a habitat of indigenous fauna. Effectively, based on the information available, I am unable to conclude that this proposal is consistent with this objective and policy.
- [150] The proposal will not result in traffic generation that cannot be accommodated for in the existing roading network, glare or a significant reduction in visual amenity due to signage or visible storage of good or waste products, as these items will be largely screened. In terms of noise, as discussed in the assessment above, it is considered that noise as a result of the activity has the potential to create continuous and inappropriate change in the receiving environment. The proposal will not generate dust that cannot be managed, subject to the availability of water, or odour. Fuel storage

and use is proposed to be undertaken responsibly. Except for the effects of noise, the proposal is generally consistent with this Policy 4.4.8.

### **District Wide Matters**

#### **Objective 12.3.2 - Protection from Noise**

*To avoid, remedy or mitigate the adverse effects of noise on the District's amenity values and the health and wellbeing of the District's people.*

#### **Objective 12.3.3 - Reducing the Adverse Effects of Signs**

*To avoid, remedy or mitigate the adverse effects of signs on traffic and the general amenity values of the District while recognising that signs are a necessary adjunct to many activities.*

#### **Objective 12.3.4 - Avoidance, Remedying or Mitigation of Nuisances**

*To ensure that activities avoid, remedy or mitigate nuisance to adjoining properties from odour, dust, lightspill, glare and electrical interference*

#### **Policy 12.4.2 – Noise**

*To determine the suitability of noise generating activities in any given locality by having regard to:*

- (a) *The specific characteristics and amenity values of the locality from which the noise originates, and*
- (b) *The sound pressure level of the proposed activity, and*
- (c) *The frequency that the noisy activity takes place, and*
- (d) *The length of time that the noise continues, and*
- (e) *Any special characteristics of the noise,*

*to ensure that the adverse effects of noise on other activities and the natural and physical resources of the locality (including cumulative effects) reflect standards acceptable to the community.*

#### **Policy 12.4.6 - Public Safety and Information Signs**

*To enable the display of signs necessary for reasons of public safety and information within the District.*

#### **Policy 12.4.7 - Management of Nuisance Effects**

*To encourage resource users to adopt management practices that avoid, remedy or mitigate the adverse effects of:*

- (a) *odour,*
- (b) *lightspill and glare,*
- (c) *dust, and*
- (d) *electrical interference,*

*on the use and enjoyment of neighbouring properties.*

- [151] At the time of writing this report there is insufficient evidence to establish the proposal is consistent with Objective 12.3.2 and Policy 12.4.2.
- [152] The applicant proposes to establish a sign for the purpose of informing persons of the rerouted public unformed road and cycle trail. Subject to compliance with the signage standards, I consider the establishment of an information sign to be appropriate for the purpose of avoiding confusion for road and cycle trail users. The proposal is, therefore, considered to be consistent with Policy 12.4.6.
- [153] Given that no odour, glare and electrical interference are identified and lightspill and dust will be appropriately managed, it is considered that the proposal is consistent with Objective 12.3.4 and Policy 12.4.7.

### **District Wide Matters**

#### ***Objective 17.3.1 - Avoidance or Mitigation of Hazards***

*To avoid or mitigate the adverse effects of hazards, both natural and human induced, to limits acceptable to the community.*

#### ***Objective 17.3.2 – Integration with Structural Approach to Hazard Management***

*To integrate all controls imposed on land use relating to hazard avoidance or mitigation with physical works undertaken for that purpose.*

#### ***Policy 17.4.2 - Control of Land Use in Hazard Areas***

*To take into account the vulnerability of land and activities to hazard events when managing land uses in a particular area.*

#### ***Policy 17.4.4- Intensification of Hazard Effects***

*To ensure that the location, design and/or operation of subdivision and land use activities does not increase the intensity and frequency of existing hazards unless such adverse effects can be avoided, remedied or mitigated.*

#### ***Policy 17.4.5 - Hazardous Substances and Processes***

*To ensure that activities which involve the use, production or transportation of hazardous substances, and/or hazardous processes are designed and/or located in a manner that avoids or mitigates any risk to the environment and the community's health and safety, to a level that is acceptable to the community.*

#### ***Policy 17.4.7 - Land Management Practices***

*To encourage appropriate land management practices in catchment areas and other areas threatened by erosion that will reduce and/or mitigate the effects of erosion and the effects of flooding.*

- [154] The applicant does not propose any buildings within the flood hazard area onsite, and while earthworks are proposed, the flood hazard report provided with the application concludes that the proposed activity is not expected to adversely affect or exacerbate off-site flood hazard. The proposal is therefore considered to be consistent with Objective 17.3.1, Policy 17.4.2 and Policy 17.4.4.
- [155] The application does not propose to keep hazardous substances in areas of land that are subject to hazards, therefore the proposal is considered to be consistent with Policy 17.4.5. In addition to this, if the panel is of mind to grant consent, it is expected that the storage of hazardous substances can be managed by conditions of consent.
- [156] The Geosolve Report states that approximately 2% of the mine site, near the Tima Burn, could be susceptible to flooding, but only during a 100-year ARI storm event or greater and that this flooding can be managed by the applicant onsite. I note that the applicant has not provided detail of the management approach or certified this approach by a suitably qualified person. I, therefore, cannot conclude that the application is consistent with Objective 17.3.2 and Policy 17.4.7.
- [157] Overall, I consider that there is insufficient evidence available at the time of writing this report to determine that the proposal is consistent with the above objectives and policies in respect of ecological, cultural, natural hazard and rural amenity values (noise and landscape).

### **Partially Operative and Proposed Regional Policy Statements**

- [158] Section 104(1)(b)(v) of the Act requires that any relevant regional policy statements be taken into account.
- [159] The Partially Operative Regional Policy Statement for Otago (PORPS) was made partially operative on 14 January 2019 and fully operative on 15 March 2021. Specific to this proposal are the following policies:

#### **Objective 1.1 Otago's resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities.**

- *Policy 1.1.1 Economic Wellbeing*
- *Policy 1.1.2 Social and cultural wellbeing and health and safety*

[160] The social and economic wellbeing of Otago's communities depends on use and development of natural and physical resources. Loss or degradation of resources can diminish their intrinsic values and constrains opportunities for use and development now and into the future. Resource management decisions need to recognise that individual and community wellbeing depends on use, development and protection of natural and physical resources. The above objective and policies seek to provide for the economic wellbeing of Otago's people and communities by enabling the resilient and sustainable use and development of natural and physical resources. The proposal seeks to provide for the applicant's economic and social wellbeing but has not adequately addressed the effects on Kāi Tahu values, or demonstrated that the proposal will benefit the local economy. I assess that the proposal is partially consistent with this objective and policies.

**Objective 2.2 Kāi Tahu values, interests and customary resources are recognised and provided for.**

- *Policy 2.2.1 Kāi Tahu wellbeing*
- *Policy 2.2.2 Recognising sites of cultural significance*
- *Policy 2.2.3 Wāhi tūpuna and associated sites*

[161] In managing natural and physical resources, local authorities need to recognise Kāi Tahu values, take into account Kāi Tahu plans, and the exercise of their customary rights. Kāi Tahu's traditions, culture and practices are intricately linked with their ancestral lands, water, sites, wāhi tapu, and other taoka. When considering the submission of Kā Rūnaka, I do not consider that the proposal has taken Kāi Tahu values and interests into account, therefore, the proposal is inconsistent with the above objective and policies.

**Objective 3.1 The values (including intrinsic values) of ecosystems and natural resources are recognised and maintained, or enhanced where degraded.**

- *Policy 3.1.1 Fresh water*
- *Policy 3.1.2 Beds of rivers, lakes, wetlands, and their margins*
- *Policy 3.1.9 Ecosystems and indigenous biological diversity*
- *Policy 3.1.11 Natural features, landscapes, and seascapes*

[162] Degradation of natural values and natural systems compromises the life-supporting capacity of the environment, the intrinsic values of ecosystems and the ecosystem services they provide. There is often conflict between the many values of natural resources and human use of those resources. As noted previously the effects of the proposal on instream ecosystems and freshwater is to be fully assessed by ORC. Further to this, as detailed above, while a biodiversity study was completed by the applicant, which considered the vegetation onsite, it did not address the effects relating to the modified habitat for fauna and the potential presence of skinks. I, therefore, do

not consider that sufficient information has been provided to determine if the proposal is consistent with Policy 3.1.9.

**Objective 5.1 Public access to areas of value to the community is maintained or enhanced.**

- *Policy 5.1.1 Public Access*

[163] Limiting public access to areas of value to the community is sometimes inappropriate. The ability to access the natural environment and areas of cultural and historic significance is highly valued by the community and contributes significantly to the tourism economy. I have assessed that the proposal will maintain reasonable public access to the river and the cycle trail. While access to the northern paper road will be restricted, this road only provides access to private properties, whereby all owners and occupiers have provided written approval. I, therefore, do not consider that the proposal is inconsistent with this objective and policy.

[164] The Proposed Regional Policy Statement 2021 was notified on 26 June 2021. On 15 September 2022, ORC determined that parts of the RPS 21 were directly related to the maintenance and enhancement of freshwater and therefore comprised a freshwater planning instrument. Those parts are now excluded from consideration under the Schedule 1 to the Resource Management Act process. The freshwater planning instrument parts of the PORPS21 were notified on 30 September 2022.

[165] Decisions have not been released for either part of the Proposed RPS 21 and little weight can be given to these. Key objectives and policies are identified below:

- *MW-O1 – Principles of Te Tiriti o Waitangi*
- *MW-P2 – Treaty principles*
- *MW-P3 – Supporting Kāi Tahu well-being*
- *IM-O2 – Ki uta ki tai*
- *IM-P2 – Decision priorities*
- *IM-P4 – Setting a strategic approach to ecosystem health*
- *LF-WAI-O1 – Te Mana o te Wai*
- *LF-WAI-P1 – Prioritisation*
- *LF-WAI-P2 – Mana whakahaere*
- *LF-WAI-P3 – Integrated management/ki uta ki tai*

- *LF-WAI-P4 – Giving effect to Te Mana o te Wai*
- *LF-VM-O2 – Clutha Mata-au FMU vision*
- *LF-VM-O7 – Integrated management*
- *LF-FW-O8 – Freshwater*
- *LF-FW-O10 – Natural character*
- *LF-FW-P12 – Protecting outstanding water bodies*
- *LF-FW-P13 – Preserving natural character*
- *LF-FW-P14 – Restoring natural character*

[166] Rūnaka have been engaged in the submission process. At the time of writing this report, I consider that the applicant has not established that the proposal supports Kāi Tahu wellbeing.

[167] Te Mana o te Wai must be given effect to when making decisions affecting freshwater, including when interpreting and applying the provisions of the LF chapter, the submission of Kā Rūnaka raises concerns with the effects of the mining activity on Wai Māori and Te Mana o te Wai and states that the proposal, “... does not recognise and sustain the connections and interactions between surface water bodies and the aquifer, nor does it sustain the on-going relationship of Kāi Tahu with wāhi tūpuna in this catchment.”<sup>27</sup> I note that freshwater management is primarily within the remit of ORC, and without future evidence to the contrary I cannot conclude that this proposal gives effect to Te Mana o te Wai.

[168] The natural character of the Clutha River / Mata-au is not expected to be affected from the proposed activity as the form of the river remains unchanged, the river margin is avoided and a setback of 20 metres from water bodies is proposed.

[169] As noted previously, any ecological adverse effects on the waterbody and water quality are to be assessed by ORC at this time.

### **Iwi Management Plan**

[170] The Kāi Tahu Ki Otago Natural Resource Management Plan 2005 (NRMP) has been reviewed in respect of this application.

[171] Rūnaka are best placed to determine if an activity is consistent with the policies of their plan. I consider that the submission of Ka Rūnaka provides a more authoritative

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<sup>27</sup> See paragraph 8.15 of the submission

assessment of cultural values specific to the proposal, than could be completed by my interpretation of the policy framework set out in the NRMP.

[172] In this regard, the assessment relevant to the NRMP contained within the submission is relied upon at this time. As noted previously, the submission raises concerns that the cultural impacts of the proposal have not be adequately addressed.

### **National Policy Statement for Indigenous Biodiversity**

[173] The National Policy Statement for Indigenous Biodiversity (NPS-IB) is effective from 4 August 2023. In Section 1.6 of the NPS-IB 'Indigenous Biodiversity' is defined as "*the living organisms that occur naturally in New Zealand, and the ecological complexes of which they are part, including all forms of indigenous flora, fauna, and fungi, and their habitats*". As a submitter on a neighbouring property has identified that there are skinks<sup>28</sup> within the receiving environment, and there is no evidence provided by the applicant to the contrary, an assessment of the NPS-IB is undertaken as follows.

[174] The principal objective of the NPS-IB is to:

- (a) maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and
- (b) to achieve this:
  - (i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and
  - (ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and
  - (iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and
  - (iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.

[175] The policies relevant to this proposal are as follows:

***Policy 1:*** *Indigenous biodiversity is managed in a way that gives effect to the decision-making principles and takes into account the principles of the Treaty of Waitangi.*

***Policy 2:*** *Tangata whenua exercise kaitiakitanga for indigenous biodiversity in their rohe, including through:*

- (a) *managing indigenous biodiversity on their land; and*

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<sup>28</sup> Native lizards to New Zealand.



- (b) *identifying and protecting indigenous species, populations and ecosystems that are taonga; and*
- (c) *actively participating in other decision-making about indigenous biodiversity.*

**Policy 3:** *A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.*

**Policy 4:** *Indigenous biodiversity is managed to promote resilience to the effects of climate change.*

**Policy 5:** *Indigenous biodiversity is managed in an integrated way, within and across administrative boundaries.*

[176] The NPS-IB requires partnership with Iwi and the recognition of the mana of tangata whenua as kaitiaki of indigenous biodiversity. In the case of this application, Kā Rūnaka has submitted in opposition to this proposal and have raised significant concern over effects on aquatic ecology as a result of the discharge of contaminants, and suggested that the proposal should restore biodiversity values in the catchment, through a rehabilitation plan. While I defer the assessment on aquatic ecology to ORC, the assessment on potential skinks in the area has not been considered by the applicant or in the biodiversity survey, provided by the applicant on 5 April 2024.

[177] The NPS-IB Clause 3.7 and Policy 3 requires local authorities to adopt a precautionary approach toward proposed activities where the effects on indigenous biodiversity are uncertain, unknown, or little understood and where effects could cause significant or irreversible damage to indigenous biodiversity. In the case of this application, while the applicant has provided a biodiversity survey from a suitably qualified and experienced ecologist, I do not consider that this assessment has adequately assessed the effect on fauna, as a result of the modifications to the site.

[178] Overall, without any evidence to the contrary I consider that this proposal is inconsistent with the NPS-IB, given the opposition by tangata whenua, and when taking a precautionary approach, I cannot confirm that biodiversity will be managed in an integrated way, with regard to the potential effect on skinks.

## **Part 2 of the RMA**

[179] The purpose of the RMA to promote the sustainable management of the natural and physical resources detailed below:

*managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to*

*provide for their social, economic and cultural well being and for their health and safety while:*

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations: and*
- (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems: and*
- (c) Avoiding, remedying, or mitigating any adverse effect of activities on the environment.*

[180] With regard to matters of national importance as identified in Section 6 of the Act, the following provisions are considered relevant to this proposal:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- (b) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- (c) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- (d) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

[181] I have assessed that the proposal will not adversely affect the natural character of the river or its margins and will maintain public access along the river. I note the deferral of the assessment on the protection of areas of significant instream indigenous vegetation and instream habitats of indigenous fauna to ORC. As detailed earlier in this report, the applicant has provided a biodiversity survey on 5 April 2024, which noted that there was no significant indigenous biodiversity present on the site. Notwithstanding this, the effect on potential skinks present in the area has not been considered by the applicant or in the biodiversity survey, therefore I cannot conclude that the proposal will protect significant habitats of indigenous fauna.

[182] At the time of writing this report, I consider that the applicant has not established that the proposal recognises and provides for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

[183] In respect of the other matters set out in Section 7, the proposal is assessed against the following relevant matters:

- 7(a) kaitiakitanga
- 7(b) the efficient use and development of natural and physical resources:
- 7(c) the maintenance and enhancement of amenity values:
- 7(f) maintenance and enhancement of the quality of the environment:
- 7(g) any finite characteristics of natural and physical resources:

[184] Given the unquantified effects relating to noise, biodiversity, natural hazards, landscape and cultural values, I consider that the applicant has not established that the proposal has had adequate regard to kaitiakitanga and the maintenance and enhancement of amenity values.

[185] At the time of writing this report, it has not been established that the proposal gives effect to Section 5 of the Act.

### **Offsetting or Compensation Measures**

[186] In accordance with Section 104(1)(ab) of the RMA, consideration for offsetting or compensation measures is required. The applicant has not offered offsetting or compensation measures and at this time the need for offsetting or compensation measures has not be identified.

### **Other Matters**

[187] Section 104(1)(c) of the Resource Management Act 1991 requires the Hearings Panel to have regard to any other matters considered relevant and reasonably necessary to determine the application. Given the previous assessment, I consider that there are no additional matters pertaining to the application which need to be considered.

## **RECOMMENDATION**

[188] This report has considered the statutory requirements of section 104 of the RMA. My assessment details that while Hawkeswood Mining can appropriately avoid or mitigate the majority of adverse effects, there is uncertainty regarding the rural amenity (noise, and landscape), biodiversity, and natural hazard effects and that these could be potentially significantly adverse and unacceptable on a number of sensitive receivers who have not provided their written approval, and on the wider environment. Furthermore, at the time of preparing this s42A report, I consider that there is insufficient information to properly evaluate the potential effects on the impact of the development on cultural and heritage effects, which could potentially be significantly adverse and unacceptable.

[189] These conclusions flow through to the assessment of the relevant statutory documents which has identified common themes in these provisions regarding biodiversity, amenity values and tangata whenua cultural values. In my view based on the preceding analysis, the alluvial gold mine as currently proposed, cannot be found to be consistent with these common themes in the relevant statutory documents nor can it meet the sustainable management purpose of the Act outlined in Part 2.

[190] Overall, based on the evidence presented by the applicant at the time of preparing this s42A report, the peer reviews undertaken by the technical experts engaged by council, and the submissions received, it is my opinion that consent for the proposal should be **refused**.

[191] I also seek to reserve the right to review the assessment prepared on behalf of ORC in respect of instream ecological and habitat effects and the capacity for the proposal to safeguard the life supporting capacity of water and confirm my support (or otherwise) of the findings of the ORC s42A report as these reasonably apply to the planning framework for CODC.

[192] Should the Panel be of a mind to grant consent, I have prepared a suite of draft conditions to be considered.



Olivia Stirling  
**Consultant Planner**

## Appendix 1: Recommended conditions of consent

### General

1. The gold mining activity must be carried out in accordance with the plans and all information submitted with the application, further information, additional information provided at the hearing and the plans attached to this consent:
  - Site plan, titled '*Site Plan - Start Millers Flat Alluvial Gold Mine*', dated 26 February 2024 and prepared by Overview Surveying;
  - Site plan, titled '*Site Plan – Stage 1 Millers Flat Alluvial Gold Mine*', dated 20 February 2024 and prepared by Overview Surveying;
  - Site plan, titled '*Site Plan – Stage 2 Millers Flat Alluvial Gold Mine*', dated 20 February 2024 and prepared by Overview Surveying;
  - Site plan, titled '*Site Plan – Start of Stage 3A Millers Flat Alluvial Gold Mine*', dated 20 February 2024 and prepared by Overview Surveying;
  - Site plan, titled '*Site Plan – Start of Stage 3B Millers Flat Alluvial Gold Mine*', dated 6 March 2024 and prepared by Overview Surveying;
  - Site plan, titled '*Site Plan – Start of Stage 4, Millers Flat Alluvial Gold Mine*', dated 6 March 2024 and prepared by Overview Surveying;
  - Site plan, titled '*Site Plan – Mid Stage 4, Millers Flat Alluvial Gold Mine*', dated 6 March 2024 and prepared by Overview Surveying;
  - Site plan, titled '*Site Plan – End of Stage 4, Millers Flat Alluvial Gold Mine*', dated 7 March 2024 and prepared by Overview Surveying.
2. If there are any inconsistencies between the information provided in the application and the conditions of this consent, the conditions of this consent will prevail.
3. All persons visiting or working onsite must read and be familiar with the conditions of these consents. A copy must be kept onsite at all times.
4. The consent holder shall pay to the Council all required administration charges fixed by the Council pursuant to section 36 of the Act in relation to:
  - a) Administration, monitoring and inspection relating to this consent; and
  - b) Charges authorised by regulations
5. The consent holder is:
  - a) responsible for all contracted operations relating to the exercise of this consent; and
  - b) to ensure that all personnel (contractors) working on the site are made aware of the conditions of this consent, have access to the contents of consent

documents and to all associated erosion and sediment control plans and methodology; and

- c) to ensure compliance with land use consent conditions.
6. The lapse date for the purpose of Section 125 shall be 6 years from the date of granting the consent.
7. The volume of material extracted within the application area shall not exceed 11.9 million cubic metres over an area of 68 hectares.
8. There shall be no more than 20 persons engaged in the activity at any one time.
9. The active work area shall be limited to 12 hectares at any one time.

### **Management Plan**

10. A Gold Mine Management Plan (GMMP) shall be submitted to the Central Otago District Council's Chief Executive within 1 month of the date of this consent for certification that documents, as a minimum:
  - a. A plan showing the areas of extraction, the location of the screening and crushing plant, and the location of stockpiles;
  - b. The contact details of the Gold Mine manager;
  - c. A description of all relevant site operations and procedures;
  - d. All operational traffic aspects;
  - e. All consent conditions and any other mitigation measures to be employed to minimise environmental effects and/or adhere to best practice;
  - f. Relevant monitoring and reporting requirements;
  - g. Details of progressive rehabilitation during the operation of the Gold Mine.
11. Works authorised by this consent must not commence until the Consent Holder has received written certification of the GMMP from Central Otago District Council. Notwithstanding this, the works may proceed if the Consent Holder has not received a response from the Central Otago District Council within 20 working days of the date of the submission of the GMMP.

### **Diesel Storage**

12. Prior to the exercise of this consent, the Consent Holder must ensure that diesel is stored on-site within a containment facility that adheres to the Health and Safety at Work (Hazardous Substances) Regulations 2017, and shall demonstrate that:

- a) an industry standard hose and filler nozzle with automatic cut-off is fitted for refuelling equipment;
  - b) an additional shutoff valve is fitted to the handle and a remote stop push button and cable accessible at the filler nozzle location to stop the pump at the bulk tank;
  - c) the bulk onshore fuel tank is double skinned or bunded and is located in an area which is setback 50 metres from water bodies and located above 1 in 100-year flood levels, in a safely accessible location;
  - d) the Consent Authority is provided with written notice and a plan which shows the location of the fuel tank prior to the tank be located;
  - e) spill kits are located at the tank; and
  - f) all staff receive training in the location and use of spill kits.
13. In the event of a spill of fuel or any other contaminants, the consent holder shall clean up the spill as soon as practicable and take measures to prevent a recurrence.
14. The consent holder shall inform the Central Otago District Council and Millers Flat Water Company Limited within 24 hours of any spill event greater than 4 litres and shall provide the following information:
- a. The date, time, location and estimated volume of the spill;
  - b. The cause of the spill;
  - c. The type of contaminant(s) spilled;
  - d. Clean up procedures undertaken;
  - e. Details of the steps taken to control and remediate the effects of the spill on the receiving environment; and
  - f. An assessment of any potential effects of the spill and measures to be undertaken to prevent a recurrence.

### **Natural Hazards**

15. That prior to the commencement of mining operations, including the erection of any buildings, that sufficient water volume, pressure and flows in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 shall be provided.
16. Prior to any works onsite the consent Holder shall prepare and submit to Council's Chief Executive a Site Emergency Management Plan (SEMP), prepared in consultation with Fire and Emergency New Zealand. This should include procedures to manage the risk from and contingency for:

- a) Fire
- b) Mining explosion
- c) Forecast Extreme weather events
- d) Flooding

17. Works within the 2% of the mine site, near the Tima Burn, which could be susceptible to flooding, as identified in the report prepared by GeoSolve, titled *Flood Hazard Assessment Millers Flat Alluvial Goldmine 1346-1536 Teviot Road, Millers Flat Roxburgh* (Geosolve Report), shall be completed and the area backfilled within 6 months.

### **Transport**

18. Prior to any works onsite, the applicant shall demonstrate that, either,

- a) The southern access be upgraded to be hard surfaced from the edge of the seal on Teviot Road for a distance of not less than 5.0m toward the property boundary, and be adequately drained (in general accordance with Figure 12.2 of the CODP), if it is used concurrently with the northern access, and;
- b) If the northern access is used concurrently with the southern access, it shall be upgraded to be hard surfaced from the edge of the seal on Teviot Road for a distance of not less than 5.0m toward the property boundary, and adequately drained (in general accordance with Figure 12.2 of the CODP), or;
- c) If either the southern or northern access is to serve as the only entrance to the site, the accessway must be upgraded to meet the standards outlined in Figure 12.3 of the CODP.

19. The vehicle accesses shall be designed by a suitably qualified person, to carry the volume and weight of traffic that will use the accesses.

### **Wastewater management**

20. Prior to the operation of the gold mine, two portalooos shall be established onsite.

21. Prior to the operation of the gold mine, a wastewater management plan shall be submitted and approved by Central Otago District Council's Chief Executive.

### **Annual work program and reporting**

22. An annual work program must be prepared and submitted to the Central Otago District Council, and must, at a minimum include, but not be limited to:



- a) Maps highlighting the extents of the activity and also the associated GPS coordinates;
- b) Monitoring requirements;
- c) The means of receiving and dealing with any complaints; and
- d) Emergency contact phone numbers.

23. A record of activity undertaken in accordance with this consent must be submitted to the Central Otago District Council by 28 February annually, and made available for inspection at other times upon request. The report must at a minimum include:

- a) Records showing the location of activity complied with the annual work program, including the provision of GPS coordinates, quantities of earthworks undertaken, and the progression through the relative stages.
- b) A record of any complaints received including:
  - i. The date, time, location and nature of the complaint;
  - ii. The name, phone number, and address of the complainant, unless the complainant elects not to supply this information;
  - iii. Action taken by Consent Holder to remedy the situation and any policies or methods put in place to avoid or mitigate the problem occurring again.

## **Operational Matters**

### ***Noise and vibration***

24. With exception to a water cart for dust control or dewatering pumps, all mining and processing activity on the site, including heavy plant and truck movements, must only take place between 07:00 and 19:00, Monday to Friday, and 07:00 to 13:00, on Saturdays.

25. With exception to dust control, works must not be undertaken on any Sunday or public holiday.

26. The earth bunds illustrated in the approved site plans, must be constructed before any mining and processing activity authorised by this consent takes place on the site. The height of these bunds must be no less than 4 metres except for the bund along the south-eastern boundary of the site which must be no less than 3 metres high.

27. All activities except the operation of dewatering pumps must be conducted so as to ensure the following noise limits are not exceeded at any point within the notional boundary of any dwelling or rest home, or at any point within any Residential Resource Area or the Rural Residential Resource Area:

- i. On any day 07:00 to 22:00: 55 dBA L<sub>10</sub>
- ii. 22:00 to 07:00 the following day: 40 dBA L<sub>10</sub> and 70 dBA L<sub>max</sub>.

*Note: These noise limits will apply at any new notional boundary that is established after the date of this consent.*

28. Dewatering pumps on site must be designed and operated to generate noise levels no greater than 25 dBA L<sub>10</sub> at any notional boundary not on the subject site.
29. Site-based trucks, plant, and machinery must not be fitted with tonal reversing alarms. Broadband reversing alarms are permitted.
30. All vibration generated on the site must comply with the guideline vibration values of DIN 4150-3:1999 Vibrations in buildings – Part 3: Effects on structures.
31. The consent holder must submit an Operational Noise Management Plan (ONMP) to Central Otago District Council for certification before any construction, mining, or processing activity authorised by this consent takes place. The objectives of the ONMP are to set out the methods and procedures required to adopt the best practicable option for minimising noise and vibration emissions from all aspects of the consented activities, and to ensure that noise and vibration consistently complies with the consented limits. The ONMP must include:
  - i. The consented noise and vibration limits.
  - ii. Requirements and procedures for noise monitoring to ensure consistent compliance with the noise limits in this consent.
  - iii. Procedures for communicating effectively with neighbours.
  - iv. Procedures for receiving and responding to complaints about noise and vibration.
  - v. Procedures for staff and contractors to follow to minimise noise and vibration emissions.
  - vi. Practicable management and mitigation measures for complying with the consented limits and reducing noise and vibration effects at the neighbouring notional boundaries.

### ***Lightspill***

32. Prior to the use of onsite lights, a suitably qualified person shall measure and verify that lighting complies with Condition 33 of this consent.
33. No activities are permitted to result in greater than 10 lux spill (horizontal and vertical) of light onto any adjoining property or road, measured at the boundary of a road or the notional boundary of a neighbouring property. The amount of light that may be spilled onto a neighbouring property may be increased by not more than 100%, in cases where the activity on that neighbouring property is not residential

### ***Landscape***

34. Gravel stockpiles shall be no higher than 7 metres above natural ground level.

35. Bunding established in accordance with condition 25 shall be grassed and associated irrigation must be established.
36. The bunds for each stage as shown in the approved site plans, shall remain in place until all work is completed in the relative stage.
37. Areas where mining is complete shall be reinstated as soon as possible to blend naturally with surrounding contours and shall be established in pasture.
38. All works including bunding shall be set back a minimum of 20 metres from the banks of the Tima Burn and the Clutha River / Mata-au.
39. All containers and buildings on the site are to be finished in the same colour, which shall be Resene Iron Sand (LRV – 9%). The container shelter fabric shall be a dark green colour to blend as close as possible with the containers.

### **Signage**

40. Prior to the closure of the paper road on the southern and northern side of the site, signage shall be established to inform the public of the duration of the closure of the relative paper road. Information signage shall be established to detail the location of the alternative access.
41. Prior to the relocation of the cycle trail, signage shall be established to inform the public of the duration of the relocation of the cycle trail. Information signage shall be established to detail the location of the alternative route.
42. Any signage on the site shall be designed and sited to comply with Rule 4.7.6H of the Central Otago District Plan or be updated accordingly.

*Note: Rule 4.7.6H stipulates that signs on any site shall comply with the following standards:*

- i Shall be situated on the property to which they relate provided that no more than two pre warning signs having a maximum area of 1m<sup>2</sup> each are permitted within 500 metres of the site entrance.*
- ii Shall comprise a single sign not exceeding a total of 3m<sup>2</sup> in area.*
- iii Shall not obscure driver visibility to and from access ways.*
- iv Shall not be constructed using reflective material or flashing or animated components*
- v Shall not be illuminated.*
- vi Shall comply with Rule 12.7.5(v) at page 12:21 of the District Plan.*

### ***Public access***

43. Prior to restricting public access to the Clutha River / Mata-au via the paper road adjacent to 1534 Teviot Road, Millers Flat, the consent holder shall provide an alternative public access route to the Clutha River / Mata-au within 1km of the existing location and constructed to a similar standard.
44. The consent holder shall ensure that mining work does not prevent public access to the Clutha Gold cycle trail. The cycle trail may be temporarily diverted in accordance with the approved plans, to enable ongoing public use and access.

### ***Transport***

45. If transportation of machinery into or out of the site is anticipated to affect the normal operating conditions of the transport network, the applicant shall prepare and submit a traffic management plan to Central Otago District Council for approval.

### ***Water supply***

46. The consent holder shall not interfere with the water infrastructure located within the northern paper road, until the consent holder has provided written confirmation to Central Otago District Council from Millers Flat Water Company Limited that an alternative has been agreed for the provision of water infrastructure for the users that are affected.

### ***Stormwater***

47. Stormwater from buildings and other impervious surfaces within the proposed land-use area shall be via soak-pit, or other water containment and soakage construction, designed by a suitably qualified and experienced person within the area of the proposed land-use activity.

### ***Dust suppression***

48. The consent holder shall comply with the Dust Management Plan provided with resource consent application RC230325 throughout the duration of this consent.
49. A minimum of two individuals shall be trained to implement the dust management plan.

### ***Archaeological sites***

50. If the consent holder:

- a) discovers koiwi tangata (human skeletal remains), waahi taoka (resources of importance), waahi tapu (places or features of special significance) or other Maori artefact material, the consent holder must without delay:
  - i) notify the Consent Authority, Tangata whenua and Heritage New Zealand and in the case of skeletal remains, the New Zealand Police.
  - ii) stop work within the immediate vicinity of the discovery to allow a site inspection by Heritage New Zealand and the appropriate runanga and their advisors, who must determine whether the discovery is likely to be extensive, if a thorough site investigation is required, and whether an Archaeological Authority is required.

Site work may recommence following consultation with the Consent Authority, Heritage New Zealand, Tangata whenua, and in the case of skeletal remains, the New Zealand Police, provided that any relevant statutory permissions have been obtained.

- b) discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the consent holder must without delay:
  - i) stop work within the immediate vicinity of the discovery or disturbance; and
  - ii) advise the Consent Authority, Heritage New Zealand, and in the case of Maori features or materials, the Tangata whenua, and if required, must make an application for an Archaeological Authority pursuant to Heritage New Zealand Pouhere Taonga Act 2014; and
  - iii) arrange for a suitably qualified archaeologist to undertake a survey of the site.

Site work may recommence following consultation with the Consent Authority.

51. The consent holder shall comply with the recommendations of the Archaeological Report, prepared by New Zealand Heritage Properties Ltd, dated March 2024 and provided as part of the application for RC230325.

### **Closure and rehabilitation**

52. At least five years prior to ceasing the extraction activities, the consent holder shall submit to the Central Otago District Council for approval a Closure and Rehabilitation Plan for the site. The Closure and Rehabilitation Plan shall provide for:

- a. Removal of all buildings, other structures and plant from the site.
- b. Recontouring of the land to provide a stable profile.
- c. Management of dust to avoid nuisance beyond the site.

- d. Re-establishment of topsoil and grass utilising best practice.
- e. Appropriate drainage of the site, to avoid uncontrolled runoff into any water body.
- f. Leaving the site in a clean and tidy state.

53. The Closure and Rehabilitation Plan shall be prepared in consultation with adjoining landowners and Kāi Tahu. Feedback received from those persons shall be included in the information for Central Otago District Council.

54. The Closure and Rehabilitation Plan shall be implemented noting that no construction or earthworks be undertaken within 20 metres of water bodies onsite.

55. When the mining operation is complete, the Closure and Rehabilitation Plan shall be implemented. This final rehabilitation is to be completed within the 6-year timeframe.

### **Bond**

56. Prior to the commencement of this consent, the consent holder shall provide to Central Otago District Council, evidence of the cost based on the consumer price index (CPI) for implementing the Closure and Rehabilitation Plan as detailed in Condition 52. This cost shall be agreed by the Council, prior to the exercise of the consent.

57. Prior to the commencement of this consent, the consent holder shall enter into an enforceable agreement and bond with the Council for a sum as determined in Condition 56 (and this shall be adjusted annually on the anniversary of the land use consent to increase the bond amount based on the consumer price index (CPI) or to be reduced on a pro rata basis if areas of rehabilitation have been completed that year). If following the closure of the mine the consent holder defaults on implementing the Closure and Rehabilitation Plan, this bond is to meet the cost of – removal of any plant or buildings, recontouring of the gold mine area, respreading of subsoils and topsoil, re-establishing grass, an establishment of drainage sufficient to meet the post mining land use and leaving the land in a clean and tidy state.

### **Review of consents**

58. The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions of this consent during the period of three months either side of the date of granting of this consent each year, or within two months of any enforcement action

taken by the Consent Authority in relation to the exercise of this consent, for the purpose of:

- a) Determining whether the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, or which becomes evident after the date of commencement of the consent;
- b) Ensuring the conditions of this consent are consistent with any National Environmental Standards, relevant regional plans, and/or the Otago Regional Policy Statement;
- c) Reviewing the frequency of monitoring or reporting required under this consent.

## Appendix 2: Summary of Submissions

Submitter	Status	Relief Sought	Wishes to be heard
William Noel Berker	Support	<p>The submitter supports the application for the following reasons:</p> <ul style="list-style-type: none"> <li>• The mining operation will provide up to 20 jobs; (presumably sourced locally) for the duration of mining.</li> <li>• There will be flow-on effects within Millers Flat and wider district for products and services required by the mining operation;</li> <li>• The land which will be mined will be restored to a post-mining contour in at least the same condition and some parts will be in better condition than that which existed pre-mining (particularly former dredge tailings, as observed in Hawkeswood Mining Ltd.'s rehabilitation in other alluvial mining sites (Olrig Station and Garvieburn).</li> </ul>	No
Kathy Wallace	Support	The submitter is supportive as the proposal is great for employment.	Not specified
Kenice Sutherland	Support	<p>The submitter is supportive as:</p> <ul style="list-style-type: none"> <li>• The land will go because the land will go back to the way it was if not better.</li> <li>• The proposal will create jobs for the community.</li> </ul>	Yes
Ryker Johnstone	Support	<p>The submitter is supportive as:</p> <ul style="list-style-type: none"> <li>• Jobs will be created.</li> <li>• Supporting my dad.</li> </ul>	No
Eva Johnstone	Support	<p>The submitter is supportive as:</p> <ul style="list-style-type: none"> <li>• Jobs will be created.</li> <li>• Supporting my dad.</li> </ul>	No
Melissa Barbour	Support	<p>The submitter is supportive:</p> <ul style="list-style-type: none"> <li>• For jobs.</li> <li>• For profit for the community.</li> </ul>	Not specified



Garry John Marsh	Support	The submitter is supportive as it creates employment and stability to the community.	No
Mark Muirhead	Support	The submitter is supportive as the proposal provides for: <ul style="list-style-type: none"> <li>• Employment in the area.</li> <li>• Improvement of the land when finished.</li> </ul>	No
Kristin Powell	Support	The submitter seeks the unconditional grant of consent, and is supportive as the proposal: <ul style="list-style-type: none"> <li>• Is great for the economy;</li> <li>• Creates jobs in the area;</li> <li>• Is great for local community.</li> </ul>	No
Shanon Hughes	Support	No relief specified	No
Jasmine Stewart	Support	No relief specified	No
Shannon Morris	Support	No relief specified	No
Ashley Joanne Ryan	Support	No relief specified	No
Ryan Ian Ward	Support	No relief specified	No
Wayne Gray	Support	No relief specified	No
Simone Chick	Support	No relief specified	No
Grant Maynard	Support	No relief specified	No
Grant Anderson	Unspecified	No relief specified	No
Samual James Carson	Support	No relief specified	No
Tane Russel	Support	No relief specified	No
Owen Philip	Support	No relief specified	No
Lachlan McLean	Support	The submitter supports the proposal as it will be great for the area.	No
Kirstie Cairns	Support	No relief specified	No

Trevor Breen	Support	No relief specified	No
Sandra Jane Eastwood	Support	No relief specified	No
Croz Crosbie	Support	No relief specified	No
Gareth Davis Wilson	Support	No relief specified	No
Gabriel Campbell-Lloyd	Support	The submitter supports the proposal.	No
Noeline Laela Campbell	Support	No relief specified	No
Kaylene Merret	Support	No relief specified	Yes
Caitlin Grace Gouman	Support	No relief specified	No
Rhonda Korteweg	Support	The submitter supports the proposal.	No
Natasha Barnett	Support	No relief specified	No
Zoe Roxburgh	Support	No relief specified	No
Carmen McArthur	Support	No relief specified	No
Kay Bichan	Support	No relief specified	No
Hayley Birchan	Support	No relief specified	No
Raewyn Margaret Sinclair	Support	No relief specified	No
Rebeckah Rolleston	Support	No relief specified	No
Anne Bichan	Support	No relief specified	No
Corey Bichan	Support	No relief specified	No

Jay Bichan	Support	No relief specified	No
Sharni Bichan	Support	No relief specified	No
Ashlea Meadows	Support	No relief specified	No
Shane Bichan	Support	No relief specified	No
James Alexander Meadows	Support	No relief specified	No
Tim McArthur	Support	No relief specified	No
Adam David Turnbull	Support	No relief specified	No
Dave Bichan	Support	No relief specified	No
Caleb Leonard	Support	No relief specified	No
Daniel Dave Mills	Support	No relief specified	No
Stephan John Korteweg	Support	No relief specified	No
Donna Stevenson	Support	The submitter supports the proposal.	No
Lynda Cunningham	Support	No relief specified	No
Murray Arthur Bichan	Support	No relief specified	No
Anne Sinclair	Support	No relief specified	No
Shannen Storer	Support	No relief specified	No
Alister Chalmers	Support	No relief specified	No
Taylor Bichan	Support	No relief specified	No

John Philips Sinclair	Support	No relief specified	No
David Alan Wightman	Support	No relief specified	No
Alan Powell	Support	No relief specified	No
Alan Jogn Bichan	Support	No relief specified	No
Kylie Turnbull	Support	No relief specified	No
Jonathan Lowe	Support	No relief specified	No
Richard Hunter	Support	No relief specified	No
Jared Crawford	Support	No relief specified	No
Ayleen Marie Hunter	Support	No relief specified	No
Elizabeth Marie Powell	Support	No relief specified	No
Logan Rhodes	Support	No relief specified	No
Tyler Bichan	Support	No relief specified	No
Peter Rhodes	Support	No relief specified	No
Graham Halcat	Support	No relief specified	No
Simon Wightman	Support	No relief specified	No
Chris Roxburgh	Support	No relief specified	No
Leonard John Cunningham	Support	No relief specified	No
Cameron Cunningham	Support	No relief specified	Yes
Craig Robert	Support	Submitter strongly supports the proposal due to:	No

Arnerich		<ul style="list-style-type: none"> <li>• The employment opportunities it will create.</li> <li>• The support to the local community will be very beneficial.</li> </ul>	
Craig Bichan	Support	No relief specified	Yes
Nathan Craig	Support	The submitter supports the proposal.	No
Rowena Adams	Support	No relief specified	No
Michaela Brouwer	Support	No relief specified	No
Jordan Chalmers	Support	No relief specified	Yes
Scott Hollows	Support	No relief specified	No
Chelsea Sinclair	Support	No relief specified	No
Daniel John Roxburgh	Support	No relief specified	No
Lyndon Smith	Support	No relief specified	No
Ethan Graham	Support	No relief specified	No
Mark Graham	Support	No relief specified	No
Sarah Smith	Support	No relief specified	No
Ashleigh Rhodes	Support	No relief specified	No
Jacqueline Helgate	Support	The submitter supports the proposal.	No
Ian William Cunliffe	Support	The submitter supports the proposal.	No
Shirley Blaikie	Support	The submitter supports the proposal.	Yes
Andrea Lee Bichan	Support	No relief specified	No
Mel Kennj	Support	No relief specified	No

Alister Joesph McIver	Support	No relief specified	No
Mike Holland	Support	No relief specified	No
Anita Holland	Support	No relief specified	No
John Robertson	Support	No relief specified	No
Neil McKenzie	Support	No relief specified	No
Brigitte Schurr	Support	No relief specified	No
Amanda Smith	Support	No relief specified	No
Beryl Tomkin	Support	No relief specified	Yes
Peter Eric McNeil	Support	No relief specified	Yes
Janine Long	Support	The submitter supports the proposal.	Yes
Chris Bruce	Support	No relief specified	No
Christina Jane Parslow	Support	No relief specified	No
Andrew Parslow	Support	No relief specified	No
Shannon Bruce	Support	No relief specified	No
Dwayne Beardsmore	Support	No relief specified	No
Jayden Laws Mckay	Support	No relief specified	No
Sonya Kimmey	Support	The submitter supports the proposal.	Yes
Hami Smiler	Support	No relief specified	No
Greg Gibbs	Support	No relief specified	No
Nikki Furley	Support	No relief specified	No
Rebecca	Support	No relief specified	No

Smiler			
Bryce Forrester Stuppler	Support	No relief specified	No
Gina Marie Gardner	Support	The submitter supports the mine as it will bring economic benefit to the local people and companies.	No
Judy Aitkin	Support	No relief specified	No
Mathew Robert Bath	Support	No relief specified	No
Rhys Gardner	Support	The submitter supports the mine for employment.	No
Mandy Herbert-Johnstone	Support	No relief specified	No
Tim Johnstone	Support	No relief specified	No
Sue Holland	Support	No relief specified	No
Nicola Jane Millar	Support	No relief specified	No
Lola Sophia Margaret Dundass	Support	No relief specified	No
Estelle Helena-Rose Dundass	Support	No relief specified	No
James Alexander Dundass	Support	No relief specified	No
Lloyd Douglas Melton	Support	The submitter supports the proposal as the mine brings jobs and funds into the area with little to no impact on the wellbeing of the area.	Yes
Mitchell Stringer	Support	The submitter seeks approval of the consent, as the application will provide economic benefits by creating more work and bringing more people to the district, which is good for the whole	No

		community.	
Brian Jogn Luff	Support	The submitter seeks approval of the consent, as the proposal will bring jobs and prosperity to the area. The land is also rehabilitated to better than before.	No
Gregory A Liyanarachchi	Support	The submitter seeks the consent be granted in full, as it is good for the area, and more people more money.	No
Chika Liyanarachchi	Support	The submitter seeks the consent be granted in full for more Kids in Miller Flat School.	No
Ollie Kenny	Support	No relief specified	No
Kayla Dent	Support	No relief specified	No
Hazel Tata	Support	No relief specified	No
Ernest Sydney McCraw	Support	No relief specified	No
Bradley Allan Freeman	Support	No relief specified	No
Shea Robertson	Support	No relief specified	No
Georgia Scott	Support	No relief specified	No
Gavin Philip Scott	Support	No relief specified	No
Benjamin John Smart	Support	No relief specified	No
Jacob Robertson	Support	No relief specified	No
Cheryl Robertson	Support	No relief specified	No
David Robertson	Support	No relief specified	No
Jessica McKenzie	Support	No relief specified	No



Lochlan McKenzie	Support	No relief specified	No
Callum Deane	Support	No relief specified	No
Peter Dowle	Support	No relief specified	No
Rodney Kenny	Support	No relief specified	No
Bailey Kenny	Support	No relief specified	No
Tiriti Kenny	Support	No relief specified	No
Taylor Homer	Support	No relief specified	No
Karen Lolliane Robertson	Support	No relief specified	No
Stacee Robertson	Support	No relief specified	No
Benjamin Robertson	Support	No relief specified	No
Jason Robertson	Support	No relief specified	No
Barry Pearson	Support	No relief specified	No
Glen Russell	Support	<p>The submitter supports the application as:</p> <ul style="list-style-type: none"> <li>• They are sick am tired of objectors getting their way.</li> <li>• Gold mining has advanced significantly over the years and land redemption/reclamation for productivity after closure is also critical.</li> <li>• It will also invest in the local economy of this area.</li> </ul>	No
Precision Profile Limited	Support	<p>The submitter seeks that the resource consent be granted as:</p> <ul style="list-style-type: none"> <li>• It will generate work for the supporting industry in the region.</li> <li>• As stated in the AEE any potential adverse effects can be appropriately avoided,</li> </ul>	No

		remedied and mitigated, and will be less than minor in the context of the receiving environment.	
Fire and Emergency New Zealand	Neutral	<p>The submitter is neutral to the application, subject to the relief sought in their submission:</p> <ul style="list-style-type: none"> <li>• That prior to the commencement of mining operations, including the erection of any buildings, that sufficient water volume, pressure and flows in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 shall be provided.</li> <li>• The Consent Holder shall prepare in consultation with Fire and Emergency New Zealand, a Site Emergency Management Plan (SEMP). This should include procedures to manage the risk from and contingency for: <ul style="list-style-type: none"> <li>○ Fire</li> <li>○ Mining explosion</li> <li>○ Forecast Extreme weather events</li> <li>○ Flooding</li> </ul> </li> </ul>	Yes
Jane and Noel Barrett	Oppose	<p>The submitter opposes the application as:</p> <ul style="list-style-type: none"> <li>• Their property, 67 Clutha Road, Ettrick is located 313m to the west of the proposed mine site less than 200m to the edge of the mine boundary as shown from the CODC GIS map.</li> <li>• The noise effects are not less than minor particularly as it will be 12 hours daily 5 days a week, 6 months or more. Will the decimal level be monitored?</li> <li>• The noise produced by the proposed mine identifies that their property is in the 45 dB level of the mine site as shown in the Hegley acoustic report.</li> <li>• The submitter is concerned that the noise level will reduce the value of our property and</li> </ul>	No

		be a constant irritant.	
Culling Trust	Oppose	<p>The submitter seeks that the application be declined as:</p> <ul style="list-style-type: none"> <li>• The impact on potable water, as there is no guarantee that their bore would not be permanently damaged by the mining operation's interference with the water table. The submitter is also concerned about the long-term future of our bore (and others in the valley as well) as the submitters house is located 600 metres from the gold mine.</li> <li>• The impact on Mauri of the river, as the proposal will take and discharge into the Mata-au.</li> <li>• The impact of dust will be a significant problem for residents.</li> <li>• The noise as the activity will be an intrusion on the peaceful and restful life of the village and valley</li> <li>• The track record of Hawkeswood Mining Ltd needing retrospective consent does not give confidence that self-monitoring will be respected.</li> </ul> <p>If the consenting authority does approve the application, the submitter seeks that third-party monitoring of bore water quality, dust emissions and road safety be put in place with appropriate penalties.</p>	No
Ministry Of Education	Oppose	<p>The submitter opposes the application as:</p> <ul style="list-style-type: none"> <li>• The Miller Flat School is on bore water which provides a backup for the school's drinking water supply for the staff and students. In addition to the school bore (G44/0028), there are a number of other wells in Millers Flat (within 2.5km from the site) used for several purposes, including but not limited to, domestic supply, irrigation and stock water.</li> </ul>	Yes

		<ul style="list-style-type: none"> <li>• The impact of dust effects on Millers Flat School and its students.</li> <li>• The impact on traffic, due to the scale and location of the proposed mine and resulting noise effects. The submitter considers there is the potential for the proposed activity to adversely affect the rangatahi and kaiako at Millers Flat School. The submitter requests a peer review of the Abley Transport report.</li> </ul> <p>The submitter also seeks that:</p> <ul style="list-style-type: none"> <li>• Further information shall be made available on the effects of drawdown on neighbouring bores and the potential impact of heavy metals on drinking water supplies in the vicinity.</li> <li>• The applicant carries out an assessment of potential Acid Mine Drainage issues arising from site activities.</li> <li>• The applicant provides further information that lists all wells within the vicinity of the proposed mine and establish a baseline for both water levels and water quality prior to commencing its operations.</li> <li>• That suitable conditions are included to monitor the groundwater levels and groundwater quality changes.</li> <li>• That the applicant engages with Millers Flat School and the Ministry.</li> </ul>	
Graeme Young	Oppose	<p>The submitter seeks that this consent be declined as:</p> <ul style="list-style-type: none"> <li>• The submitter has concerns over the deteriorating state of Otago rivers. Operating a huge open cast mine just 20m from the river's edge with settling ponds only 50m from the water cannot be discounted as an environmental and health risk.</li> </ul>	Yes

		<ul style="list-style-type: none"> <li>• The mine site is already contaminated.</li> <li>• The mining company is prepared to break the rules. e.g. CODC abatement notice re excessive excavations of around 40%. (CDOC S95A-F). They have exceeded the allowed stockpile heights, at around 10m. They have arbitrarily blocked public access to the river.</li> <li>• The acoustics report compares machinery only similar to what might be in operation in the mine and makes extensive use of computer models to evaluate impacts on those in the community. The noises from the mine are in addition to the noises we hear every day. These countryside noises are intermittent and generally of short duration. The noises from the mine could last for up to ten years! And yet the applicant insists the 'temporary' duration of the mine is a mitigating factor!</li> <li>• The medical profession is still learning about the health risks associated with particulate matter, yet the applicant believes they can train a couple of staff to deal with this.</li> <li>• The applicant claims this mine will be a low emissions project. In their second application they concede that they will be storing 60,000 litres of diesel on site. That's enough to fuel 1000 cars.</li> <li>• The impact an open cast mine will have on the cycle trail.</li> <li>• The submitter believes the proposed mine will have detrimental effects on local property values.</li> <li>• As relative newcomers to Millers Flat, the submitter considers the reasoning for people wanting to move here relate to the quiet tranquil environment, the beautiful countryside</li> </ul>	
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		<p>with fabulous views, and clean, untreated water.</p> <ul style="list-style-type: none"> <li>• The mining company boasts of huge social and economic benefits, but don't explain how everyone will benefit from it.</li> <li>• The application is out of step with enlightened thinking, Te Mana ote Wai and th United Nations sustainability goals.</li> <li>• The application is riddled with ambiguity.</li> <li>• This project will harm the environment and is already negatively impacting the local community.</li> </ul>	
Te Runanga O Ngati Tahu	Oppose	<p>Te Rūnanga supports the submission from Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui (Kā Rūnaka). Te Rūnanga supports and adopts the decision sought by Kā Rūnaka that the resource consent applications are declined as:</p> <ul style="list-style-type: none"> <li>• Statutory acknowledgement area- in respect to the Clutha River. The NTCSA describes the Ngāi Tahu associations with Mata-au (Clutha River) (refer to Appendix Three for a full description). These associations are material to decision making under the RMA 1991 and to this specific consent application.</li> <li>• The Mata-au (Clutha River) is a wāhi taoka (treasured resource) for Kāi Tahu whānui. The Mata-au was a significant ara tawhito. The mouth of Mata-au has always been heavily populated with many permanent and temporary kāika (settlements) located throughout the lower stretches of the river. Murikauhaka, a kāika near the mouth of the Mata-au, was at one stage home to an estimated two hundred people. The river itself was an important trail, providing direct access home from lakes Wānaka, Hāwea and</li> </ul>	Yes

		<p>Whakatipu-wai-Māori (Lake Wakatipu) to coastal Otago.</p> <ul style="list-style-type: none"> <li>• Mahinga kai is key to Ngāi Tahu identity and part of who they are. Mahinga kai activities are an expression of cultural identity. And Ngāi Tahu are responsible for the continuation of traditional mahinga kai practices. This includes the passing values and knowledge on to current and future generations. Mana whenua, as kaitiaki, are responsible for protecting the mana and mauri of waterbodies. The mauri should not be desecrated by the actions of man. Te Rūnanga are concerned that the mauri of sacred waterbodies will be adversely affected by the application(s).</li> </ul> <p>Te Rūnanga requests that the applications be heard jointly, and subsequently, a joint decision is issued by the relevant consent authorities under Section 102 of the RMA 1991.</p>	
Laurie Allan Crawford and Pamela Fay Crawford	Support	<p>The submitter seeks the application be approved as:</p> <ul style="list-style-type: none"> <li>• Our land will be greatly improved, better depth of top soil, currently gravely requiring lots of irrigation, should lead to less irrigation in the future.</li> <li>• Increased economic opportunities for the local community i.e. employment and more spending.</li> <li>• Hawkeswood is already involved in several sponsorship activities in the Teviot Valley.</li> </ul>	Yes
Miller Flat Water Company Limited	Neutral	<p>The submitter seeks that if resource consent is granted, the following consent conditions to be imposed:</p> <ul style="list-style-type: none"> <li>• Any resource consent allowing for the excavation of the road reserve within which</li> </ul>	Yes

		<p>the MFWC has infrastructure within the consent area, no interference with that infrastructure is to be allowed without the required consent of the submitted in writing and agreed alternative infrastructure for the provision of the domestic water to the users that are affected at the applicant's costs at the submitter's direction.</p> <ul style="list-style-type: none"> <li>• Consent condition that storage of hazardous materials including but not limited to onsite diesel, be subject to the appropriate hazardous substance procedures and notification to the MFWC if there is any breach of this condition or the requirements for storage, maintenance and operation of hazardous materials onsite.</li> </ul>	
<p>Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (Kā Rūnaka)</p>	<p>Oppose</p>	<p>The submitter seeks that the application be declined as:</p> <ul style="list-style-type: none"> <li>• The proposal is inconsistent with the relevant objectives and policies of the statutory framework.</li> <li>• The submitter raises concerns about the effects of the development on Te Taiao (the natural environment), Te Mana o te Wai, and the values of this ancestral landscape.</li> <li>• The Mata-au, Tima Burn, Oven Hill Creek, the unnamed tributary to the north of the site, and the margins of these waterbodies form part of a significant cultural landscape for Kāi Tahu. The Natural Resource Management Plan 2005 discourages mining and quarrying activities within landscapes of cultural significance. The location and scale of the proposed mining activity poses a threat to the values of this cultural landscape.</li> <li>• The applicant has not taken into account the impact of this activity on wai māori and the</li> </ul>	<p>Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (Kā Rūnaka)</p>



		<p>relationship of Kāi Tahu with this significant cultural landscape.</p> <ul style="list-style-type: none"> <li>• The applicant did not commission a heritage assessment before excavating a 5,118m<sup>3</sup> ‘test pit’ on this site. Mining has the potential to destroy and modify archaeological sites.</li> <li>• The applicant has since commissioned a heritage assessment. It is noted that an archaeological site survey was undertaken with a walkover of the project area, although it is understood that the topography in some areas was too steep to traverse at 15 m intervals (especially in areas of 20th century dredging) and instead areas were surveyed following the ridgeline and valleys of such areas.</li> <li>• Given the scale and nature of the proposal, and depth of excavation proposed, concerns remain about the lack of protection against the destruction and modification of archaeological sites in a landscape that has a long history of occupation and use by Kāi Tahu.</li> <li>• The submitter does not support retrospective consent applications and concurs with the peer review of the landscape and visual effects assessment that the unconsented mine void does not form part of the receiving environment.</li> <li>• The submitter concurs with the concerns raised in the peer review of the landscape and visual effects assessment, namely that there are no photographs, visual simulations, or a structural landscape plan to show the degree of visibility of the mine or to provide certainty regarding the proposed mitigation and rehabilitation of the site.</li> <li>• Further clarity is sought over the conclusions</li> </ul>	
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		<p>of the flood hazard assessment report, particularly in relation to extreme flood events.</p> <ul style="list-style-type: none"> <li>• The application is not supported by aquifer testing or an assessment of the impacts of the mining activity on water quality.</li> <li>• The hydrology assessment relies on an aquifer test undertaken for a different purpose and on information supplied by Hawkeswood Mining Limited during an unconsented dewatering trial. The submitter concurs with the concerns raised in the peer review of the hydrology assessment.</li> <li>• The submitter has concerns that the conditions of consent that are proposed to mitigate effects on wai māori are not fit for purpose.</li> <li>• The current mining proposal does not recognise and sustain the connections and interactions between surface water bodies and the aquifer, nor does it sustain the on-going relationship of Kāi Tahu with wāhi tūpuna in this catchment.</li> <li>• The submitter has significant concerns over potential discharge of contaminants to land and water from the excavation of the mine void; sedimentation and migration of soils; overland flow paths to the Mata-au and the surrounding water bodies; and potential impacts of dewatering on the mauri and aquatic ecology of the surrounding water bodies.</li> <li>• The development of a detailed closure and site rehabilitation plan, secured by a bond, should be a pre-requisite for mining of this scale. This should include planting of indigenous species to restore biodiversity values in this catchment.</li> </ul>	
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		<ul style="list-style-type: none"> <li>• Certainty is required over the timing of the rehabilitation stages and outcomes.</li> </ul>	
JP Clarke & KL Franklin and FG Works Limited	Oppose	<p>The submitter seeks that this application be declined as:</p> <ul style="list-style-type: none"> <li>• The proposal is inconsistent with the objectives and policies of the District Plan relating to maintaining the amenity values of the rural environment through the management of adverse effects on open-space and natural character amenity values. In particular, the proposal is contrary to Policies 4.4.2 and 4.4.8 which seek to ensure that development is compatible with the amenity values of adjoining properties.</li> <li>• The proposal will have a significant adverse effect on the amenity values of 1334 Teviot Road, being an adjoining property.</li> <li>• The proposed 4m high bunds will have adverse effects on rural character and amenity, and they will be clearly visible from the submitters property.</li> <li>• The suggestion that the change is temporary is misleading</li> <li>• Adverse effects associated with flood lighting on both amenity / ambience and on the dark sky natural character have not been adequately assessed.</li> <li>• The proposal will result in an unacceptable level of adverse effects arising from noise and will result in the complete loss of tranquil quality and value of this area.</li> <li>• There are multiple inconsistencies and errors in the Hegley Consulting Assessment of Noise Effects dated 20 March 2023 and varied on 22 September 2023 (Noise Assessment) meaning it cannot be relied upon.</li> <li>• Special audible characteristics have not been</li> </ul>	JP Clarke & KL Franklin and FG Works Limited

		<p>applied within the noise assessment.</p> <ul style="list-style-type: none"> <li>• The Noise Assessment appears to have modelled a 340m distance between the proposed mine boundary and the notional boundary of 1334 Teviot Road (this is confirmed in Mr Hegley’s further info request). However, the current proposed mine boundary is only approximately 75m from the notional boundary.</li> <li>• The proposal will result in an unacceptable level of adverse effects arising from vibration.</li> <li>• The vibration assessment by Hegley Acoustics Consultants appears to be inconsistent with the modelling in the Noise Assessment, in considering that bund construction will be within 35m of the submitters dwelling and mining would be “just over 50m”.</li> <li>• The Dust Management Plan dated 16 October 2023 (DMP) does not adequately manage these effects on dust receivers, including on our property. Dust emissions from the site will have a significant impact on our ability to collect potable water from rainwater and undertake other domestic activities. It should be noted that another Dust Management Plan was submitted to ORC dated as at 30 November 2023. The two plans differ.</li> <li>• No assessment of the likely dust effects has been provided as part of the resource consent application to CODC, rather a reactive management strategy has been proposed. We do not support an approach to dust that relies on responding when the effects occur.</li> <li>• Of further concern is the suggestion that the retrospective consent sought in relation to earthworks undertaken to date.</li> </ul>	
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		<ul style="list-style-type: none"> <li>• The submitters property will at 1334 Teviot Road has high sensitivity to the discharge of TSP, PM<sup>10</sup>, PM<sup>2.5</sup>, RCS combustion products from the proposed mining and gravel processing activities.</li> <li>• The submitter also considers that the effects on the following matters will be significant / unacceptable, and have not been assessed in the application: <ul style="list-style-type: none"> <li>○ The Clutha Gold Trail: The proposal will result in a significant loss of the amenity values of the trail and remove local and visiting public access to the adjoining stretch of the Clutha/Mata-Au River. 10 years is not a temporary effect.</li> <li>○ Biodiversity: no assessment of biodiversity has been provided with the application.</li> <li>○ The National Policy Statement for Indigenous Biodiversity is now in force and must be given effect to in the Council's decision on the application. Policy 8 and Clause 3.16 require the management of adverse effects on indigenous biodiversity outside of significant natural areas. The submitter has regularly observed skinks on their property.</li> <li>○ Greenhouse Gas Emissions: The proposal will result in the operation of multiple pieces of diesel-powered plant generating a significant volume of greenhouse gas emissions over the duration of the activity. No assessment of these emissions, or of sequestered carbon released as a consequence of earthworks, or of carbon not sequestered by lost grass, trees and crops removed from the local eco-system, or management options for the reduction</li> </ul> </li> </ul>	
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		<p>in greenhouse gas emissions have been provided with the application.</p> <ul style="list-style-type: none"> <li>○ Archaeology and Heritage: The proposed site includes archaeological sites G43/232 and G43/233. The application and assessment of environmental effects does not identify or include any assessment of the potential adverse effects on these sites or other unrecorded sites of archaeological/heritage value.</li> </ul> <p>If consent is granted, we seek that the effects of the activity on 1334 Teviot Road be mitigated to the greatest extent practicable, including by ensuring that the assessment of effects addresses the inconsistencies, inaccuracies and incompleteness identified in this submission.</p> <ul style="list-style-type: none"> <li>• A separation distance of at least 250m between the submitter’s property boundary and any works (operational or construction). This distance is derived from advice on Air Quality, but this separation distance may need to be even greater to mitigate noise and vibration effects. An exact number cannot be sought at this point given the uncertain data and modelling in the application. Noise to also be mitigated through the requested refurbishing in 17.3.2 below;</li> <li>• Conditions to ensure that dust is managed appropriately at all times without producing unacceptable noise effects, including outside of the proposed operation hours, including but not limited to: <ul style="list-style-type: none"> <li>○ Any works occurring within 400m of the dwelling curtilage should be subject to best practice controls and continuous real-time PM10 monitoring;</li> </ul> </li> </ul>	
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		<ul style="list-style-type: none"> <li>○ At least one real-time dust monitoring station to be located on our southern boundary, so that it provides for proactive dust management and avoids lag time for managing this issue.</li> <li>○ Online access to that real-time data be provided to consent authorities, neighbouring property owners (including ourselves), and other interested parties;</li> <li>○ Compliance with the above also includes refurbishing of all buildings at 1334 Teviot Road with new window glazing and doors to achieve a nominated certifiable standard of noise and thermal performance, sealable against dust intrusion prior to commencement of mining and related works (this condition is also relevant to noise effects mitigation);</li> <li>○ Activities to be limited to (official) daylight times only, not exceeding 12 hours in any one workday and not exceeding 5 hours on Saturday morning, with one weekend every month to be completely work-free;</li> <li>○ A maximum duration for the land use consent that matches the duration of the water permit (RM23.819) if it is granted by Otago Regional Council (ie. up to but not exceeding 6 years);</li> <li>○ A staged approach to mining of the site so that the land in the vicinity of the submitters property is mined first, and rehabilitated first.</li> </ul>	
Stephen David Gullick	Support	The submitter seeks that consent be granted because of job creation and the opportunity to create wealth for all NZ.	Yes
Owen Dermont	Support	The submitter supports the proposal as it will be a boost for the local economy and job options.	Yes

Gullick			
Derval Gullick	Support	The submitter seeks the application be granted as jobs will be created and a kiwi owned company gets the chance to prosper.	No
Kieran Davidson	Support	No relief specified	No
Fletcher McNeish	Support	No relief specified	No
Archie McNeish	Support	No relief specified	No
Danielle Cornish	Support	No relief specified	No
Raymond Gunn	Support	The submitter supports the application.	No
Doug McCorkdale	Support	The submitter seeks that the application be granted as the area was built from early settlers and mining. The submitter wants the mine to bring jobs and economic support to the community.	Yes
Stewart McKerchr	Support	No relief specified	No
Richard Tamblyn	Support	The submitters seeks that the application be approved.	No
Stephanie Matteson	Support	No relief specified	No
Mark Reid	Support	No relief specified	No
Jon Welsh	Support	No relief specified	No
James Hill	Support	No relief specified	No
Alan Turner	Support	No relief specified	No
Cameron McNeish	Support	No relief specified	No
Issy McNeish	Support	No relief specified	No
Johny Tumai	Support	The submitter supports the application as it will bring value to the Valley also provide jobs to grow population.	Yes



Charlotte McNeish	Support	No relief specified	No
Jayde Gunn	Support	No relief specified	No
John May	Support	No relief specified	No
Robert Gunn	Support	No relief specified	No
Neville Hazlett	Support	No relief specified	No
Megan Botting	Support	No relief specified	Yes
Rebecca Farr	Support	No relief specified	No
Janine Gunn	Support	The submitter supports the application as it brings work and does not affect the water quality.	No
Nathan Woodward	Support	No relief specified	No
Noeline Garden	Support	The submitter supports the venture/business, as a neighbour to the mining area as it will bring more people to the area and money into Millers Flat. The submitter has no problem with viewing the mine from their house.	No
Philip Bentley	Support	The submitter supports the complete mining operation. The submitter is happy with all the measures in place by the mining company to make this a safe environment in our valley.	No
Steve Bentley	Support	The submitter supports the mining operation	Yes
Ricky Bentley	Support	The submitter supports the mining operation	No
Jaimee Andrews	Support	No relief specified	No
Murray Calvert	Support	No relief specified	No
Susan Anne Beel	Support	No relief specified	No
Richard Michelle	Support	No relief specified	No

Holly Mossp	Support	No relief specified	Yes
Richard Hamilton	Support	No relief specified	Yes
Jacqui Anderson	Support	No relief specified	No
Fiona Hatton	Support	The submitter supports the application.	No
Jayde Parker	Support	The submitter supports the application.	No
Angus McNeish	Support	No relief specified	No
Gemma McNeish	Support	No relief specified	No
Paul Blankenspoor	Support	No relief specified	No
Aleisha Kirkman	Support	No relief specified	No
Robert Davidson	Support	No relief specified	No
Mary Boyd	Support	No relief specified	No
Vaughen Moir	Support	No relief specified	No
Josh Gunn	Support	No relief specified	No
P & G Macdougall	Support	The submitters seek the application be approved. They are close to the mine, within 1.5km. With the hours of work it will be little different than the heavy traffic on Oven Hill, Teviot Roads and farming operations.	No
Mary Janetta Henderson	Support	No relief specified	No
Donna Coleman	Support	No relief specified	No
Francward Ray Henderson	Support	No relief specified	No
Leonard Massroid	Support	No relief specified	Yes

Sammie Withers	Support	No relief specified	No
Larni Farquharson	Support	No relief specified	No
Elaine Booth	Support	The submitter supports the operations proposed by Hawkeswood Resources. This will provide opportunities for the local Teviot Valley Residents and employment for landholders.	No
Michael Blair	Support	No relief specified	No
Jason Templeton	Support	No relief specified	No
Ani Rooney	Support	The submitter supports the application as it is a great asset and will bring money to valley,	Yes
Lam Tumai	Support	The submitter seeks the application be granted as it will be great for the community.	Yes
Barbara Ann Blackler	Support	No relief specified	No
Robert Kent Blackler	Support	No relief specified	No
Riki Michelle	Support	No relief specified	No
Mark William Sim	Support	No relief specified	No
Andrew Dennis	Support	No relief specified	No
Logan Dennis	Support	No relief specified	No
Fred Booth	Support	The submitter supports the application as it will create employment opportunities, particularly for younger people, which will help grow/retain younger generations in the valley.	No
Robert Earnest Craig	Support	No relief specified	No
Emma Lemmon	Support	No relief specified	No
Jamie Whyte	Support	No relief specified	No

Ritchie McNeish	Support	No relief specified	No
Eoin Austin Garden	Support	The submitter supports the application as it will bring more business and families into the valley.	No
Marcia Farquharson	Support	No relief specified	No
Glen Winkley	Support	No relief specified	No
Rory Didham	Support	No relief specified	No
Malcom David Frew	Support	No relief specified	No
Adrian Cornish	Support	No relief specified	No
Philip Andrew Lane	Support	No relief specified	No
Shane Robert Bruce	Support	No relief specified	No
Benjamin Mark Paton	Support	No relief specified	No
Ralf Polkowski	Support	No relief specified	No
Rhyce Wolf	Support	No relief specified	Yes
Claudia Polkowski	Support	No relief specified	No
Darren Jordan Biard	Support	No relief specified	No
Rebekah Hansson	Support	No relief specified	No
Michael Holland	Support	No relief specified	No
Barry Dodd	Support	No relief specified	No
Reagan Dodd	Support	No relief specified	No
Jonathon Donald	Support	No relief specified	No
Craig Withers	Support	No relief specified	No

Debbie Baird	Support	No relief specified	No
Timothy Durrant	Support	No relief specified	No
Ross Baird	Support	No relief specified	No
Mathew Ryan	Support	No relief specified	No
Paul Winterborn	Support	No relief specified	No
Alan McLean	Support	No relief specified	No
Blair Stewart	Support	No relief specified	No
Pat Holland	Support	No relief specified	No
Gemma Martin	Support	No relief specified	No
Kevin Kilkelly	Support	No relief specified	No
Kerry Roberts	Support	No relief specified	No
Bruce Hansen	Support	No relief specified	No
Amanda Holland	Support	No relief specified	Yes
Arama & William Gunn	Support	The submitter supports the application as it will be good for the community & economy.	Yes
Emma Parker	Support	No relief specified	Yes
Robin Evans	Support	No relief specified	No
Andrew Nichol	Support	The submitter supports the application for the safe and no impact approach of operation and jobs opportunities for the valley.	No
Mark Sanders	Support	No relief specified	Yes
Thomas Beard	Support	No relief specified	No
Donna Ban	Support	No relief specified	No
Cindy Warren	Support	No relief specified	No

Trevor Crossan	Support	No relief specified	No
Lily Anderson	Support	No relief specified	No
Joseph Anderson	Support	No relief specified	Yes
Cullam Anderson	Support	No relief specified	No
Jack Anderson	Support	No relief specified	No
Ella Anderson	Support	No relief specified	No
Phillip Kelly	Support	The submitter supports the application for employment.	No
Darcey Warren	Support	No relief specified	No
Shirley Ann Robb	Support	No relief specified	No
Jenna Wilkes	Support	No relief specified	No
Peter Gibson	Support	No relief specified	No
Josh Parry	Support	No relief specified	No
Anne Lormans	Support	No relief specified	No
Pierre Lormans	Support	No relief specified	No
Till Schaecht	Support	No relief specified	No
Manfred Dirr	Support	No relief specified	No
Rob Mason	Support	No relief specified	No
Malcom McDonald	Support	No relief specified	Yes
Mary Rapley	Support	No relief specified	No
Allister Rapley	Support	No relief specified	No
June Ryan	Support	No relief specified	No
John Tomkin	Support	No relief specified	No

Carol Stafford	Support	No relief specified	No
Trevor Keogh	Support	No relief specified	No
Clinton Eastwood	Support	No relief specified	No
Alexander Loutts	Support	No relief specified	No
Michael Philip	Support	No relief specified	No
John Ridden	Support	No relief specified	No
Elenor Gibbs	Support	No relief specified	No
Paul Stables	Support	No relief specified	No
Stephen Hinchcliffe	Support	No relief specified	No
Alan Garden	Support	No relief specified	No
Michael Feaver	Support	No relief specified	No
Jack Carey	Support	No relief specified	No
David Neilson	Support	No relief specified	No
Adele Kirkbright	Support	No relief specified	No
Nathan McLeod	Support	No relief specified	No
Joshua Botting	Support	No relief specified	No
Donna Parker	Support	No relief specified	No
Philip Parker	Support	No relief specified	No
Greg Paterson	Support	No relief specified	No
Henrike Dettefsen	Support	No relief specified	Yes
George	Support	No relief specified	No

Robson			
Jeremy Wales	Support	No relief specified	No
Aaron Marshall	Support	No relief specified	No
Tim Beel	Support	No relief specified	No
Paul Blackler	Support	No relief specified	No
Glen McDonald	Support	No relief specified	No
Brigitte Paterson	Support	No relief specified	No
Allan Edwards	Support	No relief specified	No
Kerry Gilmour	Support	No relief specified	No
William Bain	Support	No relief specified	No
John Parrett	Support	No relief specified	No
Josh Bath	Support	No relief specified	No
Glen Parker	Support	No relief specified	No
Fiona Dennis	Support	No relief specified	No
Daniel Bath	Support	No relief specified	No
Richard Goatley	Support	The submitter supports the application as it is great for the area and helping to create jobs.	No
Karina McConachy	Support	The submitter supports the application as it will benefit the local economy, employment, spending and community.	No
Sharon Goatley	Support	The submitter supports the application as it will help the community and create jobs.	No
Ernest Goatley	Support	The submitter supports the application as it will help the community and create jobs.	No
James Matheson	Support	No relief specified	Yes
Vanessa Rutherford	Support	No relief specified	No



Peter Fraser Hall	Support	No relief specified	No
William Harry Wright	Support	The submitter supports the application as it will increase employment opportunities, utilises resources, and little environmental impact	No
Nicholas Roy	Support	The submitter likes gold mining	No
Corey Grant Dippic	Support	No relief specified	No
Tony William Roy	Support	No relief specified	No
George Duffy	Support	No relief specified	No
Chris Watt	Support	No relief specified	No
Graeme Scott	Support	No relief specified	No
Lukin James	Support	No relief specified	No
James Budge	Support	No relief specified	No
Jamie Payne	Support	The submitter supports the application as it is positive for local economy and employment.	Yes
Lisa Bain	Support	No relief specified	No
Caleb Kirk	Support	No relief specified	No
Jason Payne	Support	The submitter supports the application as it will <ul style="list-style-type: none"> <li>• Increase employment opportunities</li> <li>• Utilises resources</li> <li>• Little environmental impact</li> <li>• Good attraction on the Clutha Gold trail</li> </ul>	No
Keannau Cameron	Support	The submitter supports the application as it is positive for local economy and employment.	No
George Bonney	Support	No relief sought	No
Rebecca Stoddart	Support	No relief sought	No
Matt Braidwood	Support	No relief sought	No

Maia	Support	No relief sought	No
Jayden Storer	Support	No relief sought	No
Kadys Grant	Support	The submitter supports the application as it will: <ul style="list-style-type: none"> <li>• Increase employment opportunities</li> <li>• Utilises resources</li> </ul>	No
Ayson White	Support	No relief sought	No
Stephen Harrison	Support	No relief sought	No
Mark Dutty	Support	No relief sought	No
Kadys Roy	Support	No relief sought	No
Kelvin Edwards	Support	No relief sought	No
Deborah Edwards	Support	No relief sought	No
Paige Gillan	Support	The submitter supports the application as it is positive for local economy and employment.	No
Keily Smith	Support	No relief sought	No
David Mathieson	Support	No relief sought	No
Bonnie Collins	Support	No relief specified	No
Rob Rogers	Support	No relief specified	No
Stephen Scott	Support	No relief specified	No
Stephen Kelly	Support	No relief specified	No
Brianna Clulee	Support	The submitter supports the application as it increases employment opportunities.	No
Pip Tisdall	Support	The submitter supports the application as it increases employment opportunities.	No
Terri Martin	Support	No relief specified	No
Michelle Rochford	Support	No relief specified	No

Mark Hay	Support	No relief specified	No
Allana Wallis	Support	No relief specified	No
Konica Ponsonby	Support	No relief specified	No
Heyley Paul	Support	No relief specified	No
Glenis Lindsay	Support	No relief specified	No
Ian Lindsay	Support	No relief specified	No
Carla Murray	Support	No relief specified	No
Paul Murray	Support	No relief specified	No
Paul Alden	Support	No relief specified	No
Amber Alden	Support	No relief specified	No
Isabella Alden	Support	No relief specified	No
Oliver Alden	Support	No relief specified	No
Isacc Hay	Support	No relief specified	No
Melanie Harrily	Support	No relief specified	No
Brandon Orr- Clarke	Support	No relief specified	No
Colin Tunnah	Support	No relief specified	No
Nigel Tunnah	Support	No relief specified	No
Joy Piteleu	Support	The submitter seeks the application be granted as it is good for the community.	No
George Kemmett	Support	The submitter seeks the application be granted as it will do no damage to the environment.	No
Benjamin George Piteleu	Support	The submitter seeks the application be granted as it will do no damage to the environment.	No
Kasey Robertson	Support	No relief specified	No
Jessica Percival	Support	No relief specified	No

Ian McQueen	Support	No relief specified	No
Glen Terry	Support	No relief specified	No
Samual Percival	Support	The submitter supports the application as it is great economically for the area and for jobs.	No
Maureen Harrison	Support	No relief specified	No
Rebecca Kerr	Support	No relief specified	No
Stephen Ward	Support	The submitter supports the application for the following reasons: <ul style="list-style-type: none"> <li>• Economic benefits</li> <li>• Increased employment opportunities</li> <li>• Recreational opportunities</li> <li>• Continues sponsorship of local events.</li> </ul>	No
Amanda Williams	Support	The submitter supports the application as it benefits local economy and employment.	No
Mervyn Alexander	Support	No relief specified	No

<b>Summary of LATE Submissions</b>			
<b>Submitter</b>	<b>Status</b>	<b>Relief Sought</b>	<b>Wishes to be heard</b>
Christine Anderson	Support	No relief specified	No
Jessica Stratton	Support	No relief specified	No
Stuart Reid	Support	No relief specified	No
Brett McEwan	Support	No relief specified	No
Benjamin Kyle	Support	No relief specified	No
Bruce Davidson	Support	No relief specified	No
Jordan Miller	Support	No relief specified	No
Patrick Greaney	Support	No relief specified	No

Jaco Kelbrick	Support	No relief specified	No
Kevin Laird	Support	The submitter seeks the application be granted for local economy and employment.	No
Shanay Gladstone	Support	No relief specified	No
Alesha Biemond	Support	No relief specified	No
Melvyn Darling	Support	No relief specified	No
Stacey Coy	Support	No relief specified	No
Genna Allan	Support	No relief specified	No
Brayden Whyte	Support	No relief specified	No
Craig Darling	Support	No relief specified	No
Thomas Brown	Support	No relief specified	No
George Hixson	Support	No relief specified	No
Mainstream NZ	Support	No relief specified	No
Andrew Abercrombie	Support	No relief specified	No
Kylie Manihera	Support	No relief specified	No
Grace Robertson	Support	No relief specified	No
Cory Paulsen	Support	No relief specified	No
Verdean Burgess	Support	No relief specified	No
Bridget Wentworth	Support	No relief specified	No
Kytana Leigh	Support	No relief specified	No
Zara Morris	Support	No relief specified	No
Paul Miller	Support	No relief specified	No
Tania Milne	Support	No relief specified	No

Ross Middlemass	Support	No relief specified	No
Darrian May Coulter	Support	No relief specified	No
Troy Anderson	Support	No relief specified	No
Chris Morris	Support	No relief specified	No
David Morris	Support	No relief specified	No
Department of Conservation	Neutral	<p>The submitter considers that the site contains potentially significant heritage values and that the application and associated AEE documents do not contain enough information and assessment on the extent or significance of those values within the site.</p> <p>The submitters seeks that the decision maker:</p> <ul style="list-style-type: none"> <li>• Recognises and provides for the matters of national importance listed in Section 6 e) and f) of the Resource Management Act 1991 (the Act), and</li> <li>• Has regard to the Mata-au Statutory Acknowledgement of the Ngai Tahu Claims Settlement Act (1998)</li> <li>• Has regard to the National Policy on Freshwater (NPS-FW), and relevant objectives and Policies of the Proposed Otago Regional Policy Statement and the Central Otago District plan.</li> </ul>	No
Coal Creek Plastics	Support	The submitter seeks the application be approved for the economy and employment.	No
Pinder Motors	Support	The submitter seeks the application be approved for the economy and employment.	No
Curtis Crawford	Support	The submitter seeks the application be granted for the economy and employment.	No
Kirsten May	Support	The submitter seeks the application be approved as it brings new life and opportunity to the valley.	No

Edward Ryan	Support	No relief specified	No
Annabel Eberlein	Support	The submitter supports the application for local economy.	No
Todd Wilkins	Support	The submitter supports the application for the economy.	No
Allan Frame	Support	No relief specified	No
Rebecca McKee	Support	No relief specified	No
Beckylee Rae	Support	The submitter seeks the application be approved for the economy and employment	No
Stacey Abercrombie	Support	The submitter seeks the application be approved for the economy, employment and beautification of the area following works.	No
Grace Roos	Support	The submitter seeks the application be approved for the economy and employment.	No
Georgia Parker	Support	No relief specified	No
Ruby Parker	Support	The submitter supports the application for the economy and employment.	No
Matthew Hunter	Support	The submitter supports the application for the community.	No
Simon Johnstone	Support	The submitter supports the application for the economy and employment, and the proponents of the gold mine have demonstrated a genuine willingness to collaborate with local stakeholders, including residents, community organisations, and government agencies	No
Andrew Hawkeswood	Support	The submitter seeks that the application be granted in full, as it is providing for local employment. CODC should be supporting such applications.	No
Shanon & Shelley Garden	Support	The submitter seeks that the application be approved as it will be remediated, and will boost the local economy.	No
Wendy Gunn	Oppose	The submitter seeks that the application be denied, as:	Yes

		<ul style="list-style-type: none"> <li>• The proposed gold mine is too close to the submitter's property.</li> <li>• Concerns regarding noise level, and requests that noise monitoring should be implemented, should consent be granted.</li> <li>• No works at all should be conducted at night.</li> <li>• The existing environment is very quiet and this will be disturbed.</li> <li>• There will be no social benefit to the community. Submitter does not think the proposal will bring new families to the community, and the only workers will be from outside of the Millers Flat community.</li> <li>• Seeks the following consent conditions, if consent is to be granted: <ol style="list-style-type: none"> <li>1. Applicant must continuously monitor noise levels.</li> <li>2. Neighbouring residents (including the submitter) will be given noise monitoring devices.</li> <li>3. Provide a clear process for reporting excess noise from the mine.</li> <li>4. Seeks financial compensation for their business.</li> </ol> </li> </ul>	
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