

Summary of Submissions

Application # RM23.819

Hawkeswood Mining Limited - Various Consents - Gold Mining, Millers Flat

Status	Number of Submissions
Neutral	1
Opposed	5
Support	4
Total Number of Submissions:	10

To Be Heard	Number of Submissions
No	5
Yes	5
Total:	10

Submitter No	Submitter	Add2	Add3	Add4	Submissions Summary	Received Date	To Be Heard	Status
1	Glen John Russell	18 Wavy Knowes Drive	Waldronville	Dunedin	Supports investment in local economy, creating local employment, extracting much need resource - effects minimal	02/02/2024	No	Support
2	Precision Profile Limited	PO Box 2365		Dunedin	Supports the generation of jobs in the region and believes the proposal will not generate any adverse environmental effects - significant economic and social benefits for local community	14/02/2024	No	Support
3	Graeme Young	1266 Teviot Road	RD 2	Roxburgh	Concerned with emissions to air via dangerous dust and particulate matter, emissions from diesel use and contamination of the Clutha River and ground water in the area	14/02/2024	Yes	Opposed
4	Culling Family Trust	26 Cole Street		Dunedin	Concerns regarding effects on ground water, negative impact on the environment, impact of dust	16/02/2024	No	Opposed
5	Te Runanga o Ngai Tahu - Christchurch	PO Box 13-046		Christchurch	Concerns that the mauri of sacred waterbodies will be adversely effected by the proposal	16/02/2024	Yes	Opposed
6	James Stewart	3 Domain Road		Bannockburn	Supports positive important contribution to local export led economy	18/02/2024	No	Support
7	Millers Flat Water Company Limited	PO Box 52		Millers Flat	concerned regarding effect on groundwater quality and levels	18/02/2024	Yes	Neutral
8	Aukaha	P O Box 446	Dunedin Central	Dunedin	Proposal does not address impacts of mining activity on te taiao and wai maori. The potential impact on the aquifer and surrounding water bodies. The proposal perpetuates a pattern of extractive use within Te Wai Pounamu and does not appropriately mitigate the effects of this extractive use.	19/02/2024	Yes	Opposed
9	J P Clarke K L Franklin and FG Works Limited				Seeks application be declined because of the scale, industrial nature, lack of consistent application detail, lack of compliance work to date. Immediate and cumulative effects are outside what might be considered acceptable under Regional Plans and will cause unacceptable adverse effects	19/02/2024	Yes	Opposed
10	Peter Thomas Goodin	15 Ree Street		Waitati	Supports because of economic and social benefits to the area. Adverse effects on the environment being adequately mitigated and less than minor	19/02/2024	No	Support



Submission on Notified Resource Consent Application

To: Otago Regional Council
144 Rattray Street
Dunedin 9016
customerservices@orc.govt.nz

To: Central Otago District Council
William Fraser Building, 1 Dunorling Street
Alexandra 9340
info@codc.govt.nz

Name of submitters: Te Rūnanga o Ngāi Tahu (Te Rūnanga)

1. This is a submission on Resource Consent Applications to the Otago Regional Council and Central Otago District Council to construct and operate an alluvial gold mine adjacent to the Mata-au (Clutha River) at 1346 – 1536 Teviot Road, Millers Flat by Hawkeswood Mining Limited. The application numbers for the regional and district applications are RM23.819 and RC230325 respectively.
2. This submission by Te Rūnanga submission relates to the whole of the proposal as outlined in **Attachment A**.
3. Te Rūnanga wishes to be heard in support of its submission.
4. Te Rūnanga **opposes** the granting of this application.
5. Te Rūnanga is not a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991 (RMA 1991).
6. A copy of this submission has been sent to the applicant.

Signed for and on behalf of Te Rūnanga o Ngāi Tahu

Hemi Bedggood
Senior Environmental Advisor – Planning
Te Rūnanga o Ngāi Tahu
Date: 16 February 2024

Address for service:

Phone 021 243 1381

Email: Hemi.bedggood@ngaitahu.iwi.nz

1 Introduction

- 1.1 This is a submission on behalf of Te Rūnanga o Ngāi Tahu (**Te Rūnanga**) for resource consent applications by Hawkeswood Mining Limited to construct and use an alluvial gold mine at or about the Mata-au (Clutha River). The Mata-au (Clutha River) is a Statutory Acknowledgement Area under the Ngāi Tahu Claims Settlement Act 1998, and the location of the proposal is 1346/1536 Teviot Road, Roxburgh.
- 1.2 The applicant has applied to the Otago Regional Council for the following:
- a) To construct a bore and take groundwater for the purpose of mine pit pond dewatering (partially retrospective) with an annual volume of 1,967,846 cubic metres (62.4 L/s);
 - b) to discharge water containing sediment to water in a bore and to land in a manner that may enter water;
 - c) to discharge water containing sediment to land for the purpose of trialling pit dewatering (retrospective); and
 - d) to discharge contaminants to air from the operation of an alluvial gold mine, for the purpose of operating an alluvial gold mine.
- 1.3 The applicant has applied to the Central Otago District Council for the following:
- a) To construct temporary and permanent dwellings that are non-complying with prescribed design standards;
 - b) Earthworks, soil disturbance the construction of haul roads, the battering of mine ramps and storage of stockpiled materials; and
 - c) The generation of traffic, noise and the restriction of access to existing transportation networks.
- 1.4 A duration of 10 years is sought by the applicant.

2 Background

- 2.1 Te Rūnanga is the statutorily recognised representative tribal body of Ngāi Tahu whānui (as provided by section 15 of the Te Rūnanga o Ngāi Tahu Act 1996 (**TRONT Act**)) and was established as a body corporate on 24 April 1996 under section 6 of the TRONT Act.
- 2.2 Te Rūnanga encompasses five hapū, Kati Kurī, Ngāti Irakehu, Kati Huirapa, Ngāi Te Ruahikihiki, Ngāi Tūāhuriri and 18 Papatipu Rūnanga, who uphold the mana whenua and mana moana of their rohe. Te Rūnanga is responsible for managing, advocating and protecting, the rights and interests inherent to Ngāi Tahu as mana whenua.
- 2.3 Notwithstanding its statutory status as the representative voice of Ngāi Tahu whānui “for all purposes”, Te Rūnanga accepts and respects the right of individuals and Papatipu Rūnanga to make their own responses.
- 2.4 Te Rūnanga respectfully requests that Otago Regional Council and Central Otago District Council accord this submission with the status and weight of the tribal collective of Ngāi Tahu whānui comprising over 80,000 registered iwi members, in a takiwā comprising the majority of Te Waipounamu. A map of the takiwā of Te Rūnanga is included at **Appendix One**.

- 2.5 Notwithstanding its statutory status as the representative voice of Ngāi Tahu Whānui “for all purposes”, Te Rūnanga accepts and respects the right of individuals and Papatipu Rūnanga to make their own responses in relation to this matter. Te Rūnanga supports the submissions of Aukaha on behalf of Papatipu Rūnanga in their takiwā.

Te Tiriti o Waitangi

- 2.6 The contemporary relationship between the Crown and Ngāi Tahu is defined by three core documents: Te Tiriti o Waitangi (**the Treaty**), the Ngāi Tahu Deed of Settlement 1997 (**Deed of Settlement**) and the Ngāi Tahu Claims Settlement Act 1998 (**NTCSA**). These documents form an important legal relationship between Ngāi Tahu and the Crown.
- 2.7 Of significance, the Deed of Settlement and NTCSA confirmed the rangatiratanga of Ngāi Tahu and its relationship with the natural environment and whenua within the takiwā.
- 2.8 As recorded in the Crown Apology to Ngāi Tahu (see **Appendix Two**), the Ngāi Tahu Settlement marked a turning point, and the beginning for a “new age of co-operation”. In doing so, the Crown acknowledged the ongoing partnership between the Crown and Ngāi Tahu and the expectation that any policy or management regime would be developed and implemented in partnership with Ngāi Tahu.

3 Ngāi Tahu Interests in Relation to Resource Consent Application

- 3.1 Ngāi Tahu note the following particular interests in the Application(s):

Treaty Relationship

- Ngāi Tahu have an expectation that the Crown (and their delegated authorities) will honour Te Tiriti o Waitangi and the principles upon which it was founded. All persons undertaking duties and responsibilities in accordance with the purpose this document shall recognise and respect the Crown's responsibility to give the principles of the Treaty.

Kaitiakitanga

- In keeping with the kaitiaki responsibilities of Ngāi Tahu whānui, Ngāi Tahu has an interest in ensuring sustainable management of natural resources, including protection of taonga and mahinga kai for future generations.
- Ngāi Tahu whānui are both users of natural resources, and stewards of those resources. At all times, Ngāi Tahu are guided by the tribal whakataukī: “mō tātou, ā, mō kā uri ā muri ake nei” (*for us and our descendants after us*).

Whanaungatanga

- Te Rūnanga has a responsibility to promote the wellbeing of Ngāi Tahu whānui and ensure that the management of Ngāi Tahu assets and the wider management of natural resources supports the development of iwi members.

- 3.2 Statutory Acknowledgements are an instrument included in the NTCSA. Statutory Acknowledgements are areas acknowledged by the Crown of particular significance to Ngāi

Tahu that recognise the mana of tangata whenua in relation to specific areas. The acknowledgements relate to 'statutory areas', which include geographic features, lakes, wetlands, rivers, areas of land and coastal marine areas. Statutory Acknowledgments particularly relate to the cultural, spiritual, historical and traditional associations with the area.

3.3 The relevant Statutory Acknowledgements in respect of this application is the Mata-au (Clutha River)¹.

3.4 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.

4 General Position, Reasons for Submission

4.1 Ngāi Tahu opposes the application for the following reasons:

Planning Matters

- Applications for resource consent have been lodged under Sections 9, 13, 14 and 15 of the RMA 1991 separately to the Otago Regional Council and Central Otago District Council. Both councils have asserted that the activity status of the proposal is discretionary. Given the scale of the activity, Te Rūnanga requests that the applications are heard jointly, and subsequently, a joint decision is issued by the relevant consent authorities under Section 102 of the RMA 1991.

Effects on Mahinga Kai and Cultural Values

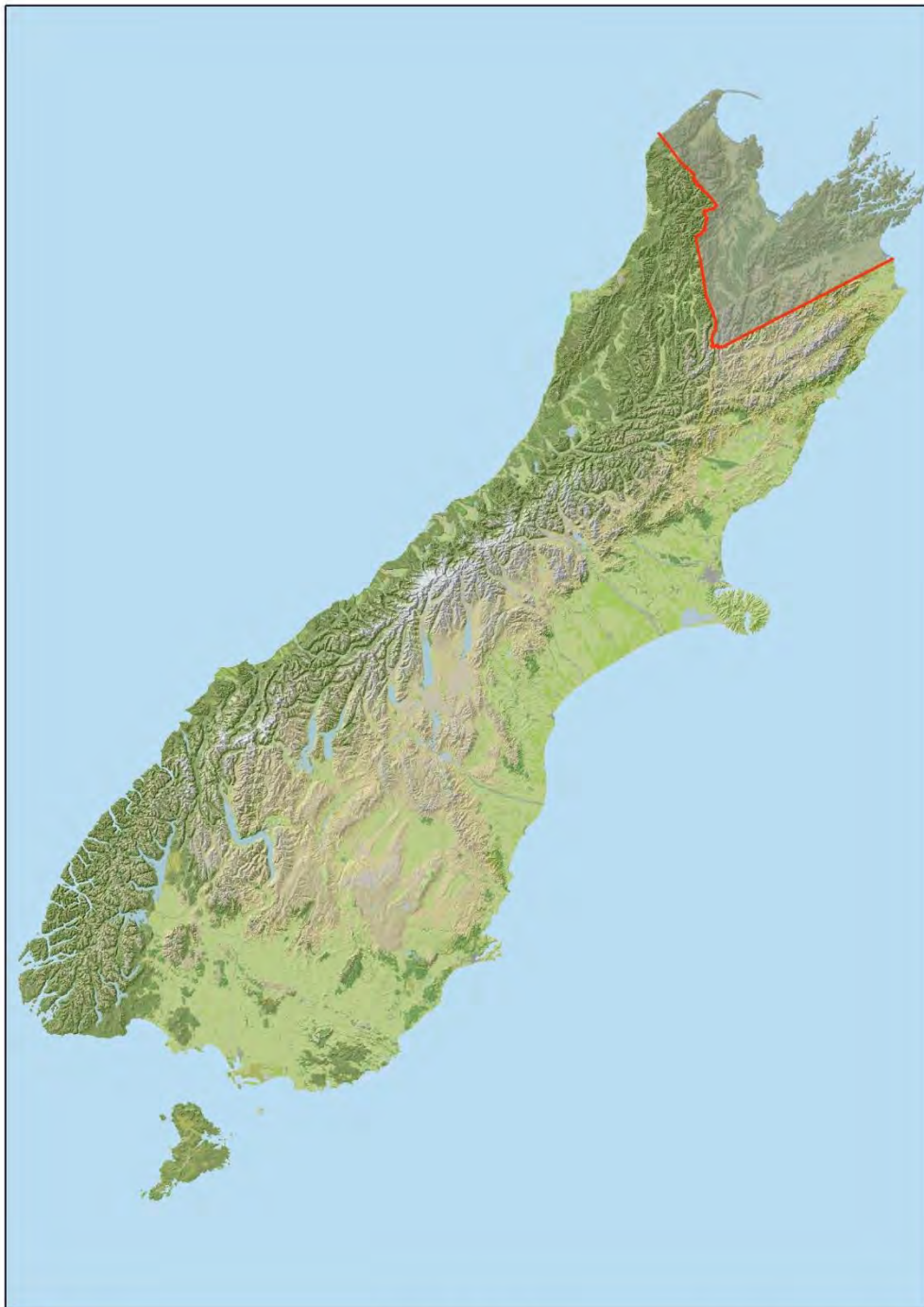
- The Mata-au (Clutha River) is a wāhi taoka (treasured resource) for Kāi Tahu whānui. The Mata-au was a significant ara tawhito. The mouth of Mata-au has always been heavily populated with many permanent and temporary kāika (settlements) located throughout the lower stretches of the river. Murikauhaka, 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 Whakatipu-wai-Māori (Lake Wakatipu) to coastal Otago.
- 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).

5 Decision Sought

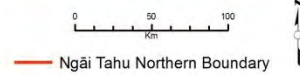
¹ Schedule 40 of the Ngāi Tahu Settlement Act 1998

- 5.1 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**.

APPENDIX ONE: NGĀI TAHU TAKIWĀ



Ngāi Tahu Takiwā



APPENDIX TWO: TEXT OF CROWN APOLOGY

The following is text of the Crown apology contained in the Ngāi Tahu Claims Settlement Act 1998.

Part One – Apology by the Crown to Ngāi Tahu

Section 6 Text in English

The text of the apology in English is as follows:

1. The Crown recognises the protracted labours of the Ngāi Tahu ancestors in pursuit of their claims for redress and compensation against the Crown for nearly 150 years, as alluded to in the Ngāi Tahu proverb “He mahi kai takata, he mahi kai hoaka” (“It is work that consumes people, as greenstone consumes sandstone”). The Ngāi Tahu understanding of the Crown’s responsibilities conveyed to Queen Victoria by Matiaha Tiramorehu in a petition in 1857, guided the Ngāi Tahu ancestors. Tiramorehu wrote:

This was the command thy love laid upon these Governors ... that the law be made one, that the commandments be made one, that the nation be made one, that the white skin be made just equal with the dark skin, and to lay down the love of thy graciousness to the Māori that they dwell happily ... and remember the power of thy name.

2. The Crown hereby acknowledges the work of the Ngāi Tahu ancestors and makes this apology to them and to their descendants.
3. The Crown acknowledges that it acted unconscionably and in repeated breach of the principles of the Treaty of Waitangi in its dealings with Ngāi Tahu in the purchases of Ngāi Tahu land. The Crown further acknowledges that in relation to the deeds of purchase it has failed in most material respects to honour its obligations to Ngāi Tahu as its Treaty partner, while it also failed to set aside adequate lands for Ngāi Tahu’s use, and to provide adequate economic and social resources for Ngāi Tahu.
4. The Crown acknowledges that, in breach of Article Two of the Treaty, it failed to preserve and protect Ngāi Tahu’s use and ownership of such of their land and valued possessions as they wished to retain.
5. The Crown recognises that it has failed to act towards Ngāi Tahu reasonably and with the utmost good faith in a manner consistent with the honour of the Crown. That failure is referred to in the Ngāi Tahu saying “Te Hapa o Niu Tireni!” (“The unfulfilled promise of New Zealand”). The Crown further recognises that its failure always to act in good faith deprived Ngāi Tahu of the opportunity to develop and kept the tribe for several generations in a state of poverty, a state referred to in the proverb “Te mate o te iwi” (“The malaise of the tribe”).
6. The Crown recognises that Ngāi Tahu has been consistently loyal to the Crown, and that the tribe has honoured its obligations and responsibilities under the Treaty of Waitangi and duties as citizens of the nation, especially, but not exclusively, in their active service in all of the major conflicts up to the present time to which New Zealand

has sent troops. The Crown pays tribute to Ngāi Tahu's loyalty and to the contribution made by the tribe to the nation.

7. The Crown expresses its profound regret and apologises unreservedly to all members of Ngāi Tahu Whānui for the suffering and hardship caused to Ngāi Tahu, and for the harmful effects which resulted to the welfare, economy and development of Ngāi Tahu as a tribe. The Crown acknowledges that such suffering, hardship and harmful effects resulted from its failures to honour its obligations to Ngāi Tahu under the deeds of purchase whereby it acquired Ngāi Tahu lands, to set aside adequate lands for the tribe's use, to allow reasonable access to traditional sources of food, to protect Ngāi Tahu's rights to pounamu and such other valued possessions as the tribe wished to retain, or to remedy effectually Ngāi Tahu's grievances.
8. The Crown apologises to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfillment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tangata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.
9. Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the historical grievances finally settled as to matters set out in the Deed of Settlement signed on 21 November 1997, to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu.”

Appendix Three: Text of Statutory Acknowledgement Areas from the Ngāi Tahu Claims Settlement Act 1998 – Schedule 40 for Statutory acknowledgement for Mata-au (Clutha River)

Statutory area

The statutory area to which this statutory acknowledgement applies is the river known as Mata-au (Clutha River), the location of which is shown on Allocation Plan MD 122 (SO 24727).

Preamble

Under [section 206](#), the Crown acknowledges Te Rūnanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to the Mata-au, as set out below.

Ngāi Tahu association with the Mata-au

The Mata-au river takes its name from a Ngāi Tahu whakapapa that traces the genealogy of water. On that basis, the Mata-au is seen as a descendant of the creation traditions. For Ngāi Tahu, traditions such as this represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

On another level, the Mata-au was part of a mahinga kai trail that led inland and was used by Ōtākou hapū including Ngāti Kurī, Ngāti Ruahikihiki, Ngāti Huirapa and Ngāti Tuahuriri. The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the river, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

The river was also very important in the transportation of pounamu from inland areas down to settlements on the coast, from where it was traded north and south. Thus there were numerous tauranga waka (landing places) along it. The tūpuna had an intimate knowledge of navigation, river routes, safe harbours and landing places, and the locations of food and other resources on the river. The river was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continues to be held by whānau and hapū and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the river.

The Mata-au is where Ngāi Tahu's leader, Te Hautapunui o Tū, established the boundary line between Ngāi Tahu and Ngāti Mamoe. Ngāti Mamoe were to hold mana (authority) over the lands south of the river and Ngāi Tahu were to hold mana northwards. Eventually, the unions between the families of Te Hautapunui o Tū and Ngāti Mamoe were to overcome these boundaries. For Ngāi Tahu, histories such as this represent the links and continuity between past and present generations, reinforce tribal identity, and document the events which shaped Ngāi Tahu as an iwi.

Strategic marriages between hapū further strengthened the kupenga (net) of whakapapa, and thus rights to travel on and use the resources of the river. It is because of these patterns of activity that the river continues to be important to rūnanga located in Otago and beyond. These rūnanga carry the responsibilities of kaitiaki in relation to the area, and are represented by the tribal structure, Te Rūnanga o Ngāi Tahu.

Urupā and battlegrounds are located all along this river. One battleground, known as Te Kauae Whakatoro (downstream of Tuapeka), recalls a confrontation between Ngāi Tahu and Ngāti Mamoe that led to the armistice established by Te Hautapunui o Tū. Urupā are the resting places of Ngāi Tahu tūpuna and, as such, are the focus for whānau traditions. These are places holding the memories, traditions, victories and defeats of Ngāi Tahu tūpuna, and are frequently protected by secret locations.

The mauri of Mata-au represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the river.

Purposes of statutory acknowledgement

Pursuant to [section 215](#), and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are—

- a) to require that consent authorities forward summaries of resource consent applications to Te Rūnanga o Ngāi Tahu as required by regulations made pursuant to [section 207](#) (clause 12.2.3 of the deed of settlement); and
- b) to require that consent authorities, Heritage New Zealand Pouhere Taonga, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to the Mata-au, as provided in [sections 208 to 210](#) (clause 12.2.4 of the deed of settlement); and
- c) to empower the Minister responsible for management of the Mata-au or the Commissioner of Crown Lands, as the case may be, to enter into a Deed of Recognition as provided in [section 212](#) (clause 12.2.6 of the deed of settlement); and
- d) to enable Te Rūnanga o Ngāi Tahu and any member of Ngāi Tahu Whānui to cite this statutory acknowledgement as evidence of the association of Ngāi Tahu to the Mata-au as provided in [section 211](#) (clause 12.2.5 of the deed of settlement).

Limitations on effect of statutory acknowledgement

Except as expressly provided in [sections 208 to 211](#), [213](#), and [215](#),—

- a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and
- b) without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngāi Tahu's association to the Mata-au (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of the Mata-au.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, the Mata-au.

Attachment A

Schedule 40: amended, on 20 May 2014, by [section 107](#) of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Submission Form 16 to the Otago Regional Council on consent applications

This is a Submission on (a) limited notified/publicly notified resource consent application/s pursuant to the Resource Management Act 1991.

Submitter Details:

(please print clearly)

Full Name/s: Peter Thomas Goodin

Postal Address: 12 Ree st, Waitati

Dunedin Post Code: 9085

Phone number: Business: 02102718271 Private:

Mobile:

Email address: pete.goodin@cadmek.co.nz

I/ we wish to **SUPPORT** ~~OPPOSE~~ / submit a ~~NEUTRAL~~ submission on (circle one) the application of:

Applicant's Name: Hawkeswood Mining Ltd

And/or Organisation:

Application Number: RM23.819

Location: Millers Flat

Purpose: Alluvial Gold Mining

The specific parts of the application/s that my submission relates to are: (Give details)

The entire application.

My/Our submission is (include: whether you support or oppose the application or specific parts of it, whether you are neutral regarding the application or specific parts of it and the reasons for your views).

I support this application because of the economic and social benefits it will bring to the area with any adverse effects on the environment being adequately mitigated and less than minor.

I/We seek the following decision from the consent authority (*give precise details, including the general nature of any conditions sought*)

Grant the consents without delay.

I/we:

- Wish to be heard in support of our/my submission
- Not wish to be heard in support of our/my submission

If others make a similar submission, I/we will consider presenting a joint case with them at a hearing.

- Yes
- No

I, **am/am not** (choose one) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank.*

I, **am/am not** (choose one) directly affected by an effect as a result of the proposed activity in the application that:

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition.

I **~~do~~ do-not** (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I **do/~~do not~~** request* that the local authority delegates its functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

I **have/~~have not~~** served a copy of my submission on the applicant.



Signature/s of submitter/s
(or person authorised to sign on behalf of submitter/s)

19-2-2024

(Date)

Notes to the submitter

If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#).

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

Privacy: Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public, including publication on the Council website. Your submission will only be used for the purpose of the notified resource consent process

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.

If you make a request under [section 100A](#) of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

The address for service for the Consent Authority is:

Otago Regional Council, Private Bag 1954, Dunedin, 9054
or by email to submissions@orc.govt.nz

Submission Form 16 to the Otago Regional Council on consent applications

This is a Submission on (a) limited notified/publicly notified resource consent application/s pursuant to the Resource Management Act 1991.

Submitter Details:
(please print clearly)

Full Name/s: Millers Flat Water Company Limited

Postal Address: P.O. Box 52, Millers Flat
Central Otago Post Code: 9544

Phone number: Business: _____ Private: _____

Mobile: 0274 798 333

Email address: mfwater@gmail.com

I/ we wish to **SUPPORT** / **OPPOSE** / submit a **NEUTRAL** submission on (circle one) the application of:

Applicant's Name: Hawkeswood Mining Limited

And/or Organisation: _____

Application Number: RM23.819

Location: 1346 - 1536 Teviot Road Miller Flat

Purpose: To construct bore, take + use groundwater, discharge water + sediments + discharge to air to alluvial gold mine

The specific parts of the application/s that my submission relates to are: (Give details)

See attached

My/Our submission is (include: whether you support or oppose the application or specific parts of it, whether you are neutral regarding the application or specific parts of it and the reasons for your views).

See attached.

I/We seek the following decision from the consent authority (*give precise details, including the general nature of any conditions sought*)

If the resource consents are granted we wish the
condition as specified in the attached to be
made.

I/we:

- Wish to be heard in support of our/my submission
 Not wish to be heard in support of our/my submission

If others make a similar submission, I/we will consider presenting a joint case with them at a hearing.

- Yes
 No

I, ~~am~~/am not (choose one) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank.*

I, ~~am~~/am not (choose one) directly affected by an effect as a result of the proposed activity in the application that:

- a) adversely affects the environment; and
b) does not relate to trade competition or the effects of trade competition.

I, ~~do/do not~~ (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I ~~do/do not~~ request* that the local authority delegates its functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

I ~~have/have not~~ served a copy of my submission on the applicant.


Signature/s of submitter/s

(or person authorised to sign on behalf of submitter/s)

18/2/24
(Date)

Notes to the submitter

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You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

Privacy: Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public, including publication on the Council website. Your submission will only be used for the purpose of the notified resource consent process

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

The address for service for the Consent Authority is:

Otago Regional Council, Private Bag 1954, Dunedin, 9054
or by email to submissions@orc.govt.nz

Hawkeswood Mining Limited
Submission on applications to Otago Regional Council for
resource consents to operate an alluvial goldmine

Introduction

1. Millers Flat Water Company (MFWC) is a community-owned and operated water supply company which provides potable water to 123 connections within Millers Flat and to a restricted supply extension to the north of Millers Flat along Teviot Road. The company is operated by five voluntary directors and has 110 shareholders.
2. The original water scheme was commissioned in March 2010 with 85 connections and the Teviot Road extension was commissioned in 2013. The scheme has a current capacity for 155 connections and has at present expressions of interest for a further ten connections.
3. The source of water is a 17 metre deep groundwater bore about 40 metres from the left (east) edge of the Clutha River just downstream from the Millers Flat bridge. Water is pumped from this bore to three cartridge filters then to three ultraviolet (UV) reactors and then to nine 30,000 litre tanks up Oven Hill Road before reticulation to its water users.
4. In addition to supplying water to individual households, water is supplied to the local hall, swimming pool, bakehouse, public toilets, Millers Flat Tavern, Millers Flat School, two transport yards, an engineering workshop, fire station, church, scout den and the Millers Flat Holiday Park. The reticulation includes 15 high-pressure fire hydrants.

Water Services Act

5. MFWC is defined as a Drinking Water Supplier in the Water Services Act 2021 (WSA21) and as such has a number of legal duties and other requirements. MFWC has a duty to supply safe and sufficient drinking water and to comply with Drinking Water Standards and compliance rules. It is required to maintain a Water Safety Plan, notify the regulator (Taumata Arowai) of risks and hazards and identify and manage risks to the water source.
6. The Directors are the primary individuals who are responsible for fulfilling these duties and ensuring that the shareholders have access to a safe and reliable water supply.

Proposed Goldmining Activity

7. Hawkeswood Mining Limited (HML) proposes to establish an alluvial goldmine north of Millers Flat between Teviot Road and the Clutha River. The goldmine pit at its closest point will be about 1.5 km northwest of the MFWC groundwater bore. The goldmine operation will include pumping of groundwater to lower water levels in the mine pit to enable access to the gold-bearing gravels on the schist basement rock. MFWC has a neutral position regarding the activity of goldmining but wishes

to highlight some matters that require management to fulfil its duties and responsibilities under the WSA21.

Consent Applications

8. HML has applied for consents to the Otago Regional Council (ORC) and Central Otago District Council (CODC) for a period of 10 years. The consents include a landuse consent from CODC and consents to construct a bore (mine pit), take and use groundwater, discharge water containing sediment and discharge to air from the ORC. MFWC is making a submission to both the ORC and the CODC. This submission is to the ORC.

Issues of Concern

9. The primary issue of concern is the effect of mine pit dewatering on groundwater quality and levels and whether these effects will extend to the MFWC bore. Although the Environmental Associates (EA) technical assessment **predicts** that effects on the bore are unlikely, MFWC's duty of care to the shareholders (water users) requires it to be sure that this will be the case in practice. The e3 Scientific (e3S) technical reviews prepared for the ORC indicate that the "site hydrology is complex and difficult to assess" and "the aquifer testing is difficult to interpret". Furthermore, e3S indicates that a contaminated plume of water beneath the [closed] landfill may be mobilised. As recommended by e3S, the EA technical assessment proposes groundwater level and water quality monitoring and provision of this data to the ORC. MFWC recommends that in addition to this, HML is required to arrange a technical assessment by an appropriately qualified independent consultant of all the groundwater level and water quality data collected each year and determine if the predictions made in the application are correct and whether any effects on the MFWC water source are likely. The data and technical assessment should be provided to the MFWC at the time they are provided to the ORC. This will enable MFWC to fulfil its legal duty of ensuring that its water source remains unaffected by mining and therefore safe and reliable for its water users. The review condition proposed by EA is also necessary so that the ORC can revise conditions if unexpected effects arise from the exercise of the consents.
10. The other issue for this submission is the ability of MFWC to provide additional connections to bore owners who may be affected by mine pit dewatering and the status of discussions between MFWC and HML to provide water connections. The option of MFWC providing connections to its scheme is mentioned a number of times in the HML application documents. A number of discussions were held between MFWC and HML on this topic during 2022. Initially up to 22 water connections was suggested by HML but this was later reduced to 13 connections. MFWC considered that a written agreement was required which specified such matters as maximum number of connections, location, duration, costs, ownership of connections, and timing. HML did not see a need for a written agreement. MFWC subsequently confirmed by email that it would "consider applications for new connections

P O Box 52
Millers Flat
Central Otago 9544



Telephone: 03 446 6883
Mobile: 0274 798 333
Email: mfwater@gmail.com

within the reticulation of its scheme as and when required". This is not a commitment to supply a connection but rather a commitment to consider an application for a connection/s.

11. As mentioned above, the current capacity of MFWC is 155 connections of which 123 are installed and applications for a further 10 connections have been made. This leaves available spare capacity at 22 connections. The capacity of the scheme may be able to be increased but this would require appropriate technical assessments and investments and would obviously take some time to implement.
12. If the Resource Consent is granted, we wish the following consent condition to be made:

That groundwater level and water quality monitoring be a condition of the consent and that this information be provided to MFWC directly on an ongoing basis as it comes to hand. The independent consultant's review of the data required to be paid for by the applicant also be provided. If any negative effects on groundwater level and/or water quality are noted, then the mining operation shall cease immediately until the effect of those matters are able to be understood and remedied or mitigated. MFWC is to be consulted in relation to any remedy or mitigation measures to ensure that the domestic water source is protected.

13. Please contact the undersigned if clarification is required of this submission.



Tony Dons
Chair
Millers Flat Water Company
mfwater@gmail.com
027 479 8333

18 February 2024

Submission Form 16 to the Otago Regional Council on consent applications

This is a Submission on (a) limited notified/publicly notified resource consent application/s pursuant to the Resource Management Act 1991.

Submitter Details:

(please print clearly)

Full Name/s: Precision Profile Limited

Postal Address: PO Box 2365, South Dunedin

Post Code: 9044

Phone number: Business:

Private:

Mobile: 0273893135

Email address: kris@precisionprofile.co.nz

I/ we wish to **SUPPORT** / **OPPOSE** / submit a **NEUTRAL** submission on (circle one) the application of:

Applicant's Name:

And/or Organisation: Hawkeswood Mining Limited

Application Number: RM23.819

Location: 1346-1536 Teviot Road, Millers Flat, Roxburgh

Purpose: Alluvial gold mining

The specific parts of the application/s that my submission relates to are: (Give details)

The application as a whole.

My/Our submission is (include: whether you support or oppose the application or specific parts of it, whether you are neutral regarding the application or specific parts of it and the reasons for your views).

We support the application because it will generate work for supporting industry in the region. As stated in the AEE, the proposal will not generate any adverse environmental affects that are more than minor, and there will be significant economic and social benefits for the local community.

I/We seek the following decision from the consent authority (*give precise details, including the general nature of any conditions sought*)

To grant all resource consents.

I/we:

- Wish to be heard in support of our/my submission
 Not wish to be heard in support of our/my submission

If others make a similar submission, I/we will consider presenting a joint case with them at a hearing.

- Yes
 No

I, ~~am~~/**am not** (choose one) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank.*

I, ~~am~~/**am not** (choose one) directly affected by an effect as a result of the proposed activity in the application that:

- a) adversely affects the environment; and
b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~/**do not** (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I ~~do~~/**do not** request* that the local authority delegates its functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

I ~~have~~/**have not** served a copy of my submission on the applicant.



9 February 2024

Signature/s of submitter/s
(or person authorised to sign on behalf of submitter/s)

(Date)

Notes to the submitter

If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#).

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

Privacy: Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public, including publication on the Council website. Your submission will only be used for the purpose of the notified resource consent process

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.

If you make a request under [section 100A](#) of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
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or by email to submissions@orc.govt.nz

SUBMISSION ON APPLICATION FOR RESOURCE CONSENT: RM23.819

To: Otago Regional Council

1. DETAILS OF SUBMITTER

Name of Submitters: JP Clarke, KL Franklin and
FG Works Limited

Electronic Address for Service: sarah.scott@simpsongrierson.com
ken@thefranklin.co.nz

Postal Address for Service: Simpson Grierson
Level 1, 151 Cambridge Terrace
Christchurch, 8140
Attention: Sarah Scott

Primary Address for Service: Our preference is electronic service to the
email addresses above.

Mobile: 027 307 4318

Contact Person: Sarah Scott

2. APPLICATION DETAILS

Resource Consent Number: RM23.819

Name of Applicant: Hawkeswood Mining Limited

Application Site Address: 1346 – 1536 Teviot Road, Millers Flat

Description of Proposal: Resource consents (bore construction, water permits (take and use of groundwater and discharge to water), and discharge permit (to air)) to establish and operate an alluvial gold mining operation, including on-site processing of the gold bearing gravel 'wash' and progressive rehabilitation back to pasture.

3. SUBMISSION DETAILS

3.1. We **oppose** the application in its entirety.

3.2. We **are not** a trade competitor for the purposes of Section 308B of the Resource Management Act 1991.

3.3. We **are directly affected** by effects of the activity to which the application relates that adversely affect the environment and do not relate to trade competition or the effect of trade competition.

- 3.4. The specific parts of the application and the reasons for the submission are set out in full below.

4. CONTEXT AND SUMMARY

- 4.1. We reside at, and work from, the property at 1334 Teviot Road. Occupied buildings on this property will be located approximately 75m from the northernmost extent of the open mine pit (refer to **Appendix 1** of this submission). We are an immediate neighbour of the proposed mine, yet are not recognised in the Application except as “Receptor A” in a dust report.
- 4.2. We seek that the application be declined because the scale, industrial nature, lack of consistent application detail, lack of compliance in works to date, and immediate and cumulative effects of the operation are all well outside what might be considered acceptable under the Regional Plans and will cause unacceptable adverse effects on us. The application is inconsistent with the objectives and policies of the Partially Operative Otago Regional Policy Statement 2019 and the Proposed Otago Regional Policy Statement 2021.

5. SCOPE OF ACTIVITY SOUGHT

- 5.1. The volume of earthworks sought within the application to Central Otago District Council (CODC) is 12 million m³ over 10 years across a total project area of 68 hectares, a maximum work area of 27 hectares, and an active pit area of 12 hectares.
- 5.2. The applications to ORC only provide cursory information relating to the scale of the mining operations while requesting a consent for the bore construction, and a take and use of groundwater for dredging and for dust suppression.
- 5.3. The extent of water to be taken is directly related to the extent of mining activity granted through the CODC land use consent. In addition to considering volumes of overburden, tracks, topsoil, and open ground needing dust suppression during dry periods and times of moderate wind intensity occurring anytime in a 24-hour period, the proposed rate of take will also need to be sufficient for processing of material. The application seeks to mine for alluvial gold and some processing of gravels is anticipated. The potential volumes of water to be used for this purpose are not identified, and this processing, while intended, is not explicitly mentioned in the application. The consumptive nature of the dust management proposal is also not recognised.
- 5.4. From the scale of (in large part unlawful) exploratory works undertaken to date we have an insight—by extrapolating our recent experience of activities on the site—into what lies ahead for us over many years. We have significant concerns about the scope of the activity that has been applied for, the scale of the likely adverse effects that will arise from the proposal, and whether those effects have been adequately assessed.

6. DUST EFFECTS

- 6.1. The proposal will result in significant adverse dust effects on the health and amenity values of our property.
- 6.2. Our property at 1334 Teviot Road has high sensitivity to the discharge of TSP, PM₁₀, PM_{2.5}, RCS and combustion products from the proposed mining and gravel processing activities. We are described as “Receptor A” in the assessment documents. Receptor A is downwind of the

Hawkeswood site approximately 33% of the time based on local meteorological data. A separation distance of at least 250m between the proposed activities and the dwelling curtilage is required to mitigate adverse effects. Any works occurring within 400m of the dwelling curtilage should be subject to best practice controls and continuous real-time PM₁₀ monitoring.

- 6.3. The application notes that dry works and surface works may occur on the site. The potential effects of this discharge have not been assessed, particularly in relation to health effects of RCS. Even if gravel processing was assessed as able to occur as a permitted activity, cumulative effects of this discharge with the other discharges from the site require assessment.
- 6.4. The potential effects of combustion sources operating on the site, particularly fixed plant, have not been assessed. An assessment of diesel combustion sources, including any generators and fixed processing plant should be undertaken. Regard should be had to separation from sensitive receptors.
- 6.5. Any gravel processing plant or fixed combustion sources should be located at least 400m from the dwelling curtilage of "Receptor A". The proposed location of such equipment should be clearly defined and considered in the assessment.
- 6.6. The proposal will also result in the generation of a significant amount of PM₁₀ pollution that has not been assessed within the application and is unmanaged and not monitored in the north of the site. The unmanaged generation of PM₁₀ pollution is likely to have significant adverse effects on health and wellbeing.
- 6.7. The Dust Management Plan dated 30 November 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. This is a different DMP than was submitted to CODC.
- 6.8. The peer review of the DMP¹ (which we understand to be a peer review of a different version of the dust management plan that has been lodged alongside the CODC land use application) simply recommends that (at minimum) two real-time dust monitors be deployed on the site at appropriate locations without providing any guidance on where those monitors should be sited. That this remains unspecified is unsatisfactory when we are likely to bear the effects of the dust generated so close to our property.
- 6.9. It is essential for at least one real-time dust monitoring station to be located on our property near its southern boundary, so that it provides for proactive dust management and avoid lag time for managing this issue. It is important for all potentially affected persons in this area and the two Councils to have access to the real-time data.
- 6.10. It is unclear what, if any, dust suppression will be undertaken outside of the proposed operational hours, particularly for stockpiled material. Further detail needs to be provided to ensure that dust is managed appropriately at all times without producing unacceptable noise effects.

¹ Dust Peer Review, completed by Nigel Goodhue of Air Matters, titled Dust Management Plan – Peer Review – Hawkeswood Mining Limited, Teviot and dated 12 October 2023.

7. OTHER EFFECTS

7.1. We also consider that the effects on the following matters will be significant / unacceptable, and have not been assessed in the application:

7.1.1. **Biodiversity:** no assessment of biodiversity has been provided with the application. 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. We regularly observe skinks on our property.

7.1.2. **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 in greenhouse gas emissions have been provided with the application.

7.1.3. **Effects on Water Quality and Quantity and section 102 of the Resource Management Act:** The proposal will result in dewatering once excavations reach the level of the **groundwater** table at the site, runoff from dust suppression, and potentially groundwater recharge from the dewatering process. We have concerns about the effects of discharges on groundwater.

8. INCONSISTENCY IN INFORMATION / DATA

8.1. We are concerned that there is inconsistency between the information and technical assessments provided with the current resource consent applications (RC230325 and RM23.819), and a reliance on technical assessments provided in support of previous applications to CODC (on-hold) and ORC (withdrawn) that sometimes purport to have been updated, but appear to continue with past assumptions and an assessment based on the former location, duration, and methodologies that have been significantly altered.

8.2. There are multiple distances quoted in various reports provided by the applicant in relation to the distance between the proposed activities and our property. Many using different boundaries —pit, bund, property, work site, occupied buildings. The only measurements included are found in the Air Matters Air Matters AEE (Fig 3 pg 8 and Table 2 pg 9).

9. PART 2 RMA

9.1. The proposal is inconsistent with Part 2 of the Resource Management Act 1991. In particular the following must be given particular regard to in the consideration of any assessment for resource consent:

9.1.1. Section 7(c) **requires** the maintenance and enhancement of amenity values.

9.1.2. Section 7(f) **maintenance** and enhancement of the quality of the environment.

9.1.3. Section 7(g) any finite characteristics of natural and physical resources.

9.1.4. Section 7(i) the effects of climate change

10. A REACTIVE MANAGEMENT APPROACH

- 10.1. The Application largely promotes a reactive management approach, with the applicant and the technical assessments rely heavily on the applicant being able to competently manage the operations and accurately monitor depths of extraction, volumes, hours of operation, separation distances and the like.
- 10.2. The Applicant's acknowledged (but under stated) non-compliance in the related land use consent application to CODC does not provide any confidence that what is presented in the application will be followed and adhered to if resource consent is granted. Behaviors to date by the applicant provide insight into how it intends to operate the mine. Demonstrating an inability to self-manage basic compliance, or at worst to simply ignore regulatory constraints through the current unlawful activities happening on the site suggests mitigation measures will need to be tightly observed and managed.
- 10.3. While the Applicant has sought retrospective land use consent for earthworks that exceeded permitted volumes under the district plan, it is clear from the CODC's compliance site visit photo in their s95 report that the test pit has exposed groundwater, and a bore has already been constructed. There is no acknowledgement *in the applications* to ORC that the application seeks retrospective approval for those works already completed to construct a bore and the associated dewatering activities. The only reference is at page 52 of a supporting report, being EAL's Technical Assessment of Proposed Groundwater Take and Discharge.

11. RELIEF SOUGHT

- 11.1. We seek that the application for consent be **declined** in full.
- 11.2. 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.
- 11.3. We also seek, at the very least:
- 11.3.1. A separation distance of at least 250m between our 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 ORC and CODC applications;
- 11.3.2. A staged approach to mining of the site so that the land in the vicinity of our property is mined first, and rehabilitated first, so that the duration that we have to live with the most significant effects from the activity is minimised to no more than 18 months;
- 11.3.3. 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:

- 11.3.4. Any works occurring within 400m of the dwelling curtilage should be subject to best **practice** controls and continuous real-time PM₁₀ monitoring;
 - 11.3.5. 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. Further, we request online access to that real-time data for consent authorities, neighbouring property owners (including ourselves), and other interested parties;
 - 11.3.6. 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;
 - 11.3.7. Refurbishing of all buildings at 1334 Teviot Road with new window glazing and doors that are sealable against dust intrusion prior to commencement of mining and related works.
- 11.4. We also consider it to be necessary for the resource consent processes to be run jointly with the CODC consent process since the dependence of the applicant on water permits to mitigate the effects of dust means the outcome and duration of those water permits must be tied to the duration of any land use consent granted by the CODC.
- 11.5. We wish to speak in support of our submission.

Signed:



Name: Sarah Scott on behalf of JP Clarke, KL Franklin and FG Works Ltd

Date: 19 February 2024

Appendix 1: Proximity Diagram



Appendix 1: Proximity Diagram



DISCLAIMER: This map/plan is illustrative only and all information should be independently verified on site before taking any action. Whilst due care has been taken, Grip gives no warranty as to the accuracy and plan completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

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Submission Form 16 to the Otago Regional Council on consent applications

This is a Submission on (a) limited notified/publicly notified resource consent application/s pursuant to the Resource Management Act 1991.

Submitter Details:
(please print clearly)

Full Name/s: GLEN RUSSELLPostal Address: 18 WAVY KNOWES DRIVE WALDROVILLE
DUNEDIN Post Code: 9018

Phone number: Business: _____ Private: _____

Mobile: 0274324601Email address: glen@russet.co.nz

I/ we wish to **SUPPORT** / **OPPOSE** / submit a **NEUTRAL** submission on (circle one) the application of:

Applicant's Name: HAWKESWOOD MINING LIMITED

And/or Organisation: _____

Application Number: RM 23.819Location: RURAL RESOURCE AREA AT 1346-1536 TEVIOT ROAD MILLERS FEA.Purpose: LAND USE CONSENT TO ESTABLISH AND OPERATE AN ALLUVIAL GOLD MINING OPERATION

The specific parts of the application/s that my submission relates to are: (Give details)

- ① ESTABLISHING A GOLD MINING OPERATION AND RUNNING THIS OPERATION OVER THE LIFE TIME OF THE RESOURCE.
- ② CREATING LOCAL EMPLOYMENT
- ③ INVESTING IN THE LOCAL ECONOMY.
- ④ EXTRACTING A MUCH NEEDED RESOURCE.

My/Our submission is (include: whether you support or oppose the application or specific parts of it, whether you are neutral regarding the application or specific parts of it and the reasons for your views).

I SUPPORT THE APPLICATION ON THE GROUNDS LISTED ABOVE. I SUPPORT INVESTMENT IN THE LOCAL ECONOMY. I KNOW MINING PRACTICES IN NZ ARE SOME OF THE BEST IN THE WORLD.

I AM NOT DIRECTLY AFFECTED, BUT FROM WHAT I KNOW AND HAVE SEEN - THE AFFECTS ARE MINAMAL.

I/We seek the following decision from the consent authority (give precise details, including the general nature of any conditions sought)

I SEEK FULL APPROVAL FOR CONSENT TO MINE

I/we:

- Wish to be heard in support of our/my submission
 Not wish to be heard in support of our/my submission

If others make a similar submission I/we will consider presenting a joint case with them at a hearing.

- Yes
 No

I, **am/am not** (choose one) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

*If trade competitor chosen, please complete the next statement, otherwise leave blank.

I, **am/am not** (choose one) directly affected by an effect as a result of the proposed activity in the application that:

- a) adversely affects the environment; and
b) does not relate to trade competition or the effects of trade competition.

I, **do/do not** (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I **do/do not** request* that the local authority delegates its functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

I **have** have not served a copy of my submission on the applicant.



Signature/s of submitter/s

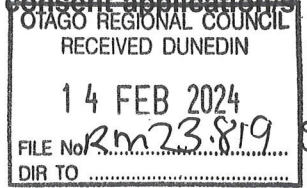
(or person authorised to sign on behalf of submitter/s)



(Date)

Submission Form 16 to the Otago Regional Council on consent applications

This is a Submission on (a) limited notified/publicly notified resource consent application/s pursuant to the Resource Management Act 1991.



Submitter Details:
(please print clearly)

Full Name/s: Graeme Young

Postal Address: 1266 Teviot Road, B.D.2 Roxburgh
Post Code: 9572

Phone number: Business: _____ Private: _____

Mobile: 021 0632424

Email address: gyoung478@yahoo.co.nz

I/we wish to **SUPPORT** / **OPPOSE** / submit a **NEUTRAL** submission on (circle one) the application of:

Applicant's Name: Hawkeswood Mining Ltd.

And/or Organisation: _____

Application Number: RM 23.819

Location: 1346-1536 Teviot Road Roxburgh

Purpose: Alluvial Gold Mining.

The specific parts of the application/s that my submission relates to are: (Give details)

Environmental impacts - Particularly on Water

See enclosed pages

My/Our submission is (include: whether you support or oppose the application or specific parts of it, whether you are neutral regarding the application or specific parts of it and the reasons for your views).

I wish the ORC to decline this resource consent application.

See enclosed pages

I/We seek the following decision from the consent authority (*give precise details, including the general nature of any conditions sought*)

To decline this application.

See enclosed pages.

I/we:

- Wish to be heard in support of our/my submission
 Not wish to be heard in support of our/my submission

If others make a similar submission, I/we will consider presenting a joint case with them at a hearing.

- Yes
 No

I, am/am not (choose one) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank.*

I, am/am not (choose one) directly affected by an effect as a result of the proposed activity in the application that:

- a) adversely affects the environment; and
b) does not relate to trade competition or the effects of trade competition.

I, do/do not (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I, do/do not request* that the local authority delegates its functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

I have/have not served a copy of my submission on the applicant.



Signature/s of submitter/s
(or person authorised to sign on behalf of submitter/s)

14/02/2024

(Date)

12th. February 2024.

1.

Att. Otago Regional Council.

I wish to ask the Otago Regional Council to decline the Resource Consent Application by Hawkeswood Mining Ltd, RC No. 230325. I include below the reasons I believe this proposal is not in the interests of my community and our environment.

Air.

HML's second application has acknowledged the risks of particulate matter. As this dangerous dust is mostly invisible, the proposed two monitors at each end of the site are surely inadequate. The Teviot Valley is a windy place, and the wind can and does blow from the four corners of the compass, not just during daylight hours but in darkness as well. Does the company have the ability to train two staff to address this matter and will this measure be sufficient to protect residents' health?

The PDP review (15 Dec 2023) states. "PDP has not undertaken a site visit and the review presented in this memorandum is based on a *desk top* analysis of the information provided".

PDP also acknowledges "the potential for a number of receptors to experience moderate to high dust impacts".

PDP also states, "there is the potential for adverse effects on neighbouring properties if the dust levels are not controlled and mitigated properly".

HML has not, from my observations, mitigated the potential dust from their existing 10m high stockpiles. Mitigating dust with water cannons and/or sprinklers may contribute to contamination of the groundwater beneath the site. ("Water is commonly used to reduce dust dispersed but can mobilize contaminants and facilitate transport through the vadose zone to groundwater") [osti.gov.]

Emissions.

HML tell us their project will be a "low emissions project". The quantity of diesel stored on site has risen from 10,000 litres in their first application to 60,000 litres in their second application.

The average petrol/fuel station stores around 10,000 litres of diesel.

60,000 litres of diesel are enough to fill the tanks of 1,000 cars!

Combusting a litre of diesel produces 2.6391 kgs of CO2 equivalent. [comcar.co.uk]

HML doesn't tell us how long this tank of diesel will last, but each tank full will produce around 160 tonnes of CO2 equivalent. Hardly low emissions.

My wife and I have on separate occasions smelt diesel fumes when passing the mine site via the Cycle Trail. At least one other local we've spoken to has had the same experience and mining hasn't begun yet!

"In a given year, gold mines emit more greenhouse gases than all passenger flights between European nations combined". [The Conversation website]

Diesel Particulate Matter (DPM) is also a well-documented health hazard.

Water.

2.

It's generally accepted that two thirds of New Zealand's rivers are too polluted to swim in. ABC, The Guardian and Eljazeera are some of the foreign news agencies that have revealed "New Zealand's dirty secret". In fact, there seems to be a conspiracy of silence amongst most of our own news agencies regarding New Zealand's appalling water pollution. Has our local media offered a balanced portrayal of the potential risks to our environment from this proposed Open Cast Gold Mine?

The ORC has a river water monitoring site at Millers Flat which shows a likely improvement in nutrients over 20 years, but a decreased visual clarity. Two monitoring bores at Ettrick are poorer than other areas, with several E-coli exceedances. Groundwater Nitrate levels are also high. These indicators are likely to worsen given the rapid land use change. The ORC has also publicized their concerns at the elevated contamination around the Bengier Burn. It's obvious the river catchment is under increasing pressure. An unnamed stream running through our property above the proposed mine site and discharging into the Clutha River, has an unpleasant odour and has tested as high as 760 cfu's per 100ml. It hasn't dried up in our time here. In this 5 year period the creek has gone from a clean aquatic life supporting water source to a sediment laden sewer. Even the eels don't come up the creek anymore. A smaller creek further up the Cycle Trail does dry up in the summer but can smell even worse than ours.

I used to regularly catch fish from our "front lawn" adjoining the Clutha 5 yrs ago. Alas, the fish in my part of the river have gone. Their habitat buried beneath large swathes of algae. The riverbed below our creek is in noticeably worse health than that above. Other fishermen concur that this part of the Clutha is fishing poorly. One who has fished the river for 30 years tells me the fishing is the poorest it's ever been in that time. As a recreational fisherman for more than 50 years, I've come to appreciate the warning role fish have had in numerous waterways I've seen decline in Southland, Canterbury and Otago. The fish leaving the Clutha are giving us a warning about the health of the river, one we should not be ignoring.

The ORC has told us in a report that drastic action is needed to clean up our polluted rivers and even suggested previously consented activities may have to be banned. Otago has the most polluted water after Canterbury and Southland and because of the contamination "in the post," we can expect it to deteriorate further before seeing any improvement.

I have grave concerns about the mine contaminating our groundwater and the Clutha River. I have twice had my domestic water contaminated by consented activities. Firstly, in South Canterbury when a consented activity contaminated my private bore and later in the summer, drained the aquifer completely. This despite assurances from the consenting authority that the activity would have no impact on my water. Several years later I moved to mid Canterbury and again a consented activity contaminated my water supply. On both occasions the consenting authority denied any responsibility and told me the problems were mine to fix! In South Canterbury there was no "fix" available. The consequences were devastating. Just as the consequences for Millers Flat residents will be devastating if their only water source is contaminated.

3.

As shareholders in the Millers Flat water scheme, my wife and I receive a restricted reticulation from the scheme's bore, located approximately 1500m downstream from the proposed mine site. The water from this scheme is pristine and hugely valuable to this community as an essential amenity. The Environmental Associates Ltd technical assessment (the second one) states there is "nil" chance of the proposed mine contaminating the Millers Flat Community bore. This assurance worries me for two reasons. Firstly, I have heard similar assurances not once, but twice before. The "experts" were very wrong on both occasions. Secondly, two engineers, one with a mining background and two water scientists have all told me recently they would not/could not offer that kind of guarantee or use that kind of definitive language regarding a mine operating in the groundwater and just metres from the river.

There has been hydrology testing done in the Millers Flat area before. In the late eighties a study was undertaken for the then Ministry of Works and Development. [docs.niwa.co.nz] A map shows the groundwater beginning above Teviot, passing down through the proposed mine site and Millers Flat, before culminating around Island Block. It might be interesting for an independent expert to see if there's any difference in the hydraulic connection between the groundwater and the Clutha River in this report, and that of the EAL Assessment.

Safe water setbacks are a blurry picture in New Zealand. I've spoken to a water scientist at the ESR and he was reluctant to be drawn on this subject. The ESR website talks of contamination travelling 2kms underground. An American study recorded with their National Library of Health indicates contamination in a coarse gravel aquifer can travel 58kms. In a fine gravel aquifer 13kms. [ncbi.nlm.nih.gov] Lots of variables can skew these distances, however, contamination can travel more than 1.5kms underground, the distance separating the mine from the MFWC bore. The mine from our drinking water source!

We can computer model the mine site indefinitely, but how have so many of our rivers and so much of our groundwater become polluted if experts and their computers are infallible?

From the EC Otago Report, under 10 Limitations.

"There is no investigation that is thorough enough to preclude the presence of materials at the site that presently, or in the future, may be considered hazardous. As the regulatory criteria are subject to change, a status with respect to contamination that is presently considered to be acceptable may in the future become subject to different regulatory standards that cause the site to become unacceptable for existing or proposed land use activities".

Council records reveal the site is already contaminated.

The dewatering of the mine pit could be around 60 litres per second. This means 60 litres of water is contaminated with sediment every second.

This equates to 5,184,000 litres of water being contaminated with sediment each day!

That's almost two Olympic swimming pools of water contaminated with sediment each day and pumped back onto land.

A YouTube video of the Waikaia Dredge (now the HML dredge) in its filthy pond, is available online.

4.

Landcare Research published in Feb. 2020

"Fine sediments are one of the most common causes of contamination in New Zealand rivers and estuaries".

"Sediments can carry other pollutants such as heavy metals, nutrients and microbes".

From the United States Geological Service.

"Stream, river and lakebed sediments are reservoirs for many contaminants. These contaminants include some 'legacy' contaminants like DDT and PCB's etc". Many contaminants adhere to sediment rather than dissolving in water".

"These chemicals can persist in the sediment for many years, long after they are no longer detectable in water".

The mining company proposes to use the Clutha River as a toilet. To flush away their contaminants. I understand this is called 'attenuation'. When we flush our toilets at home, it doesn't disappear, it merely goes to another place.


Conclusions.

I understand our local body councils are in something of a transitional phase. We have the National Policy Statement – Fresh Water. The coalition Government has pledged to replace the NPS-FW. With what, we don't know. The government probably doesn't know either.

The NPS-FW and Te Mana o Te wai give clear guidelines as to how we must change our relationship with water. The hierarchy of priorities makes water our number one priority, ahead of economic outcomes. Water must come before money. The United Nations' 17 goals of sustainability echo these aspirations.

The Clutha River and our precious groundwater need restoration and protection. Not more contamination from gold miners. The world doesn't need any more gold. We can all live without gold, but none of us can live without clean water. The world is running out of fresh water. It's far more precious than gold. Yet this mining proposal plans to contaminate our precious amenity.

Thank you.


Graeme Young

Submission Form 16 to the Otago Regional Council on consent applications

This is a Submission on (a) limited notified/publicly notified resource consent application/s pursuant to the Resource Management Act 1991.

Submitter Details:
(please print clearly)

Full Name/s: James StewartPostal Address: 3 Domain Road
Bannockburn Post Code: 9384Phone number: Business: _____ Private: _____
Mobile: 027 271 9067Email address: james.geologist@outlook.comI/ ~~we~~ wish to **SUPPORT** / **OPPOSE** / submit a **NEUTRAL** submission on (circle one) the application of:Applicant's Name: Hawkeswood Mining Limited

And/or Organisation: _____

Application Number: 230325 (CoDC RC application number).Location: 1346-1536 Teviot Road, Millers Flat, RoxburghPurpose: To establish and operate an alluvial goldmine.

The specific parts of the application/s that my submission relates to are: (Give details)

Please refer attached page.My ~~submission~~ submission is (include: whether you support or oppose the application or specific parts of it, whether you are neutral regarding the application or specific parts of it and the reasons for your views).Please refer attached page.

I ~~do~~ seek the following decision from the consent authority (give precise details, including the general nature of any conditions sought)

That resource consent for the proposed activity
be granted in its entirety.

I ~~do~~

- Wish to be heard in support of our/my submission
 Not wish to be heard in support of ~~our~~ my submission

If others make a similar submission, I ~~do~~ will consider presenting a joint case with them at a hearing.

- Yes
 No

I, ~~am~~ **am not** (choose one) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank.*

I, ~~am~~ **am not** (choose one) directly affected by an effect as a result of the proposed activity in the application that:

- a) adversely affects the environment; and
b) does not relate to trade competition or the effects of trade competition.

I, ~~do~~ **do not** (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I ~~do~~ **do not** request* that the local authority delegates its functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

I have ~~been~~ served a copy of my submission on the applicant.



Signature/s of submitter/s
(or person authorised to sign on behalf of submitter/s)

18/02/2024

(Date)

Notes to the submitter

If you are making a submission to the Environmental Protection Authority, you should use [form 16B](#).

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

Privacy: Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public, including publication on the Council website. Your submission will only be used for the purpose of the notified resource consent process

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in [Part 11A](#) of the Resource Management Act 1991.

If you make a request under [section 100A](#) of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

The address for service for the Consent Authority is:

Otago Regional Council, Private Bag 1954, Dunedin, 9054

or by email to submissions@orc.govt.nz

Letter of Support

Submission on Notified Resource Consent Application No. 230325

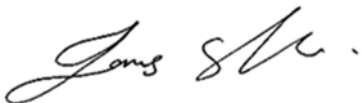
The submitter supports the proposed application in its entirety and supports further applications of this nature within Central Otago.

Considering the recent gold discovery at Bendigo (largest within New Zealand in four decades) both the Regional and District Councils need to recognize that the jurisdiction over which they preside is located within a world class mining district, albeit relatively small on the global stage but still significant in our national context. Smaller scale alluvial gold mining projects like the one proposed at Millers Flat collectively form an important contribution to our local export led economy. The current proposal is no different to any other deep lead goldmining operation previously undertaken in Otago such as Earnscleugh, Glenore and Island Block (within 10 km of the current site), completed successfully without notable environmental incident.

The extractives sector has been stigmatized for too long and its time the mining industry was given a stronger sense of legitimacy, particularly within Otago which draws its lineage from our goldmining heritage. Increasingly large financial capabilities are required to commence even small mines or quarries at the expense of economic development and overall productivity. This serves to widen the gap on financial inequality whereby small operators are suppressed and small-scale projects with good local potential become increasingly unviable. The overall result is poor outcomes for ratepayers and the clear economic benefits which arise from such activities. Investors and enterprise need greater certainty within the consenting regime to generate not only their own business but also prosperity for the region. Expending around \$1.2 million on a resource consent the applicant has not yet secured is an absurd level of expenditure for a project of this scale.

Restrictive legislation and inefficient consenting processes are intrinsically linked to New Zealand's current cost-of-living crisis. To ensure their direct accountability to local ratepayers I specifically request that consent application 230325 be heard by a panel of commissioners who reside within our region.

Best regards,



James Stewart | BSc (Geology), PGDip (Geology)

Engineering Geologist

E: james.geologist@outlook.com

M: +64 27 271 9067

Submission Form 16 to the Otago Regional Council on consent applications

This is a Submission on (a) limited notified/publicly notified resource consent application/s pursuant to the Resource Management Act 1991.

Submitter Details:

(please print clearly)

Full Name/s: Culling Family Trust

Postal Address: 26 Cole Street

Dunedin

Post Code: 9012

Phone number: Business:

Private:

Mobile: 021 162 3548

Email address: Thecullingfamily@gmail.com

We wish to **OPPOSE** the application of:

Applicant's Name: Hawkeswood Mining Ltd

And/or Organisation:

Application Number: RM 23.819

Location: 1346-1536 Teviot Road, Millers Flat, Roxburgh

Purpose: To establish and operate an alluvial gold mine for a duration of 10 years

The specific parts of the application/s that my submission relates to are: *(Give details)*

Bore Water vulnerability for local residents and the Millers Flat Water Company

The impact of dust emissions on neighbouring residents, holiday makers, building assets.

The addition of a new road safety hazard on touring cyclists, school children and walking residents

The loss of a tranquil rural / residential environment with the addition of large industrial activity

My/Our submission is *(include: whether you support or oppose the application or specific parts of it, whether you are neutral regarding the application or specific parts of it and the reasons for your views)*.

Our submission opposes the application and proposed activity. Our attached summary provides details of our objections.

We seek the following decision from the consent authority (*give precise details, including the general nature of any conditions sought*)

Should the consent be granted, we would require the consenting authority to establish third party monitoring of the impact on water quality, dust emissions, road safety and rural lifestyle ambience be put in place as part of the consent.

Also, we would require the consenting authority to put in place some system of responsibility/ accountability of Hawkeswood Mining Ltd during and post operation in relation to bore water availability and quality and any other unforeseen environmental impact.

We:

Not wish to be heard in support of our/my submission

If others make a similar submission, we will consider presenting a joint case with them at a hearing.

Yes

I, **am not** (choose one) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank.*


I, **am** (choose one) directly affected by an effect as a result of the proposed activity in the application that:

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition.

I, **do not** (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I **do not** request* that the local authority delegates its functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

I **have** served a copy of my submission on the applicant.



Signature/s of submitter/s
(or person authorised to sign on behalf of submitter/s)

15/2/2024

(Date)

In support of the Culling Trust -1594 Teviot Road, Millers Flat- Submission. (Opposing the Application from Hawkeswood Mining Ltd to Establish and Operate an alluvial Gold Mining operation in a rural resource area at Millers Flat.)

Context: Our family trust owns a property at 1594 Teviot Road, Millers Flat. As the crow flies, our house is a mere 600 metres from the area where it is proposed the gold mining operation will take place.

1. The Impact on Potable Water.

A number of landowners in the valley rely on bore water for their own use or the use of their operations. We ourselves have a deep bore which is our sole source of water for our family's use and is the reason we bought our house in the Teviot Valley in 2006, an area where in the past households have had to rely on unreliable rainfall during certain months of the year. This bore water is of exceptional quality and is a reliable source of water for our family. We also joined the Millers Flat Water Co. when it was established, because homes in Millers Flat who relied on rainwater did not have water security and some people were becoming ill. However, our house has not been connected up to the Water Company supply.

We have been informed by Hawkeswood that the proposed operation could affect our deep bore and they have offered to pay for us to connect to the Water Company and pay for any water we might use. However, this offer has not been followed up on and we have had no further contact from them. For us, being joined to the Water Company supply is a short-term solution and ultimately we would wish to be able to go back to using our functioning bore. We still have a concern that there is no guarantee that our bore would not be permanently damaged by the mining operation's interference with the water table. So, we are very concerned about the long-term future of our bore (and others in the valley as well) and we are also concerned about the ability of the Water Company to continue to take water from their bore to supply our community, even though their take is further from the mine than we are. Once Hawkeswood has extracted the gold they are looking for and has left the valley, who will be responsible for any irreparable damage that they have done? Would the territorial authorities be liable as the bodies that have issued the consents? Our position is that anything that has the potential to negatively affect or destroy people's access to safe drinking water should be disallowed absolutely.

2. The impact on the Environment

Mauri

We are very concerned about the impact of this operation on the **mauri of the river**. Although mining has been a part of the history of the Mata-au/Clutha since early colonization in Otago, this happened at a time of settler ignorance as to the spiritual and cultural significance of this waterway. However, now in the 21st Century we are more aware of our reliance on the natural world for the spiritual as well as the physical wellbeing of our people and our natural world. We know that this mining operation will expect to take water from AND discharge their wastewater into the Mata-au, which will affect the Mauri of the river.

Dust

The photo in the Otago Daily Times (14/8/23) shows the extent of the work that has already happened before consent has been given and brings into question the integrity of the operator who obviously believes that consent is a foregone conclusion. The photo also shows the proximity of it to the Teviot Road and the residences that are nearby, the river and the cycle trail. We are regularly affected by strong Westerly winds coming down the valley which have created problems not only of

dust but have lifted outdoor furniture onto rooves and into trees. The increase in dust that will eventuate from the mining activity will be a significant problem for the residents, our health, our houses, outbuildings, vehicles, gardens. The local School, the Community pool, the hospitality businesses such as The Quince and other B&B operations will obviously be severely impacted by the increase of dust because of this day-to-day operation of the mine.

According to the report done by PDP, they have not conducted a site visit but have done “a desk top assessment” of the information provided. We submit that this is totally inadequate. The severity of winds that sweep down the valley from time to time as well as the probable increase in the number of events because of changing weather patterns associated with Climate Change means that assessments using past information is not as relevant as PDP may assume.

Noise

The 5 day /12 hour a day operation will also be an unwanted intrusion into the peaceful and restful life of our village and our valley. This place is tranquil and removed from the bustle of much of Central Otago, being off SH 8. The people who have chosen this place value this above all else and the idea that a noisy and dirty operation such as an open air mine poses a serious intrusion into the quality of life here. There will be continuous noise for 12 hours a day from 7am for 5 days a week from the mining itself and noise for 1.5 days for other activities associated with the mining operation.

It will impact on the quality of the experience of people coming to enjoy the beauty and tranquility of the Cycle Trail, which is proving to be the future of sustainable business in Millers Flat and this part of the Teviot Valley. This part of the trail, from Roxburgh Dam to Beaumont is arguably the most beautiful section of all as it mostly runs along the riverside, without the noise of road traffic or business and farming operations. What’s more, the additional traffic associated with the mining operation will pose an unacceptable risk to cyclists and to other vehicle users. Gold Mining is not the sustainable future for us, nor does it benefit anyone apart from Hawkeswood’s owners and shareholders. Other residents we have spoken to are feeling powerless in the face of a mining operation and are resigned to having no real power to stop this happening in our valley.

In conclusion

We have noted the list of Written Approvals submitted by Hawkeswood and would challenge the Council to check whether the 22 blocks/ rapid addresses actually represent dwellings affected or are just paddocks where no people’s quality of life will be impacted. We know that the record of gold mining companies worldwide is not good when it comes to them being made responsible for adverse impacts on communities and the land. Hawkeswood came into the valley and began their operations of soil movement and mining preparation before any consents were even given. They have since tried to mollify the locals by making donations of various kinds to events and local groups. However the way they have gone about their communication has shown their lack of real concern for local issues and the wishes and concerns of the people of the Teviot Valley in particular of Millers Flat who will be the most adversely affected if this goes ahead.

In addition we request that the council studies the 600 submissions we have been told have been made in favour of this venture going ahead, as this seems disproportionate to the number of people who live in this part of the Valley who might be considered interested or affected parties. Do these people even live anywhere in Central Otago?



19 February 2024

To:

Central Otago District Council

PO Box 122

ALEXANDRA 9340

To:

Otago Regional Council

144 Rattray Street

Dunedin 9016

Tēnā koutou, ko tēnei mihi atu ki a koutou, ngā mema o te komiti, ngā kaiwhakawa o ngā mea e pa ana tēnei kaupapa taumaha, me ki, o tātou nei rohe moana, he taoka o tātou nei whānau, hapū me te iwi. Ki a rātou kua whetu rangitia, te hunga wairua, haere, moe mai, oki oki mai, kati.

Resource Consent Application - RC230325– Hawkeswood Mining Limited.

Land use consent to establish and operate an alluvial gold mining operation in a Rural Resource Area at 1346 – 1536 Teviot Road, Millers Flat, Roxburgh.

Resource Consent Application -RM23.819–Hawkeswood Mining Limited.

To construct a bore (mine pit pond), to take and use groundwater for the purpose of mine pit pond dewatering (retrospective and proposed), to discharge water containing sediment to water in a bore and to land in a manner that may enter water, to discharge water containing sediment to land for the purpose of trialling pit dewatering (retrospective), and to discharge to air contaminants from the operation of an alluvial gold mine, for the purpose of operating an alluvial gold mine.

This is a submission on the above publicly notified resource consent applications pursuant to Section 95A of the Resource Management Act 1991.

Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (Kā Rūnaka) oppose these applications. Kā Rūnaka are not trade competitors for the purposes of section 308B of the Resource Management Act 1991 (RMA).

Kā Rūnaka supports a joint hearing of the land use (RC230325) and regional resource consents applications (RM23.819) pursuant to section 102 of the RMA as the applications are related and a joint hearing is necessary.

We **do wish** to be heard in support of this submission at a hearing.

Kā Rūnaka seek that the application is **declined**, for the reasons set out in Section 8.0 of this submission below.

1. SCOPE OF THE SUBMISSION

- 1.1 This submission relates to the applications by Hawkeswood Mining Limited in its entirety. The application numbers for the regional and district applications area RM23.819 and RC230325 respectively.
- 1.2 To acknowledge the association with the district and its resources, Māori words are used within this document and a translation is provided in Appendix 1.

2. TOITŪ TE MANA, TOITŪ TE WHENUA: KĀ RŪNAKA

- 2.1 This submission is on behalf of three papatipu rūnaka with shared authority for the Mata-au. The rūnaka represent hapū who hold mana whenua in this district.
- 2.2 The takiwā of Kāti Huirapa Rūnaka ki Puketeraki centres on Karitane and extends from the Waihemo River (Shag River) to Purehurehu, north of Heywards Point, and inland to the Main Divide, sharing interests in the lakes and mountains to Whakatipu-wai-māori.
- 2.3 The coastal takiwā of Te Rūnanga o Ōtākou centres on Muaūpoko/Otago Peninsula and extends from Purehurehu Point/north of Heyward Point to the Clutha River/Mata-au River. The inland reaches of their takiwā includes shared interests in the lands and mountains to the western coast with rūnaka to the north and south.
- 2.4 The takiwā of Hokonui Rūnanga centres on the Hokonui region and includes a shared interest in the lakes and mountains between Whakatipu-Waitai and Tawhitarere and other Murihiku Rūnanga and those located from Waihemo southwards.

2.5 The proposal is located within the Mata-au (Clutha) catchment, adjoining the Mata-au, the Tima Burn, Oven Hill Creek, and an unnamed tributary.

3. TE RŪNANGA O NGĀI TAHU AND THE NGĀI TAHU CLAIMS SETTLEMENT ACT 1998

3.1 Te Rūnanga o Ngāi Tahu is the governing iwi authority established by the Te Rūnanga o Ngāi Tahu Act 1996 and is recognised as the representative of Ngāi Tahu / Kāi Tahu Whānui.

3.2 Te Rūnanga o Ngāi Tahu is made up of 18 papatipu rūnaka. Papatipu rūnaka are a contemporary focus for whānau and hapū (extended family groups). Through this tribal council structure Te Rūnanga o Ngāi Tahu is accountable to the tribal members. In practice, Te Rūnanga o Ngāi Tahu encourages consultation with the papatipu rūnaka and defers to the views of kā rūnaka when determining its own position.

3.3 The Ngāi Tahu Claims Settlement Act 1998 (Settlement Act) gives effect to the Deed of Settlement signed by the Crown and Te Rūnanga o Ngāi Tahu on 21 November 1997. The purpose of these documents was to:

- Confirm the Treaty relationship, obligations and responsibilities between Kāi Tahu and the Crown;
- Achieve a final settlement of Kāi Tahu historical claims against the Crown; and
- Confirm Kāi Tahu tino rakatirataka. This includes an express acknowledgement (in both the Settlement Act and the earlier Deed) that:

“The Crown apologises to Ngāi Tahu for its past failures to acknowledge Ngāi Tahu rangatiratanga and mana over the South Island lands within its boundaries, and, in fulfilment of its Treaty obligations, the Crown recognises Ngāi Tahu as the tāngata whenua of, and as holding rangatiratanga within, the Takiwā of Ngāi Tahu Whānui.”

3.4 The Deed of Settlement and Settlement Act also acknowledges and enables Ngāi Tahu / Kāi Tahu to express its traditional relationship with the natural environment and to exercise its kaitiaki responsibilities.

3.5 The Ngāi Tahu Claims Settlement Act included as cultural redress mechanisms to recognise and give practical effect to Ngāi Tahu mana over taoka resources and cultural landscapes, including a statutory acknowledgement of the association of Ngāi Tahu with the Mata-au.¹

¹ Ngāi Tahu Claims Settlement Act 1998, Schedule 40.

- 3.6 The Mata-au takes its name from a Kāi Tahu whakapapa that traces the genealogy of water. On that basis, the Mata-au is seen as a descendant of the creation traditions. For Kāi Tahu, traditions such as this represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Kāi Tahu as an iwi.²

4. KO TE MANAWA KĀI TAHU: CULTURAL VALUES FRAMEWORK

Whakapapa Relationship with Te Taiao and Wai Māori

- 4.1 Kāi Tahu tribal whakapapa links the cosmological world of the atua to present and future generations, giving rise to a spiritual relationship with te taiao and a respect for the mauri of that environment and to the rights inherent in rakatirataka and the associated and fundamental duties of kaitiakitaka.
- 4.2 Water is a central element in our creation traditions and is present very early in the whakapapa of the world, as described in this creation account from Tiramōrehu:

Nā te Pō, ko te Ao

Tana ko te Ao-marama,`

Tana ko te Aoturoa,

Tana ko Kore-te-whiwhia,

Tana ko Kore-te-rawea,

Tana ko Kore-te-tamaua,

Tana Ko Kore-te-matua,

Tana ko Māku.

Ka noho a Māku i a Mahora-nui-a-tea

Ka puta ko Raki.

From the Night comes the Day, the Daylight, the Longstanding Day, the Intangible Voids through to the Parentless Realm who create Moisture. Moisture couples with the Inner Space and gave birth to Raki – the sky

Mauri

- 4.3 Mauri flows from our living world and down through whakapapa, linking and binding all aspects of our world. Mauri is an observable measure of environmental health and

² Ngāi Tahu Claims Settlement Act 1998, Schedule 40.

well-being. The primary resource management principle for Kāi Tahu is the protection of mauri.

Rakatirataka and Kaitiakitaka

4.4 Rakatirataka refers to the exercise of mana to give effect to Kāi Tahu culture and traditions. In the management of the natural world, rakatirataka is underpinned by the obligations placed on mana whenua as kaitiaki.

4.5 Kaitiakitaka is an expression of rakatirataka. The duty of kaitiakitaka is not merely about guarding or caretaking but involves acting as an agent for environmental protection and decision-making, on behalf of tūpuna and mokopuna. The focus of kaitiakitaka is to ensure environmental sustainability for future generations, as expressed in the whakataukī mō tātou, ā, mō kā uri a muri ake nei.

4.6 The Kāi Tahu ki Otago Natural Resource Management Plan 2005 is the principal resource management planning document for Kāi Tahu ki Otago and the embodiment of Kāi Tahu rakatirataka and kaitiakitaka. The kaupapa of the plan is 'Ki Uta ki Tai' (Mountains to the Sea), which reflects the holistic Kāi Tahu ki Otago philosophy of resource management. Kāi Tahu has sought a joint hearing on this proposal by the Central Otago District Council and the Otago Regional Council to enable holistic management of the effects of this proposal.

4.7 The plan expresses Kāi Tahu ki Otago values, knowledge and perspectives on natural resource and environmental management issues. While the plan is first and foremost a planning document to assist mana whenua in carrying out their kaitiaki roles and responsibilities, it is also intended to assist others in understanding mana whenua values and policy.

4.8 The 2005 Natural Resource Management Plan is divided into catchments, with specific provisions for the whole Otago area and each catchment. The current proposal is located within the Clutha/Mata-au catchment. The relevant objectives and policies of the 2005 Natural Resource Management Plan are attached to this submission as Appendix 2.

Wāhi Tūpuna

4.9 Wāhi tūpuna are interconnected ancestral places, landscapes and taoka that reflect the history and traditions associated with the long settlement of Kāi Tahu whānui in Otago.

4.10 Wāhi tūpuna are characterised not only by natural and physical aspects, but also by the place names and associated traditions and events that bind us to the landscape, just as the landscape itself is a part of us. Such landscapes are linked by whakapapa in our creation traditions, underpinning our mana whenua status, and breathing life into our mātauraka and tikaka.

4.11 The Mata-au and Tima Burn are part of an integrated ancestral landscape that transcends the generations. The potential for inappropriate development to degrade the values of this ancestral landscape is an issue of concern for mana whenua.

Wai Māori

4.12 Wai is an integral and enduring part of our wāhi tūpuna. The Otago landscape is criss-crossed by many and varied waterbodies, from many sources, including lakes, awa and their tributaries, puna, and groundwater. Water is the lifeblood of the environment and of the many life forms that depend on it. Water, as a result, is of high significance for Kāi Tahu, both for its practical applications and for the spiritual meaning it embodies. Rivers are a symbol of permanence and a source of spiritual meaning.

4.13 Waterways like the Mata-au were important pathways, whether traversed by waka or mōkihi, or followed on foot and they are often still recognised as ara tawhito.

Taoka Species

4.14 Indigenous species are valued as taoka by Kāi Tahu, as are the habitats through which taoka species survive and thrive. The ecosystems provided by wai māori in lakes, rivers, and wetlands offer lifegiving habitats for indigenous species. Whanaukataka is at the heart of this relationship. Thus, when the health of a waterway is degraded, the impacts are far-reaching, for the waterway, for the ecosystems, habitats, and species it supports, and for the people.

5. KĀI TAHU RELATIONSHIP WITH THE CATCHMENT

5.1 Kāi Tahu has a cultural, spiritual, historic, and traditional relationship with the Clutha Catchments/Mata-au of which the proposed mining area is a part.

5.2 This relationship is based on the distinctive Kāi Tahu culture and lifestyle in the southern half of the South Island, including permanent coastal settlements and seasonal migrations inland over often vast distances to harvest and collect food and resources. The seasonal inland migrations were determined by whakapapa as to who

could exercise those rights. This practice is referred to as 'mahika kai' and became a corner stone of our culture.

- 5.3 Kāi Tahu ki Otago used all areas of the Clutha/Mata-au Catchments as evidenced by the hundreds of mahika kai sites associated with the many waterways, lakes and wetlands in the Clutha/Mata-au catchments. Many of these waterways have been modified or lost as a result of mismanagement of this taoka.
- 5.4 Because of the long history of use of the Clutha/Mata-au Catchments as a mahika kai, supporting permanent and temporary settlements, there are numerous urupā and wāhi tapu associated with the streams, rivers, and wetlands across the catchment.
- 5.5 The mauri of the Mata-au represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Kāi Tahu Whānui with the Mata-au.
- 5.6 While Kāi Tahu regard the whole of Central Otago as ancestral land, cultural mapping has been undertaken to identify particularly significant wāhi tūpuna areas for inclusion in the Central Otago District Plan. The application area falls within a draft wāhi tūpuna area known as the Mata-au River Trail with cultural values that include but are not limited to mahika kai, ara tawhito, archaeological values, nohoaka, wāhi tūpuna, water transport routes, place names, urupā, and pā.³ The adjoining Omaiuru Catchment has cultural values that include, but are not limited to, mahika kai, high degree of traditional activity, areas of food gathering and occupation associated with the Mata-au Trail.⁴ There is a mahika kai site in the vicinity of the mine area Omaiuru, which is located to the north west, and archaeological sites that are located in close proximity to the mine area.

6. HE ARA POUTAMA: STATUTORY FRAMEWORK

- 6.1 Kāi rūnaka submit that this proposal is inconsistent with the objectives and policies of the statutory framework.

Resource Management Act 1991

- 6.2 The RMA recognises and provides for the Kāi Tahu values and interests in the Mata-Au catchment.

³ Proposed Central Otago District Plan Wāhi Tūpuna Mapping, Area 3

⁴ Proposed Central Otago District Plan Wāhi Tūpuna Mapping, Area 13

- 6.3 The relationship of Kā Rūnaka with the Mata-au catchment is a matter of national importance that must be recognised and provided for in managing natural and physical resources. Mining, earthworks, groundwater takes, and the discharge of contaminants are a threat to the values of this wāhi tūpuna landscape and the relationship of Kāi Tahu with the Mata-au.
- 6.4 In achieving the purpose of the Act particular regard is required to kaitiakitaka. Kāi Tahu whānau exercise kaitiakitaka in this catchment. Maintaining a balance between the right to access and use natural resources, and the responsibility to care for te Taiao and wai māori with a focus on providing a sustainable base for future generations is implicit in kaitiakitanga. This is the underpinning meaning of the whakataukī, Mō tātou, ā, mō kā uri ā muri ake nei.
- 6.5 Kāi Tahu recognise the obligations of kaitiakitanga and the power that they hold as mana whenua to pursue environmental aspirations and intentions that benefit all of the community. This is a standard that mana whenua hold for themselves and for all resource users.

National Policy Statement for Freshwater Management (amended 2023)

- 6.6 The National Policy Statement for Freshwater Management (NPSFM)⁵ embeds Te Mana o te Wai as a fundamental concept in freshwater management. The Environment Court has emphasized that the concept of Te Mana o te Wai introduced in the NPSFM 2017 and strengthened in the NPSFM 2020 represents a significant paradigm shift in freshwater management:

“As a matter of national significance, the health and wellbeing of water are to be placed at the forefront of discussion and decision-making. Only then can we provide for hauora by managing natural resources in accordance with ki uta ki tai. This is our second key understanding. ...”

“We interpret 'also' as meaning 'in addition', thus in using water you must in addition provide for the health of the environment, of the waterbody and of the people. ... this direction appears in line with the Treaty principle of active protection and would impose a positive obligation on all persons exercising functions and powers under the Act to ensure that when using water people also provide for health. ... This direction

⁵ National Policy Statement for Freshwater Management 2020 (Amended February 2023).

*juxtaposes with the usual line of inquiry as to how health will be impacted by a change in water quality (i.e. the effects of the activity on the environment)."*⁶

- 6.7 The objective of the NPSFM is to ensure that natural and physical resources are managed in a way that prioritises:
- (a) first, the health and well-being of water bodies and freshwater ecosystems
 - (b) second, the health needs of people (such as drinking water); and
 - (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
- 6.8 Kāi Tahu is unable to assess whether the proposed mining activity provides for the mauri of wai māori and gives effect to Te Mana o te Wai. The application is not supported by aquifer testing or an assessment of the impacts of the mining activity on water quality.

Proposed Regional Policy Statement (2021)

- 6.9 The current engagement of Kāi Tahu in the review of the Otago Regional Policy Statement is seen by Kāi Tahu as important in providing for cultural values and interests, including rakatirataka and kaitiakitaka. This engagement is an expression of and reflects the Treaty partnership with the Otago Regional Council.
- 6.10 The objectives and policies of the notified Otago Regional Policy Statement (PORPS) reflect the direction of resource management in Otago and should be accorded appropriate weight in assessing the current proposal. Hearings on the PORPS were held in 2023.

Wai Māori

- 6.11 Kāi Tahu has undertaken a robust process to formulate a definition for Te Mana o te Wai in our takiwā. Our interpretation of Te Mana o te Wai informs and frames our vision for freshwater, aligns with the central elements of our creation traditions, and reflects our shared kinship with the natural world. This is reflected in the Te Mana o te Wai objective (LF-WAI-O1) in the Proposed Otago Regional Policy Statement (PORPS).
- 6.12 Other relevant objectives and policies that give effect to Te Mana o te Wai in the

⁶ *Aratiatia Livestock Limited and Ors v Southland Regional Council* [2019] NZEnvC 208, paragraphs 59 – 62.

PORPS include:

LF–WAI–P3 – Integrated management/ki uta ki tai

Manage the use of fresh water and land in accordance with tikaka and kawa, using an integrated approach that:

- (1) recognises and sustains the connections and interactions between water bodies (large and small, surface and ground, fresh and coastal, permanently flowing, intermittent and ephemeral),
- (2) sustains and, wherever possible, restores the connections and interactions between land and water, from the mountains to the sea,
- (3) sustains and, wherever possible, restores the habitats of mahika kai and indigenous species, including taoka species associated with the water body,
- (4) manages the effects of the use and development of land to maintain or enhance the health and well-being of fresh water and coastal water,
- (5) encourages the coordination and sequencing of regional or urban growth to ensure it is sustainable,
- (6) has regard to foreseeable climate change risks, and
- (7) has regard to cumulative effects and the need to apply a precautionary approach where there is limited available information or uncertainty about potential adverse effects.

LF–FW–O10 – Natural character

The natural character of wetlands, lakes and rivers and their margins is preserved and protected from inappropriate subdivision, use and development.

Wāhi Tūpuna

- 6.13 The vision for the Clutha Mata-au FMU (LF-VM-02) requires the on-going relationship of Kāi Tahu with wāhi tūpuna to be sustained.
- 6.14 HVT-WT-01 and related policies require the identification and management of wāhi tūpuna and requires that significant adverse effects on cultural values associated with wāhi tūpuna are avoided. HCV-WT-P2 requires the protection of wāhi tūpuna by:
- (1) avoiding significant adverse effects on the cultural values associated with identified wāhi tūpuna,

- (2) where adverse effects demonstrably cannot be completely avoided, remedying or mitigating adverse effects in a manner that maintains the values of the wāhi tūpuna,
- (3) managing identified wāhi tūpuna in accordance with tikaka Māori,
- (4) avoiding any activities that may be considered inappropriate in wāhi tūpuna as identified by Kāi Tahu, and
- (5) encouraging the enhancement of access to wāhi tūpuna to the extent compatible with the particular wāhi tūpuna

6.15 The current 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.

Central Otago District Plan

6.16 Kāi Tahu submit that the proposal is inconsistent with the objectives and policies of the Central Otago District Plan (CODC) including:

- **Mana whenua objectives** in section 3.3 require particular regard to kaitiakitanga in managing the effects of use, development, and protection of Central Otago's natural and physical resources; and recognition and provision for the importance/special significance of wāhi tapu, wāhi taoka, wai, and mahika kai.
- **Policies 3.4.2 and 3.4.3** relate to ensuring significant effects on wāhi tāpu and wāhi taoka sites are avoided, remedied, or mitigated.
- **Policy 3.4.4** requires recognition and provision for the relationship of Kāi Tahu ki Otago with water by ensuring that the significance of water to Kāi Tahu ki Otago spiritual beliefs, cultural traditions and practices are taken into account when considering resource applications that may have an effect on water quality.
- **Policy 3.4.5** requires recognition and provision for mahika kai by ensuring that significant adverse effects of land use activities on this resource are avoided, remedied, or mitigated.
- **Objective 4.3.5** require maintenance and enhancement of 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** and related policies require the preservation of the natural character of the District's water bodies and their margins.

- **Objective 4.3.8** requires recognition and protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and related Policy 4.4.7 promotes the retention, enhancement and reinstatement of indigenous ecosystems within the District.

6.17 The current proposal does not recognise and provide for the relationship of Kāi Tahu with water, nor does it maintain and enhance the quality of the District's water resources.

Iwi Management Plans

6.18 Kāi Tahu aspirations for freshwater management are recorded in the *Te Rūnanga o Ngāi Tahu Freshwater Policy Statement 1999*, and the *Kāi Tahu ki Otago Natural Resource Management Plan 2005*. Notable priorities include protection and restoration of mahika kai habitats and avoiding discharge of contaminants to water bodies.

6.19 Kāi Tahu aspirations for the management of wāhi tūpuna are set out in the *Kāi Tahu ki Otago Natural Resource Management Plan 2005*. The priority for Kāi Tahu is the protection of significant cultural landscapes from inappropriate use and development.

7.0 DECISION SOUGHT

7.1 Kā rūnaka submits that applications RC230325 and RM23.819 by Hawkeswood Mining Limited to establish and operate an alluvial gold mining operation should be declined.

8.0 REASONS FOR THE DECISION SOUGHT

8.1 Kā Rūnaka submit that the proposal is inconsistent with the relevant objectives and policies of the statutory framework.

8.2 Kāi Tahu whānui view the environment holistically and hold 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.

Effects of Mining Activity on Wāhi Tūpuna

8.3 The Mata-au is a Statutory Acknowledgement Area under the Ngāi Tahu Claims Settlement Act 1998. Cultural values in relation to this area include but are not limited to mahika kai, ara tawhito, archaeological values, nohoaka, wāhi tūpuna, water transport route, place names, urupā, pā.

- 8.4 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. The applicant has not taken into account the impact of this activity on wai māori and the relationship of Kāi Tahu with this significant cultural landscape.
- 8.5 The applicant did not commission a heritage assessment before excavating a 5,118m³ 'test pit' on this site. Mining has the potential to destroy and modify archaeological sites. The site is located between two 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.
- 8.6 The applicant has since commissioned a heritage assessment which forms part of the application to the CODC. 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. 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.
- 8.7 Kā Rūnaka do not support retrospective consent applications and concur with the peer review of the landscape and visual effects assessment that the unconsented mine void does not form part of the receiving environment.
- 8.8 Kā rūnaka view this ancestral landscape through a cultural lens. Kā Rūnaka are unable to assess the effects of the proposal on the values of this landscape due to a lack of information submitted with the application on staging, visual impacts and mitigation, and rehabilitation of the site following mining.
- 8.9 Kā Rūnaka concur 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.

- 8.10 With regard to flooding hazard effects, the applicant commissioned a report from Geosolve. Further clarity is sought over the conclusions of that flood hazard assessment report, particularly in relation to extreme flood events.

Effects of Mining Activity on Wai Māori and Te Mana o te Wai

- 8.11 The total project area is 68 hectares with a maximum work area of 27 hectares. Overburden stockpiles will have a height of 7m. The mine void will have a maximum depth of 18m and will lower the water table by approximately 5m.

- 8.12 The application is not supported by aquifer testing or an assessment of the impacts of the mining activity on water quality. 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. Further, the hydrology assessment acknowledges that the previous aquifer test data is not reflective of the majority of the proposed mine dewatering area.⁷

- 8.13 Kā Rūnaka concur with the concerns raised in the peer review of the hydrology assessment, namely:

- Site hydrology is complex and difficult to assess due to the Clutha River extending along the southern and western boundary of the site, Oven Hill Creek to the south, an unnamed tributary to the north, Tima Burn on the eastern boundary, a closed landfill to the north of the site, and historic mining along the southern boundary.
- No piezometers were installed to monitor drawdown outside the pit.
- The effects of groundwater drawdown on the surrounding waterways is not assessed. While these waterways may be intermittent there is still very limited understanding as to how often and for how long and over what reach these waterways will remain dry as a result of the proposed mining activity.
- Contamination of groundwater from the closed landfill to the north of the site and the potential for contaminants to be mobilised during excavation has not been assessed. The Preliminary Site Investigation only assessed surface contamination and has limited value for assessing the impacts of the proposal on water quality.
- An erosion and sediment control plan was not submitted as part of the

⁷ Environmental Associates, *Hawkeswood Mining Limited Technical Assessment of Proposed Groundwater Take and Discharge*, Section 3. Aquifer Hydraulic Parameters, page 19

application.

8.14 Further, Kā Rūnaka are concerned that the conditions of consent that are proposed to mitigate effects on wai māori are not fit for purpose, namely:

- There is no requirement for on-going telemetered monitoring of groundwater levels around the periphery of the mine site.
- There is no requirement for the applicant to maintain groundwater pressure beyond the periphery of the mine site to mitigate potential effects on surrounding water bodies.
- The conditions propose an assessment of natural flow losses within the lower reaches of the Tima Burn prior to the exercise of the consent. Kā Rūnaka submit that an assessment of natural flow losses and the impact of groundwater drawdown on those losses within the lower reaches of the Tima Burn, Oven Hill Creek, and the unnamed tributary to the north of the site should have formed part of the application from the outset.
- There is no dedicated water quality monitoring required by the conditions nor are there levels for turbidity, total suspended solids (TSS) and landfill contaminants that would trigger appropriate management action.
- The capacity and location of the sediment retention ponds is not specified in the consent conditions. The proposed use of grid co-ordinates is an inappropriate way to manage the discharge of contaminants to land and provides no certainty that this discharge will be managed appropriately.
- The proposed monitoring within the Mata-au fails to recognise the diffuse nature of the discharge from the sediment retention ponds and is unlikely to enable effective monitoring of turbidity and suspended solids.

8.15 Kā Rūnaka submit that 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. Due to the scale of the proposed mining activity, the depth of excavation and the anticipated drawdown of groundwater, comprehensive water management supported by robust water quantity and quality monitoring is required to mitigate the effects on the aquifer and the surrounding water bodies.

8.16 Kā Rūnaka have 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.

Effects of Mining Activity on Biodiversity

- 8.17 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. There also needs to be certainty over the timing of the rehabilitation stages and outcomes.

Conclusion

- 8.18 Whanaukataka is a central component of tikaka Māori, which places obligations on individuals to uphold the collective wellbeing of the community. Aroha tētahi ki tētahi is an expression of this ethos, is that it refers to the goodwill that we show to others in our community by showing respect and generosity. Māori culture is strongly premised on interconnections between people and collective rights were considered paramount to the rights of individuals.
- 8.19 This principle extends beyond Kā Rūnaka as manawhenua. All New Zealanders are required to comply with environmental and resource management legislation, standards, and policies that place obligations on us as citizens to adhere to certain standards in our interactions with te taiao and wai māori, for the benefit of everyone in our community. This is expressed through the guiding whakataukī of Kāi Tahu whānui, *Mō tātou, ā, mō kā uri a muri ake nei* (For us and for our children after us).
- 8.20 The current proposal is focused on the economic benefits of gold mining and does not address the impacts of mining activity on te taiao and wāi māori. The potential impact of the proposal on the aquifer and surrounding water bodies is of particular concern for Kāi Tahu. Throughout Kāi Tahu history a significant feature of the social and political landscape was the lack of equity in environmental outcomes. For mana whenua, this has resulted in significant loss of mahika kai and taoka species and the modification of wāhi tūpuna resulting from earthworks, groundwater takes and discharges with consequential impacts on Kāi Tahu communities. The current mining proposal perpetuates a pattern of extractive use within Te Wai Pounamu and does not appropriately mitigate the effects of this extractive use.

E noho ora mai

Address for Service

Aukaha

PO Box 446

Dunedin 9016

Phone: (03) 477 0071

E-mail: consents@aukaha.co.nz

Appendix 1 - Glossary

Ara tawhito	Ancient trails
Hapū	Sub-tribe
Hukuwai	Type of water
Ika	Fish
Inaka/Inanga	Whitebait
Iwi	Tribe
Kaitiaki/Kaitiakitaka	Guardian / to exercise guardianship
Kāi Tahu	Descendants of Tahu, the tribe
Kanakana	Lamprey
Kaupapa	Topic, plan
Ki uta ki tai	Mountains to the Sea
Kōkōpu	Cockabully
Mahika kai	Places where food is produced or procured.
Mana Whenua	Customary authority or rakātirataka exercised by an iwi or hapū in an identified area
Manawhenua	Those who exercise customary authority or rakātirataka
Manu	Bird
Mātauraka	Knowledge, wisdom, understanding, skill
Mauka	Mountain
Mauri	Essential life force or principle, a metaphysical quality inherent in all things both animate and inanimate
Moa	Large extinct flightless bird of nine subspecies
Ngahere	Forest/Bush
Ngā Rūnanga/Kā Rūnaka	Local representative group of Otago
Noa	Use
Papatipu Rūnanga	Traditional Kāi Tahu Rūnanga
Papatūānuku	Earth Mother
Puna	Spring (of water)
Rakātirataka	Chieftainship, decision-making rights
Rakinui	Sky Father
Rohe	Boundary
Roto	Lake
Takiwā	Area, region, district
Tākata whenua	Iwi or hapu that holds mana whenua (customary authority) in a particular area
Taoka	Treasure
Tapu	Restriction, sacred
Te Mana o te Wai	Concept for fresh water that encompasses the mauri of a water body
Tikaka	The customary system of values and practices that have developed over time and are deeply embedded in the Māori social context.

Tino Rakātirataka	Self-determination, autonomy, self-government
Tuna	Eel
Urupā	Burial place
Wāhi Tapu	Places sacred to takata whenua
Wai māori	Fresh water
Weka	Bird-woodhen
Whakapapa	Genealogy
Whānau	Family

Appendix 2: Kāi Tahu ki Otago Natural Resource Management Plan 2005

The following Issues/Objectives/Policies of the Kāi Tahu ki Otago Natural Resource Management Plan 2005 are seen as relevant to the above proposal. This relates to the holistic management of natural resources from the perspective of local iwi.

Kāi Tahu ki Otago Natural Resource Management Plan 2005 Otago Region/Te Rohe o Otago

Overall objectives include:

- The rakātirataka and kaitiakitaka of Kāi Tahu ki Otago is recognised and supported.
- Ki Uta Ki Tai management of natural resources is adopted within the Otago region.
- The mana of Kāi Tahu ki Otago is upheld through the management of natural, physical, and historic resources in the Otago Region.
- Kāi Tahu ki Otago have effective participation in all resource management activities within the Otago Region.

Wai Māori General Objectives

- The spiritual and cultural significance of water to Kāi Tahu ki Otago is recognised in all water management.
- The waters of the Otago Catchment are healthy and support Kāi Tahu ki Otago customs.
- Contaminants being discharged directly or indirectly to water are reduced.

Wai Māori General Policies

- To require an assessment of instream values for all activities affecting water.
- To protect and restore the mauri of all water.

Mahika Kai and Biodiversity Objectives

- Habitats and the wider needs of mahika kai, taoka species and other species of importance to Kāi Tahu ki Otago are protected.
- Mahika kai resources are healthy and abundant within the Otago Region.
- Indigenous plant and animal communities and the ecological processes that ensure their survival are recognised and protected to restore and improve indigenous biodiversity within the Otago Region.
- To restore and enhance biodiversity with particular attention to fruiting trees so as to facilitate and encourage sustainable native bird populations.
- To create a network of linked ecosystems for the retention of and sustainable utilisation by native flora and fauna.

Mahika Kai and Biodiversity General Policies

- To promote catchment-based management programmes and models, such as Ki Uta Ki Tai.
- To require that all assessments of effects on the environment include an assessment of the impacts of the proposed activity on mahika kai.

Cultural Landscapes

Cultural Landscapes Objectives

- The relationship that Kāi Tahu ki Otago have with land is recognised in all resource management activities and decisions.
- The protection of significant cultural landscapes from inappropriate use and development.

- The cultural landscape that reflects the long association of Kāi Tahu ki Otago resource use within the Otago region is maintained and enhanced.

Cultural Landscapes General Policies

- To identify and protect the full range of landscape features of significance to Kāi Tahu ki Otago.

Appendix 3: Statutory Acknowledgement for Mata-Au (Clutha River)

Statutory area

The statutory area to which this statutory acknowledgement applies is the River known as Mata-au (Clutha River).

Preamble

The Crown acknowledges Te Runanga o Ngāi Tahu's statement of Ngāi Tahu's cultural, spiritual, historic, and traditional association to the Mata-au, as set out below.

Ngāi Tahu association with the Mata-au

The Mata-au river takes its name from a Ngāi Tahu whakapapa that traces the genealogy of water. On that basis, the Mata-au is seen as a descendant of the creation traditions. For Ngāi Tahu, traditions such as this represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi.

On another level, the Mata-au was part of a mahinga kai trail that led inland and was used by Ōtākou hapu including Ngāti Kuri, Ngāti Ruahikihiki, Ngāti Huirapa and Ngāti Tuahuriri. The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the river, the relationship of people with the river and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today.

The river was also very important in the transportation of pounamu from inland areas down to settlements on the coast, from where it was traded north and south. Thus, there were numerous tauranga waka (landing places) along it. The tupuna had an intimate knowledge of navigation, river routes, safe harbours and landing places, and the locations of food and other resources on the river. The river was an integral part of a network of trails which were used in order to ensure the safest journey and incorporated locations along the way that were identified for activities including camping overnight and gathering kai. Knowledge of these trails continue to be held by whanau and hapu and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the river.

The Mata-au is where Ngāi Tahu's leader, Te Hautapunui o Tu, established the boundary line between Ngāi Tahu and Ngati Mamoe. Ngati Mamoe were to hold mana (authority) over the lands south of the river and Ngāi Tahu were to hold mana northwards. Eventually, the unions between the families of Te Hautapunui o Tu and Ngati Mamoe were to overcome these boundaries. For Ngāi Tahu, histories such

as this represent the links and continuity between past and present generations, reinforce tribal identity, and document the events which shaped Ngāi Tahu as an iwi.

Strategic marriages between hapu further strengthened the kupenga (net) of whakapapa, and thus rights to travel on and use the resources of the river. It is because of these patterns of activity that the river continues to be important to rūnanga located in Otago and beyond. These rūnanga carry the responsibilities of kaitiaki in relation to the area, and are represented by the tribal structure, Te Rūnanga o Ngāi Tahu.

Urupa and battlegrounds are located all along this river. One battleground, known as Te Kauae Whakatoro (downstream of Tuapeka), recalls a confrontation between Ngai Tahu and Ngati Mamoe that led to the armistice established by Te Hautapunui o Tu. Urupa are the resting places of Ngai Tahu tupuna and, as such, are the focus for whanau traditions. These are places holding the memories, traditions, victories and defeats of Ngai Tahu tupuna, and are frequently protected by secret locations.

The mauri of Mata-au represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngai Tahu Whanui with the river.