

Before the Independent Hearing Panel

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

And

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

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

**Supplementary Statement of Anita Collie, on behalf Hawkeswood Mining Limited
(Planning)**

Dated 25 June 2024

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Introduction

1. My full name is Anita Collie, I am Principal Planner at Town Planning Group, and I provide this supplementary statement in relation to the Hawkeswood Mining Limited (**HML**) proposal at Millers Flat.
2. This statement responds to planning queries raised by the Commissioners during the hearing, provides an updated set of proposed draft conditions and addresses other additional information relevant to the planning status of the application.
3. My qualifications and expertise statements are set out in my brief of evidence in-chief dated 29 April 2024. I also reaffirm that I have read and agree to and abide by the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Practice Note 2023.

Scope of Supplementary Statement

4. My supplementary statement will address the following:
 - a. Steps taken since hearing;
 - b. Updated written approval plans;
 - c. Tima Burn enhancement project; and
 - d. Updated draft versions of the proposed conditions.

Steps Taken Since Hearing

5. Following conclusion of the hearing in Millers Flat on 15 May 2024, HML has undertaken an extensive package of work which has included drafting detailed management plans, updating site plans and drawings, progressing the Tima Burn enhancement project, revising and improving draft conditions of consent, consultation with submitters and both Councils with respect to the above, and making further amendments to the documentation being prepared in response to consultation responses.

6. The package of work referred to above has been managed by Town Planning Group under my direction. Input from HML's expert witness team has been provided through the process, and summary statements of evidence from those witnesses confirms their position with respect to revised conditions, matters arising and draft management plans (where relevant).

Written Approvals

7. During the hearing, additional written approvals were tabled. Updated summary plans of all of the written approvals are appended to this statement as **Appendix [A]** (relating to the ORC consents) and **Appendix [B]** (relating to the CODC consent) respectively.

Tima Burn Enhancement Project

8. HML propose to undertake an ecological enhancement program whereby a section of the Tima Burn, that sits outside of the site and the mining activities, will be enhanced with indigenous planting and removal of crack willow. I understand that an agreement has been reached with the landowner which enables this to occur. The parameters of this enhancement programme are dealt with in the supplementary statements of Mr Johnstone, Mr Moore and Dr Wills, and a specification is provided within the prepared Rehabilitation and Enhancement Management Plan. The updated set of proposed draft conditions includes a requirement for HML to complete the proposed Tima Burn enhancement planting prior to the expiry of the consent.
9. The Tima Burn Enhancement Project provides for a greater area of enhancement planting than that presented by HML at the hearing (proposed around the margins of the Clutha / Mata-au). The Tima Burn enhancement planting can be undertaken without the requirement for additional resource consents and therefore can be considered when making a substantive decision.

Revised Draft Conditions

10. An updated set of proposed draft conditions (dated 24 June 2024) is provided for both the district and regional applications as **Appendix [C]** and **Appendix [D]** respectively. These reflect changes made in direct response to comments from Commissioners,

additional work undertaken by HML in respect of developing additional detail into a framework of management plans, and responses to consultation with parties that is described in Mr Johnstone's supplementary statement. The revised proposed regional conditions of consent have been reviewed by Mr MacDonell (refer his supplementary statement).

11. Responses to an initial draft of conditions were received from Aukaha/ Kā Rūnaka, CODC, ORC, and Millers Flat Water Company in respect of consent conditions. Fire and Emergency New Zealand and Millers Flat School were consulted directly on specific conditions relevant to their interests. HML has considered all feedback provided by the various parties. While not every suggestion has been incorporated, HML's consideration of every item of feedback is documented.¹ I consider the updated set of proposed draft conditions achieves a balance between the outcomes sought by the different parties, and the practical and relevant mitigation measures that HML proposes.

Bond Condition

12. The Commissioners asked whether the proposed bond might have a broader purpose than addressing rehabilitation. Reference was made to the bond condition imposed in respect of consents authorising the Smooth Hill managed landfill in Dunedin² and Frews Contracting managed fill in Hororata, Canterbury.³ I have reviewed those conditions.
13. My first observation is that the HML proposal is quite different from a landfill or managed fill, with comparatively lower environmental risks particularly to groundwater quality. Notwithstanding this, I have considered which matters the bond condition should provide for.
14. The Smooth Hill conditions engage with a wide range of matters arising out of risks generated by a landfill, including issues such as leachate contamination, landfill gas

¹ For documentation of parties' feedback and HML specific consideration of these matters, refer to documents 4.2.4 and 4.2.5 (Aukaha), 4.3.2 (CODC), 4.4.3 (ORC), and 4.5.1 and 4.5.2 (Submitters).

² ORC consent RM20.280

³ Canterbury Regional Council consent CRC201808.

issues, and provision for ongoing inspection and maintenance of landfill cap and landfill infrastructure. The Frews conditions are not as detailed, but again engage with specific matters over and above rehabilitation arising out of fill activity, such as ongoing inspection and maintenance of managed fill cap. The approaches in those applications reflect that placement of hazardous and/or contaminated and/or putrescent material (in the case of Smooth Hill), or material originating off site (Frews), is proposed with consequent implications both short and long term from a risk perspective.

15. In comparison, the evidence and advice from HML's experts is that the gold mining activity is relatively benign. It involves no chemicals and does not include placement of hazardous or imported materials on the site which have the potential to degrade over time producing leachate and/or gas. Rather, overburden and topsoil will be removed to a location on site and then replaced, with aggregate subject to an extraction process involving water only. There is no ongoing monitoring requirement. I have taken this into account in reaching my conclusions. In my view the key issue to secure through a bond is site rehabilitation once an area has been mined, and final site closure.
16. Therefore a revised bond condition is proposed which includes more detailed provisions, and which provides for rehabilitation of the site to pasture, decommissioning / mine site closure, and the Tima Burn enhancement planting project. These matters are all managed by the CODC consent and therefor the bond should be imposed in respect of these matters on that consent. There are no other matters within the CODC resource consent that I consider should be secured by a bond.
17. I agree with Mr MacDonell that there are no matters within the ORC resource consent which must be secured by a bond for reasons he identifies.
18. The activity is a staged mine with progressive rehabilitation as the activity progresses, enforced by a maximum active work area of 12 hectares (which is approximately 17% of the total site area). Although the bond conditions include a mechanism for setting bond quantum which will occur outside of the ambit of this hearing, I note my opinion that the bond quantum must take the limited maximum work areas into account. It would not reflect the limitations in the conditions of consent if the bond were priced

as if the entire 68-hectare site were to be mined concurrently and therefore potential rehabilitation would relate to the entire 68 ha.

Conclusion

19. HML has undertaken further consultation with Kā Rūnaka via Aukaha and, in my opinion, matters in contention have further narrowed. This is reflected in the consultation summary documents. Further, conditions provide for ongoing engagement in relation to Management Plans that are of key importance to Kā Rūnaka and/or where there has been insufficient time to properly consult. This is appropriate to ensure cultural values are appropriately protected.
20. I consider that the updated set of proposed draft conditions are appropriate, and my conclusion remains that the application meets the necessary tests for approval.

Anita Collie

Dated 25 June 2024

Appendices

Appendix [A] – ORC Written Approvals Map

Appendix [B] – CODC Written Approvals Map

Appendix [C] – HML’s Proposed CODC Conditions

Appendix [D] – HML’s Proposed ORC Conditions