

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

BEFORE THE INDEPENDENT HEARING PANEL

IN THE MATTER OF The Resource Management Act 1991

AND

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

Supplementary Section 42A Report by Olivia Stirling

17 July 2024

INTRODUCTION

- [1] My name is Olivia Stirling and I have the experience and qualifications set out in my s.42A report. I confirm that I continue to agree to comply with the Environment Court's Code of Conduct for Expert Witnesses and that I have done so in the preparation of this statement of supplementary Section 42A.
- [2] I have read the expert planning evidence and supplementary evidence on behalf of Hawkeswood Mining Limited; the evidence tabled at the hearing by submitters; Georgia Parker/Mathew Hunter, Stephen Gullick, Wendy Gunn, Millers Flat Water Company Ltd, Graeme Young and Kai Tahu, and the supplementary memorandum of Tim Vial on behalf of Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga, dated 10 July 2024.
- [3] On 24 June 2024, Minute 6 was issued by the Chair of the Hearings Panel which directed Council reporting officers to update their s.42A reports (including expert supporting evidence). It was requested that it is made clear in the reports where conclusions have changed since the report filed prior to the hearing (including supporting expert reports).
- [4] As directed by the Panel, I have prepared a statement of supplementary analysis under section 42A. This statement should be read and considered in conjunction with the s.42A report. As this is a statement supplementary to the original section 42A hearing report, I will not provide further response or rebuttal opinions addressing those matters where I have not changed my recommendations.

PROPOSAL

- [5] The application is summarised in Paragraphs 11-34 of the s.42A report. A summary is also provided in the Evidence of Anita Collie on behalf Hawkeswood Mining Limited, dated 29 April 2024. The key change to the proposal since the s.42A report is the number of persons engaged in the activity. The applicant proposes to increase the number of persons engaged in the activity on site from 20 persons to 30 persons to account for temporary site visitors (such as delivery drivers) or any staffing contingency.
- [6] In terms of scope, while the number of persons engaged is proposed to be increased, the nature or scale of the activity is not changing. However, I recognise that the increase in persons engaged will likely result in additional traffic movements to the site. This increase was considered in the traffic evidence of Logan Paul Copland on behalf Hawkeswood Mining Limited, dated 29 April 2024. Mr Copland concluded that the

traffic generated by this this proposal can be safely and efficiently accommodated on Teviot Road¹ and did not raise any additional potential traffic related effects as a result of the increase in persons engaged on the site as part of the activity.

- [7] Based on Mr Copland's findings, I do not consider that there will be a material increase in effects due to the additional ten persons engaged onsite.

PLANNING FRAMEWORK

Central Otago District Plan

- [8] In Paragraphs 37-39 of the s.42A report, I consider the activity to meet the definition of 'temporary' under the Central Otago District Plan (CODP). In her evidence Ms Collie, did not agree with this interpretation.² While the activities will be undertaken pursuant to a prospecting or exploration permit in terms of the Crown Minerals Act 1991, the activity also requires a mining permit under the Crown Minerals Act 1991. Having considered the reasoning provided by Ms Collie I concur with her interpretation that the activity is not a temporary activity. Therefore, consent is required pursuant to the following rules under the CODP:

- A restricted discretionary activity pursuant to Rule 4.7.3(iii) for breaching the colour and finish requirements for buildings.
- A restricted discretionary activity under Rule 4.7.3(i) for non-compliance with Standard 4.7.6F which requires storage areas and stockpiles to be screened from all public viewpoints and neighbouring properties.
- A discretionary activity pursuant to Rule 4.7.4(i) for more than three persons being engaged in an activity of industrial or commercial in nature, resulting in a breach to Standard 4.7.6B(b)(i).
- A discretionary activity pursuant to Rule 4.7.4(i) as the proposed earthworks do not comply with the earthworks quantities as stipulated in Standard 4.7.6J(b) being a maximum of 2000m² and 3000m³ per site.
- A restricted discretionary activity under Rule 4.7.3(vi) for the construction of tracks that don't comply with Rule 4.7.6J.
- A restricted discretionary activity pursuant to Rule 12.7.1(iii) as the existing accesses to Teviot Road are not sealed.

¹ See Paragraph 10 of Evidence of Logan Paul Copland on behalf Hawkeswood Mining Limited, dated 29 April 2024.

² See Paragraph 25 of the Evidence of Ms Collie on behalf of Hawkeswood Mining Limited, dated 29 April 2024.

- Consent for a discretionary activity under Rule 4.7.4(ii) as the proposal will involve 60,000 litres of on-site diesel storage, which exceeds the permitted volume of 10,000 litres of a class 3c substance in the Rural Resource Area, as listed in Schedule 19.14.

NATIONAL ENVIRONMENTAL STANDARDS

NES for Assessing and Managing Contaminants in Soil to Protect Human Health (NES CS)

- [9] As stated in Paragraphs 41-43 of the s.42A report, following the lodgement of the consent the applicant confirmed that consent was not required under the NES CS. However, it was raised by Ms Collie in her evidence that she now considered that consent is required pursuant to clause 11 of the NES CS. This is because the stockyards are not excluded under clause 5(9) of the NES CS. While a Preliminary Site Investigation was undertaken for the stockyards, a Detailed Site Investigation does not exist that demonstrates that any contaminants in or on the piece of land are at, or below, background concentrations. I agree with Ms Collie, that consent is required as a discretionary activity under clause 11 of the NES CS.

Overall Status

- [10] As stated in Paragraph 44 of the s.42A report, consent is required in the round as a discretionary activity under the CODP, pursuant to sections 104 and 104B of the Resource Management Act 1991 ('the Act').

WRITTEN APPROVALS, AND NOTIFICATION

- [11] Written approvals are detailed in Appendix A of the Applicant's Evidence and an updated written approval plan was provided by the applicant as part of the supplementary evidence, dated 7 June 2024. I note that 1334 Teviot Road is no longer owned by JP Clarke & KL Franklin and FG Works Limited. This property is now owned by Hawkeswood Mining Limited who have provided their written approval to the proposal.
- [12] The below written approval plan shows the location of the properties where the owners and occupiers have given written approval.

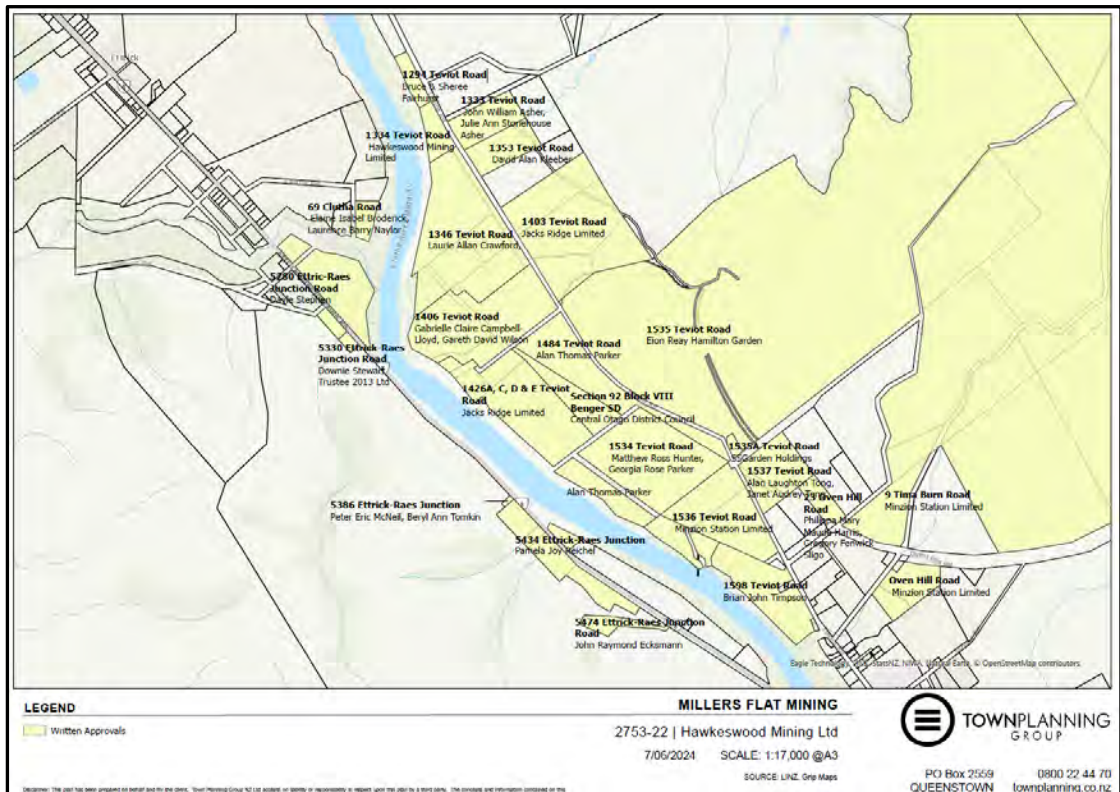


Figure 1: Written approval map. The owners/occupiers of the land highlighted yellow have provided their written approval to the application. Source: Applicant's Supplementary Evidence.

Submissions

- [13] As detailed in Paragraph 49 of the s.42A report, the application received 416 submissions by the close of the submission period, with two submissions subsequently withdrawn, and 55 submissions received after the close of the submission period. Prior to the hearing a further submission was withdrawn from JP Clarke & KL Franklin and FG Works Limited as the previous owners 1334 Teviot Road. In total 468 submissions are received.

ASSESSMENT: EFFECTS ON THE ENVIRONMENT

- [14] As detailed above, this report is supplementary to the s.42A report and seeks to clarify where my opinion has changed following the submission of the applicant's and submitters evidence presented hearing, the supplementary evidence received from the applicant, and the supplementary memorandum prepared by Mr Vial on behalf of Kā Rūnaka³ on 10 July 2023. Where I have not commented, my views remain unchanged from my original s.42A report. Specifically, my views on the following matters have not changed and are, therefore, not addressed in the assessment below:

³ Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga

- a) Vibration Effects
- b) Effects of Light Spill
- c) Effects on Public Access
- d) Air quality effects
- e) Groundwater and water quality effects
- f) Storage of Hazardous Substances and Refuelling
- g) Servicing effects

Visual amenity and landscape character effects

- [15] Paragraph 64-69 of the s.42A report outlines various concerns that were raised by Ms McKenzie, including that the findings of the Landscape Effects Assessment Report prepared by Mike Moore, dated 24 October 2023 (“the Moore Report”) hinged on mitigation measures that lacked sufficient detail in the application.⁴ It was also raised, that both the Applicant’s AEE and the Moore Report considered the temporary nature of the activity to be a mitigating factor in determining the extent of adverse effects, especially concerning private residences.
- [16] As detailed in Paragraph 69 of the s.42A report, Ms McKenzie recommended that the applicant consider ways in which amenity values can be enhanced through the establishment of indigenous species. The applicant has since proposed enhancement planting opportunities along the Tima Burn as outlined in the Proposed Rehabilitation and Enhancement Management Plan (“REMP”) provided as part of the supplementary evidence. A Tima Burn Indigenous Restoration Planting Plan (“Planting Plan”), prepared by Mike Moore is attached to the REMP. The Planting Plan outlines the species and planting methods for planting along the Tima Burn. A total area of 3,146m² of planting is proposed across two planting zones and two existing willows are to be felled, with their stumps poisoned to prevent regrowth.
- [17] In the supplementary statement of Ms McKenzie, dated 9 July 2024, Ms McKenzie confirmed that the all matters raised in earlier assessments, have been resolved. Ms McKenzie, stated that conditions offered by the applicant ensure landscape effects are adequately managed through site management, rehabilitation, ecological enhancement, mitigation measures, staging, and appropriate placement of visible elements for the duration of the mining activity. Additionally, that an appropriate bund extension had been provided for stage two in the updated plans and that the proposed

⁴ See paragraph 11 of the Landscape Peer Review, dated 13 December 2023, prepared by Jess McKenzie.

enhancement planting will have a positive effect on the natural character and visual amenity relating to the stretch of the Tima Burn visible from Teviot Road.

- [18] I note that while Tima Burn planting is detailed in the draft REMP, the applicant proposes planting in one of three locations, in the draft conditions. Mr Vial in the supplementary memorandum on behalf of Kā Rūnaka⁵ dated 10 July 2023, seeks certainty that this planting along the Tima Burn as shown in the draft REMP will be undertaken as proposed.
- [19] Mr Vial emphasises the importance of planting along the Tima Burn as an integral part of the wāhi tūpuna landscape. He considers that certainty should be ensured through a consent condition that imposes a covenant to secure the Tima Burn restoration planting as an offset for the mining operation. Additionally, Mr Vial states that consent conditions should facilitate opportunities for further restoration planting adjoining the Clutha / Mata-au or on the applicant's land adjacent to the Clutha / Mata-au margin.
- [20] I agree that the applicant's acceptance of a covenant condition protecting the proposed planting, as detailed in the REMP, is crucial for ensuring the certainty of the planting. I consider that this tool is particularly significant for this application, as it ensures the planting is maintained in perpetuity, whereby the covenant will be listed on the record of title, alerting future land owners to the obligation of maintain the planting. I note that the objective of the Planting Plan is to enhance the natural values and natural landscape character of a section of the Tima Burn.⁶ In addition, the location of the planting along the Tima Burn has cultural significance, therefore the covenant will further ensure that the objective of this planting is achieved, and that the planting area is clearly identified and effectively protected.
- [21] Considering the evidence and supplementary evidence of Mr Moore, the supplementary statement of Ms McKenzie, and the supplementary memorandum of Mr Vial, my conclusions in paragraph 72 and 73 of the s.42A report have changed. I consider that there is now sufficient evidence to be satisfied that this proposal will not inappropriately impact visual and landscape values, provided the applicant agrees to a condition imposing a covenant to protect the enhancement planting along the Tima Burn as detailed in the REMP.

Noise Effects

- [22] Paragraph 74-75 of the s.42A report relates to matters raised in submissions in relation to noise effects, and specifically acknowledges the concerns raised in the submission

⁵ Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga

⁶ Tima Burn Indigenous Restoration Planting Plan prepared by Mike Moore, attached to the REMP.

of JP Clarke, KL Franklin and FG Works Limited. It is important to note that this submission has now been withdrawn, and their written approval has been received, therefore, the effects on this party must be disregarded. Notwithstanding this, a number of other submissions also raised noise as a concern, including Ms Gunn, located at 1581 Teviot Road, the Ministry of Education and Mr Young located at 1266 Teviot Road.

- [23] As detailed in Paragraph 78 of the s.42A report, Mr Exeter, accepts that the noise from the site will be similar in level and character to activities that are anticipated by the permitted standards, but that the larger scale and the duration of the activity may give rise to noise effects that are not anticipated in the zone. In the evidence of Mr Hegley, he maintains that any potential noise effects from this project will be of limited duration and certainly not long-term exposure, and that the noise effects will be less than minor.⁷
- [24] In his peer review, Mr Exeter recommended an Operational Noise Management Plan (ONMP), and noise monitoring at the closest notional boundary to manage noise related effects as raised by submitters. The applicant has since provided a draft ONMP and this ONMP also sets out recommended noise monitoring points. Sites will be reviewed prior to setting up any monitoring station to verify in the field that the site selected is representative of the most exposed location and will fairly represent the noise received by the neighbours.
- [25] In the supplementary statement of Mr Exeter, dated 15 July 2024, Mr Exeter confirms that the final ONMP will be suitable for the proposed activity providing it includes appropriate controls to ensure that the use of dewatering pumps on site does not generate unreasonable noise effects.
- [26] Effectively, there is only one remaining area of contention between Mr Exeter and Mr Hegley, being the imposition of a condition imposing a noise limit for the operation of the dewatering pumps that is lower than the permitted noise limits. Mr Exeter's reasoning is that imposing the condition will address the potential noise effects of constant noise from dewatering pumps being clearly audible at the neighbouring notional boundaries in the evenings and on weekends.⁸ Mr Hegley considers that the dewatering pump will produce noise below the existing night time noise environment, and that the dewatering pump would not cause sleep disturbance inside bedrooms or disrupt residential activities inside dwellings.

⁷ Paragraph 69 of the Evidence of Nevil Ian Hegley on behalf Hawkeswood Mining Limited, dated 29 April 2024.

⁸ See supplementary statement of Mr Exeter, dated 15 July 2024.

- [27] I note that whilst the activity might comply with the permitted noise limits, it is not a permitted activity and, therefore, the nature and character of the noise generation is a reasonable matter to consider. In this instance I agree with Mr Exeter's reasoning. As stated in his supplementary statement dated 15 July 2024, the ambient noise data provided by Mr Hegley is controlled by a noise source that has not been explained, shown by the L_{eq} value being higher than the L_{10} . This can only happen when the loudest sounds, which control the average noise level, are present for less than 10% of the measurement time, therefore the ambient data has not been relied on by Mr Exeter.⁹ While Mr Exeter agrees that the sound would not cause sleep disturbance, he notes that recommended condition is designed to address potential noise effects on residents in outdoor living areas in the evenings.
- [28] Considering the concerns raised by submitters, the sensitive nature of the receiving environment, and Objective 4.3.3 of the District Plan which pertains to maintaining and, where practicable, enhancing rural amenity values in a rural environment, I consider that imposing this condition will reduce potential annoyance for neighbouring properties and assist the activity to maintain the nature and character of the existing environment.
- [29] Given the information provided by Mr Hegley and the supplementary statement of Mr Exeter, I now consider that noise can be appropriately managed subject to conditions of consent. As detailed above, I consider the condition restricting the dewatering pump noise level to 25 dBA L_{10} should be imposed. Subject to the imposition of the conditions provided by Ms Collie as part of the supplementary evidence, the ONMP and dewatering pump limit, my conclusions as stated in the s.42A report in Paragraph's 85-86 have changed, and I now consider that noise effects can be appropriately mitigated.

Effects on Rural Amenity Values

- [30] In paragraphs 110 to 111 of the s.42A report, I conclude that the degree of visual and acoustic change to the environment is considered to be inappropriate. However, as detailed above, my opinion in relation to noise and landscape effects has changed as a result of the evidence provided by the applicant in the hearing and the supplementary information provided following the hearing. I now consider that noise and landscape effects can be managed, subject to the imposition of conditions.
- [31] Notwithstanding this, my opinion has not changed in Paragraph 108 of the s.42A report that the existing amenity values associated with the receiving environment are higher and more sensitive to intensive activities than a typical rural environment. In addition,

⁹ See the Supplementary Statement of Jamie Exeter, Dated 15 July 2024.

I maintain that the proposal will result in a noticeable change to the environment, particularly in relation to the ambient noise levels, as Mr Exeter notes that the noise has the potential to be dominating in the receiving environment at times.¹⁰ I also consider there will be a change to the landscape throughout the duration of the consent, given the findings of the Moore Report which states that proposal will result in a semi-industrial character. I acknowledge the evidence presented in the hearing by Ms Gunn, that potential changes to the environment have the potential to compromise the tranquil qualities presently experienced from her property given the proximity of her house and business to the proposed mining activity.

- [32] Ultimately, I consider that the combined effects of the activity will compromise the nature and character of the area. However, given the information provided in terms of noise and landscape as detailed above in this assessment, I am now satisfied that the associated effects of the activity can be appropriately mitigated and that the effect on amenity values will not be inappropriate, subject to conditions of consent requiring effective management of the activity.

Duration

- [33] It was considered in the s.42A report that the timeframe of the consent should be restricted to six years since a maximum duration for the ORC water permit is six years, and the proposed mitigation measures are reliant on water. In the Evidence of Ms Collie on behalf of Hawkeswood Mining Limited, Ms Collie stated that she did not consider it necessary to align the duration of the CODC land use consent with the ORC consent. This is because the taking and use of surface water from the main stem of the Clutha / Mata-au, up to 100L/s and 1 million litres per day, per landholding, is a permitted activity, subject to engineering performance standards.¹¹ In addition, Rule 12.2.2.4 allows the taking and use of groundwater from within 100m of the main stem of the Clutha / Mata-au on the same conditions. As the main stem of the Clutha / Mata-au is adjacent to both the site and land owned by the applicant, Ms Collie considers that it is practical for the applicant to access an alternative source of water, should the water permit expire and not be renewed.¹²
- [34] Overall I consider that, subject to conditions of consent requiring compliance with the dust management plan, the applicant has provided sufficient evidence to demonstrate that dust generated from the activity can be appropriately managed without reliance

¹⁰ See the Supplementary Statement of Jamie Exeter, Dated 15 July 2024.

¹¹ See Paragraph 134 and 135 of the Evidence of Ms Collie on behalf of Hawkeswood Mining Limited, dated 29 April 2024.

¹² See Paragraph 134 of the Evidence of Ms Collie on behalf of Hawkeswood Mining Limited, dated 29 April 2024.

on the ORC water permit. Therefore, I agree with Ms Collie, that it is not necessary to restrict this activity to six years.

Natural Hazards

- [35] My conclusion as set out in Paragraphs 130 to 135 remain the same, however, I note that further clarity has been provided by Mr Williman in the Flood Hazard supplementary evidence to conclude that if a 1% flood were to occur, appropriate preventative measures could be taken to mitigate the risk of flooding from the Clutha River/ Mata-au and Tima Burn on the mine pit and surrounding area. Subject to the imposition of Condition 62, as provided in the proposed CODC conditions submitted with the applicant's supplementary evidence, I consider that this proposal can appropriately manage the flood hazard risk onsite, and will not exacerbate the flood hazard risk on neighbouring properties.

Earthworks effects

- [36] As part of the supplementary evidence, the applicant has provided a number of draft management plans to demonstrate how they intend to manage the effects of earthworks and remediation as a result of the mining activity onsite. In particular, the applicant has provided a draft REMP, a draft Topsoil Management Plan and a draft Erosion and Sediment Control Plan. I have reviewed these plans, and have provided comments, which have largely been adopted by the applicant. I consider that, subject to conditions requiring the certification of these management plans, and effective implementation by the applicant, that the effects as a result of earthworks on site can be appropriately mitigated.
- [37] Evidence of Ciaran Maurice Keogh on behalf Hawkeswood Mining Limited, dated 29 April 2024 addressed the potential risk to human health as a result of contaminants in soil. Mr Keogh stated that EC Otago has undertaken soil sampling and analysis within two areas of land within adjoining properties at 1484 and 1534 Teviot Road, in respect of a farm shed and stock yards. The results of sampling and analysis indicate that contaminant concentrations at all sampling locations are consistent with the predicted background levels. Ultimately Mr Keogh concludes that "*there is highly unlikely to be a risk to human health or the environment from soil contamination due to past historical activities in the area proposed to be mined.*"¹³ When considering the conclusions of Mr Keogh in his evidence and the sampling completed onsite by EC Otago, I consider that the effect to human health or the environment from soil contamination will be negligible.

¹³ See Paragraph 10 of the Evidence of Ciaran Maurice Keogh on behalf Hawkeswood Mining Limited (Contaminated Land) dated 29 April 2024

Transport effects

- [38] As stated in Paragraph 143 of the s.42A report, Council's Environmental Engineer, Dominic Haanen assessed the Abley Report and generally concurs the Abley Report findings. In his evidence Mr Copland provided analysis on the proposed access and concluded that an access constructed in accordance with 'Diagram D' in Appendix 5B of the NZTA Planning Policy Manual is suitable for the site and would provide an appropriate transport design outcome. I agree with Mr Copland, and consider that this requirement should be imposed as a condition of consent.
- [39] Ultimately, my conclusion in Paragraph 146 of the s.42A report remains the same that subject to relevant conditions, that the proposed access arrangement is considered to be adequate for the proposed use.

Ecology and biodiversity

- [40] While it was acknowledged in Paragraph 153 of the s.42A report that sufficient information had been provided in relation to the impact on flora, it was not considered that sufficient evidence had been provided on the fauna within the site, particularly as skinks had been observed on neighbouring properties and were not addressed by the applicant. Notwithstanding this, evidence of Simon Chapman on behalf of the applicant, dated 29 April 2024, confirmed that the vast majority of the site does not provide suitable habitat for indigenous lizards. Mr Chapman concluded that "*While I consider that lizard management may be required for Wildlife Act compliance, I do not consider that the Project's adverse effects on indigenous lizards constitute a significant effect for the purposes of the consenting process because the site does not provide significant habitat for indigenous herpetofauna.*"¹⁴
- [41] In addition to this, I consider that the offsetting planting along the Tima Burn, which is proposed and detailed in the REMP will result in a positive effect. Overall, my opinion as stated in paragraph 153 has changed, due to the evidence and supplementary evidence provided by Mr Chapman and the offsetting planting proposed. Therefore, I consider that the proposal can avoid significant adverse effects on fauna as the existing habitats are likely to be unsuitable for skinks, and that appropriate mitigation planting is proposed to improve the local flora environment.

¹⁴ See Paragraph 29 of the evidence of Simon Chapman on behalf of the applicant, dated 29 April 2024

Cultural and heritage effects

- [42] Paragraphs 155 to 166 of the s.42A report outline concerns raised in the submissions of Te Rūnanga o Ngāi Tahu and Kā Rūnaka.¹⁵ The reasoning for the concerns includes the potential threat to this cultural landscape and that the mining has the potential to destroy and modify archaeological sites. Following the hearing, the applicant consulted with Kā Rūnaka and provided management plans and conditions for their feedback, as shown in the applicant's supplementary evidence. In a statement prepared by Mr Vial from Aukaha on behalf of Kā Rūnaka dated 10 July 2024, Mr Vial stated that "*the applicant has constructively addressed the feedback of Aukaha and Te Rūnanga o Ngāi Tahu which has narrowed the issues of concern for Kā Rūnaka.*" Ultimately Mr Vial states that Kā Rūnaka neither support or oppose the proposed activity, and considers that the outstanding matters of concern can be addressed through conditions of consent.¹⁶
- [43] In terms of Kā Rūnaka's initial concerns in relation to wāhi tūpuna values and archaeological sites of Māori origin as stated in the submission, Mr Vial notes that the operation is required to be undertaken in accordance with an Archaeological Management Plan approved by Heritage New Zealand Pouhere Taonga ("HNZ-PT") and the recommendations of the Archaeological Report, prepared by New Zealand Heritage Properties Ltd and provided with the application. In addition to this, Manawhenua representatives will be invited to attend test trenching adjoining the Tima Burn. As a result of the proposed test trenching and archaeological monitoring, Mr Vial considers that the potential adverse effects on archaeology of Māori origin and wāhi tūpuna values have been addressed.
- [44] As noted above in this report, Mr Vial raises in a supplementary memorandum that remediation planting is offered, with planting to occur in one of three potential rehabilitation options. Since the Tima Burn is an integral part of this wāhi tūpuna landscape¹⁷, I consider the planting along the Tima Burn to be significant. I also agree with Mr Vial that a covenant protecting this planting will further ensure that this area is clearly identified and protected as proposed.
- [45] In the supplementary memorandum, Mr Vial suggested that further enhancement opportunities should be provided for along the Mata-au. I agree and I consider that the draft REMP should include provisions for additional enhancement planting

¹⁵ Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga

¹⁶ As detailed in the statement prepared by Mr Vial from Aukaha on behalf of Kā Rūnaka dated 10 July 2024

¹⁷ See supplementary memorandum of Mr Vial on behalf of Kā Rūnaka, dated 10 July.

opportunities along the Mata-au within the owner's land to further offset the effects of this activity.

[46] In terms of heritage effects, I note that the applicant has provided an Archaeological Authority 2024/438 from HNZ-PT as the proposal will impact four recorded archaeological sites being G43/232, G43/233, G43/285, G43/159. While this proposal will result in significant effects to the impacted sites, I consider that subject to compliance with conditions in the archaeological authority, that the impact on archaeological sites within the subject area will be minimised. I further note that Ms Victoria Ross provided evidence on behalf of the applicant, stating that *"the overall impact of the proposed works on recorded domestic and mining archaeology will be major; however, with the mitigation recommended in the assessment, the overall adverse effects will be reduced."*¹⁸

[47] Based on the Archaeological Authority 2024/438, the evidence of Ms Ross in relation to potential heritage effects and the memorandum of Mr Vial of behalf of Kā Rūnaka and subject to the conditions as recommended by Mr Vial, I now consider that there is sufficient evidence that the proposal will not result in irreversible damage to the wāhi tūpuna values and historic heritage values linked with the site. I also consider that the conditions proposed by the applicant and recommended by Mr Vial will be effective in avoiding and mitigating potential effects on cultural and Māori heritage values.

Positive Effects

[48] In addition to the positive measures outlined Paragraph 167 of the s.42A report, the applicant now proposes enhancement planting. While the draft REMP details that the planting will be provided along the Tima Burn, the applicant has offered a condition recommended planting in one of three locations. As detailed above in this report, I consider that this planting will result in a higher level of positive effect on the wāhi tūpuna landscape if it is planted along the Tima Burn as shown in the draft REMP. In addition, that the conservation of this planting is conditioned as a covenant, to provide clarity to future landowners of the site regarding the perpetuity of the planting.

Summary of Effects

[49] In paragraph 170 of the s.42A report I consider that the effects on rural amenity (noise and landscape), biodiversity effects and cultural values are unable to be fully assessed. However, given the supplementary evidence and management plans, as outlined in the above assessment, I now consider that subject to the imposition of conditions,

¹⁸ See Paragraph 42 of the Evidence of Victoria Ross on behalf Hawkeswood Mining Limited

particularly those in relation to the proposed planting of the Tima Burn as recommended by Mr Vial, and the dewatering pump condition as recommended by Mr Exeter, that there is sufficient evidence and conditions in place that the proposal will be appropriate in this location for a maximum duration of 10 years.

- [50] Overall, having considered the information presented in the hearing, the evidence and supplementary evidence of the applicant and submitters, and the supplementary memorandum of Mr Vial on behalf Kā Rūnaka, that subject to relevant conditions of consent as attached at Appendix 1, I consider that the effects of this proposal are appropriate.

OBJECTIVES AND POLICIES

- [51] This section seeks to detail where my opinion has changed from the s.42A report. Effectively, I do not address points where my opinion has not changed.

Manuwhenua

- [52] As stated in Paragraph 141-143 of the s.42A report, a number of issues identified in the submission of Kā Rūnaka were outstanding and it was unclear at the time of writing the report whether the activity would adequately provide for the importance of mahika kai and access to mahika kai to Kai Tahu. Notwithstanding this, following the hearing the applicant has consulted with Kā Rūnaka and provided management plans, conditions and supplementary evidence to address many of their concerns as stated in the supplementary memorandum of Mr Vial on behalf of Kā Rūnaka. Having considered the applicant's supplementary evidence, the management plans and the memorandum of Mr Vial, I now consider that subject conditions of consent appropriately requiring planting along the Tima Burn beyond the duration of the consent, that the proposal results in the protection of Central Otago's natural and physical resources and recognises the significance of wai to Kāi Tahu ki Otago's spiritual beliefs, cultural traditions and practices. Therefore, I consider that the proposal is now not inconsistent with the objectives and policies of Section 3 of the District Plan, subject to relevant conditions of consent at Appendix 1.

Rural Resource Area

- [53] I noted in Paragraph 144 of the s.42A report that the proposal has the potential to provide for the social and economic wellbeing of communities due to the creation of jobs. In addition to this, I now consider that the application has considered the impact on cultural wellbeing as a result of this proposal. This is shown through the applicant's consultation with Kā Rūnaka following the hearing, whereby it was confirmed by Mr

Vial in the supplementary memorandum that many of Kā Rūnaka's concerns had been addressed. In addition to this, the applicant has provided a draft REMP, a draft Topsoil Management Plan; a draft Erosion and Sediment Control Plan; a draft Water Management Plan; a draft Operational Noise Management Plan and a draft Wastewater Management Plan. These management plans demonstrate that environmental quality can be maintained and enhanced throughout the consent's proposed duration of 10 years and post-cessation of the activity. Conditions of consent around certification of management plans, bonding and enhancement planting also ensures that environmental quality is maintained by this proposal. Therefore, I now consider that this proposal is not inconsistent with Objective 4.3.1.

- [54] As detailed in Paragraph 145 of the s.42A report, this proposal will add a noticeable change to the ambient noise levels in the receiving environment than currently experienced and will be evident 12 hours per day in the week days and 6 hours per day on a Saturday, for a duration of 10 years. I, therefore, maintain that the proposal will change the nature and character of this environment. This will be particularly noticeable to those residing in the receiving environment, due to the duration of the activity, which has the potential to create annoyance as mentioned in the peer review of Mr Exeter. However, I consider that imposing a condition of consent, limiting the noise level of the dewatering pump, as recommended by Mr Exeter will minimise the change to the existing environment, and reduce the potential annoyance effects when experienced from neighbouring properties.
- [55] While the proposal will result in a noticeable change to the receiving environment, the applicant has demonstrated that the landscape and noise effects can now be appropriately managed by way of conditions of consent.
- [56] The applicant is also proposing to enhance ecological and landscape values in the long term by way of enhancement planting. While the draft REMP suggests this planting will be along the Tima Burn, the conditions of consent offered by the applicant have proposed that this planting be undertaken within one of three places. I consider that certainty is required to ensure that the proposal is maintaining the amenity values of the rural area. As detailed above, I consider that planting along the Tima Burn is more appropriate from a cultural perspective, and has been considered by the applicant's ecological and landscape experts in their supplementary statements as being in an appropriate location. Ultimately, I consider, that subject to a condition of consent providing certainty for this enhancement planting along the Tima Burn, that the proposal will not inappropriately compromise the amenity values of the surrounding

area. Overall, I consider that the proposal is partially consistent with Objective 4.3.3 and Policy 4.4.2 of the District Plan.

District Wide Matters

- [57] As stated in Paragraph 151, at the time of writing the s.42A report, I considered there to be insufficient evidence to establish that the proposal was consistent with Objective 12.3.2 and Policy 12.4.2. As detailed above, I maintain that there will be an acoustic change to the receiving environment, as outlined in the peer review of Mr Exeter. I consider this change to the environment has the potential to compromise the amenity values experienced by those who reside in the surrounding area. However, having reviewed the draft Operational Noise Management Plan (ONMP), and considered the evidence of Mr Hegley, and the supplementary statement of Mr Exeter, I now consider that significant noise effects can be reduced to an acceptable level, subject to a condition restricting the noise limit of the dewatering pump as outlined above. Overall, I consider the proposal to be partially consistent with this objective and policy.

Hazards

- [58] As detailed in the assessment above, I now consider that there is sufficient information that the flood hazard risk can be managed onsite, and that the proposal will not exacerbate the flood risk in relation to the neighbouring properties. My conclusion in Paragraph 156 of the s.42A report has therefore changed and I can now conclude that the application is consistent with Objective 17.3.2 and Policy 17.4.7.

Heritage Buildings, Places, Sites, Objects and Trees

- [59] Objective 14.3.4 requires the recognition and to provide appropriate protection for the values associated with the District's archaeological sites. In addition, Policy 14.4.6 of the District Plan requires to provide for the conservation of values associated with the District's archaeological sites by:
- a) Identifying such registered sites, on the planning maps.
 - b) Ensuring that works carried out within or near such sites recognise and provide for their values where appropriate.
 - c) Requiring an assessment of the values associated with any such sites as part of any subdivision or land use consent in circumstances where a significant adverse effect may result, and requiring protection where such values are considered to be significant.

[60] This proposal will result in the permeant loss or modification of four archaeological sites. In Ms Ross's evidence, she notes that the proposed works will have a major impact on the archaeological values of G43/233, which are widespread tailings, and moderate to low impact on the archaeological values of G43/233, G43/285 and G44/159.¹⁹ When considering Objective 14.3.4 and Policy 14.4.6 of the CODP, which require the protection of the values associated with the District's archaeological sites, I do not consider that the loss of site G43/233, and the associated 'major impact' is consistent with this outcome. Notwithstanding this, overall, Ms Ross considers that the information loss of pre-1900 mining and domestic archaeology is suitably mitigated, and positive measures will be taken, as the applicant has indicated in the REMP that artefactual remains will be salvaged, stored and reinstated close to the cycleway, adjacent to the Mata-au/ Clutha River.

[61] Effectively, subject to compliance with the archaeological authority and the imposition of the conditions recommended by Ms Ross, I consider that this proposal is partially consistent with Objective 14.3.4 and Policy 14.4.6.

Objective and Policy Conclusion

[62] I consider that there is now sufficient evidence to determine that the proposal is not inconsistent with the objectives and policies of the District Plan, overall, as assessed above and in the s.42A report.

Partially Operative and Proposed Regional Policy Statements

[63] I now consider that the proposal is not inconsistent with the Partially Operative Regional Policy Statement for Otago (PORPS), and my views in Paragraphs 160-164 of the s.42A report have changed subject to conditions of consent as recommended by Kā Rūnaka in the supplementary memorandum of Mr Vial. This due to the information set out above in this report, additional information provided by the applicant, and the consultation the applicant has undertaken with Kā Rūnaka since the hearing. In addition to this, when considering the supplementary evidence of Mr Vial dated 10 July 2024, many of Kā Rūnaka's concerns have been addressed, whereby Mr Vial considers that the outstanding matters can be addressed by way of conditions. Therefore, I consider that the proposal has now taken Kāi Tahu values and interests into account.

¹⁹See Paragraph 11-13 of the Evidence of Victoria Ross on behalf Hawkeswood Mining Limited, dated 29 April 2024.

[64] In terms of the effect on biodiversity, given the evidence of Simon Chapman on behalf Hawkeswood Mining Limited, who considers that the adverse effects on indigenous lizards to not constitute a significant effect and given the offsetting planting proposed as detailed in the REMP, I consider that there is sufficient evidence to determine that ecosystems and natural resources are recognised and enhanced by this application.

[65] In paragraph 164 of the s.42A report, I note that decisions have not been released for either part of the Proposed RPS 21 and little weight can be given to these. However, as assessed in Ms Ter Hurrne's ORC s.42A Addendum, Council decisions have now been notified on the proposed Otago Regional Policy Statement 2021 (pORPS 2021). When considering the decision version of the pORPS 2021, I now consider that the proposal supports Kāi Tahu wellbeing, subject to conditions of consent, therefore, my opinion as stated in paragraph 166 of the s.42A report has changed.

Iwi Management Plan

[66] As detailed in the s.42A report Ka Rūnaka are best placed to determine if an activity is consistent with the policies of their plan. I consider that the submission of Ka Rūnaka and the supplementary memorandum provided by Mr Vial, provides a more authoritative assessment of cultural values specific to the proposal, than could be completed by my interpretation of the policy framework set out in the NRMP.

[67] In this regard, the assessment relevant to the NRMP contained within the submission and the supplementary memorandum of Mr Vial is relied upon at this time. As noted previously, the submission raises concerns that the cultural impacts of the proposal have not be adequately addressed. However, the supplementary memorandum provided by Mr Vial confirms that the majority of Ka Rūnaka's concerns had been addressed by the applicant, and the remaining issues could be resolved by conditions of consent.

National Policy Statement for Indigenous Biodiversity (NPS-IB)

[68] Since the writing of the s.42A report, further assessment has been provided by Simon Chapman on behalf of the applicant, dated 29 April 2024, which confirmed that the vast majority of the site does not provide suitable habitat for indigenous lizards.

[69] In addition to this, offsetting planting along the Tima Burn is now proposed and detailed in the REMP, whereby the applicant has consulted with Kā Rūnaka in relation to this planting. In summary, given the applicant's consultation Kā Rūnaka my position outlined in Paragraph 178 has changed. I now consider that his proposal aligns with the NPS-IB.

Part 2 of the RMA

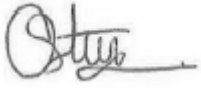
- [70] With regard to my conclusion in Paragraph 181- 185, I now consider that this proposal is consistent with Part 2 of the RMA. As detailed earlier in this report, I consider that sufficient evidence has been provided to conclude that there is no significant indigenous biodiversity present on the site. I consider that this application now recognises and provides for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, subject to the imposition of relevant conditions of consent as detailed in Appendix 1 of this report.

Offsetting or Compensation Measures

- [71] In accordance with Section 104(1)(ab) of the RMA, consideration for offsetting or compensation measures is required. The applicant has now provided offsetting planting as shown in the REMP.

RECOMMENDATION

- [72] Significant improvements have been made in relation to the information provided around landscape, cultural and heritage, biodiversity, acoustic, and flood hazard, and the potential effects can be considered with more confidence. While I maintain that this proposal has the potential to result in adverse amenity effects to a degree, I consider that the effects of the proposal can appropriately be avoided, remedied or mitigated overall, and that there is sufficient evidence and conditions in place that the proposal will be appropriate in this location for a maximum duration of 10 years.
- [73] I now consider that the proposal is not inconsistent with the statutory documents overall, particularly in relation to amenity values, tangata whenua cultural values and biodiversity values, and that subject to the conditions of consent as recommended in Appendix 1, that the proposal can meet the sustainable management purpose of the Act outlined in Part 2.
- [74] Overall, based on the evidence presented by the applicant in the hearing, the peer reviews undertaken by the technical experts engaged by council, the submissions received, the supplementary evidence of the submitters and the applicant, the supplementary memorandum of Mr Vial on behalf of Kā Rūnaka, and the draft management plans, it is my opinion that consent for the proposal should be **granted**.



Olivia Stirling
Consultant Planner

Appendix 1: Draft Conditions

Recommended deletions from the condition list of Ms Collie as submitted as part of the supplementary evidence are crossed out and additions are underlined and bolded.

General

1. The gold mining activity must be carried out in accordance with the plans and all information submitted with the application, further information, additional information provided at the hearing and the Master Plan Set dated 24/6/2024.
2. If there are any inconsistencies between the information provided in the application and the conditions of this consent, the conditions of this consent will prevail.
3. The consent holder shall pay to the Central Otago District Council (“Council”) all required administration charges fixed by the Council pursuant to section 36 of the Act in relation to:
 - a) Administration, monitoring and inspection relating to this consent; and
 - b) Charges authorised by regulations.
4. The duration of consent shall be 10 years from the commencement of the consent.

Advice Note: *Water Permit RM23.819.02 authorises the taking and use of water for dewatering and dust control purposes associated with this consent. This water permit expires on [date], which is approximately 4 years prior to the expiry of this land use consent. The consent holder must ensure that a renewal water permit is obtained prior to the expiry of RM.819.02, or the scale of operation must be reduced to operate within permitted activity rules for taking and use of water.*

5. All personnel working on the site must be briefed on the contents of this consent document and any documents referred to in the conditions of this consent. A copy of this consent and any documents referred to in the conditions of this consent shall be immediately accessible on site.
6. The area of mining shall not exceed 68 hectares and the maximum depth of excavation shall be 18 metres.
7. The volume of material extracted within the application area shall not exceed 11.9 million cubic metres.

8. There shall be no more than 30 persons engaged in the activity at any one time. For the purposes of this condition, this limit excludes site visitors (such as delivery drivers), but includes all employees and contractors engaged by the Consent Holder.
9. The active work area, comprising the mine pit, internal haul roads and area where rehabilitation is underway shall be a maximum of 12 hectares at any one time. The active work area excludes stockpiling areas, land stabilised by vegetation, mulch or other equivalent method, workshop, internal vehicle parking and manoeuvring areas, site office, settling ponds, bunds and any other ancillary activities.
10. The hours of operation are:
 - a. 07:00 and 19:00 Monday to Friday, and 07:00 to 13:00 on Saturdays, for all mining and processing activity on the site including associated heavy plant and truck movements, and machinery maintenance. These works must not occur on any Sunday or public holiday.
 - b. Unrestricted in respect of emergency works, ~~machinery maintenance~~, dust control, and dewatering.
11. The Consent Holder shall appoint a member of staff to be responsible for ensuring that the conditions of this consent are complied with; the "Compliance Officer".
 - a. The Compliance Officer shall be based on site a minimum of three days per week.
 - b. The Consent Holder shall ensure that there is a nominated cover person for the Compliance Officer if the Compliance Officer is unavailable; the "Nominated Cover Person".
 - c. The Consent Holder shall provide the Compliance Officer's and the Nominated Cover Person's name and contact details to the Council (Monitoring@codc.govt.nz) and Aukaha (consents@aukaha.co.nz) prior to commencing mining on the site.
12. The consent holder must erect a sign at the property boundary adjacent to the site access road, which provides a contact phone number to the general public.

Management Plans

13.
 - a. Prior to undertaking any mining activity authorised by this consent, the Consent Holder must submit the following management plans to the Central Otago District Council (Monitoring@codc.govt.nz) for certification that the Management Plans are consistent with the conditions of this consent:
 - i. Environmental Management Plan

- ii. Site Emergency Management Plan
- iii. Wastewater Management Plan
- iv. Operational Noise Management Plan
- v. Erosion and Sediment Control Plan
- vi. Rehabilitation and Enhancement Management Plan

The documents in clauses i. – vi. above are collectively referred to as ‘Management Plans’ in this consent document. Specific requirements for each of these management plans are addressed in conditions ~~20-30, 35-37, 21-31, 36-39~~ and 42 44.

- b. If the Consent Holder has not received a response from the Council within 15 working days of the date of submission for certification to Council of a management plan listed under this condition, the management plan must be deemed certified.
- c. If the response from the Council is that they are not able to certify the management plans, such a response must include detailed reasons with reference to the conditions of consent that the Council consider the Management Plan does not meet. The Consent Holder must consider any reasons and recommendations provided by the Council, amend the management plan accordingly, and resubmit the management plan for certification to the Council. If the Consent Holder has not received a response from the Council within ~~5~~ **15** working days of the date of resubmission for certification to Council of a management plan listed under this condition, the management plan must be deemed certified.

14. The purpose of the Management Plans is to implement the relevant conditions of this consent. All Management Plans must include (where relevant):

- a. The purpose/objective of the plan.
- b. Reference to the conditions of these consents that the management plan implements.
- c. How each of the relevant conditions have been given effect to.
- d. Procedures for implementing the relevant plan.
- e. Feedback mechanisms for adaptive management, including circumstances in which a material change to the management plan would be required.
- f. An organisational chart showing staff and contractor positions and responsibilities for plan implementation.
- g. Relevant training and induction procedures and training schedules; and
- h. Reporting procedures and format for providing the results of any monitoring or surveys required by the plan.

15. Where management plans require the input of an appropriately qualified professional, the Consent Holder must engage an appropriately qualified person to prepare and / or amend the management plan.
16. The Consent Holder may amend a management plan at any time, in a way that is consistent with the conditions of this resource consent, to take into account:
 - a. Any positive measure/s to ensure the stated objectives of the management plan are achieved.
 - b. Any changes required to further reduce the potential for adverse effects;
 - c. Any required actions identified as a result of monitoring.
17. Management plans must be reviewed at least annually. The purpose of the review is to ensure that the Management Plan remains fit for purpose and to address any changes required to respond to any non-compliance or monitoring results in the previous year.
18. Any management plan amended in accordance with condition ~~46~~ **16** or reviewed in accordance with condition ~~47~~ **17** must be provided to the Central Otago District Council (Monitoring@codc.govt.nz) within 15 working days of its review/amendment, for re-certification in accordance with Condition 12. Where a Management Plan is amended or reviewed, the activity may continue in accordance with the previously certified version of the Management Plan, until the revised version is certified by the Council.
19. A copy of the latest version of the certified Management Plans must be kept on site at all times and all personnel must be made aware of each Plan and their responsibilities under each Plan.
20. Subject to any other conditions of these consents, all activities must be undertaken in accordance with the latest version of the certified Management Plans.

Environmental Management Plan

21. The Consent Holder must operate the site in general accordance with an Environmental Management Plan (EMP). The Objective of the EMP is to provide an overview of operational procedures for compliance with the conditions of consent and to provide an integrated framework for other management plans relevant to the project. The EMP shall include at a minimum the following information:
 - a. Staff roles and responsibilities for compliance with resource consent conditions.
 - b. Staff training and induction.

- c. A summary of other management plans relevant to the project and how they relate to each other and compliance responsibilities.
 - d. Identification of environmental risks and procedures for management of these.
 - e. Incident response.
 - f. Monitoring programmes and reporting of results.
 - g. Communication protocols with Council, neighbours, and mana whenua.
 - h. Complaints management procedures.
 - i. Contingency measures in case of project abandonment.
22. A copy of the draft EMP shall be provided to Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (Kā Rūnaka) via Aukaha. Kā Rūnaka shall be afforded at least 20 working days to provide feedback on the draft EMP. If no feedback is received from Kā Rūnaka in that timeframe the consent holder is not obliged to wait for feedback. When submitting the EMP for certification in accordance with condition 13, the consent holder shall also provide to Council (Monitoring@codc.govt.nz) a copy of any feedback from Kā Rūnaka, a description of amendments made in response to that feedback and any reasons for changes requested by Kā Rūnaka not being made by the Consent Holder.

Site Emergency Management Plan

23. The Consent Holder must operate the site in general accordance with a Site Emergency Management Plan (SEMP).
- a. The SEMP must detail the procedures to manage the risk from and contingency for:
 - i. Fire
 - ii. Forecast Extreme weather events
 - iii. Flooding.
 - b. The Consent Holder must prepare the EMP in consultation with Fire and Emergency New Zealand (FENZ). A written record of consultation with FENZ shall be provided to enable certification of the EMP in accordance with condition 13.
24. Prior to the commencement of mining operations, including the erection of any buildings, sufficient water volume, pressure and flows in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 shall be provided.

Wastewater Management Plan

25. The Consent Holder must operate the site in general accordance with a Wastewater Management Plan (WWMP). The objective of the WWMP is to detail the management of

wastewater infrastructure on the site to ensure that all wastewater is contained within appropriate facilities and removed from the site. The Wastewater Management Plan must include:

- a. Monitoring requirements for wastewater infrastructure.
- b. Servicing and maintenance requirements and scheduling.
- c. Emergency response in the event of a spill.

Erosion and Sediment Control Plan

26. The Consent Holder must operate the site in accordance with an Erosion and Sediment Control Plan (ESCP). The objective of the ESCP is to ensure that all sediment-laden stormwater and dewatering water is discharged to land and to prevent discharge to surface waterbodies. The ESCP must include:

- a. A map showing the location of all works;
- b. Plans showing the location of sediment control measures, on-site catchment boundaries, sources of runoff and discharge to land / infiltration areas;
- c. Measures to prevent discharges of sediment-laden water to surface water bodies and beyond the boundaries of the site;
- d. Drawings and specifications of sediment control measures;
- e. A methodology for stabilising the site entrance and exit points and any measures employed to prevent off-site tracking of sediment and other materials from the site;
- f. Inspection and maintenance procedures for the sediment control measures;
- g. Sampling procedures and protocols;
- h. A methodology for stabilising the site and appropriate decommissioning of all erosion and sediment control measures after works have been completed.

27. The ESCP must be prepared by a suitably qualified person with experience in erosion and sediment control in accordance with Auckland Council Guideline Document GD05 *Erosion and sediment control guide for land disturbing activities in the Auckland region*, or equivalent industry guideline.

28. The ESCP may be staged. An ESCP relating to a future stage must be certified by the Council in accordance with condition 13 prior to the commencement of work in that stage.

Dust suppression

29. The Consent Holder must operate the site in general accordance with a Dust Management and Monitoring Plan (DMP). Prior to commencing the activity, the Consent Holder shall provide to the Council (Monitoring@codc.govt.nz) written confirmation that the DMP has

been certified by Otago Regional Council in accordance with condition 8 of resource consent RM23.819.04.

Archaeological sites

30. The Consent Holder must operate the site in general accordance with an Archaeological Management Plan (AMP) approved by Heritage New Zealand Pouhere Taonga. Prior to commencing the activity, the Consent Holder shall provide to the Council (Monitoring@codc.govt.nz) written confirmation that the AMP has been approved by Heritage New Zealand Pouhere Taonga.

***Advice Note:** The Consent Holder holds Archaeological Authority (2024/438) in relation to this site and work, which provides authorisation for works in relation to archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014.*

31. The Consent Holder must comply with the recommendations of the Archaeological Report, prepared by New Zealand Heritage Properties Ltd, Revision H dated March 2024, and any subsequent versions if modifications are required by Heritage New Zealand Pouhere Taonga. Any subsequent editions of the Archaeological Report must be provided to Central Otago District Council (Monitoring@codc.govt.nz) within one month of the changes being made. The following key mitigation measures recommended by the Archaeological Report must be implemented:

- a. Test trenching in the vicinity of the Tima Burn in accordance with section 9.2.2 and Figure 9-3 (page 112) must be undertaken prior to the commencement of Stage 4.
- b. Archaeological monitoring must be undertaken in accordance with section 9.2.2 and Figure 9-3 (page 112).
- c. The Applicant must operate under the on-call protocol described in the AMP, when working in areas outside the archaeological monitoring areas described in Figure 9-3.
- d. Salvage and display of artefacts on the site in accordance with section 9.2.2, prior to the expiry of this resource consent.
- e. Erection of interpretation signs adjacent to the Clutha Gold Cycle Trail in accordance with section 9.2.2, prior to the expiry of this resource consent.

32. Manawhenua representatives from Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga, must be invited to attend test trenching works recommended by the Archaeological Report, which forms part of the Master Plan Set referenced in condition 1. Manawhenua must be given at least 10 working days notice of the start date of the test trenching.

Annual work program and reporting

33. An annual work program for the following calendar year must be prepared and submitted to the Central Otago District Council (Monitoring@codc.govt.nz) by 1 December annually. An annual work program must be provided prior to the commencement of mining. The annual work program for the first year of operation may be submitted at any time prior to the commencement of mining.

- a. The annual work program must include:
 - i. maps highlighting the planned extent of mining activity with associated GPS coordinates, including planned areas of mining and rehabilitation,
 - ii. estimated area and depth of earthworks to be undertaken,
 - iii. an estimate of the current active work area in accordance with condition 8,
 - iv. a programme for the construction and disestablishment of any bunds, and
 - v. the progression of the project in relation to planned staging.
- b. Any substantial departure from the annual work program shall be advised to the Central Otago District Council (Monitoring@codc.govt.nz) with an updated annual work programme. For the purposes of this condition, a substantial departure is defined as a variation of more than 10% in the area of earthworks, depth of earthworks, or length of bunding to be constructed and/or disestablished.

34. A record of activity undertaken in accordance with this consent for the previous calendar year must be submitted to the Central Otago District Council (Monitoring@codc.govt.nz) by 28 February annually. The report must at a minimum include:

- a. Records showing the location of activity in the previous calendar year, including the matters listed in condition 33(a)(i) – (iv).
- b. A record of any complaints received, including the information listed in condition 34.
- c. A description and analysis of any unexpected adverse effects that have arisen as a result of activities within the last 12 months, the steps taken to address those adverse effects and measures implemented to avoid a repeat occurrence of them.

Complaints

35. The Consent Holder must maintain a record of any complaints alleging adverse effects arising from, or related to, the works activities authorised by this consent; the “Complaints Register”.

- a. The Complaints Register must include:
 - i. The date, time, location, and nature of the complaint.
 - ii. The date, time, location and nature of any incident related to the complaint.

- iii. The name, phone number, email and address of the complainant, unless the complainant elects not to supply this information.
 - iv. Details of actions taken by Consent Holder to remedy the situation, including actions taken on site to remedy the issue, correspondence with the complainant and any policies or methods put in place to avoid or mitigate the problem occurring again.
- b. The Complaints Register must be provided to Council on request and annually as required in condition 34.
 - c. Upon receipt of any complaint that alleges non-compliance with the conditions of this consent, the Consent Holder must promptly investigate the complaint, and take necessary action to ensure the activity is compliant with the conditions of this consent.

Closure and rehabilitation

36. The Consent Holder must operate the site in ~~general~~ accordance with a Rehabilitation and Enhancement Management Plan (REMP). The objectives of the Rehabilitation and Enhancement Management Plan must be to:
- a. Detail procedures for closure and disestablishment of the mine;
 - b. Ensure progressive rehabilitation of the site to agricultural use; and
 - c. Provide for an ecological enhancement project ~~in the surrounding area, either adjoining the Tima Burn or~~ **and** adjoining the Clutha / Mata-au or on the Consent Holder's land adjacent to the Clutha / Mata-au margin.
- 37. At the completion of mining and before the expiry of this consent, at the consent holder's cost, the consent holder must arrange for a section 108(2)(d) Resource Management Act 1991 covenant in favour of Central Otago District Council which is to be registered on the Record of Title OT12C/430 and Record of Title OT18B/927 affecting the area shown as Planting Zone A and Planting Zone B identified on the Planting Plan attached to the REMP. The covenant must provide for the following:**
- a. **The 1,652m² area shown as Planting Zone A and the 1,494m² area shown as Planting Zone B identified on the proposed Indigenous restoration planting – Tima Burn, Millers Flat Plan prepared by Mike Moore dated May 2024, must be fenced to exclude livestock, and no pastoral farming must occur within the fenced area.**
 - b. **The protection of the offset planting area 'Planting Zone A' and 'Planting Zone B' identified in the proposed Indigenous restoration planting – Tima Burn,**

Millers Flat Plan, prepared by Mike Moore dated May 2024, in perpetuity. No structures may be established or vegetation removed from the planting area marked out in the proposed Indigenous restoration planting – Tima Burn, Millers Flat Plan.

38. The Rehabilitation and Enhancement Management Plan must include:
- a. Procedures for decommissioning of the mine infrastructure and removal of all structures, machinery and plant from the site.
 - b. Methods to preserve the topsoil resource and health.
 - c. The final planned surface contour of land following completion of mining, including any on-site drainage patterns. The final site contour is to integrate with the surrounding landform and restore the site to its pre-existing landform, except that the Council green waste tip on Section 92 Block VIII Benger SD is to be filled in and the tailings dump on Section 90 Block VIII Benger SD is to be removed.
 - d. Methods and timeframes for re-grassing and restoring agricultural productivity of the mined land.
 - e. Specification of an ecological enhancement project comprising at least 3,000m² of native planting in a non-agricultural location near to the site, either adjoining the Tima Burn or adjoining the Clutha / Mata-au or on the Consent Holder's land adjacent to the Clutha / Mata-au margin.
 - f. A description of the timeline for the ecological enhancement project, whereby the first half shall be undertaken at the first available planting season after Stage 1 and the second half shall be undertaken at the first available planting season after Stage 2 of the mining operations.
39. A copy of the draft REMP must be provided to Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (Kā Rūnaka) via Aukaha. Kā Rūnaka must be afforded at least 20 working days to provide feedback on the draft REMP. If no feedback is received from Kā Rūnaka in that timeframe the consent holder is not obliged to wait for feedback. When submitting the REMP for certification in accordance with condition 13, the consent holder must also provide to Council (Monitoring@codc.govt.nz) a copy of any feedback from Kā Rūnaka, a description of amendments made in response to that feedback and any reasons for changes requested by Kā Rūnaka and not made by the Consent Holder.
40. All mine closure, rehabilitation of the entire site and ecological enhancement projects described in the REMP must be completed prior to this resource consent expiring.

Noise and vibration

41. Subject to the following, all activities must be conducted to ensure the following noise limits are not exceeded at any point within a notional boundary or at any point within the Residential Resource Area.

- a. On any day 07:00 to 22:00: 55 dBA L₁₀
- b. 22:00 to 07:00 the following day: 40 dBA L₁₀ and 70 dBA L_{max}.

This condition does not apply to the notional boundary of any dwelling:

- i. owned by the consent holder,
- ii. owned by Jacks Ridge Limited, or
- iii. located within the mine site.

42. Site-based trucks, plant, and machinery must not be fitted with tonal reversing alarms. Broadband reversing alarms are permitted.

43. All vibration generated on the site must comply with the guideline vibration values of DIN 4150-3:1999 Vibrations in buildings – Part 3: Effects on structures.

44. The consent holder must prepare an Operational Noise Management Plan (ONMP). The objectives of the ONMP are to set out the methods and procedures required to adopt the best practicable option for minimising noise and vibration emissions from all aspects of the consented activities, and to ensure that noise and vibration consistently complies with the consented limits. The ONMP must include:

- a. The consented noise and vibration limits.
- b. Requirements and procedures for noise monitoring to ensure consistent compliance with the noise limits in this consent.
- c. Procedures for communicating effectively with neighbours.
- d. Procedures for receiving and responding to complaints about noise and vibration.
- e. Procedures for staff and contractors to follow to minimise noise and vibration emissions.
- f. Practicable management and mitigation measures for complying with the consented limits and reducing noise and vibration effects at the neighbouring notional boundaries.

45. **Dewatering pumps on site must be designed and operated to generate noise levels no greater than 25 dBA L₁₀ at any notional boundary not on the subject site.**

Bunds

46. Bunding shall be established in accordance with the Master Plan Set dated 22 April 2024. The consent holder shall ensure that prior to the commencement of mining in each stage

or sub-stage, bunding is established in the locations shown on the specific sheet numbers referenced in the table below. Bunds may be disestablished in accordance with the staging noted on the site plans (Master Plan Set dated 21/6/2024).

Mining Stage	Sheet number showing locations of bunds required for the stage
1	2
2	3
3	4
3B	5
4	6
4, after reinstatement of the cycle trail to the existing alignment	8

47. The height of these bunds must be no less than 3 metres except for the bund in stage 2, which must be 4 metres high along the northern boundary of the site, and at least 300m down the north-western side of stage 2 and 700m down the north-eastern side of stage 2.

Advice note: *Minimum 4m high bunds as specified above are required for the mitigation of noise effects, as described in Hegley Acoustics Report 22048 Proposed Alluvial Mining Millers Flat Assessment of Noise Effects, dated 20 March 2023.*

48. Bunding shall be grassed and irrigation must be implemented as necessary to ensure successful establishment of grass.

Lightspill

49. No activities are permitted to result in greater than 10 lux spill (horizontal and vertical) of light onto any adjoining property or road, measured at the boundary of a road or the notional boundary of a neighbouring property. The amount of light that may be spilled onto a neighbouring property may be increased by not more than 100%, in cases where the activity on that neighbouring property is not residential.

50. Prior to the commencement of mining using lighting, a suitably qualified person shall measure and verify that lighting complies with Condition 49 **49** of this consent. A copy of the certification shall be held on site and provided to Council on request.

Diesel Storage

51. Prior to the commencement of mining, the Consent Holder must ensure that diesel is stored on-site within a containment facility that adheres to the Health and Safety at Work (Hazardous Substances) Regulations 2017, and shall demonstrate that:
- a. an industry standard hose and filler nozzle with automatic cut-off is fitted for refuelling equipment;
 - b. an additional shutoff valve is fitted to the handle and a remote stop push button and cable accessible at the filler nozzle location to stop the pump at the bulk tank;
 - c. the bulk onshore fuel tank is double skinned or banded and is located in a safely accessible location, in an area which is setback 50 metres from water bodies and located above 1 in 100- year flood levels, as shown on the ORC Mapped Flood Hazard on the GeoSolve drawing 'Flood Hazard Assessment Site Plan' (included in the Master Plan Set dated 21/6/24). ;
 - d. the Consent Authority is provided with written notice and a plan which shows the location of the fuel tank prior to the tank be located;
 - e. spill kits are located at the tank; and
 - f. all staff receive training in the location and use of spill kits.

52. In the event of a spill of fuel or any other contaminants, the consent holder shall clean up the spill as soon as practicable and take measures to prevent a recurrence.

53. The Consent Holder shall inform the Central Otago District Council (Monitoring@codc.govt.nz) and Millers Flat Water Company Limited (mfwater@gmail.com) within 24 hours of any spill event greater than 4 litres and shall provide the following information:

- a. The date, time, location and estimated volume of the spill;
- b. The cause of the spill;
- c. The type of contaminant(s) spilled;
- d. Clean up procedures undertaken;
- e. Details of the steps taken to control and remediate the effects of the spill on the receiving environment; and
- f. An assessment of any potential effects of the spill and measures to be undertaken to prevent a recurrence; and
- g. Copy of any expert advice obtained by the consent holder in responding to the spill.

Transport

54. The vehicle accesses shall be designed in general accordance with a 'Diagram D' accessway as per the Appendix 5B of the NZTA Planning Policy Manual, and as generally shown in the Abley concept drawings dated 23 April 2024.

Advice note: Approval is required by the Central Otago District Council for the upgrade of any accessway prior to construction in accordance with the CODC Roding Bylaw 2023.

55. Prior to the commencement of mining activity, the southern vehicle access shall be upgraded in accordance with approved engineering plans. The northern vehicle access shall be upgraded prior to the commencement of stage 3.

56. Heavy vehicle movements associated with the mine shall be scheduled so they do not pass Millers Flat School between 8am and 9am and 2pm and 3pm on any school day.

Advice note: If transportation of machinery into or out of the site is anticipated to affect the normal operating conditions of the transport network, the Consent Holder may require a traffic management plan. The consent holder must verify that any requirements of the CODC Roding Bylaw 2023 are met, and that any necessary permits are obtained from the New Zealand Transport Agency / Waka Kotahi.

Water Supply

57. The Consent Holder shall not undertake any works that impact the water infrastructure identified in Figure 1 below unless the Consent Holder has received written consent from the Millers Flat Water Company to do so and written confirmation from the Millers Flat Water Company that a suitable alternative has been agreed for the provision of water infrastructure for any water users that are affected.

Advice note: Any alternative water supply to affected water users referenced in condition 57 57 will be provided at the Consent Holders cost.

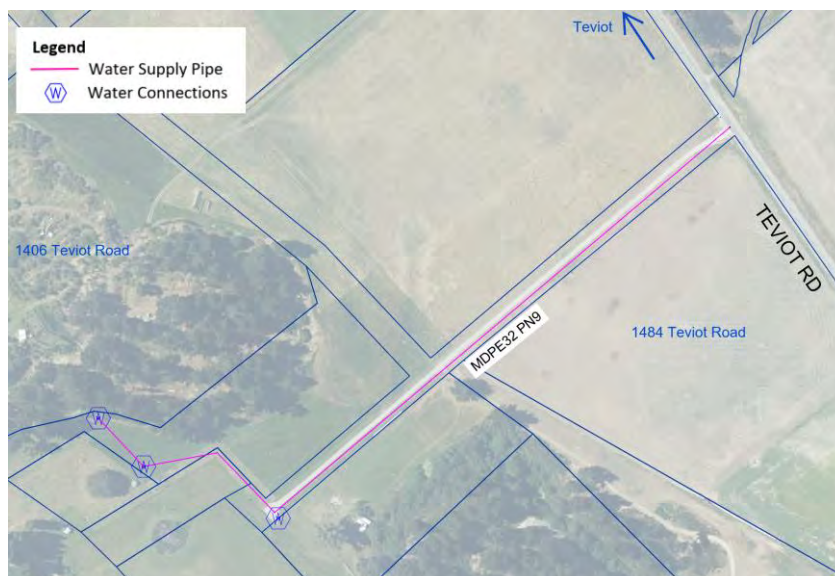


Figure 1 Millers Flat Water Company infrastructure within the mine footprint.

Landscape

58. Gravel stockpiles must be no higher than 7 metres above natural ground level.
59. Areas where mining is complete must be reinstated as soon as practicable to blend naturally with surrounding contours and must be established in pasture and irrigated as necessary to ensure successful establishment of grass.
60. The mine pit shall be set back a minimum of 20 metres from the typical wetted channel of the Tima Burn and the Clutha River / Mata-au.
- a. The consent holder shall establish survey pegs to demarcate the 20 metre setback to ensure compliance with this condition.
 - b. Survey pegs must be established prior to earthworks occurring within 100 metres of a watercourse.
 - c. Survey pegs are not required and/or may be removed:
 - i. when a bund is located between the earthworks and the watercourse, or
 - ii. when earthworks are further than 100m from the watercourse.
61. All containers and buildings on the site are to be finished in the same colour, which shall be Resene Iron Sand (LRV – 9%). The container shelter fabric shall be a dark green colour to be visually recessive in the landscape.

Public access

62. Prior to restricting public access to the Clutha River / Mata-au via the paper road adjacent to 1534 Teviot Road, Millers Flat an alternative public access route to the Clutha River / Mata-au must be provided within 1km of the existing location and constructed to a similar standard. Signage must be established to inform the public of the duration of the closure and the location of the alternative access.
63. The consent holder must ensure that mining work does not prevent public access to the Clutha Gold cycle trail. The cycle trail may be temporarily diverted in accordance with the Master Plan Set dated 21/6/2024, to enable ongoing public use and access. Prior to the relocation of the cycle trail, signage must be established to inform the public of the duration of the relocation of the cycle trail, and the location of the alternative route.

Advice note: Any signage on the site should be designed and sited to comply with Rule 4.7.6H of the Central Otago District Plan, or resource consent sought. This resource consent does not authorise any non-compliance with District plan signage standards.

Geotechnical and Flood Hazard

64. The Consent Holder must manage stability of pit slopes throughout the duration of this land use consent when mining operations are taking place, by ensuring that:
- a. For the initial pit and pond excavation, the preliminary slope configuration must be constructed with an overall slope angle not exceeding 45°.
 - b. Pit crests and batter slopes adjacent to Teviot Road must be set out by survey to avoid over-excavation.
 - c. Surface water, including both stormwater and on-site water courses, shall be managed to minimise infiltration into ground behind the pit slopes.
 - d. A setback of 7.5 m (horizontally) from the crest of the mine pit must be maintained from Teviot Road (as defined by the road reserve boundaries) and the electrical transmission network.
 - e. The above restrictions apply until such time as Central Otago District Council is advised in writing by the Consent Holder that following an assessment and associated report being completed by a suitably qualified geotechnical specialist that modified controls, as certified in that report, will adequately provide for pit and pond stability.
65. In the event that a Red Rainfall or Flooding Warning is issued by MetService that is relevant for the site, any open parts of the mine pit shown to be within the ORC Mapped Flood Hazard on the GeoSolve drawing 'Flood Hazard Assessment Site Plan' (included in the Master Plan Set dated 21/6/24) are buttressed to as shallow a batter angle as reasonably practical, prior to the event occurring.

Bond

66. Within six months of the commencement of this resource consent, the Consent Holder shall enter into an enforceable agreement acceptable to the Council that provides a bond, pursuant to Sections 108(2)(b) and 108A of the Resource Management Act 1991.
67. The purpose of the bond is to secure, in the event of any default by the consent holder:
- a. Compliance with all the conditions of this consent that address site rehabilitation;
 - b. Compliance with the methodology for stabilising the site and appropriate decommissioning of all erosion and sediment control measures after works have been completed in accordance with the certified ESCP;
 - c. The completion of rehabilitation and closure in accordance with the certified REMP; and

- d. Any future monitoring and maintenance obligations of the consent holder as required by the REMP including:
- i. Site inspections and remediation;
 - ii. Final cover and landform requirements.
68. The bond must be a cash bond or bank bond provided by a registered trading bank of New Zealand, acceptable to the Council. The guarantor shall bind itself to pay up to the bond quantum for the carrying out and completion of all obligations of the Consent Holder under the bond.
69. The Consent Holder shall provide a report to the Council which specifies all matters covered by Condition ~~64~~ **67** of this consent and identifies the matters to be bonded for, all assumptions, costs, and risk elements that inform the recommended bond amount.
70. If the Council do not within ~~ten~~ **fifteen** working days give notice to accept the bond amount derived in accordance with Conditions ~~66~~ **69**, it will at the consent holder's cost peer review the report prepared in accordance with Condition ~~66~~ **69** and within 30 days of that notice report, confirm the alternative amount of the bond.
71. If the Consent Holder and the Council cannot agree on the terms of the bond, including the bond amount and any revised bond, the dispute must be resolved through an agreed dispute resolution process or referred to arbitration at the cost of the Consent Holder. This condition relates to the setting of the bond amount in accordance with Conditions ~~66~~ **69**, and the revised bond amount in accordance with Condition ~~69~~ **72**.
72. On the fifth anniversary of this consent being given effect to and every five years thereafter, the Consent Holder must provide a report to the Council which addresses whether the bond quantum should be revised. The purpose of the adjustment is to reflect changes in the risk profile of the alluvial gold mine or to the Consumer Price Index. The Council may peer review the report and must respond within three months of receipt of the report on the appropriateness of any proposed revised bond quantum.
73. If the consent is transferred in part or whole to another party or person, the bond lodged by the transferor shall be retained until any outstanding work at the date of transfer is completed or a replacement bond is entered into by the transferee, to ensure compliance with conditions of the consent unless the Council is satisfied adequate provisions have been made to transfer the liability to the new Consent Holder.

74. The Council shall release the bond once the site has been deemed to be closed by the Council following completion of the actions referred to in Condition ~~38~~ 40.

75. All reasonable costs of, and incidental to, the preparation of documentation to meet Conditions ~~63—71~~ 66-74, including the consent authorities' costs, shall be met by the Consent Holder.

Review of consents

76. The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions of this consent during the period of three months either side of the date of granting of this consent each year, or within two months of any enforcement action taken by the Consent Authority in relation to the exercise of this consent, or on receiving monitoring results, for the purpose of:

- a. Determining whether the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, or which becomes evident after the date of commencement of the consent; or
- b. Reviewing the frequency of monitoring or reporting required under this consent to alter these; and
- c. To ensure that any required management plan gives effect to the conditions of these consents.